



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION:**

- (1) AUTHORIZING EXTENSION OF THE OCCUPANCY AGREEMENT BETWEEN THE CITY OF OAKLAND AND VIMA HARRISON 1 LLC, OWNER OF 2332 HARRISON STREET IN OAKLAND (LAKE MERRITT LODGE) THROUGH JUNE 30, 2022 ON THE SAME TERMS AS THE EXISTING AGREEMENT (DAILY ROOM RATE OF \$132 PER ROOM FOR ONE OCCUPANT PLUS \$50 FOR EACH ADDITIONAL OCCUPANT) FOR THE PURPOSE OF PROVIDING UP TO 92 ROOMS OF EMERGENCY NON-CONGREGATE SHELTER TO UNHOUSED INDIVIDUALS AT HIGH-RISK FROM COVID-19;**
- (2) AUTHORIZING AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT WITH HOUSING CONSORTIUM OF THE EAST BAY TO EXTEND THE TERM THROUGH JUNE 30, 2022, TO PROVIDE BUILDING OPERATIONS AND SERVICES AT LAKE MERRITT LODGE; AND**
- (3) MAKING NECESSARY FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, approximately 53% of people experiencing homelessness in Oakland are in the CDC defined groups identified as being at high-risk for severe medical complications from a COVID-19 infection;

**WHEREAS**, individuals living in encampments are unable to effectively socially distance to avoid contracting COVID-19, and thus require emergency non-congregate shelter to protect themselves and members of the public;

**WHEREAS**, there is currently an unmet need in the County of Alameda, and a disproportionate need within the City of Oakland, to provide non-congregate shelter to unhoused individuals, many of which are over the age of 65 or have chronic health conditions;

**WHEREAS**, Resolution 88075 CMS, adopted on March 12, 2020, ratified the City Administrator's proclamation declaring a state of emergency and provides authority for such actions to assure the safety and welfare of City residents;

**WHEREAS**, the Federal Emergency Management Agency (FEMA) has approved reimbursement for certain emergency protective measures taken by the State of California and local government agencies to respond to COVID-19, including certain expenditures for emergency non-congregate shelter if necessary, for public health and safety, until March 31, 2022;

**WHEREAS**, Lake Merritt Lodge (formerly Hult Lodge), owned by Vima Harrison 1 LLC (Owner), was a vacant, six-story former dormitory building located at 2332 Harrison Street in Oakland with 92 dormitory units, commercial kitchen and common areas;

**WHEREAS**, Resolution 88572 CMS, adopted on March 29, 2021, authorized the City Administrator to negotiate and execute an agreement for the City to occupy up to 92 rooms in the Lake Merritt Lodge for an initial term ending September 30, 2021, at a maximum daily rate of \$132 per room for one occupant and \$50 for each additional occupant and extend the term of this agreement up to twelve (12) months if FEMA extended the reimbursement period;

**WHEREAS**, City entered into an Emergency Occupancy Agreement with Owner dated April 27, 2021 allowing City to occupy rooms in the Lake Merritt Lodge on the terms described in Resolution 88572 CMS; and

**WHEREAS**, Resolution 88572 CMS authorized the City Administrator to select an entity to provide building operations services at Lake Merritt Lodge, and award a professional services agreement, to said entity, for a term of up to one year, terminating concurrently with the occupancy agreement, in a total amount not to exceed \$3.5 million and waive the City's advertising and competitive bidding process for procurement of these services;

**WHEREAS**, the City entered into a Professional Services Agreement with the Housing Consortium of the East Bay dated May 1, 2021 to provide services to ensure the safe and secure operation of the Lake Merritt Lodge;

**WHEREAS**, FEMA extended the reimbursement period through March 31, 2022 and the terms of the Emergency Occupancy Agreement and the Professional Services Agreement will end at that time;

**WHEREAS**, extending the Emergency Occupancy Agreement and Professional Services Agreement from April 1, 2022 to June 30, 2022 is expected to cost approximately \$1.7 million; and

**WHEREAS**, in the FY 20-22 budget process, City Council allocated \$2.2 million in one-time Measure W funds to provide exit resources for Lake Merritt Lodge, and funds are still available to pay for these costs in Fund (2270), Community Housing Services Org (78411), Project (1005626), (NB41);

**WHEREAS**, failing to extend the Emergency Occupancy Agreement and Professional Services Agreement would cause 92 current households to be displaced by March 31, 2022 amidst

a continued global pandemic, placing some of our most vulnerable residents at risk of severe health concerns and loss of life; now, therefore, be it

**RESOLVED:** That the City Council finds and determines that the foregoing recitals are true and correct; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that the actions authorized by this Resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (existing facilities) and Government Code section 8698.4(a)(4); and be it

**FURTHER RESOLVED:** That City Council authorizes the use of funds from Vacant Property Tax Act Fund (2270), Community Homelessness Services Org (78411), Project (1005626), Homeless Services & Support (NB41); and

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized to amend the Emergency Occupancy Agreement with Vima Harrison 1, LLC, as owner of the Lake Merritt Lodge, to extend the term through June 30, 2022 on the same terms as the existing agreement (daily room rate of \$132 per room for one occupant plus \$50 for each additional occupant) for the purpose of providing emergency non-congregate shelter for unhoused, high-risk individuals; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to amend the Professional Services Agreement with Housing Consortium of the East Bay to extend the term through June 30, 2022, to provide building operations and services at Lake Merritt Lodge, and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized to conduct all negotiations; execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, and payment requests; and to take any other related actions consistent with this Resolution and its basic purpose; and be it

**FURTHER RESOLVED:** That prior to execution, all agreements, grants and amendments shall be reviewed and approved as to form and legality by the City Attorney and executed copies of same shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California