

AGENDA REPORT

TO: Edward D. Reiskin City Administrator

- FROM: Joe DeVries Director, Interdepartmental Operations
- **SUBJECT:** Lake Merritt Working Group Update and Parking Management Plan

DATE: March 10, 2022

City Administrator Approval

Date: Mar 11, 2022

RECOMMENDATION

Staff Recommends That The City Council:

- I. Receive An Informational Report On Interdepartmental Efforts To Support Safe Access To And Use of Lake Merritt; And
- II. Adopt The Following Pieces of Legislation:
 - (1) An Ordinance Amending The Oakland Municipal Code:
 - (A) Section 10.36.140 To Add The Following Streets To The List Of Approved Parking Meter Zones: Bellevue Avenue From Perkins Street To Grand Avenue, Lakeshore Avenue From Macarthur Boulevard To Lake Merritt Boulevard, Lake Merritt Boulevard From East 12th Street To Oak Street And Lakeside Drive From 17th Street To Jackson Street;
 - (B) Section 0.36.090 To Remove Sundays As Holidays In Support Of Districts That Would Benefit From All Week Parking Meter Management;
 - (C) Sections 10.36.015 And 10.36.020 To Add Pay-By-Plate As An Allowed Meter Payment Method; And

Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And

- (2) A Resolution:
- (A) Authorizing The City Administrator To Implement The Lake Merritt Parking Management Plan By Installing Parking Meters, Signs And Curb Paint On The Following Streets And Designating Them As Flexible Parking Zones: Bellevue Avenue From Perkins Street To Grand Avenue, Lakeshore Avenue From Macarthur Boulevard To Lake Merritt Boulevard, Lake Merritt Boulevard From East 12th Street To Oak Street And Lakeside Drive From 14th Street To Harrison Street And

- (B) Appropriating \$250,000 Dollars For Materials And Labor; And
- (C) Waiving The Competitive Request For Proposals/Qualifications (RFP/Q) Selection Requirement And Local Business/Small Local Business Participation Requirements And Amending And Extending The Existing Professional Services Agreement With ParkMobile USA, Inc. ("ParkMobile") For Up To One Year In An Amount Not To Exceed Two Hundred Fifty Thousand Dollars (\$250,000) For The Reimbursement Of Transaction Fees Charged To Parkers;
- (D) Waiving The Competitive RFP/Q Selection Requirement And Local Business/Small Local Business Participation Requirements And Amending And Increasing The City's Existing Contract With Conduent, Inc. ("Conduent") For Parking System Services In The Amount Of \$876,000;
- (E) Affirming That The District Bordering Lake Merritt Would Benefit From Metering 8am-To-8pm, Seven Days A Week; And
- (F) Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

In the summer of 2020, the City Administrator created a Lake Merritt Working Group (Working Group) to ensure an interdepartmental approach to the City's response to increased activity and parking, traffic and safety issues at Lake Merritt. The Working Group implemented several measures in the summer and fall of 2020 including the launch of a pilot street vending program, street closures, parking restrictions, enhanced public outreach and enforcement activity. While well received, this effort required extraordinary resources to maintain each weekend. In the summer of 2021, the Council-adopted budget provided additional funding for Lake Merritt operations but also directed staff to develop alternative measures that would be financially sustainable and require fewer staffing resources. The Working Group identified metered parking, combined with all week metering, pay-by-plate meters and flexible parking zones, as a more cost-effective alternative to traffic and parking restrictions. Collectively, these proposals constitute the Lake Merritt Parking Management Plan.

BACKGROUND / LEGISLATIVE HISTORY

In the past four years, the number of people visiting Lake Merritt in summer months has increased dramatically causing parking and traffic safety issues, illegal commercial vending, large amounts of litter clogging storm drains and polluting the lake, and placing an outsized burden on City resources. This led to the creation of the Working Group to ensure an interdepartmental approach to the City's response with a stated goal of providing equitable access to the Lake. The Working Group implemented several measures in the summer and fall of 2020 including the launch of a pilot street vending program, street closures, parking restrictions, enhanced public outreach and enforcement activity.

Beginning in mid-July 2020, the City closed El Embarcadero completely on weekends and closed southbound traffic on Lakeshore from MacArthur to East 18th street to create more space for pedestrians and bicyclists. Significant traffic problems created by people disobeying parking rules such as parking in the center turn lane and exhibiting aggressive driving behavior created a serious public safety hazard that these measures also addressed. While well received, this effort required extraordinary resources to maintain each weekend. During the winter months these overcrowding issues decreased significantly.

In March 2021 the City Council received a report with recommendations for the City Administrator to continue to support the safe and equitable use of Lake Merritt. The report included the authorized street vending program on weekends, alternative traffic control measures, an alternative program to manage activities at the lake such as a park ambassador program, and sought an ongoing funding source to cover the costs associated with these efforts on a year-round basis. The Council provided \$500,000 in one-time funding to restart these management efforts through July and then authorized additional funding of \$670,000 in the fiscal year 2021-2023 budget with the direction to staff to develop a more sustainable approach.

In June 2021 the City Council also received an informational report on a suite of parking reforms designed to reduce costs while increasing the City's capacity to actively manage the parking and mobility system. Collectively referred to as "Oakland Plus" these reforms included integrating on-street and off-street parking, all-week retail friendly parking metering, transitioning to a cashless "pay-by-plate" meter system using a phased approach, adding 1,000 new parking meters in existing meter zones, consolidating parking operations at the Parking Citation Assistance Center and the Meter Collections Unit into the Department of Transportation, establishing the framework for Parking Benefit Districts, developing alternative work schedules for staff in the Parking Enforcement Unit and funding a new Universal Basic Mobility program to provide direct subsidies to Oaklanders to use public transit and shared mobility.

In July 2021, City Council granted a one-year extension with ParkMobile on a month-to-month basis with a lower transaction fee of \$0.25 per parking session. The agreement allowed for the City to reimburse up to \$250,000 in transaction fees.

ANALYSIS AND POLICY ALTERNATIVES

After two summers of managing Lake Merritt through the above-mentioned measures, the Working Group met multiple times in the Fall of 2021 to discuss long-term changes that could sustain management efforts with a smaller police presence. Staff also met with the Lake Neighbors, visited the surrounding Neighborhood Council Meetings, presented to the Parks and Recreation Advisory Commission (PRAC) and engaged with City Council Offices about the proposed measures. With all relevant departments at the table, the group unanimously agreed that implementing a new parking management plan would address many of the root problems that occur when large crowds gather at the Lake as detailed below:

By metering parking on the interior of the lake, instead of blocking the roadway, significantly more parking will be available each weekend. Another alternative measure staff is designing is to install traffic control devices that could close EI Embarcadero on weekends for events without having to deploy OPD staff for extended periods of time. In tandem, these measures would eliminate the need to post Police Officers on Lakeshore and Grand Avenues to monitor traffic

and instead, a much smaller OPD unit could respond to more serious public safety issues as they arise such as the sales of alcohol and drugs by street vendors, or sideshow type activity.

Another benefit of metered parking is it allows for turn-over so more people can enjoy the lake. One of the problems associated with the illegal vending that occurred prior to the vendor pilot, was that vendors would arrive early in the morning, park their vehicle where they intended to vend, and remain all day and into the evening, effectively eliminating those spaces for the general public. Metered parking with reasonable time limits will help prevent this occurrence.

A final benefit to this approach, in tandem with Parking Enforcement Officers using preapproved Automatic License Plate Reader Technology to monitor vehicles and issue citations is employee safety. During the height of the summer crowds, several staff were threatened or verbally harassed by parking violators for issuing citations, and there was even an incident where a lake visitor attempted to use their vehicle to strike a Police Services Technician who was performing traffic control duties. A metered system, using technology to issue citations limits that contact and prevents escalating conflict.

The Lake Merritt Working Group has proposed the Lake Merritt Parking Management Plan, a series of parking proposals that seek to reduce overcrowding, increase access, and effectively manage the scarce supply of parking at Lake Merritt. If implemented, this Plan will also generate revenue to offset increased City costs for services at Lake Merritt. The actions comprising the Lake Merritt Parking Management Plan are as follows:

Add streets to list of meter zones

The Oakland Municipal Code (O.M.C.) section 10.36.14 contains a list of streets that can have parking meters installed on them. Most of the streets that border Lake Merritt are not metered or included in the list of approved parking meter zones. These streets, including Bellevue Avenue from Perkins Street to Grand Avenue, Lakeshore Avenue from MacArthur Boulevard to Lake Merritt Boulevard, Lake Merritt Boulevard from East 12th street to Oak Street and Lakeside Drive from 17th street to Jackson Street, need to be added to that list before meters can be installed.

Appropriate funds to install parking meters

The Oakland Municipal Code grants the Director of Transportation the authority to install, replace, or remove meters within a parking meter zone (O.M.C. 10.36.141); however, doing so requires resources. Staff estimate that 16 pay-by-plate parking meter kiosks would need to be installed to provide sufficient coverage on the streets bordering Lake Merritt. The cost of a single pay-by-plate kiosk is \$7,695.00. The total cost, including installation, signage and paint, is estimated at \$250,000. Each pay-by-plate kiosk can serve up to 20 parking spaces. Each metered space is expected to generate on average \$4,700 in meter payments and \$1,200 in citation fines annually. The approximately 381 parking spaces at Lake Merritt are therefore expected to generate approximately \$2,250,000 in total revenue per year. Assuming that this expansion of metered parking is entirely pay-by-plate (making enforcement more efficient), the on-going expenses to support the new meters-- including maintenance, enforcement and transaction fees--are estimated to be \$500,000. Therefore, annual net meter revenues are expected to be approximately \$1,500,000 in the first year and \$1,750,000 per year thereafter.

To add 381 new metered spaces, this proposal requests temporary funding for staffing (to do outreach to community groups, commercial districts and abutter businesses, draft associated work orders, and oversee the implementation of new meters) and contract capacity (for procurement and installation of parking kiosks and signage). Spaces with the highest demonstrated on-street parking demand will be prioritized for installation. Funding for staffing should be appropriated into a to-be-determined account.

Designate flexible parking zones

In addition to adding meters, the Lake Merritt Parking Management Plan recommends designating the streets around Lake Merritt as "Flexible Parking" zones. These streets include Bellevue Avenue from Perkins Street to Grand Avenue, Lakeshore Avenue from Macarthur Boulevard to Lake Merritt Boulevard, Lake Merritt Boulevard from East 12th Street to Oak Street and Lakeside Drive from 14th Street to Harrison Street.

"Flexible parking" is designed to increase parking availability by varying the price of parking to correspond more closely with market demand. The primary goal of both on- and off-street City-controlled metered parking is to serve the needs of visitors, merchants, and customers by encouraging turnover of parking spaces in highly desirable locations so that there is always an available space to park. Ideally, a well-managed parking program will increase parking availability and overall economic activity. Studies have found that a 10-15% parking vacancy rate (or about one free space per block) is the optimum vacancy rate. Flexible parking implemented in other cities has proven an excellent method to achieve this target.

Allow all-week and extended hour metering

The Lake Merritt Parking Management Plan recommends operating parking meters around Lake Merritt on Sundays and until 8 PM. At present, meters operate from 8 AM to 6 PM, Monday through Saturday. This "one size fits all" approach fails to recognize that the curb management needs of popular destinations and commercial areas can vary significantly between weekdays and weekends. The recommendation for Sunday metering is also supported by data. Staff collected parking occupancy data to compare Saturday parking demand with that of Sunday over two (2) weekends in April 2021 in five commercial districts in Oakland: Fruitvale, Grand Lake, Montclair, Rockridge and Temescal. The study found that available parking spaces are even more difficult to find on Sundays, when parking is free. Parking was harder to find in three (3) out of five (5) districts surveyed: Montclair, Rockridge and Temescal. In the remaining two districts, Grand Lake has a farmer's market on Saturdays that increases the demand for parking, while Fruitvale's demand on Saturdays and Sundays differed by only 3%. Overall, this data shows that parking demand on Sundays meets or exceeds parking demand on Saturdays throughout much of Oakland.

Furthermore, providing free parking on Sundays while other modes of transportation, including public transit, are not free on Sundays has inequitable impacts. In effect, current policy rewards individuals who have access to or own a personal vehicle without providing any benefit to constituents who do not. This inequity is further entrenched in transit's limited frequency and routes on Sundays. Approximately 17,000 of Oakland's households (7% of total households) do not own a car and may be more dependent on public transit, including on Sundays.

An ordinance removing Sunday as a holiday from O.M.C. Section 10.36.090 is required before the proposed metering could be implemented. Accordingly, staff recommends that the City Council adopt such an ordinance. Once this is accomplished, then OakDOT would be able to Public Works Committee March 22, 2022 make recommendations to keep meters around Lake Merritt on and enforced every day of the week, as determined by available data and with the support of key area stakeholders. This report includes such a recommendation and an authorizing resolution of support.

Add pay-by-plate as a new parking meter payment method

So called "pay-by-plate" parking meters allow users to input the license plate number of their vehicle to validate a paid parking session purchased either at a payment kiosk or via "pay-by-phone" app. Pay-by-plate meters would be beneficial for the streets surrounding Lake Merritt for several reasons. First, they will speed the efficiency of meter enforcement, by allowing Parking Control Technicians to use Automated License Plate Readers (ALPR) while driving, instead of having to stop and manually inspect each vehicle for a pay-and-display receipt. Second, their limited footprint and capacity to serve a large number of parking spaces (when compared to single-space meters), allows for lower materials and installation costs.

In 2019, OakDOT purchased five vehicle-mounted ALPR systems. To date, these systems have been used to efficiently enforce time-limited zones (e.g., Residential Parking Permit (RPP) areas and the 3-hr zone on the east side of Lake Merritt). At the Montclair garage, staff have demonstrated that the same technology can be used to efficiently enforce paid parking: ALPR-equipped vehicles scan license plates to verify valid parking payments, which can be fed into the compliance system from pay-by-phone apps, pay-by-plate kiosks, or digital license-plate-based permits issued on a monthly or annual basis. Compared to pay-by-plate kiosks, single-space meters and traditional pay-and-display multi-space kiosks are labor-intensive to maintain and enforce. By using a pay-by-plate parking meter system at Lake Merritt, staff estimates that the City stands to realize significant cost savings.

The O.M.C. sections 10.36.015 and 10.36.020 include current parking meter types and payment methods, including coins, credit cards and pay-by-phone apps. Adding pay-by-plate as an acceptable parking meter system promises to reduce costs and grow revenues, while improving the customer experience when parking in Oakland.

Extend the existing contract with ParkMobile USA, Inc. for an additional year and Increase Contract For Conduent, Inc.

In support of this and other initiatives already authorized by City Council, including the further integration of on-street and off-street parking and the reorganization of Abandoned Auto and Scofflaw units from OPD into OakDOT, staff recognizes the need to amend several existing agreements with parking system vendors.

The current agreement for pay-by-phone services between the City of Oakland and ParkMobile will expire on August 1, 2022. Adoption of the Lake Merritt Parking Management Plan and associated resolution will authorize the City Administrator to execute an extension of the Professional Services Agreement between the City of Oakland and ParkMobile for up to one year. This amendment would include contract capacity in the amount not to exceed \$250,000 and would function on a month-to-month basis, with the City reserving the right to terminate the agreement when a new contract is in place. While staff work to procure a new mobile parking payment system, extending the existing agreement will allow for parkers to continue to use pay-by-phone services with no lapse in this payment option. The new mobile parking payment system will enhance parkers' contactless options for paying for parking, support both on-street and off-street parking facilities, and enhance user data and privacy protections.

Public Works Committee March 22, 2022 Additional capacity in the amount of \$876,000 is also needed for the City's contract with Conduent, which supports citation systems, parking permits and payment processing. **Table 1**, below, itemizes the expected needs over the remaining term of the contract.

Item/Function	Description	Units	Rate	Cost
Residential Parking Permit (RPP) Portal	Build portal for authorized permittees to self-manage visitor, annual and business permits	480	\$130	\$62,400
Off-Street Parking Garage portal	Leverage investment in RPP portal to manage monthly parker permits (apply, pay, cancel, edit)	320	\$130	\$41,600
Drive Away Letter Automation	Build process for auto letter generation and ongoing processing	120	\$130	\$15,600
Additional ALPR units	Adding 10 more ALPR units to install on existing Prius enforcement vehicles	10	\$45,000	\$450,000
LPR and HH integration	Integration between the Handhelds and ALPR laptop to transfer pictures, license plate to HH.	130	\$130	\$16,900
Equipment Accessories Misc.	Additional equipment such as Stylus Pens for HH's, Batteries, etc. (FYI, the last order of extra accessories totaled about \$7k, so adding buffer just in case)	N/A	N/A	\$10,000
Gateless Garage Operations	Converting city garages to contactless pay and VPP enforcement like La Salle Garage	150	\$130	\$19,500
Misc. Development	Contingency for other enhancements to pilot and implemented	2000	\$130	\$260,000
				\$876,000

Table 1: Remaining Contract Items/Functions

Waiver of Multi-Step Solicitation Process And Of Local Business and Small Local Business Requirements

O.M.C. Section 2.04.042 requires a multiple-step solicitation process for contract extensions for the combined purchase of products and professional services. O.M.C. Section 2.04.042 D. provides an exception to the multiple-step solicitation requirements of the O.M.C. upon a finding and determination by the City Council that it is in the best interest of the City to do so.

Staff recommends that the Council find and determine that it is in the best interest of the City to waive the multiple-step solicitation process and Local Business and Small Local Business participation requirements for the contracts with Parkmobile USA, Inc. and for Conduent, Inc. and for this project based on the following factor:

• Efficiencies: Both Parkmobile and Conduent are already core technology systems within the Oakland Finance Department and Department of Transportation, providing needed parking payment and parking citation services to the City. To pivot to a different

contractor with a new system would cause significant disruption to operations, as well as detrimental fiscal impact to fund the capital investment needed to implement a new system while implementing the Lake Merritt Parking Management Plan. Extending the existing agreement with Parkmobile will allow for parkers to continue to use pay-by-phone services with no lapse in this payment option. Adding capacity to the agreement with Conduent will ensure that additional demand for parking permit and citation processing can be met efficiently and without interruption.

Staff recommends that, based on the reasons and circumstances set forth above, the Council pursuant to O.M.C. Section 2.04.50 1.5 and Section 2.04.051 B, respectively, finds and determines that it is in the best interests of the City to waive the formal advertising, competitive bidding, and the RFP/Q requirements and authorize the City Administrator, or designee, to negotiate and enter into agreements with Parkmobile and Conduent.

Ordinance No. 13640 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work. However, there are no LBE/SLBEs available that can provide the technology and services in Oakland that are required by the City under these contracts and City programs. Therefore, staff requests that the Council waive the LBE/SLBE requirement.

The recommended action of implementing the Lake Merritt Parking Management Plan will address the ongoing management issues the City has faced on weekends caused by large numbers of people visiting Lake Merritt. It reduces the need for an outsized law enforcement presence and creates conditions to allow a larger number of people to enjoy the lake safely. This plan advances the following Citywide priorities: 1) **holistic community safety**: creating a well-managed parking system will reduce conflict among lake visitors, and between visitors and parking enforcement staff. 2) **vibrant, sustainable infrastructure**: this plan will generate additional parking revenue that can be used to maintain public facilities at the lake and throughout the City, and 4) **responsive, trustworthy government**: these recommendations are based on input from lake visitors, residents and businesses that have been calling for further action to protect the lake and the experience of visiting it into the future.

FISCAL IMPACT

If implemented, the parking meter plan around Lake Merritt would require approximately \$250,000 in one-time, startup costs. The proposed 16 pay-by-plate parking meter kiosks would cost approximately \$150,000 and the total labor cost for the new meters, including planning, design, installation, signage and paint, is estimated at \$100,000.

Additional capacity would need to be added to the City's existing contract with Parkmobile for pay-by-phone services, in an amount not to exceed \$250,000. This amount is paid for through parking transaction fees and is therefore not an up-front cost. Additional capacity would also be added to the City's contract with Conduent for parking permit and payment processing, in the amount of \$876,000. The Conduent contract capacity increase is a not to exceed increase to the total amount contracted that will be used as needed over the remaining three to four (3-4) years of the contract.

Each of the 381 metered spaces is expected to generate on average \$4,700 in meter payments and \$1,200 in citation fines annually for a total of approximately \$2,250,000 per year in gross revenues. Assuming approximately \$500,000 in recurring operating costs (including staffing, maintenance and repair, enforcement, and transaction fees), annual net revenues from the proposed parking meter plan are expected to be \$1,500,000 in the first year and \$1,750,000 per year thereafter. Staff will include recommendations in the Fiscal Year 2022-2023 Mid-Cycle Budget that account for these fiscal impacts if this legislation is adopted.

PUBLIC OUTREACH / INTEREST

The Lake Merritt Working Group distributed a survey with over 2500 respondents regarding activities at the lake and the results indicate broad support for measures that would preserve the lake for all Oaklanders to visit. Staff also meet regularly with the Lake Neighbors, and with the surrounding Neighborhood Councils and have presented multiple times to the PRAC.

COORDINATION

This report and legislation have been reviewed by the City Attorney and the Budget Bureau. The Department of Workplace and Employment Standards Office reviewed and supports the request to waive solicitation and L/SLBE requirements. The Lake Merritt Working Group consists of the Public Works, Transportation, Fire, Police, and Parks and Recreation and Youth Development Departments, the City Council Offices, and is convened by the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: the Lake Merritt Parking Management Plan put forward in this report would reduce the City's expenses on the parking system, generate revenues to offset increasing demand for services at Lake Merritt, promote access to valuable curb space and enhance community benefits, thus bolstering the economic vitality of Lake Merritt, adjacent commercial districts and other areas.

Environmental: these reforms would contribute to reducing greenhouse gas emissions, due to less circling and idling of vehicles searching for parking, and potentially support much-needed services such as trash receptacles and collection that would protect the environment.

Race and Equity: these reforms would correct inequitable outcomes in existing parking policies that favor drivers over public transit users, who are majority black, Latinx and low-income. It also will reduce the need for a large police presence at the lake to manage traffic. Historically, a large Police presence has led to disproportionate enforcement against communities of color. Additionally, the current rules are inconsistent in different parts of the lake, with some parts metered, other parts with 3 hour restrictions, and others with no restrictions. Creating a consistent plan will help residents avoid expensive citations caused by these inconsistencies.

The City is aware that some critics of this proposal will argue that requiring fee-based parking will discourage low income residents from accessing Lake Merritt, however, the current system, and the traffic control measures the City was compelled to put in place in the summer, limited public access to much-needed parking, diverted public transit making it harder for bus riders to

visit Lakeshore Avenue in particular, and made it harder for people to enjoy Lake Merritt unless they lived nearby. This plan removes these barriers.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

These actions are statutorily exempt under the California Environmental Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges). CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council:

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- II. Adopt The Following Pieces of Legislation:
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- (E) Affirming That The District Bordering Lake Merritt Would Benefit From Metering 8am - 8pm, Seven Days A Week; And
- (F) Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Joe DeVries, Director of Interdepartmental Project, at (510) 238-3083.

Respectfully submitted,

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