



# CITY OF POMONA COUNCIL REPORT

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February 4, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Rene Guerrero, Interim Public Works Director

Subject: **Adoption of a Resolution Authorizing Harris & Associates and NBS Government Finance Group as the Engineers of Record for FY 2019-20 and Ordering Preparation of the 2019-20 Engineer's Report for the Annual Assessment Levy of Citywide Street Lighting and Landscaping Maintenance Districts**

## OVERVIEW

**Recommendations** – That the City Council adopt a Resolution (Attachment 1):

1. Authorizing Harris & Associates as the Engineer of Record for three Assessment Maintenance Districts that include: South Garey Avenue, University Corp. Center, and Zone C for FY 2019-20; and ordering the preparation of the 2019-20 Annual Engineer's Report pursuant to the Provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, for the Annual Assessment Levy for these Districts for 2019-20.
2. Authorizing NBS Government Finance Group (NBS) as the Engineer of Record for one Assessment Maintenance District, Phillips Ranch – Zone AB, for FY 2019-20; and ordering the preparation of the 2019-20 Annual Engineer's Report pursuant to the Provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, for the Annual Assessment Levy for this District for 2019-20.

**Fiscal Impact** – The cost represents a renewal of professional services for Harris & Associates and the addition of NBS as the Engineer of Record for the Phillips Ranch – Zone AB Assessment District. The proposed fees are a fixed amount of \$21,730. This cost represents a renewal of the Harris & Associates contract in the amount of \$12,230 and the addition of NBS in the amount of \$9,500 for Fiscal Year 2019-20. Funding for this project is as follows:

253-4075-52285-00000	\$4,076	South Garey Ave.
254-4072-52285-00000	\$4,077	University Corp. Center
255-4074-52285-00000	\$4,077	Zone C
256-4076-52285-00000	\$9,500	Phillips Ranch – Zone AB
<b>Total</b>	<b>\$21,730</b>	

**Public Notice Requirements** - No Public Hearing is required for the ordering of the Engineer's Report; however, the Adoption of the District's Engineer's Report will require a Public Hearing.

**Previous Related Actions** – (See Attachment 2 for Previous Related Council Actions)

## EXECUTIVE SUMMARY

Adopting the attached Resolution will declare Harris & Associates to be the Engineer of Record for three of Pomona's Consolidated Citywide Street Lighting and Landscaping Maintenance Districts (South Garey Avenue, University Corp. Center, and Zone C) and authorizes Harris & Associates to prepare the Fiscal Year 2019-20 Annual Engineer's Report for these Districts in accordance with the Landscaping and Street Light Act of 1972. This action also declares NBS as the Engineer of Record for the Phillips Ranch Zone – AB and authorizes NBS to prepare the Fiscal Year 2019-20 Annual Engineers Report for this District in accordance with the Landscaping and Street Light Act of 1972. The declaration of an Engineer of Record is a statutory requirement which must be completed prior to preparing the report, which outlines the District charges per parcel. The report will be considered at a Public Hearing. Upon receiving testimony at the Public Hearing, City Council will consider approval of reports for submittal to the Los Angeles County Auditor by or before the current August 10, 2019 deadline which is subject to change.

## DISCUSSION

Prior to June 1990, the City operated four Assessment Maintenance Districts, with nine Zones (A through I), each as a separate process. In 1990, pursuant to the Landscaping and Street Lighting Act of 1972, the City established a Consolidated Citywide Street Lighting and Landscaping Maintenance District that now includes eight Zones, which is handled as a single process. The City's eight maintenance zones include: Zone A for landscaping only in Phillips Ranch; Zone C (citywide) and Zone I (Emerald Court Tract) which are for lighting only; and Zones B (Phillips Ranch), D (Garey Avenue – State Route 71/Lexington), E (Garey Avenue – Auto Center), F (Garey Avenue – Lexington to Ninth), and H (University Corporate Center) which are for lighting and landscaping.

The Engineers of Record will oversee the following actions for revenue collection: 1) preparing plans, specifications, a cost estimate, diagram, and Engineer's Report, consistent with the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California; 2) conducting a Public Hearing declaring the City's intention to provide for the annexation of additional property; and 3) establishing the Annual Levy Collection of Assessments pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California. These actions are to be approved by Council Resolution and adopted prior to the Assessment

Roll submission, by the Engineers of Record, to the Los Angeles County Auditor by August 10, 2019.

Through an informal bid process, Harris & Associates and NBS were selected as Engineers of Record to prepare the Annual Engineer's Report, and all other required processes to finalize the City's Assessment Roll for the City's Assessment Maintenance Districts. A total of five consulting firms were contacted and only two proposals were received. A panel independently reviewed and rated each proposal. The consultants with the highest rating were selected. The proposed Engineers of Record are Harris & Associates and NBS, and will perform the work for a not-to-exceed amount of \$21,730 total.

#### *Harris & Associates*

Harris & Associates was selected as an Engineer of Record to prepare the Annual Engineer's Report, and all other required processes to finalize the City's Assessment Roll, for three Assessment Maintenance Districts that include South Garey Avenue, University Corp. Center, and Zone C. The following schedule is anticipated for the required District proceedings for the City's 2019-20 Assessment:

#### **DISTRICT RENEWAL PROCEEDINGS**

#### **DATE**

Adopt Resolution Designating the Engineer of Record and Ordering Preparation of the Engineer's Report	February 4, 2019*
Complete Preliminary Parcel Map Reconciliation	May 6, 2019
Complete Draft Preliminary Engineer's Report	May 20, 2019
Adopt Resolution Approving Preliminary Engineer's Report and Setting Public Hearing	June 3, 2019*
Conduct Public Hearing and Adopt Final Resolution*	July 1, 2019*
Deadline to Submit Assessments/Parcel Information to County Recorder	August 10, 2019
<i>*Proposed City Council action dates</i>	

#### *NBS and Phillips Ranch Assessment District*

On April 23, 2018, the City Council approved the formation of the Phillips Ranch Assessment District Ad Hoc Committee (Committee). The work of the Committee will result in recommendations which will be presented to City Council to determine future service and assessment levels for an area that has not had an assessment increase since the 1990's. Any changes to the assessment amounts would be subject to a voting process for the property owners within the Phillips Ranch Assessment District. The Committee is comprised of nine voting members and one alternate who volunteer their time bi-weekly to meet and design a plan for the Assessment District.

While the City currently has a contract with Harris & Associates to develop an annual Engineer's Report for the Citywide Assessment District, the contract does not include consultant services for the development of financial and service level alternatives. To obtain a Consultant to perform

this work, a bid process began September 18, 2018. In addition to posting the bid to the City's website and Public Notice Board, it was posted on the PlanetBid website. Twenty-three (23) external vendors were notified through Bid Broadcast, with two vendors submitting bids. After an inter-department team reviewed the proposals, NBS was determined the most qualified, responsive, and responsible bidder

The contract was approved by Council on November 19, 2018 in the amount of \$57,080, which includes \$9,500 budgeted for the Engineer's Report and the balance to develop financial and service level alternatives and balloting materials. NBS is responsible to ensure recommendations will meet all local, state, and federal regulations including compliance with Proposition 218 and appropriate assessment district regulations. The consultant will provide assistance through the City Council review process and will handle the noticing and voting process, and submit the appropriate materials (updated rate if approved and current rate if rejected) to Los Angeles County by the FY 2019-20 property assessment deadline. The following schedule is anticipated for the required District proceedings for the City's 2019-20 Assessment:

**ENGINEER'S REPORT AND BALLOT PROCESS**

**DATE**

Adopt Resolution Designating the Engineer of Record and Ordering Preparation of the Engineer's Report	February 4, 2019*
Complete Study of Phillips Ranch Assessment District and Develop Service Level alternatives	February 12, 2019
Complete Draft Preliminary Engineer's Report	March 10, 2019
Presentation to City Council on Service Level Options and Selection of Option by City Council	March 18, 2019*
Adopt Resolution Approving Preliminary Engineer's Report and Setting Public Hearing	March 18, 2019*
Mail Educational Materials and Ballots	April 1, 2019
Conduct Public Hearing and Adopt Final Resolution*	June 17, 2019*
Deadline to Submit Assessments/Parcel Information to County Recorder <i>*Proposed City Council action dates</i>	August 10, 2019

The City of Pomona's Consolidated Citywide Street Lighting and Landscaping District remains exempt from the provisions of Article XIID of the State Constitution (Proposition 218), until such time as an increase of the City's assessment rates is proposed (e.g. additional revenue required to cover cost of services). If the City made a determination to adjust the charges, the City/District would need to comply with all Proposition 218 requirements.

Attachments:     1. Resolution  
                      2. Previous Related Council Actions

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