RESOLUTION AUTHORIZING AN AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH SIEGFRIED ENGINEERING, INC., IN THE AMOUNT OF $71,830.00 TO PREPARE THE STOCKTON CONSOLIDATED STORM DRAINAGE MAINTENANCE ASSESSMENT DISTRICT NO. 2005-1 ANNUAL ENGINEER’S REPORT AND ASSESSMENT SEGREGATIONS FOR FISCAL YEAR 2006-2007

WHEREAS, the City of Stockton, a municipal corporation, hereinafter referred to as "CITY," and Siegfried Engineering, Inc., hereinafter referred to as "FIRM," entered into a Professional Services Contract for Preparing Engineering Report for Assessment District on June 7, 2005, pursuant to Resolution No. 05-0226, as part of a vendor pool; and

WHEREAS, CITY now desires to hire FIRM to provide engineering services for the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1 for the 2006-2007 Tax Year; and

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, ASfollowS:

1. The City Manager is hereby authorized and directed to execute said amendment to Contract on behalf of the City of Stockton, a copy of which is attached as Exhibit "A" and incorporated by this reference.

2. The City Manager is hereby authorized and directed to take all other actions necessary to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED MAY - 9 2006

EDWARD J. CHÁVEZ
Mayor of the City of Stockton

ATTEST:
KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
AMENDMENT TO
PROFESSIONAL SERVICES CONTRACT
FOR
Preparing Engineer Report for Assessment District

Prepare the Stockton Consolidated
Storm Drainage Maintenance Assessment District No. 2005-1
Annual Engineer’s Report and Assessment Segregations for 2006-2007 Tax Year

This Amendment to Professional Services Contract for Preparing Engineer Report for Assessment District is made and entered into on ______________, by and between the City of Stockton, a municipal corporation, hereinafter referred to as “CITY,” and Siegfried Engineering, Inc., hereinafter referred to as “FIRM,” to provide CITY for Preparing the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1 Annual Engineer’s Report and Assessment Segregations for 2006-2007 Tax Year.

WITNESSETH:

WHEREAS, CITY and FIRM entered into a Professional Services Contract for Preparing Engineering Report for Assessment District on June 7, 2005, as part of a vendor pool and desire to amend said Contract by specifying FIRM to provide CITY for Preparing the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1 Annual Engineer’s Report and Assessment Segregations.

NOW, THEREFORE, in consideration of these premises and the following terms and conditions, the parties hereto agree as follows:

1. Section 1, Scope of Services is hereby amended to include Preparing the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1 Annual Engineer’s Report as per Exhibit "A"; and providing Assessment Segregation services as per Exhibit "B", attached hereto and by reference made a part hereof.

2. Section 2, Compensation is hereby amended (in the amount of $71,830.00) to include Exhibit "A" and Exhibit "B". This compensation amount is for preparation of the Annual Engineer’s Report and Assessment Segregations for 2006-2007 Tax Year.

3. Section 3, This contract is renewable for two (2) years upon prior approval by the City Council in the amounts of $32,845.00 for 2007-2008 and $33,715.00 for
2008-2009. These costs are only for the preparation of the Annual Engineer's Report and does not include the cost for Assessment Segregations. The amount for the 2007-2008 and 2008-2009 costs to perform the Assessment Segregations cannot be determined at this time. These costs will be determined prior to Council approval for each subsequent year covered under this contract.

4. Section 4, Schedule for Completion is hereby amended to include Exhibit “A” and “B”.

5. Section 5, Notices, is hereby amended to provide that FIRM shall notify the City of Stockton Municipal Utilities Department, Mark Madison, Director, on all matters related to the work.

6. All other terms and conditions of the Contract not expressly amended by this document shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to Contract to be executed on the date and year first written above.

CITY OF STOCKTON, a municipal corporation

By __________________________
City Manager

Siegfried Engineering, Inc.

By __________________________
Title Vice President
Printed Name Anthony J. Lopes

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

By __________________________

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By __________________________
Deputy City Attorney
EXHIBIT A

SCOPE OF CIVIL ENGINEERING SERVICES
ANNUAL ENGINEER'S REPORT

Revised April 6, 2006

SCOPE OF SERVICES BY THE CONSOLIDATED STORM DRAINAGE MAINTENANCE ASSESSMENT DISTRICT ENGINEER

Siegfried Engineering, Inc. (SEI) shall provide the following Scope of Services (Scope) as the Engineer for the existing eleven (11) zones and/or subzones of the Stockton Consolidated Storm Drainage Maintenance Assessment District, No. 2005-1 (District):

1. Based on an annual budget prepared for each zone by others and approved by the City of Stockton (City), annually calculate the proposed assessment to be levied against each parcel for the parcel's share of the budget costs for the following tax year, and annually prepare the Assessment Roll for each zone for the following tax year. Prior to the annual calculation, the following conditions and/or services shall be provided in the order indicated.

   a. The City shall provide to the Engineer the electronic media of the latest available San Joaquin County Assessor's Roll, including the complete parcel data, e.g. area, use code, etc.

   b. The Engineer will identify all parcels having data that has changed from the previous tax year's Assessor's Roll for the purpose of updating data files and identifying changes to the Assessor Parcel Numbers.

   c. The Engineer will identify all revised or added Assessor's Maps.

   d. The Engineer will determine the appropriate cost of living adjustment factor to be applied to each zone.

Prior to completing the calculation, the Engineer will identify any assessment increases against each parcel from the prior year's assessment and will meet with the City staff to review any proposed increase in annual assessments that would trigger the Proposition 218 (Prop. 218) ballot process or otherwise require mailed notices. If appropriate, the Engineer and City staff will attempt to reach a reasonable resolution to the proposed increase in annual assessments.

2. The Annual Engineer's Report for each tax year shall include the following information for each zone:

   a. a description of the improvements to be maintained for the next tax year as furnished by the District Manager,
b. an estimate of the maintenance cost of all improvements as furnished by the District Manager,

c. an estimate of administrative costs as furnished by the City,

d. an estimate of the total assessments,

e. an updated Assessment Diagram which based upon the unchanged Assessment Diagram from the previous Annual Engineer's Reports of the preceding tax year and any added or revised Assessor's Maps (subject to the conditions below) and including an Index Sheet of the District's zones,

f. the Assessment Roll by Assessor's Parcel Number, and

g. the assessment spread of the proposed assessments for the following tax year.

3. The Annual Engineer's Report for the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1 shall be provided for approval by the City Council.

4. Attend City Council meetings and public hearings pertaining to the District as necessary.

5. Following approval by the City Council of the proposed assessments, provide to the San Joaquin County Tax Assessor the approved assessment spread in electronic media form and in a format compatible with the San Joaquin County Tax Roll for collecting the assessments with next year's San Joaquin County tax bills prior to the August 1 deadline.

   a. It is understood that the Scope includes the Engineer making inconsequential changes to the Assessor's Tax Roll. However, it is understood that the addition to the tax roll of a subdivision unit is considered a substantial change. Corrections required as a result of this event shall be considered extra work and shall be subject to the conditions below.

6. It is understood by the Engineer and the City that:

   a. The Proposition 218 ballot process or other mailed notice procedures are not required when the proposed annual assessment does not exceed the annual assessment of the preceding year.

   b. The Proposition 218 ballot process or other mailed notice procedures are not required for new parcels created from the subdivision of an existing parcel in the District provided that:
1) the original unsubdivided parcel was assigned a maximum annual assessment based upon the anticipated future number of subdivided parcels it may yield, and

2) the assessments against each new parcel does not exceed the maximum annual assessment in accordance with the criteria set forth in the formation of the District.

COMPENSATION FOR SCOPE OF SERVICES

1. Listed below is the fee schedule for the preparation of the Annual Engineer's Report and Assessment Roll for the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1 for the stated tax years:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverbend</td>
<td>Zone 1</td>
<td>$3,350</td>
<td>$3,435</td>
<td>$3,520</td>
</tr>
<tr>
<td>Cannery Park</td>
<td>Zone 2-A</td>
<td>$4,350</td>
<td>$4,460</td>
<td>$4,570</td>
</tr>
<tr>
<td>Cannery Park</td>
<td>Zone 2-B</td>
<td>$4,350</td>
<td>$4,460</td>
<td>$4,570</td>
</tr>
<tr>
<td>Simbad Estates</td>
<td>Zone 3</td>
<td>$2,450</td>
<td>$2,510</td>
<td>$2,575</td>
</tr>
<tr>
<td>Dama Estates</td>
<td>Zone 4</td>
<td>$2,450</td>
<td>$2,510</td>
<td>$2,575</td>
</tr>
<tr>
<td>Silver Springs and Gold Springs</td>
<td>Zone 5-A</td>
<td>$2,850</td>
<td>$2,920</td>
<td>$3,030</td>
</tr>
<tr>
<td>Silver Springs and Gold Springs</td>
<td>Zone 5-B</td>
<td>$2,450</td>
<td>$2,510</td>
<td>$2,575</td>
</tr>
<tr>
<td>Old Oak Estates</td>
<td>Zone 6</td>
<td>$2,450</td>
<td>$2,510</td>
<td>$2,575</td>
</tr>
<tr>
<td>Oakmore Meadows</td>
<td>Zone 7</td>
<td>$2,450</td>
<td>$2,510</td>
<td>$2,575</td>
</tr>
<tr>
<td>Little Johns Creek North and South</td>
<td>Zone 8</td>
<td>$2,450</td>
<td>$2,510</td>
<td>$2,575</td>
</tr>
<tr>
<td>Little Johns Creek South</td>
<td>Zone 9</td>
<td>$2,450</td>
<td>$2,510</td>
<td>$2,575</td>
</tr>
<tr>
<td>Malisa Manor</td>
<td></td>
<td>$32,050</td>
<td>$32,845</td>
<td>$33,715</td>
</tr>
<tr>
<td><strong>TOTAL ANNUAL FIXED FEE</strong></td>
<td></td>
<td><strong>$32,050</strong></td>
<td><strong>$32,845</strong></td>
<td><strong>$33,715</strong></td>
</tr>
</tbody>
</table>

If a contract is issued for a single year only, the following is the fee schedule for the preparation of the Annual Engineer's Report and Assessment Roll for the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1 for the 2006-2007 tax year:

<table>
<thead>
<tr>
<th>District Name</th>
<th>Zone</th>
<th>2006-2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverbend</td>
<td>Zone 1</td>
<td>$4,550</td>
</tr>
<tr>
<td>Cannery Park</td>
<td>Zone 2-A</td>
<td>$5,550</td>
</tr>
<tr>
<td>Cannery Park</td>
<td>Zone 2-B</td>
<td>$5,550</td>
</tr>
<tr>
<td>Simbad Estates</td>
<td>Zone 3</td>
<td>$3,650</td>
</tr>
<tr>
<td>Dama Estates</td>
<td>Zone 4</td>
<td>$3,650</td>
</tr>
<tr>
<td>Silver Springs and Gold Springs</td>
<td>Zone 5-A</td>
<td>$4,050</td>
</tr>
<tr>
<td>Silver Springs and Gold Springs</td>
<td>Zone 5-B</td>
<td>$3,650</td>
</tr>
<tr>
<td>Old Oak Estates</td>
<td>Zone 6</td>
<td>$3,650</td>
</tr>
<tr>
<td>Oakmore Meadows</td>
<td>Zone 7</td>
<td>$3,650</td>
</tr>
<tr>
<td>Little Johns Creek North &amp; South</td>
<td>Zone 8</td>
<td>$3,650</td>
</tr>
<tr>
<td>Malisa Manor</td>
<td>Zone 9</td>
<td>$3,650</td>
</tr>
<tr>
<td><strong>TOTAL ANNUAL FIXED FEE</strong></td>
<td></td>
<td><strong>$45,250</strong></td>
</tr>
</tbody>
</table>
Each fees listed above for the individual zones are to be considered as estimates only. The Total Annual Fixed Fee for this work is for the preparation of the Annual Engineer’s Report for all the zones. These fees do not include, and specifically exclude, any additional extra work required as described below.

2. SEI shall assign a specific job number to identify each zone within the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1. Should a zone be consolidated with another zone for any reason, the estimated fees listed in the table above shall be combined to establish the fees of the newly consolidated zone. In the event a zone is deleted from the Annual Engineer's Report for any reason, the fees associated with that zone will be subtracted from the Total Annual Fixed Fees, except the fees for work already performed for the zone prior to the deletion of the zone.

3. Monthly progress billings will be made as the work proceeds and are due when the bills are submitted.

**Additional Services Considered To Be Extra Work**

1. It shall be understood and agreed that the following are additional services considered to be extra work and that compensation shall be negotiated prior to performing the work:
   a. significant or cumulative changes in the previous year’s Assessor’s Tax Roll or after preparation of the proposed assessments has been completed,
      i. the addition to the tax roll of a new subdivision within an existing zone or annexed into a zone, and
      ii. the addition of new zones or subzones to the District.

2. The extra work for adding new zones or subzones may include, but is not limited to:
   a. revising the Annual Engineer’s Report including:
      i. preparing a description of the boundary of proposed zones or subzones,
      ii. preparing boundary maps of the proposed zones or subzones,
      iii. developing formulas for the spread of assessments,
      iv. spreading the assessments,
      v. generating a file based on Assessor’s Parcel Numbers that includes the criteria to be used for the spread of assessments, and
vi. preparing ten (10) copies of the revised Annual Engineer's Report, which shall include the following:

1) description of improvements to be maintained and furnished,

2) estimated maintenance cost from data furnished by the Developer of the land within the proposed zone or subzone,

3) estimate of zone formation and administration costs and total assessment,

4) criteria for spreading assessments,

5) assessment roll listed by Assessor's Parcel Number.

6) property owners list, and

7) Assessment Diagram.

b. post notices, provided by others, at the site,

c. attend preparatory meetings and public hearings on proposed formation of assessment zone or subzone and on assessments,

d. prepare modifications to the Annual Engineer's Report and assessments as directed by City of Stockton after conclusion of hearings,

e. prepare final assessment roll and reconcile with the San Joaquin County Assessor's roll, and

f. provide electronic media of assessment roll for next tax year.

3. Any work which requires a Proposition 218 ballot process as a result of an increase to the assessments levied the previous year, whether required for a new zone or an existing zone, shall be considered extra work. Compensation shall be negotiated at such time as it may be necessary to perform this extra work. The extra work for a proposition 218 ballot process may include:

a. prepare and mail necessary notices and ballots pursuant to Proposition 218,

b. conduct tabulation of ballots submitted in accordance with Proposition 218, and

c. calculate the specific and general benefit components of the assessments in accordance with the provisions of Proposition 218.
COMPENSATION FOR ADDITIONAL SERVICES

1. Compensation for all extra work shall be subject to negotiation and shall be paid in accordance with SEI's attached current Charge Rate Schedule, dated February 11, 2006. The City agrees that the attached Charge Rate Schedule is subject to a reasonable adjustment on or about August 1 of each year based upon SEI's charge rate schedule which is in effect at the time the extra work is performed. Any work performed past August 1 of each year shall be performed under the adjusted Charge Rate Schedule for the following period.

2. The Engineer's fee added to the Total Annual Fixed Fee as a result of addition of zones and/or subzones into the Consolidated Storm Drainage Maintenance Assessment District Annual Engineer's Report shall be based upon a set minimum fee plus an additional fee based upon the number of parcels in the newly formed zone. For extra work performed during the 2006-2007 tax year under a three year contract, the set minimum fee shall be $2,300 plus the additional fee determined as follows:

- For 0-100 parcels ............................................. $150
- For 101-250 parcels ....................................... $300
- For 251-500 parcels ...................................... $550
- For 501-750 parcels ...................................... $1,050
- For 751-1000 parcels .................................... $1,550
- For 1001 + parcels ....................................... $2,050

For extra work performed during the 2007-2008 tax year under a three year contract, the set minimum fee shall be $2,360 plus the additional fee determined as follows:

- For 0-100 parcels ............................................. $150
- For 101-250 parcels ....................................... $310
- For 251-500 parcels ...................................... $560
- For 501-750 parcels ...................................... $1,075
- For 751-1000 parcels .................................... $1,580
- For 1001 + parcels ....................................... $2,100

For extra work performed during the 2008-2009 tax year under a three year contract, the set minimum fee shall be $2,420 plus the additional fee determined as follows:

- For 0-100 parcels ............................................. $155
- For 101-250 parcels ....................................... $320
- For 251-500 parcels ...................................... $570
- For 501-750 parcels ...................................... $1,100
- For 751-1000 parcels .................................... $1,620
- For 1001 + parcels ....................................... $2,150
Exhibit A (Cont'd.)

For extra work performed during the 2006-2007 tax year under a single year contract, the set minimum fee shall be $3,500 plus the additional fee determined as follows:

- For 0-190 parcels .......................................... $150
- For 191-250 parcels ...................................... $300
- For 251-500 parcels ...................................... $550
- For 501-750 parcels ....................................... $1,050
- For 751-1000 parcels ................................... $1,550
- For 1001 + parcels ....................................... $2,050

It is understood that the above Engineer's fee added to the Total Annual Fixed Fee as a result of zones or subzones added into the Consolidated Storm Drainage Maintenance Assessment District Annual Engineer's Report do not include the negotiated compensation for extra work for the preparation of a revised Annual Engineer's Report for the formation of any new zones or subzones, or any work pursuant to Proposition 218.
EXHIBIT B

SCOPE OF SERVICES

ASSESSMENT DISTRICT SEGREGATION
(APPORTIONMENT ENGINEER)

March 17, 2006

SIEGFRIED ENGINEERING, INC. (SEI) shall provide the following Scope of Services (Scope) as the Engineer for the City of Stockton Municipal Utilities Department Assessment District Segregations (Apportionment):

1. Calculate the segregated assessments to be levied against new parcels, which are formed by certain instruments such as subdivision maps, parcel maps or lot line adjustments, in accordance with the benefits and assessments established in the original Engineer's Report. It is understood that the City shall request each segregation in writing and shall provide all needed information to assist the Engineer in correctly identifying the assessment parcel or parcels affected, in establishing the amount of the original assessment or assessments, in determining whether more than one (1) assessment exists on each affected parcel, and by furnishing a clear copy of a map depicting the land property activity which requires the assessment segregation.

2. Provide written report identifying the affected parcels of land, the new parcels created, and the recommended segregated assessment(s).

3. Prepare the amended (or amending) Assessment Diagram showing newly formed parcels. Amendments to the Assessment Diagram requiring more than two (2) sheets shall require the City to reasonably consider a request for payment for additional services. The City shall attempt to provide electronic file drawings of the new subdivision units for use to prepare the amendment to the Assessment Diagram.

4. All other remaining steps in the assessment segregation process, including notification of bond holder(s), preparation of the tax roll on magnetic tape, and filing the amended assessment diagram, shall be by others.

COMPENSATION

Listed below is the fee schedule for the preparation of each requested Assessment District Segregation.
A. For work performed during the 2006-2007 fiscal year, which is July 1, 2006 through June 30, 2007:

1. For a single phase (one bond sale) assessment district, $850.00 per segregation plus an amount for each newly created parcel to be determined as follows:
   - For the first five (5) parcels ..................................$65.00 per parcel
   - For the next twenty (20) parcels ..................$15.00 per parcel
   - For each parcel above twenty-five (25) .... $5.00 per parcel;

2. For a multiple phase assessment district requiring more than one (1) set of assessment segregation calculations, the above fee will be increased by an additional 25% for each separate set of assessment segregation calculations.

B. For work performed during the 2007-2008 fiscal year, which is July 1, 2007 through June 30, 2008:

1. For a single phase (one bond sale) assessment district, $875.00 per segregation plus an amount for each newly created parcel to be determined as follows:
   - For the first five (5) parcels ..................................$67.00 per parcel
   - For the next twenty (20) parcels ..................$16.00 per parcel
   - For each parcel above twenty-five (25) .... $5.00 per parcel;

2. For a multiple phase assessment district requiring more than one (1) set of assessment segregation calculations, the above fee will be increased by an additional 25% for each separate set of assessment segregation calculations.

C. For work performed during the 2008-2009 fiscal year, which is July 1, 2008 through June 30, 2009:

1. For a single phase (one bond sale) assessment district, $900.00 per segregation plus an amount for each newly created parcel to be determined as follows:
   - For the first five (5) parcels ..................................$69.00 per parcel
   - For the next twenty (20) parcels ..................$17.00 per parcel
   - For each parcel above twenty-five (25) .... $5.00 per parcel;

2. For a multiple phase assessment district requiring more than one (1) set of assessment segregation calculations, the above fee will be increased by an additional 25% for each separate set of assessment segregation calculations.