

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 JUL -1 PM 1:57

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 13, 2004

RE: **FOLLOW-UP REPORT REGARDING A RESOLUTION AUTHORIZING THE SIXTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE LAKE MERRITT INSTITUTE FOR THE CLEANUP OF LAKE MERRITT FOR FY 2004-07 IN AN AMOUNT NOT TO EXCEED \$469,426 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,269,581**

SUMMARY

This follow-up report requested by the Public Works Committee (Committee) on June 8, 2004 following a presentation of a resolution and agenda report authorizing the sixth amendment to the professional services contract with the Lake Merritt Institute (LMI) for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581 (See Exhibit A). The Committee deferred a decision on the approval of this item pending the receipt of additional information requested. In the interim, because the LMI contract expired on May 31, 2004 and additional funds needed to be allocated to this contract, the Committee directed staff to prepare a resolution extending the professional services contract with LMI on a month-to-month basis for three months (June, July, and August 2004). The Committee directed that this item be scheduled for the City Council meeting on July 6, 2004.

This follow-up report contains an evaluation of how LMI has met the contract standards for the past two years (See Exhibit B), a description of how the contract standards address the current "impaired waterbody" status of Lake Merritt, and a recommendation for an RFQ versus a RFP process for implementing a new contract to clean Lake Merritt, and a summary of the programs under the Comprehensive Cleanup Fund including which program was under spent.

Staff requests that City Council adopt the attached resolution authorizing Amendment No. 6 to the professional services agreement with the Lake Merritt Institute for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581.

As an alternative, staff requests City Council to: 1) authorize the extension of the existing LMI contract until May 31, 2005 in order to ensure there are no breaks in service while staff conducts a RFQ process, negotiates a new contract, and returns to City Council for authorization to enter into the new contract.; 2) approve staff recommendations to proceed with a RFQ

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Item #: _____
Public Works Committee
July 13, 2004

process to identify the highest qualified firm for the Lake Merritt contract; 3) negotiate a contract with the highest qualified firm to begin June 1, 2005; and 4) return to the City Council, prior to May 31, 2005, for authorization to enter into the new contract to clean Lake Merritt .

FISCAL IMPACT

The proposed resolution would authorize the allocation of existing funds to LMI for a three-year contract to clean up Lake Merritt. The contract will authorize payment of \$151,570 in FY 2004/05, \$156,416 in FY 2005/06, and \$161,440 in FY 2006/2007.

In Fiscal Year 2004-05, funding will come from two sources: 50% from Clean Water Program non-project monies in Fund 3100 (Sewer Service Fund), Organization 30285 (Environmental Services-Watershed Program), Account 54919 (Miscellaneous Contract Services). The remaining 50% will be allocated from Fund 1720 (Comprehensive Cleanup), Project P35510 (We Mean Clean), Organization 30474. Funding for the contract in subsequent years will be allocated during the budget development process.

The alternative recommendation would authorize the allocation of existing funds to LMI for a one-year contract to clean up Lake Merritt. The contract will authorize payment of \$151,570 in FY 2004/05. The funding will come from two sources: 50% from Clean Water Program non-project monies in Fund 3100 (Sewer Service Fund), Organization 30285 (Environmental Services-Watershed Program), Account 54919 (Miscellaneous Contract Services). The remaining 50% will be allocated from Fund 1720 (Comprehensive Cleanup), Project P35510 (We Mean Clean), Organization 30474.

In either case the assessment for Contract Compliance will be set-aside in the appropriate accounts upon award of the contract.

BACKGROUND

LMI, a local non-profit, has had a contract with the City since 1996 to provide trash removal, volunteer coordination, Lake Merritt fountain maintenance, technical water quality assistance, public outreach and education. The current LMI contract expired May 31, 2004.

On June 8, 2004, Environmental Services Division presented a resolution and agenda report to the Committee authorizing the sixth amendment to the professional services contract with LMI for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581. The Committee directed staff to do the following:

- 1) Go directly to the City Council on July 6, 2004 with an amended resolution extending the professional services contract with LMI on a month-to-month basis for three months (June, July, August 2004).
- 2) Return to the Public Works Committee on July 13, 2004 with a report containing an evaluation of how LMI has met the contract standards for the past two years, a description of how the contract standards address the current "impaired waterbody" status of Lake Merritt, a summary of the Comprehensive Cleanup Fund and which programs were under spent, and a comparison of a RFQ versus a RFP process for implementing a new contract.

KEY ISSUES AND IMPACTS

Lake Merritt is currently listed as an “impaired waterbody” because of excess trash and low dissolved oxygen. The State requires that the City address these issues to avoid Clean Water Act violations and possible penalties. In addition to being a violation of the Clean Water Act, the highly visible trash causes many citizen complaints, and has a negative impact to water quality and to Oakland’s image. LMI, a local non-profit, has had a contract with the City since 1996 to provide trash removal, volunteer coordination, Lake Merritt fountain maintenance, technical water quality assistance, public outreach and education. The current LMI contract expired May 31, 2004.

Staff has determined that it will take a minimum of eight months to proceed with a RFQ process to identify the highest qualified firm for the Lake Merritt contract, negotiate a contract with this firm, and to return to the City Council for authorization to enter into this new contract to clean Lake Merritt. Extending the contract at least until May 31, 2005 will allow for any unforeseen delays and make the contract coincide more closely with the fiscal year, by starting the new contract on June 1, 2005.

Evaluation of Lake Merritt Institute

The Lake Merritt Institute has successfully met the primary contract standards over the last two fiscal years (FY 2002/03 and FY2003/04) included in Amendment No. 5 of the professional services agreement between the City and LMI, dated June 1, 2001 (See attached Exhibit B for detailed report). The primary contract standards include volunteer management, trash pick-up, public outreach and education, and technical assistance.

How The Contract Standards Address The “Impaired Waterbody” Status

All of the standards in the contract with the Lake Merritt Institute directly and indirectly address the “impaired waterbody” status of the Lake. The standards include volunteer management, trash pick-up, public outreach and education, and technical assistance. To directly address the issue of excess trash in the Lake LMI coordinates ongoing volunteer trash cleanup at least five days a week. Additionally, LMI monitors the CDS storm drain filters to ensure they are operating properly. LMI also conducts outreach and education regarding the impact of litter on the Lake and on a variety of other subjects that inform the public about the ecological and recreational value of Lake Merritt.

The LMI contract directly addresses the issue of low dissolved oxygen levels in several ways. LMI maintains the three aeration fountains located in areas of the Lake that are known to have the lowest concentration of dissolved oxygen. LMI is responsible for ensuring that the fountains operate properly. LMI also raises funds through donations and grants to provide support for maintenance of the fountains. LMI makes efforts to remove algae in areas that are inaccessible with the harvester. LMI participates in, and provides technical assistance to, the ongoing Lake

Merritt Water Quality Technical Committee that is conducting research on options for alternative technologies that will help improve the dissolved oxygen levels in the Lake.

Comprehensive Cleanup Fund

The Comprehensive Cleanup Fund is utilized within the Public Works Agency to support the following major annual programs:

- Sweeping of 133,304 miles of streets in residential, business and commercial districts;
- Issuance of approximately 230,000 parking citations incidental to street sweeping operations;
- Removal of 740,000 square feet of graffiti;
- Maintenance of over 800 litter containers;
- Maintenance of electroliers (street lights) throughout the City;
- Removal of over 50,000 cubic yards of illegally dumped materials;
- Investigation of illegal dumping to collect evidence for the assessment of penalties;
- A Cutting Crew that removes of 2,632 cubic yards of vegetation from public properties;
- A Downtown Clean Team to keep the downtown areas free of litter and debris;
- A Roving Crew that maintains ten major transfer hubs and is available to respond to hazardous or urgent conditions;
- Median crews just commenced to clean and maintain traffic islands throughout the City; and
- Clean Oakland Program that promotes and coordinates volunteer support for community clean-ups and other related initiatives.

It was in the Clean Oakland Program that unspent appropriations from the current year were identified in the amount of \$100,000 that could be carried forward and applied to cover a portion of the Lake Merritt Institute contract in 2004-2005.

RFQ Process Versus and RFP Process

The contract to clean Lake Merritt includes a broad scope of work that requires a diverse set of skills and knowledge. Specifically, expertise is required in estuarine environments with low dissolved oxygen levels, State and Federal Clean Water regulations, technical ability to maintain electrical elements of the aeration fountains and the proposed air diffuser system, proven experience in volunteer recruitment and coordination, expertise in development of public education materials and website maintenance. Additionally, specific knowledge of Lake Merritt geography, hydrology, and the surrounding community is necessary to target trash pickup, dissolved oxygen problems and volunteer programs. An RFQ process will help to determine whether there are other qualified firms that can demonstrate this unique combination of skills. An RFQ process will also assist to establish the minimum acceptable threshold for qualifications for this contract. Once the RFQ process is completed a contract would be negotiated with the highest qualified firm and staff will return to City Council for authorization to award the contract.

SUSTAINABLE OPPORTUNITIES

Economic: Cleaning Lake Merritt improves the economic value of the surrounding neighborhood and business districts.

Environmental: Cleaning Lake Merritt helps improve the water quality and the environment.

Social Equity: Cleaning Lake Merritt improves the recreational opportunities and quality of the experience for Lake Merritt public users.

DISABILITY AND SENIOR CITIZEN ACCESS

Adopting this amendment to the contract with LMI will have no impact on access for persons with disabilities and senior citizens.

RECOMMENDATION AND RATIONALE

Staff requests that City Council accept this follow-up report and adopt the attached resolution authorizing Amendment No. 6 to the professional services agreement with the Lake Merritt Institute for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581.

Adopting this amendment to the contract with LMI will allow the City to continue with Lake Merritt trash clean-up activities, volunteerism, public outreach and education, and improvement of water quality efforts in order to meet state water quality regulations and avoid penalties.

ALTERNATIVE RECOMMENDATION

As an alternative, staff requests City Council to: 1) authorize the extension of the existing LMI contract until May 31, 2005; 2) approve staff recommendations to proceed with a RFQ process to identify the highest qualified firm for the Lake Merritt contract; 3) negotiate a contract with the highest qualified firm to begin June 1, 2005; and 4) return to the City Council, prior to May 31, 2005, for authorization to enter into the new contract to clean Lake Merritt. Staff determined that it will take at a minimum eight months to complete the above process. An extension until May 31, 2005 will allow for unforeseen delays and make the contract coincide more closely with the fiscal year.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the attached resolution authorizing the sixth amendment to the professional services agreement with the Lake Merritt Institute for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581.

As an alternative, staff recommends that the City Council adopt the alternative resolution authorizing an extension of the LMI contract until May 31, 2005 in amount not to exceed \$151,570 in FY 2004/05.

Respectfully submitted,




RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin
Interim Assistant Director, Public Works Agency
Maintenance Services Department

Prepared by:
Lesley Estes
Acting Environmental Services Manager
Environmental Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 JUL -1 PM 1:57

RESOLUTION AUTHORIZING THE SIXTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE LAKE MERRITT INSTITUTE FOR THE CLEANUP OF LAKE MERRITT FOR FY 2004-07 IN AN AMOUNT NOT TO EXCEED \$469,426 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,269,581

WHEREAS, on November 12, 1996 the City Council approved Resolution No. 73064 C.M.S. authorizing a contract with The Lake Merritt Institute, a local, non-profit organization to clean up Lake Merritt for the period December 1996 to May 1997 for a not-to-exceed amount of \$49,500; and

WHEREAS, annually from 1997 to 2000, the City Council approved resolutions amending the contract with The Lake Merritt Institute, to clean up Lake Merritt; and

WHEREAS, on June 19, 2001 the City Council approved Resolution No. 76528 C.M.S. which amended the contract with The Lake Merritt Institute, to clean up Lake Merritt for the period from June 2001 to May 2004 for a not-to-exceed amount of \$397,062; and

WHEREAS, the highly visible trash in Lake Merritt is the cause of many citizen complaints, and one of the causes for Lake Merritt to be listed on the State's Impaired Waterbody list, and the debris, if not collected and disposed of will have an adverse effect not only to the lake's water quality, but to the image of the City of Oakland; and

WHEREAS, from 1998 through 2003 the Lake Merritt Institute, using trained volunteers, has successfully removed 256,144 pounds of debris from Lake Merritt in a timely manner, provided numerous educational presentations, maintained the fountains in the lake, and assisted with monitoring the lake water for a year long water quality study; and

WHEREAS, the City Council finds and determines that the performance of the services under contract is in the public interest; and

WHEREAS, the City Council finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, volunteers will be used by the Lake Merritt Institute to the extent allowed by law, and the City will obtain clearance from the California Department of Industrial Relations for the use of volunteers in this public works project, as required by law; and

WHEREAS, the funds for this amendment will come from the following sources in FY 2004-05: 50% from Clean Water Program non-project monies in Fund 3100 (Sewer Service Fund), Organization 30285, and 50% from Fund 1720 (Comprehensive Cleanup), Project P35510 (We Mean Clean), Organization 30474, funding for the contract in subsequent years will be allocated during the budget development process; and

WHEREAS, the continuation of this program will further advance the Mayor/Council Goals #2 (Develop a Sustainable City), #3 (Improve Oakland Neighborhoods), #6 (Maintain and Enhance Oakland's Physical Assets), and #7 (Inspire Creativity and Civic Engagement); now, therefore be it

RESOLVED: That the City Manager is hereby authorized to enter into the sixth amendment to the agreement with The Lake Merritt Institute to remove trash from Lake Merritt and perform all other educational and technical services to the area from June 1, 2004 - May 31, 2007 for the amount \$469,426 for a total contract amount not to exceed \$1,269,581; and be it

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PUBLIC WORKS CMTE.
JUL 13 2004

FURTHER RESOLVED: That the City Manager is hereby authorized to apply the contract with The Lake Merritt Institute retroactive to June 1, 2004 and is further authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in compensation or the allocation of additional funds, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That a copy of said sixth amendment will be on file in the Office of the City Clerk, in the City of Oakland, and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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PUBLIC WORKS CMTE

JUL 13 2004

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 8, 2004

RE: **RESOLUTION AUTHORIZING THE SIXTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE LAKE MERRITT INSTITUTE FOR THE CLEANUP OF LAKE MERRITT FOR FY 2004-07 IN AN AMOUNT NOT TO EXCEED \$469,426 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,269,581**

SUMMARY

A resolution has been prepared authorizing the sixth amendment to the professional services agreement with the Lake Merritt Institute (LMI) for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581. LMI, a local non-profit, has been contracted by the City since 1996 to provide trash removal, volunteer coordination, Lake Merritt fountain maintenance, technical water quality assistance, and public outreach and education. This amendment will authorize the City to pay LMI approximately \$157,000 per year to continue the above services through FY 2007. The current LMI contract expires May 31, 2004.

This agreement is consistent with the following Mayor/City Council goals and objectives: #2 (Develop a Sustainable City), #3 (Improve Oakland Neighborhoods), #6 (Maintain and Enhance Oakland's Physical Assets), and #7 (Inspire Creativity and Civic Engagement).

FISCAL IMPACT

The proposed resolution would authorize the allocation of existing funds to LMI for a three-year contract to clean up Lake Merritt. The contract will authorize payment of \$151,570 in FY 2004/05, \$156,416 in FY 2005/06, and \$161,440 in FY 2006/2007.

In Fiscal Year 2004-05, funding will come from two sources: 50% from Clean Water Program non-project monies in Fund 3100 (Sewer Service Fund), Organization 30285 (Environmental Services-Watershed Program), Account 54919 (Miscellaneous Contract Services). The remaining 50% will be allocated from Fund 1720 (Comprehensive Cleanup), Project P35510 (We Mean Clean), Organization 30474. Funding for the contract in subsequent years will be allocated during the budget development process.

The assessment for Contract Compliance will be set-aside in the appropriate accounts upon award of the contract.

BACKGROUND

LMI is a unique, local, non-profit organization dedicated solely to improving Lake Merritt. Staff at LMI have technical water quality and habitat expertise and extensive knowledge of these particular issues at Lake Merritt. LMI staff also have skills in public outreach and education, extensive knowledge of controlling and removing trash in Lake Merritt, and have established a network of dedicated long-term volunteers. Since 1996, the City has contracted with LMI to conduct activities to help clean Lake Merritt and to help the City meet state water quality regulations. No other contractor has the unique focus and combination of skills to implement this contract.

The work LMI has completed in the past includes: removal of over 250,000 pounds of trash from Lake Merritt between 1998 and 2003; installation of barriers to control the trash flowing from outfalls; maintenance of the aeration fountains in Lake Merritt near Grand Avenue, near El Embarcadero, near the bandstand, and near E.18th Street which add oxygen to the lake water; producing, distributing to the public, and displaying outreach and educational materials; and providing technical assistance to the City with regard to stormwater quality and water quality monitoring.

LMI successfully recruits and organizes hundreds of volunteers who spend thousands of hours per year to help clean the lake.

The proposed sixth amendment to the professional services agreement with LMI will be for the period June 1, 2004 to May 31, 2007. The scope of work for the sixth amendment of the contract includes: recruiting and organizing volunteers to remove trash, maintaining the aeration fountains, producing and distributing educational materials, conducting educational presentations, and assisting with water quality activities. Volunteers will be used by LMI only to the extent allowed by law.

Contract performance measures for the sixth amendment of the contract include: collect 40,000 pounds of trash per year; use 100 volunteers (monthly) for trash removal, conduct five educational presentations, and display ten new bulletin board posters.

KEY ISSUES AND IMPACTS

The City's contract with LMI to collect trash from Lake Merritt and to maintain the aeration fountains expires May 31, 2004. Lake Merritt is currently listed as an "impaired waterbody" because of excess trash and low dissolved oxygen. The State requires that the City address these issues to avoid Clean Water Act violations and possible penalties. In addition to being a violation of the Clean Water Act, the highly visible trash causes many citizen complaints, and has a negative impact to water quality and to Oakland's image. LMI is the only contractor that is solely dedicated to the stewardship of Lake Merritt and has the unique combination of technical, outreach, volunteer coordination, and skills specific to Lake Merritt to assist the City to meet the goal of a clean lake.

SUSTAINABLE OPPORTUNITIES

Economic: Cleaning Lake Merritt improves the economic value of the surrounding neighborhood and business districts.

Environmental: Cleaning Lake Merritt helps improve the water quality and the environment.

Social Equity: Cleaning Lake Merritt improves the recreational opportunities and quality of the experience for Lake Merritt public users.

DISABILITY AND SENIOR CITIZEN ACCESS

Adopting this amendment to the contract with LMI will have no impact on access for persons with disabilities and senior citizens.

RECOMMENDATION(S) AND RATIONALE

PWA staff recommends that the City Council adopt the attached resolution authorizing Amendment No. 6 to the professional services agreement with the Lake Merritt Institute for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581.

Adopting this amendment to the contract with LMI will allow the City to continue with Lake Merritt trash clean-up activities, volunteerism, public outreach and education, and improvement of water quality efforts in order to meet state water quality regulations and avoid penalties.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the attached resolution authorizing the sixth amendment to the professional services agreement with the Lake Merritt Institute for the cleanup of Lake Merritt for FY 2004-07 in an amount not to exceed \$469,426 for a total contract amount not to exceed \$1,269,581.

Respectfully submitted,

RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin
Interim Assistant Director, Public Works Agency
Maintenance Services Department

Prepared by:
Lesley Estes
Acting Environmental Services Manager
Environmental Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:

OFFICE OF THE CITY MANAGER

Item #: 5
Public Works Committee
June 8, 2004

**SUMMARY OF LAKE MERRITT INSTITUTE PERFORMANCE
June 1, 2002 – May 31, 2004**

Introduction: The following is an evaluation of Lake Merritt Institute's (LMI's) performance over the last two fiscal years (FY 2002/03 and FY2003/04) of the contract measures included in Amendment No. 5 of the professional services agreement between the City and LMI, dated June 1, 2001.

The contract measures are in bold followed by a description of how they were met.

Clean Lake Activities

Expanded Lake Clean Up: LMI will coordinate volunteers for the removal of trash from Lake Merritt and expand Lake clean-up events to at least five days per week. Much of this additional clean-up will be done by part time assistants (such as dock attendants at the Boating Center who can work on their day(s) off). LMI will also seek to schedule another school (possibly Hillcrest School) on a weekly basis and expand outreach to nearby schools that have not yet volunteered. LMI will continue to support individual, unscheduled clean-ups by those using the three "U-Clean-It" stations. A trash barrel will be placed in each box to facilitate emptying the nets.

LMI removed 42,960 pounds of trash in 2002 and 51,140 pounds in 2003. Clean ups were conducted on an average of 5 days per week. Several part time assistants were hired for the winter seasons. Hillcrest school started monthly visits, but stopped due to a lack of transportation. St. Paul's School cleaned up weekly (during the school year) during 2002-2004. The Lighthouse Charter School cleaned up weekly during 2002-03 and intermittently in 2003-04. A fourth "U-Clean-It" station was added and a trash barrel was put into each station.

LMI will record volumes of trash removed from the Lake on a daily basis. This information must be submitted with payment invoices at the end of each month.

Trash volumes were recorded on a daily basis and submitted with monthly invoices.

LMI will obtain two professional trash barrel dollies with multiple wheels for easier transport of the barrels around the Lake. Also, it will investigate (and implement if feasible) a low-rider tricycle for use in picking up trash from the pathway around the Lake.

Two trash dollies were obtained and a low rider bicycle was used for a short time. However the bike proved un-popular with most volunteers, it is now used to move fountains around on land during their maintenance.

LMI will participate in two cleanup events (Earth Day, held in April and Creek to Bay, held in September) as lead coordinator at the Lake, including outreach, setup, planning of activities for day of event and other related tasks.

LMI coordinated Earth Day and Creek to Bay days at Lake Merritt during each year of the contract. LMI also participated in the Earth Expo events.

LMI will also provide annual totals for number of trash bags removed, number of volunteers and hours worked, and the number of school presentations.

LMI provided the number of trash bags filled (3,794); the number of people cleaning up (4,106); the number of educational presentations (82); and a total of 7,200 volunteer hours were provided in the last 24 months.

LMI will make efforts to remove algae in areas that are inaccessible with the Harvester, especially during the Harvesting season, April through August. The City will advise Alameda County Flood Control of the water levels to be maintained during the Harvesting season (April-August).

LMI made efforts to remove algae by hand using nets.

Block Captain Program: LMI will initiate a long-term project that will identify and organize block captains for as many geographical units of the Glen Echo Creek watershed as possible. These volunteers will be responsible (to the greatest extent reasonable) for eliminating stormwater runoff from their zone. Working directly with their neighbors, the volunteers will provide 1:1 education, and notify the city inspector of violations that occur. LMI will assist these volunteers by providing educational materials, pizza meetings, photographs of infractions, and post cards to report their activities. This program is part of the increased work in the Lake's watershed.

LMI attempted to recruit block captains with articles in its newsletter and by bulletin board posters. However, not enough people volunteered to initiate the program. Efforts to recruit block captains were shifted to further development of volunteer cleanup at the Lake and an additional U-Clean-It station was installed.

LMI will investigate (and implement, if feasible) replacement of the 60 painted out-fall signs reading: "SPILL? CALL 911 ", with more durable signs.

LMI replaced the 60 painted outfall signs with metal, then wooden and metal numbers.

Stormwater Runoff Education Activities

LMI agrees to engage in publicity about the program and the Public Works Agency that is positive and presents a positive image to the public. LMI further agrees to refrain from engaging in any communications or publicity activities, which are negative and may harm the image and reputation of the program and the Public Works Agency and the department managing the agreement. Any and all publicity shall be pre-approved by the Public Works Agency before it is related or distributed to the public or any third party.

LMI added "supported and sponsored by the Oakland Public Works Agency" to its member and volunteer letters, to its bulletin board sign, to the signs on LMI's trash barrel and to the door sign on LMI's truck. In the past, LMI has not always met this standard. Since the contract has been

under the management of Environmental Services, staff has consistently reviewed the public materials produced by LMI and provided direction to include positive credits to the City of Oakland. With this direction LMI has been able to meet this standard.

Training programs at elementary schools should be coordinated with cleanwater program public information program and watershed outreach (Environmental Services Division).

LMI coordinates and invites Environmental Services staff to educational presentations. LMI gave eighty-two presentations in the last two years. LMI listed the Office of Public Works as a sponsor and supporter. When available, staff has participated in the presentations.

Door Hanger Distribution: LMI has discontinued the door hanger distribution program, due to liability concerns expressed by the City of Oakland.

Bulletin Boards: LMI will maintain the six bulletin boards around the shoreline and along the channel. New information will be posted several times per month, including messages that instill an ethic for clean water, volunteer recruitment enticements, and scientific information about Lake Merritt.

LMI maintained the six bulletin boards around the shoreline of the Lake and along the Lake channel, and 204 posters were displayed in the last two years.

Sailing Into Science: A new 5th grade program at the Lake that is sponsored by the Boating Center. LMI will provide presentations to these students about Lake Merritt, water quality, and what students can do to keep the Lake clean and reduce stormwater runoff.

LMI did not meet this contract measure because Parks and Recreation disbanded the Sailing into Science program shortly after Amendment No. 5 was signed.

Speaker Program: The monthly speaker program will continue, with invited speakers such as Alex Horne of UC Berkeley; a spokesperson from the Estuary Institute; an expert on local waterfowl, an expert on local fishes and marine life; a Regional Water Quality Control Board speaker; city officials involved with the lake; vendors representing storm drain filters; a County clean water specialist; and representatives from the wetland design team. Speakers shall be required to state that their representations are their own and not necessarily those of the City of Oakland.

LMI maintained a speaker program in FY2002/03, which included: Jeff Miller from the Alameda Creek Alliance; Dr. Alex Horne from UC Berkeley; Art Feinstein from Golden Gate Audubon; Roger James from the CDS company; Annalee Allen; and Lesley Estes from the City. LMI discontinued the program in FY2003/04 due to a lack of interest. However, LMI has coordinated with the Lake Merritt Water Quality Technical Committee to bring in experts to provide recommendations for how to address the "impaired waterbody" status of the Lake. Additionally, at LMI began participating in the Lake Merritt Water Quality Technical Committee.

Website Maintenance: LMI will continue to maintain and improve its website, expanding it to include such things as "Best Management Practices" for the reduction/elimination of stormwater runoff, and information on storm drain filters.

LMI maintained, improved and expanded its website. The website includes information on Best Management Practices and storm drain filters.

Fountain Maintenance: LMI will continue to maintain the three aeration fountains, providing parts, contractor support, cleaning and other activities needed to keep them operational as appropriate. Fund raising efforts for these purposes will continue through membership donations and grant applications.

LMI maintained the three aeration fountains, and installed a fourth fountain. Private donations were obtained for the new fountain, and for parts, new motors and cables. In order to maintain these fountains, LMI recruited a retired electrician as a volunteer; sent a part time assistant to the factory for the fountain parts for training; obtained an account with the fountain factory; purchased three different types of electrical meters to measure amperes, voltage, megohms and conductivity; designed and built a special crane to lift the fountains; and bought a power washer to clean the fountains at their locations in the lake. However, due to a request from staff in the Public Works Agency, and equipment failure, two of the three original fountains were removed from the lake. Staff will be seeking approval from City council to expend Measure DD funds to replace or repair the two removed fountains.

Oxygen level Maintenance and Water Sampling: Efforts to document the increase in oxygen levels around these aerators will be increased. This information will be made public in LMI's newsletter, bulletin boards and on LMI website. Biological sampling below the fountains will be done to determine if bottom living organisms survive better relative to bottom areas that are not aerated.

LMI conducted dissolved oxygen sampling of the water around the fountains. LMI also documented in their newsletter that dissolved oxygen levels in the water near the units has increased.

Enhancement Activities

Catalyst Activities: LMI will continue its efforts as a catalyst for the improvement of Lake Merritt, including its watershed, parklands and channel. These will include the following:

Provide information to the wetlands design team and attendance of public meetings on the wetlands. When speaking at public events, LMI will announce that its statements and opinions are not necessarily those of The City of Oakland.

LMI participated in the Wetlands Advisory Council meetings.

Fundraising and support for the installation of storm drain filters including collaboration on a potential video production that may be shot at lake Merritt.

LMI supported the installation of storm drain filters (there are now two at the Lake) including installation of a sign adjacent to the first filter; proclaiming the benefits of such filters in their bulletin board posters, their newsletters and as they participate at the Water Quality Technical Committee meetings. LMI has assisted the City with research and recommendations for locations of additional filters (in writing and in the field). To enhance their knowledge of storm drain filters, LMI obtained the book *Stormwater Treatment*, which describes many types of filters and attended a seminar on stormwater treatment. The video project did not move forward.

Responding to information requests and providing scientific information (i.e. fish species, and aquatic studies) to City Agencies and the public regarding Lake Merritt. LMI will maintain it's library of documents and studies, which are listed, on it's website. LMI will maintain its membership in the North American and California Lake Management Societies, and attend appropriate local conferences on topics related to water quality at Lake Merritt.

LMI met this measure by responding to numerous telephone requests for information; by maintaining and expanding their library of Lake Merritt studies and documents; by maintaining their memberships in the North American Lake Management Society and the California Lake Management Society; and by presenting a paper at the 23rd annual meeting of the Western Aquatic Plant Management Society.

Provide technical assistance on water quality, natural resource and outreach issues in the watershed and work on developing partnerships with the community in support of the City's future proposal to the State Water Quality Control Board for a Lake Merritt Stormwater implementation and outreach project. It is anticipated that funding for the Lake Merritt Stormwater implementation and outreach project will be available through grant(s) within this contract period.

LMI was unable to fully meet this measure because the City's grant application for the Lake Merritt Stormwater implementation and outreach project was not accepted for funding. However, LMI has provided technical assistance to City staff with designing and implementing a one-year water quality monitoring program.

Maintain the educational component of the proposed storm drain filter (CDS system). Maintain the signs, provide and stock brochures, monitor and document to ensure the system is operating properly and to prepare a report evaluating the unit's effectiveness.

LMI met this measure by preparing a brochure on the City's first storm drain filter; by giving numerous tours of the filter to school groups and other volunteers; by maintaining information on the filter in the sign that they built and installed; by monitoring the filter and reporting when it needs to be cleaned; and by summarizing its effectiveness in their newsletter and monthly reports.

LMI will continue as a member of the City's Water Quality Committee, assisting the City in finding ways to be de-listed as an impaired body of water.

LMI has continued to play an active role in the City's Water Quality Technical Committee. For instance, LMI's director and several board members (including an attorney from the Coastal Commission and a planner from EPA) participate. LMI has also brought in Dr. Alex Horne and Dr. Ken O'Hara as speakers. LMI continues to assist the City in finding ways to address the issues of excess trash and low dissolved oxygen levels in order to have Lake Merritt taken off the EPA's "impaired waterbody" list.

LMI will assist the City in implementing the education component of the "Non-Point Source Control and Education Program" and provide assistance in developing and implementing the Conservation Corp's work plan (based on Oakland's proposition 13-grant application).

This standard was based on the acceptance of the City's proposition 13 grant application for a Lake Merritt Stormwater implementation and outreach project. However, this grant project was not accepted for funding.

LMI will continue to assist with enforcement by delivering The Lake Merritt Institute's educational handouts to those seen dumping paint, cement, grease, or any other substance in the watershed. The City inspector will be notified of such violations.

LMI has continued to notify City Water Quality Inspectors of illegal discharges, and hand out educational information to illegal dumpers.

LMI will publicize and support efforts by the Lake Merritt Breakfast Club and others to restore two small docks.

LMI has publicized efforts of the Lake Merritt Breakfast Club to restore docks in their newsletters.

LMI will continue efforts to restore managed fishing programs and steel head trout stocking at the Lake.

The trout program conflicted with other recreational and wildlife programs at the Lake and is currently on hold awaiting resolution of how the various programs can all function at the Lake.

Additional Tasks

LMI has accomplished the following as needed tasks that were not in the scope of services of Amendment No. 5 to the professional services agreement as opportunities arose during the three-year contract period. These include:

- Raised funds for the 18th Street fountain; purchasing and installing it.
- Installed of a fourth "U-Clean-It" station.
- Monitored geese numbers and bacterial levels in the Lake.

- Participated in Measure DD planning and in the DD Citizens Coalition
- Built boat barriers for water quality monitoring probes
- Provided \$500 of member donations to the Boating Center to fix the boat crane
- Cleaned mussels from the outfall barrier at outfall 56.
- Obtained positive publicity for Oakland and the lake in the Singtao Bay Area newspaper.
- Worked with UC Berkeley students on a project to Measure N in the Lake.
- Wrote the 34 page *A Year in the Life of Lake Merritt*
- Reported a species of algae growing in the lake for the first time.

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PUBLIC WORKS CMTE.
JUL 13 2004

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Roe V. Dierra

RESOLUTION AUTHORIZING THE SIXTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE LAKE MERRITT INSTITUTE FOR THE CLEANUP OF LAKE MERRITT FOR FY 2004/05 IN AN AMOUNT NOT TO EXCEED \$151,570 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$951,725

WHEREAS, on November 12, 1996 the City Council approved Resolution No. 73064 C.M.S. authorizing a contract with The Lake Merritt Institute, a local, non-profit organization to clean up Lake Merritt for the period December 1996 to May 1997 for a not-to-exceed amount of \$49,500; and

WHEREAS, annually from 1997 to 2000, the City Council approved resolutions amending the contract with The Lake Merritt Institute, to clean up Lake Merritt; and

WHEREAS, on June 19, 2001 the City Council approved Resolution No. 76528 C.M.S. which amended the contract with The Lake Merritt Institute, to clean up Lake Merritt for the period from June 2001 to May 2004 for a not-to-exceed amount of \$397,062; and

WHEREAS, the highly visible trash in Lake Merritt is the cause of many citizen complaints, and one of the causes for Lake Merritt to be listed on the State's Impaired Waterbody list, and the debris, if not collected and disposed of will have an adverse effect not only to the lake's water quality, but to the image of the City of Oakland; and

WHEREAS, from 1998 through 2003 the Lake Merritt Institute, using trained volunteers, has successfully removed 256,144 pounds of debris from Lake Merritt in a timely manner, provided numerous educational presentations, maintained the fountains in the lake, and assisted with monitoring the lake water for a year long water quality study; and

WHEREAS, the City Council finds and determines that the performance of the services under contract is in the public interest; and

WHEREAS, the City Council finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, volunteers will be used by the Lake Merritt Institute to the extent allowed by law, and the City will obtain clearance from the California Department of Industrial Relations for the use of volunteers in this public works project, as required by law; and

WHEREAS, the funds for this amendment will come from the following sources in FY 2004-05: 50% from Clean Water Program non-project monies in Fund 3100 (Sewer Service Fund), Organization 30285, and 50% from Fund 1720 (Comprehensive Cleanup), Project P35510 (We Mean Clean), Organization 30474; and

WHEREAS, the continuation of this program will further advance the Mayor/Council Goals #2 (Develop a Sustainable City), #3 (Improve Oakland Neighborhoods), #6 (Maintain and Enhance Oakland's Physical Assets), and #7 (Inspire Creativity and Civic Engagement); now, therefore be it

RESOLVED: That the City Manager is hereby authorized to enter into the sixth amendment to the agreement with The Lake Merritt Institute to remove trash from Lake Merritt and perform all other educational and technical services to the area from June 1, 2004 - May 31, 2005 for the amount \$151,570 for a total contract amount not to exceed \$951,725; and be it

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PUBLIC WORKS CMTE.

JUL 13 2004

FURTHER RESOLVED: That the City Manager is hereby authorized to apply the contract with The Lake Merritt Institute retroactive to June 1, 2004 and is further authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in compensation or the allocation of additional funds, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That a copy of said sixth amendment will be on file in the Office of the City Clerk, in the City of Oakland, and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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PUBLIC WORKS COMTE

JUL 13 2004