

# OAKLAND CITY COUNCIL

RESOLUTION No. 78696 C.M.S.

04 JUL 23 AM 10:41

REVISED

*Rocio V. Chierro*

**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

**FURTHER RESOLVED:** This resolution supercedes and hereby revokes resolution number 78673 passed on July 6, 2004, which extended the LMI contract for three months from June 1 – August 31, 2004; and be it

**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, JUL 20 2004, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, WAN and PRESIDENT DE LA FUENTE 7

NOES- 0

ABSENT- REID - 1

ABSTENTION- 0

ATTEST:



CEDA FLOYD

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