

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2004 JUN 24 PM 12: 04

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: July 6, 2004

RE: **AMENDED RESOLUTION AUTHORIZING EXTENSION OF THE CONTRACT WITH THE LAKE MERRITT INSTITUTE ON A MONTH-TO-MONTH BASIS FOR THREE MONTHS (JUNE, JULY AND AUGUST 2004) FOR AN AMOUNT NOT TO EXCEED \$40,000 FOR A TOTAL CONTRACT AMOUNT OF \$840,155**

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**SUMMARY**

This amended resolution was directed to the City Council 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. 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. Additionally, the Committee directed staff to return 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, an explanation of what programs in the Comprehensive Cleanup Fund were under spent, and a comparison of a RFQ versus a RFP process for implementing a new contract.

The extension of the professional services contract with LMI 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 amended resolution authorizes an allocation not to exceed \$40,000 from the Sewer Service Fund 3100, Organization 30285, Account 54919, for a total contract amount not to exceed \$840,155.

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July 6, 2004

## **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, an explanation of what programs in the Comprehensive Cleanup Fund were under spent, and a comparison of a RFQ versus a RFP process for implementing a new contract.

## **KEY ISSUES AND IMPACTS**

The City's contract with LMI expired May 31, 2004. Approval of this resolution will allow the work that LMI is currently conducting to clean Lake Merritt to continue for three months. A key issue that will need to be decided on July 13<sup>th</sup> is how to accomplish the work currently performed by LMI after the three-month extension ends in August.

## **SUSTAINABLE OPPORTUNITIES**

Economic: The LMI contract helps to clean Lake Merritt and enhance the economic value of the surrounding neighborhood and business districts.

Environmental: The LMI contract helps improve Lake Merritt water quality and the environment, and specifically addresses the existing trash and low dissolved oxygen levels in the Lake.

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.

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**RECOMMENDATION AND RATIONALE**

PWA staff recommends that the City Council adopt this amended resolution authorizing the extension of the professional services contract with LMI on a month-to-month basis for three months (June, July, and August 2004) for an amount not to exceed \$40,000. Adopting this resolution 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 amended resolution authorizing the extension of the professional services contract with LMI on a month-to-month basis for three months (June, July, and August 2004) for an amount not to exceed \$40,000.

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  
CITY COUNCIL:

**OFFICE OF THE CITY ADMINISTRATOR**

Item #: 17  
City Council  
July 6, 2004

**CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2004 MAY 26 AM 10: 04

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**

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**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.

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Public Works Committee  
June 8, 2004

## **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.18<sup>th</sup> 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.

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### **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.

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**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**

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**ORACOUNCIL**  
JUL 6 2004

Item #:   
Public Works Committee  
June 8, 2004

**REVISED**  
6-22-04

**OAKLAND CITY COUNCIL**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. \_\_\_\_\_

C.M.S. \_\_\_\_\_



2004 JUN 24 PM 12: 04

**AMENDED RESOLUTION AUTHORIZING EXTENSION OF THE CONTRACT WITH THE LAKE MERRITT INSTITUTE ON A MONTH-TO-MONTH BASIS FOR THREE MONTHS (JUNE, JULY AND AUGUST 2004) FOR AN AMOUNT NOT TO EXCEED \$40,000 FOR A TOTAL CONTRACT AMOUNT OF \$840,155**

**WHEREAS**, on June 8, 2004 the Public Works Committee directed staff to prepare a resolution extending the professional services contract with the Lake Merritt Institute (LMI) on a month-to-month basis for three months (June, July, and August 2004) in an amount not to exceed \$40,000; and

**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 City Council authorizes an allocation not to exceed \$40,000 from the Sewer Service Fund 3100 for a total contract amount not to exceed \$840,155; 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 Administrator is hereby authorized to extend the Lake Merritt Institute contract on a month-to-month basis for three months (June, July, August 2004) to remove trash from Lake Merritt and perform all other educational and technical services to the area for an amount not to exceed \$40,000, for a total contract amount not to exceed \$840,155; and be it

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**FURTHER RESOLVED:** That the City Administrator 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.

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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**ORA/COUNCIL**  
**JUL 6 2004**