

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**A RESOLUTION:**

- (1) ACCEPTING, APPROPRIATING, AND AUTHORIZING AGREEMENT FOR RECEIPT OF ADDITIONAL ENCAMPMENT RESOLUTION FUNDING (ERF) IN THE ESTIMATED AMOUNT OF THREE MILLION SIX HUNDRED THOUSAND DOLLARS (\$3,600,000) EXPECTED TO BE AWARDED FROM THE STATE OF CALIFORNIA TO FUND INTERIM HOUSING CONSTRUCTION, OPERATIONS, AND SERVICES AT 2601 WOOD STREET THROUGH JUNE 30, 2024;**
- (2) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH A PROVIDER TO BE SELECTED BY THE HUMAN SERVICES DEPARTMENT THROUGH A COMPETITIVE REQUEST FOR QUALIFICATIONS (RFQ) PROCESS USING ERF FUNDS IN AN AMOUNT NOT TO EXCEED \$2,243,274 FOR THE FIRST YEAR AND A TOTAL AMOUNT NOT TO EXCEED \$4,486,548 FOR THE FULL TERM, TO OPERATE AND MANAGE AN INTERIM COMMUNITY CABIN PROGRAM AT 2601 WOOD STREET FROM NOVEMBER 1, 2022 THROUGH JUNE 30, 2024, WITH AN OPTION TO THE EXTEND THE TERM WITHIN THE LIMITS OF THE ERF AWARD;**
- (3) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LEASE AMENDMENT BETWEEN THE CITY AND GAME CHANGER (MARINE) LLC FOR 2201 AND 2601 WOOD STREET, OAKLAND, TO EXTEND THE TERM TO JUNE 30, 2024, WITH THREE 1-YEAR EXTENSIONS IN AN AMOUNT NOT TO EXCEED \$35,000 PER YEAR, TO OPERATE AN INTERIM RECREATIONAL VEHICLE (RV) SAFE PARKING PROGRAM AND COMMUNITY CABIN PROGRAM; AND**
- (4) MAKING APPROPRIATE FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, per the most recent Point-In-Time Homeless Count and Survey conducted February 2022, the number of unsheltered persons in the City of Oakland exceeds 3,300, which is an increase from the same survey conducted in January 2019; and

**WHEREAS**, 54% of those who lived in Alameda County prior to becoming homeless were residents in the County for over 10 years; and

**WHEREAS**, the City of Oakland (“City”) is in need of additional beds to ensure available shelter for the homeless population currently residing on the streets of the city; and

**WHEREAS**, earlier this year, the State of California awarded \$4,731,300.01 through the Encampment Resolution Fund (“ERF”) to the City for the purpose of housing residents residing in encampments in safe and stable shelter; and

**WHEREAS**, on July 26, 2022, the City Council passed Resolution No. 89378 C.M.S. accepting, appropriating, and authorizing an agreement for the receipt of the \$4,731,300.01 ERF grant from the State of California to fund interim housing construction, operations, and services at 2601 Wood Street through June 30, 2024; and

**WHEREAS**, the State of California has informed the Human Services Department of an additional award amount of approximately \$3,600,000 through the ERF to the City for the purpose of housing residents residing in encampments in safe and stable shelter; and

**WHEREAS**, evidence has demonstrated that providing safe and interim housing combined with essential support services are the two primary components of a successful transition out of homelessness; and

**WHEREAS**, the Wood Street cabin project will serve a minimum of 50–100 beds, contingent upon receipt of additional funds, for the homeless community from the Wood Street encampment and surrounding neighborhood with shelter, housing navigation, and supportive services; and

**WHEREAS**, the provider, to be selected by the Human Service Department (“HSD”) through a competitive Request for Qualifications (“RFQ”) process, will operate and manage the interim emergency shelter site to provide case management and site support at the City-leased site, located at 2601 Wood Street, for former residents of the Wood Street encampment and additional homeless residents throughout the City; and

**WHEREAS**, the City Administrator has determined that this agreement is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

**WHEREAS**, there are funds available for the 2601 Wood Street Community Cabin Program and this agreement in the State of California Other Fund (2159), Community Housing Service Organization (78411), Encampment Resolution Funds Project (1006324), Third Party Grants Contact Account (54912), and in Program Homeless Services and Support (NB41); and

**WHEREAS**, on November 16, 2020, the City, as tenant, entered into a lease agreement with Game Changer (San Francisco), LLC, a Delaware limited liability company registered to do business in California as Game Changer (Marine) LLC, as landlord (Game Changer), for approximately 4 acres of Game Changer's real property located at 2201 and 2601 Wood Street, Oakland (Property), to operate a RV Safe Parking Program pursuant to Ordinance No. 13537 C.M.S. for an initial term of two (2) years with three (3) 6-month extensions in an amount not to exceed \$35,000 per year, pursuant to Section 2.41.050 of the Oakland Municipal Code, which authorizes the City Administrator to enter into leases of private property when the total consideration does not exceed \$100,000 for the lease term; and

**WHEREAS**, use of the City-leased 2201 and 2601 Wood Street as an interim emergency shelter site until June 30, 2024, with three 1-year options to extend up to June 30, 2027, in exchange for rent in an amount not to exceed \$35,000 per year, would exceed the administrative authority of \$100,000 for the lease term and requires Council authorization of an amendment to the lease agreement with Game Changer dated November 16, 2020; and

**WHEREAS**, funds for lease payments are available for the lease amendment until June 30, 2024, in the State of California Other Fund (2159), Community Housing Service Organization (78411), Encampment Resolution Funds Project (1006324), and in Program Homeless Services and Support (NB41); and

**WHEREAS**, funds for the three 1-year lease options are subject to further Council acceptance and appropriation of possible state grant funds for additional lease payments; and

**WHEREAS**, the landlord Game Changer has requested possible liquidated damages from the City in the event that the Property is not cleared upon expiration of the lease, and such liquidated damages in an amount to be negotiated are subject to further Council authorization and appropriation; now, therefore, be it

**RESOLVED:** The City Council hereby accepts, appropriates, and authorizes an agreement for receipt of additional funding expected to be awarded by the State of California through the Encampment Resolution Fund in the estimated amount of three million six hundred thousand dollars (\$3,600,000) for the purpose of funding interim housing construction, operations, and services to be provided at the City-leased property at 2601 Wood Street through June 30, 2024; and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates and allocates the additional ERF grant funds in the State of California Other Fund (2159), Community Housing Services Organization (78411), Encampment Resolution Funds Project (1006324), Third Party: Grants Contract Account (54912), and in Homeless Services and Support Program (NB41); and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or designee to enter into a professional services agreement with a provider, to be selected by HSD through a competitive RFQ process, in an amount not to exceed \$2,243,274 for the first year and a total amount not to exceed \$4,486,548 for the full term to operate the Wood Street Community Cabin site, located at 2601 Wood Street, as an interim housing program for the unsheltered and to

provide site management services including but not limited to intensive housing case management, rapid rehousing, community building, volunteer coordination and safety to its participants who are unsheltered in Oakland, for the term of November 1, 2022 through June 30, 2024; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or designee to extend the term of the aforementioned agreement within the limits of the ERF grant, should the State extend the expenditure deadline of the funding; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate and execute a lease amendment between the City, as tenant, and Game Changer (Marine) LLC, as landlord, for approximately 4 acres of real property located at 2201 and 2601 Wood Street, Oakland, to extend the term until June 30, 2024 with three 1-year extensions in an amount not to exceed \$35,000 per year, to operate an interim recreational vehicle (RV) safe parking program and community cabin program with possible liquidated damages, subject to further Council authorization and appropriation, and funds for the three 1-year lease options subject to further Council appropriation; and be it

**FURTHER RESOLVED:** That the City Council hereby finds and determines, after independent review and consideration of the staff report accompanying this resolution regarding the authorization of an agreement to administer a Community Cabins Program and to extend the lease agreement for 2201 and 2601 Wood Street, Oakland, and the legislative history outlined therein, as supported by substantial evidence in the record and for the reasons set forth in this Resolution, and, each as a separate and independent basis, that the Community Cabins Program, including the actions authorized under this Resolution and the operation and administration of the proposed Community Cabins, is exempt from additional review and analysis under the California Environmental Quality Act of 1970 (Public Resources Code section 21000 *et seq.*; “CEQA”) and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 *et seq.*; “CEQA Guidelines”) under CEQA Guidelines section 15303, “New Construction of Conversion of Small Structures,” which exempts the construction of limited numbers of new structures or facilities, and/or CEQA Guidelines section 15304, “Minor Alterations to Land,” which exempts minor alterations in the condition of public land, including temporary uses, and/or CEQA Guidelines section 15311, “Accessory Structures,” which exempts the construction of minor structures appurtenant to existing facilities, and/or CEQA Guidelines section 15332, “In Fill Development Projects,” which exempts projects characterized as in fill development meeting certain specified.

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