
City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 NOV -9 PM 3:14

OAKLAND CITY COUNCIL
RESOLUTION NO. 87403 C.M.S.

INTRODUCED BY THE CITY ADMINISTRATOR

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

ACCEPT \$8.6 MILLION IN FUNDING FROM THE STATE OF CALIFORNIA HOMELESS EMERGENCY AID PROGRAM ("HEAP") FOR EMERGENCY HOMELESS SERVICES THROUGH JUNE 30, 2021;

EXECUTE THREE LEASE AGREEMENTS WITH CALTRANS FOR THE USE OF CALTRANS PROPERTIES TO OPERATE COMMUNITY CABIN EMERGENCY SHELTERS AND RECREATIONAL VEHICLE (RV) PARKING AREAS;

EXECUTE A LEASE AGREEMENT WITH PERALTA COMMUNITY COLLEGE DISTRICT FOR USE OF THE PROPERTY AT 11 4TH STREET TO OPERATE AN RV PARKING AREA;

EXECUTE A LICENSE AGREEMENT WITH THE LAO FAMILY COMMUNITY DEVELOPMENT INC. FOR USE OF CITY-OWNED PROPERTY FOR AN AMOUNT LESS THAN FAIR MARKET VALUE TO OPERATE AND MANAGE A VOLUNTEER ENCAMPMENT IN PARTNERSHIP WITH "THE VILLAGE";

AMEND EXISTING GRANT AGREEMENTS AND ENTER INTO NEW GRANT AGREEMENTS FOR YEAR-ROUND AND WINTER EMERGENCY SHELTER THROUGH JUNE 30, 2021 USING HEAP FUNDING, WITHOUT RETURNING TO COUNCIL;

EXECUTE NEW AGREEMENTS AND AMEND EXISTING AGREEMENTS WITH SERVICE PROVIDERS TO OPERATE MANAGED RV PARKING AREAS AND COMMUNITY CABIN SHELTERS AND PROVIDE HYGIENE SERVICES THROUGH JUNE 30, 2021 USING HEAP FUNDING, WITHOUT RETURNING TO COUNCIL; AND WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATION REQUIREMENT FOR THE AGREEMENTS; AND

ACCEPT DONATIONS FROM OUTSIDE SOURCES, INCLUDING OTHER GOVERNMENTAL AGENCIES TO SUPPORT THESE PROGRAMS WITHOUT RETURNING TO COUNCIL; AND

CREATE A 1.0 FULL TIME EMPLOYEE (FTE) POSITION IN THE HUMAN SERVICES DEPARTMENT TO PROVIDE DIRECT SERVICES TO UNSHELTERED PERSONS

WHEREAS, the City of Oakland has seen a 25% increase in its unsheltered population from 2015 to 2017, many of whom live in dangerous street encampments without access to basic sanitation and security; and

WHEREAS, similar increases have been seen throughout the State of California causing the state to create an emergency fund for cities known as the Homeless Encampment Aid Program (HEAP) which is designed to provide immediate support to cities to address problems associated with street encampments; and

WHEREAS, the State of California allocated \$8.6 million in HEAP funding to the City of Oakland to mitigate problems associated with its street encampments, which the City must spend by June, 2021; and

WHEREAS, California State Assembly Bill 3139 requires Caltrans to lease certain available parcels to the City of Oakland for a nominal fee of \$1 per month if the parcels will be used for emergency shelter programs; and

WHEREAS, the City and Caltrans have identified available parcels at 3401 Mandela Parkway, 105 5th Street, and 3499 Beach Street and Caltrans will be receiving approval from the California Transportation Commission on December 7, 2018 to enter into lease agreements with the City of Oakland for the use of those parcels; and

WHEREAS, City staff have also evaluated City-owned and other publicly owned parcels for use as emergency shelter and determined that 1449 Miller Avenue, 3050 International Blvd, 711 71st Avenue, and 3801 East 8th Street are currently available and the most viable for emergency shelter programs; and

WHEREAS, the Peralta Community College District has expressed interest in allowing the City to utilize an underused parking lot at 11 4th Street for a managed RV parking program with wrap-around services; and

WHEREAS, the City has demonstrated the ability to successfully move people out of street encampments and on a path to real housing through its Community Cabin Model; and

WHEREAS, organizations such as Kaiser, Sutter Health and the Oakland Chamber of Commerce have raised \$1 million to support the startup costs of the three current Community Cabin Sites; and

WHEREAS, the City Council has also asked staff to identify a path forward to allow "The Village" to operate a volunteer encampment to help resolve the encampment located at East 12th Street and 23rd Avenue; and

WHEREAS, the Lao Family Community Development Inc. has agreed to partner with the City and the Village to provide the necessary support to a volunteer managed encampment; and

WHEREAS, the City Administrator recommends entering into a license agreement with the Lao Family Community Development Inc. for use of the City-owned property at 1449 Miller Avenue for a one-year term, to manage the volunteer encampment; and

WHEREAS, Oakland Municipal Code (“OMC”) section 2.42.110 provides that the City may enter into a license agreement for less than fair market value if the City Council makes a finding and determination that the license for less than fair market value is in the best interests of the City; and

WHEREAS, OMC section 2.42.110 provides that in making the required finding and determination, the City Council may consider the value of in-kind services provided by licensee to the City or the community, including property security and maintenance, social and cultural benefits, or other appropriate services; and

WHEREAS, the Lao Family Community Development Inc. will provide benefits to the City and the Community by providing needed services and support to currently unsheltered residents, providing them protection from harm, and reducing the public safety concerns created by an unregulated street encampment; and

WHEREAS, many of the City’s unsheltered population are residing in Recreational Vehicles (RVs) which creates health and safety issues throughout the City that can be resolved by providing these individuals with a safe, secure place to park their RVs; and

WHEREAS, the City is also successful moving people out of encampments through expansion of the traditional shelter model and have reached an agreement with St. Vincent de Paul to convert the winter shelter to a year-round shelter; and

WHEREAS, the original contract with Housing Consortium of the East Bay to operate the Lake Merritt Community Cabins only provided funding for part of the fiscal year and requires use of HEAP funds to continue operations through September 30th, 2019; and

WHEREAS, the original contract with Saint Vincent de Paul to operate year-round shelter only provided funding for part of the fiscal year and requires use of HEAP funds to continue operations through June 30, 2020 and

WHEREAS, the City Administrator is seeking authorization to enter into grant agreements and amendments for emergency year-round shelter and winter shelter through June 30, 2021 using HEAP funding without returning to Council; and

WHEREAS, the City Administrator is seeking authorization, without returning to Council, to enter into agreements and amend existing agreements with service providers to operate managed RV parking areas and community cabin shelters and provide hygiene services through June 30, 2021 using HEAP funding; and

WHEREAS, OMC section 2.04.051.A requires the City Administrator to conduct a request for proposal/qualifications (“RFP/Q”) process for professional service contracts

and OMC section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so; and

WHEREAS, City staff recommends waiving the RFP/Q requirements for contracts for the services authorized by this resolution because there is an urgent need to move people out of dangerous street encampments and into emergency shelter where they can be provided with essential services and because the impact of these encampments is putting a strain on the surrounding community and on City services and

WHEREAS, the City Administrator has determined that these contracts are 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 is a need for an additional staff person to provide direct service and oversee hygiene intervention efforts at homeless encampments; now, therefore, be it

RESOLVED: That City Administrator is hereby authorized to accept \$8.6 million in funding from the State of California Homeless Emergency Aid Program ("HEAP") for emergency homeless services through June 30, 2021; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute three lease agreements with Caltrans for monthly rent of \$1.00 for the use of Caltrans property to operate community cabin emergency shelters and RV parking areas at 3401 Mandela Parkway, 105 5th Street, and 3499 Beach Street; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute a lease agreement with Peralta Community College District at no cost for use of the property at 11 4th Street to operate an RV parking area; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute a license agreement with the Lao Family Community Development Inc. for an amount less than fair market value for use of City-owned property at 1449 Miller Avenue at no cost for a term of one year to operate and manage a volunteer encampment in partnership with "The Village" without returning to Council; and be it

FURTHER RESOLVED: That for the reasons stated above and in the City Administrator's report accompanying this item, the Council hereby finds and determines that the license agreement with the Lao Family Community Development Inc. for less than fair market value is in the best interest of the City; and be it

FURTHER RESOLVED: That the City Administrator is authorized to amend the existing grant agreement with St. Vincent de Paul for operation of the year round shelter in an estimated amount of \$600,000 for the remainder of fiscal year 2018-2019 and an additional estimated amount of \$1,000,000 for operation during fiscal year 2019-2020 using HEAP funding, and increase or adjust the amounts, without returning to council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to amend the existing grant agreement with Housing Consortium of the East Bay for operation of the Lake Merritt Community Cabins to extend the grant term and increase the grant amount in an estimated amount of \$300,000 for the remainder of fiscal year 18-19 and an estimated amount of \$750,000 for Fiscal Year 2019-2020, and increase or adjust the amounts, without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute agreements with service providers to operate a community cabin shelter at 3050 International Blvd for an amount not to exceed \$950,000 including \$625,000 in operating costs, \$125,000 in Rapid-Rehousing funds, and \$200,000 in startup costs, and increase or adjust the amounts, for a term of one year without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute agreements with service providers to operate a community cabin shelter at 105 5th Street for an amount not to exceed \$950,000 including \$625,000 in operating costs, \$125,000 in Rapid-Rehousing funds, and \$200,000 in startup costs, and increase or adjust the amounts, for a term of one year without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute new agreements with service providers to operate a double-sized community cabin shelter at 3401 Mandela Parkway for an amount not to exceed \$1,900,000 including \$1,250,000 in operating costs, \$250,000 in Rapid-Rehousing funds, and \$400,000 in startup costs, and increase or adjust the amounts, for a term of one year without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute agreements with service providers to operate managed RV sites at 711 71st Avenue, 3801 East 8th Street, and 3499 Beach Street in an amount not to exceed \$1 million, and increase or adjust the amounts, for a term of one year without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute new agreements with service providers to operate a managed RV site with wrap-around services at 11 4th Street for an amount not to exceed \$750,000, and increase or adjust the amounts, for a term of one year without returning to Council; and be it

FURTHER RESOLVED: That pursuant to OMC 2.04.051.B and for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds that it is in the best interests of the City to waive the RFP/Q requirements for these contracts and so waives the requirements; and be it

FURTHER RESOLVED: That based on the information provided by the City Administrator, the Council finds that these contracts are of a professional and temporary natures and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

FURTHER RESOLVED: That the City Administrator is authorized create a 1.0 full time employee (FTE) position in the Human Services Department to provide direct services to unsheltered persons; and be it

FURTHER RESOLVED: That the City Administrator is authorized to accept donations from outside sources, including other governmental agencies to support these programs without returning to Council; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines, after independent review and consideration, 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 actions authorized under this resolution and the subsequent operation and administration of the proposed emergency shelter programs, Community Cabins, managed RV parking areas and encampments are 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 criteria.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 30 2018

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRADY~~, CAMPBELL-WASHINGTON, ~~CHAVEZ~~, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN ~~AND PRESIDENT/REID~~ - 5

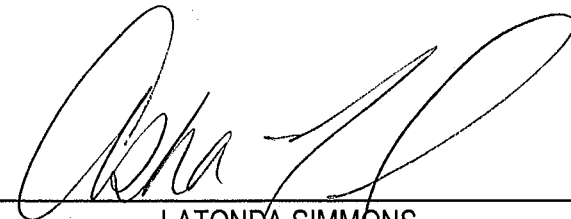
NOES - 1 Gallo

ABSENT - 0

ABSTENTION - 0

Excused - 2 Brooks & Reid

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California