



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Execute an Addendum to the Original Agreement with NBS Government Finance Group to Provide Formation and Annexation Services for 1972 Landscape and Lighting Districts

MEETING DATE: July 20, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to execute an addendum to the original agreement with NBS Government Finance Group to provide formation and annexation services for 1972 Landscape and Lighting Districts.

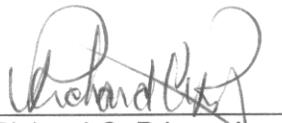
BACKGROUND INFORMATION: The City has an existing agreement with NBS/Lowry, Inc. (now NBS Government Finance Group) approved by Council on April 17, 1996, to provide administrative and related services for 1915 Act Assessment Districts.

Public Works Department staff is currently processing six residential projects that are required, as a condition of tentative map approval, to provide for on-going maintenance and replacement of certain public improvements to be constructed with those projects and a prorated share of public park land in conformance with Resolution No. 2003-250 approved by the City Council on December 17, 2003. The improvements vary by project but include masonry reverse frontage walls, landscaping and irrigation improvements, and street trees in the parkways. The developers of the various projects have elected to annex to the existing Lodi Consolidated Landscape and Maintenance District 2003-1 to meet this requirement.

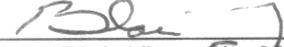
NBS has provided an addendum to the original agreement that will allow NBS to provide formation and annexation services for 1972 Landscape and Lighting Districts, including the Lodi Consolidated Landscape and Maintenance District 2003-1. The addendum applies to the projects currently in process, as well as future projects that will be annexed. A copy of the addendum is attached as Exhibit A. Staff recommends that Council adopt a resolution authorizing the City Manager to execute the addendum. The cost of the formation and annexation services will be paid by the developers.

FISCAL IMPACT: None. Annexation costs are paid by the developer.

FUNDING AVAILABLE: Not applicable.


Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer
RCP/SAW
Attachment
cc: Senior Civil Engineer Welch
NBS Government Finance Group, Attn: Tim Seufert

APPROVED: 
Blair King, City Manager



Local Government Solutions

May 9, 2005

Mr. Wally Sandelin
City Engineer
Department of Public Works
City of Lodi
300 West Pine Street
Lodi, CA 95240

Subject: Addendum to Original Agreement to Provide Formation and Annexation Services for 1972 Act Landscape and Lighting Districts.

Dear Wally:

As we discussed, we are forwarding this Addendum to you to provide formation and annexation services for 1972 Act Landscape and Lighting Districts. As we discussed, we can provide a type of application format so that the process can be smoother and more defined, and possibly create an "infill zone" as an annexation. If each of the small developments comes in one at a time, the costs will be higher than if all of the infill developments group together. The fees are laid out in the Fee section below. We anticipate that the initial 47 lots in the 7 small areas will come in 2 combined waves.

Please sign both copies of this addendum and return one copy to **NBS**.

Scope of Service

|1972 Act Annexation Services|

Project Schedule. NBS will communicate with City staff, legal counsel and other interested parties to:

- Establish lines of communication.
- Clarify the specific project goals, components and criteria that will meet City preference.
- Identify and resolve any special circumstances that may be involved in the update/administration of the districts.
- Develop project schedules to meet legal requirements and provide for effective interfacing of all involved parties.
- Establish meeting points consistent with schedule to achieve project milestones.
- Establish and coordinate with City staff a schedule to assure completion of necessary actions and compliance with statutes.

Parcel Database. NBS will establish a district parcel database for assessor parcels as currently shown on the County assessor's parcel maps. The database will include land divisions, ownership and mailing information, and parcel information relevant to the spread of the assessments.

Budget Development. NBS will assist City staff in order to establish an annual district budget for the projected costs of maintaining all future improvements. Cost categories may include, but not be limited to, landscape and lighting maintenance, capital improvements, incidental costs (engineering, legal, city administration), operating reserves, capital improvement reserves, and delinquency reserves.

Agency Review. NBS will communicate with City staff to address issues pertaining to costs, improvements, statute requirements and benefit received. We will provide analysis of proposed assessments, as well as contributions to be made from the City to the districts. We will review mailed and published legal notices, establish dates for public meeting and public hearing, if required, verify scheduling, City approach and district requirements, and other issues related to the successful operation of the districts.

Preliminary Engineer's Annexation Report. NBS will prepare, submit and review with City staff a *Preliminary Engineer's Annexation Report*, including description of improvements, plans and specifications, cost estimate, assessment criteria, assessment roll and diagram.

Legal Notices. NBS will prepare legal notice to be mailed, as required, for compliance with the 1972 Act and Proposition 218. We will review legal notice of public hearings to be published, as required, by the 1972 Act.

Meeting Attendance. NBS will attend up to four district related Council meetings, including the Public Meeting and the Public Hearing, as requested by the City.

Levy Submittal. NBS will submit the levy to the County Auditor Controller in the required magnetic tape format. Assessments rejected by the County Auditor-Controller will be researched and resubmitted for collection on the County Tax Roll when possible.

Final Engineer's Annexation Report. NBS will prepare, submit and review with City staff a *Final Engineer's Annexation Report*, including description of improvements, plans and specifications, cost estimate, assessment criteria, assessment roll and diagram as approved by the Council.

Toll-Free Phone Number. NBS will provide a toll-free phone number for use by the City and all property owners. Our staff will be available to answer questions regarding the annexation of the district and ongoing collection of assessments.

Fees

[1972 Act Annexation Services]

1972 Act Annexation Services for existing districts.....\$5,000 (Flat fee) plus \$25 per final lot

Combined Annexations.....\$6,500 (Flat fee) plus \$25 per final lot
(This assumes certain economies of scale and process efficiency.)

[Additional Services]

Following is the current hourly rate. Additional services authorized by the City will be billed at this rate or the then-applicable hourly rate.

Title	Hourly Rate
Director	\$ 135
Engineer	125
Senior Consultant/Programmer	110
Consultant	85
Analyst	65
Clerical/Support	45

Fees – Additional Information

[Expenses]

Customary out-of-pocket expenses will be billed to the City at actual cost to **NBS**. These expenses may include, but not be limited to travel, postage, telephone, reproduction, meals and various County charges for tapes, maps, and recording fees.

[Terms]

Fees for all services will be invoiced upon completion of the task. If the project is prematurely terminated by either party, **NBS** shall receive payment for work completed. Payment shall be made within 30 days of submittal of an invoice. If payment is not received within 90 days simple interest will begin to accrue at the rate of 1.5% per month. Either party can cancel contracts with 30 days written notice.

Please feel free to contact me if you have any questions or need further information.

Best regards,
**NBS Government Finance Group,
DBA NBS**

City of Lodi



Mike Rentner

President and CEO
Title _____ Date _____

Name

Title _____ Date _____

RESOLUTION NO. 2005-146

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO EXECUTE AN ADDENDUM TO ORIGINAL AGREEMENT WITH
NBS GOVERNMENT FINANCE GROUP TO PROVIDE FORMATION AND
ANNEXATION SERVICES FOR 1972 LANDSCAPE AND LIGHTING DISTRICTS

WHEREAS, the City has an existing agreement with NBS/Lowry, Inc. (now NBS Governmental Finance Group), which was approved by the City Council on April 17, 1996, to provide administrative and related services for 1915 Act Assessment Districts; and

WHEREAS, the Public Works Department is currently processing six residential projects that are required, as a condition of tentative map approval, to provide for on-going maintenance and replacement of certain public improvements to be constructed with those projects and a prorated share of public park land in conformance with Resolution No. 2003-250 approved by the City Council on December 17, 2003; and

WHEREAS, the improvements vary by project but include masonry reverse frontage walls, landscaping and irrigation improvements, and street trees in the parkways; and

WHEREAS, the developers of the various projects have elected to annex to the existing Lodi Consolidated Landscape and Maintenance District 2003-1 to meet this requirement; and

WHEREAS, NBS has provided an addendum to the original that will allow NBS to provide formation and annexation services for 1972 Landscape and Lighting Districts, including the Lodi Consolidated Landscape and Maintenance District 2003-1; and

WHEREAS, the addendum applies to the projects currently in process, as well as future projects that will be annexed, with all costs of formation and annexation services to be paid by the developers; and

WHEREAS, staff recommends that the City Council authorize the City Manager to execute the addendum to the agreement with NBS Government Finance Group.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Manager to execute an addendum of the original agreement with NBS Government Finance Group to provide formation and annexation services for 1972 Landscape and Lighting Districts.

Dated: July 20, 2005

I hereby certify that Resolution No. 2005-146 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 20, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and
Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE L. MOUNCE

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

BLAIR KING
City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

July 14, 2005

NBS Government Finance Group
Attn: Tim Seufert
41661 Enterprise Circle North, Ste. 225
Temecula, CA 92590

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute an Addendum to the Original Agreement with NBS Government Finance Group to Provide Formation and Annexation Services for 1972 Landscape and Lighting Districts

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, July 20, 2005. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at (209) 333-6800, extension 2659.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk