



Office of the City Manager

CONSENT CALENDAR

July 25, 2006

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette R. Ford, Acting Director, Public Works

Subject: Contract Amendment: Assessment Engineering Services for Utility Underground
Assessment District No. 2006-47 (Miller/Stevenson)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Harris & Associates for assessment engineering services on the Utility Underground Assessment District No. 2006-47 (Miller/Stevenson), increasing the contract amount by \$12,000 for a total amount not to exceed \$37,000, and extending the contract period to June 30, 2007.

FISCAL IMPACTS OF RECOMMENDATION

On June 20, 2006, the property owners in proposed Utility Underground Assessment District No. 2006-47 (District) cast ballots weighted according to the proportional financial obligation. 90% of the residents who cast ballots approved the assessment district. Harris & Associates provided the assessment engineering services which are necessary to establish the assessment district and finance its utility underground improvements.

The City will issue and purchase approximately \$591,934 in bonds with General Fund monies to finance the utility underground improvements for this District. The bonds will be paid back by assessments collected from parcels in the District over a five-year period starting in FY 2007.

Bond proceeds will be budgeted in the Underground Districts fund and will pay for this amendment of \$12,000 (Budget Code 475-5212-431-3038, Project Code XX8P44). The CMS No. is AWFHF. The funds for the bond proceeds and contract amendment will be appropriated as par of the First Amendment to the Appropriations Ordinance. Bond proceeds will also reimburse the other Public Work's fund that was used to pay for the initial \$25,000 contract with Harris & Associates while budgeting procedures and funding for the remaining utility districts were established.

In 1994, Zone of Benefit No. 15 was annexed into the Berkeley Street Light Underground Assessment District No. 1985-1 for the installation of streetlights in several Districts, including UUD No. 47. Assessments were levied and collected for Zone No. 15 from 1995 through 1999. The Zone of Benefit No. 15 was dissolved June 20, 2006 on the establishment of UUD No. 47. The total in the UUD No. 47 account of \$117,946 includes \$82,994 collected and \$34,952 in

accumulated interest earned through June 30, 2006. The property owners in UUD No. 47 will be given the choice of either applying the old assessment with interest towards their new assessment or receive a check from the City for that amount.

CURRENT SITUATION AND ITS EFFECTS

Utility Underground District No. 47- Miller/Stevenson (UUD No. 47) is one of three utility underground districts established in 1992 and 1993. The City is fronting the costs for staff time and consultant services for these districts. The districts will reimburse these costs to the City through the assessments.

In June 2005, a contract was executed with Harris & Associates for an amount not to exceed \$25,000 to secure the assessment engineering services. Bond proceeds from the new assessment will be used to pay for this contract. It is further necessary to increase the amount of this contract to cover added assessment confirmation services and consultation in an amount not to exceed \$12,000.

BACKGROUND

In June 2005, Harris & Associates was hired by the City to perform assessment engineering services for UUD No. 47. The firm had meetings in 2005 with the City's special counsel, the City Attorney's Office, and Finance and Public Works Departments to resolve legal and procedural matters, and scope of work issues for a new assessment process for this District. The District cast ballots on June 20, 2006, with approximately 90 percent of the ballots cast, weighted in accordance to its financial obligation, in favor of the new assessments and assessment district.

This contract amendment is for the final tasks needed to finalize assessment procedures.

RATIONALE FOR RECOMMENDATION

There are a number of tasks required to complete the assessment process and prepare assessments for levy and collection. It is recommended the City continue the services of Harris & Associates who prepared the Assessment Engineer's Report and determined the benefits to be received by each parcel in the District. This will provide continuity of the process as well as the expertise and experience of the consultant under contract.

CONTACT PERSON

Jeffrey L. Egeberg, Manager of Engineering, Public Works, 981-6400
Lorin Jensen, Supervising Civil Engineer, Public Works, 981-6411

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT AMENDMENT: ASSESSMENT ENGINEERING SERVICES FOR UTILITY
UNDERGROUND ASSESSMENT DISTRICT NO. 2006-47

WHEREAS, on June 20, 2006, the property owners in Utility Underground Assessment District No. 2006-47 (Miller/Stevenson) cast ballots weighted in accordance of its financial obligation with over 90 percent of votes in favor of the assessments and Assessment District; and

WHEREAS, assessment engineering services are required for Utility Underground Assessment District No. 2006-47; and

WHEREAS, the City does not have the staff that can provide these services based on technical knowledge and experience; and

WHEREAS, Harris & Associates has staff with the requisite technical knowledge, skills and abilities to provide assessment engineering services; and

WHEREAS, Harris & Associates has a current contract (No. 6550) for assessment engineering services with the City, and this contract amendment will provide continuity to the process; and

WHEREAS, the property owners within the Assessment District approved assessment engineering services as part of the incidental costs to establish the assessment district; and

WHEREAS, the City will issue and purchase approximately \$591,934 in bonds with General Fund monies to finance the utility underground improvements for this District and will be paid back by assessments collected from parcels in the District over a five-year period starting in FY 2007; and

WHEREAS, bond proceeds will be budgeted in the Underground Districts fund to pay for this amendment and will also reimburse the other Public Work's fund that was used to pay for the initial \$25,000 contract with Harris & Associates; and

WHEREAS, funds for this contract amendment in the amount of \$12,000 are in Budget Code 475-5212-431-3038, Project Code XX8P44; CMS No. AWFHF.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute an amendment to the contract with Harris & Associates for additional assessment engineering services increasing the contract amount by \$12,000 for a total amount not to exceed \$37,000, and extending the contract period to June 30, 2007. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.