

City of Cotati

Sonoma County, California



**NOTICE OF SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF COTATI
MONDAY SEPTEMBER 28, 2009 7:00 P.M.**

NOTICE IS HEREBY GIVEN that a special joint meeting of the City Council and the Board of Directors of the Community Redevelopment Agency of the City of Cotati will be held on Monday September 28, 2009 at 7:00 p.m. at City Hall, which is located at 201 West Sierra Avenue, Cotati, California. The purpose of the meeting is:

7:00 p.m. Closed Session (City Manager's Office):

1. Conference with Legal Counsel--Anticipated Litigation: Significant Exposure to Litigation (Government Code Section 54956.9 (b)) (one potential case)
2. Public Employee Performance Evaluation (California Government Code Section 54957):
Title: City Attorney

8:30 p.m. Call to order City Council Meeting (City Council Chamber):

3. Consent Calendar
 - A. Agreement for Janitorial Services (Public Works/Eng) (Action): It is recommended that Council adopt a resolution approving a Janitorial Services agreement with Integrity Construction Maintenance, Inc., subject to final submission of insurance documents and employee background checks, and authorizing the City Manager to execute the agreement.
 - B. Agreement for Construction Observation and Project Management Services (Public Works/Eng) (Action): It is recommended that the Council adopt a resolution to authorize the City Manager to execute the Construction Observation, Project Management, and Material Testing Services Agreement with Green Valley Consulting Engineers for the East Cotati Avenue Improvements Project for an amount not to exceed \$65,000.

Adjourn City Council Meeting and Call to Order of Community Redevelopment Agency Meeting

4. Approval of Assignment and Purchase Agreement for Ryan Lane Affordable Housing: It is recommended that the Board adopt a resolution approving the expenditure of \$285,000, including closing costs not-to-exceed \$10,000, to purchase a .64 acre parcel located at the intersection of East Cotati Avenue and Ryan Lane.

Pursuant to California Government Code section 54954.3(a), members of the public wishing to address the Council may do so at the beginning of the special meeting, and such comments shall be limited to the special meeting topic(s).

Certification of Posting of the Notice: I declare under penalty of perjury that I am employed by the City of Cotati and that I posted this notice on the bulletin boards of City Hall, Veterans' Memorial Building and the U.S. Post Office on or before September 25, 2009

/s/ Tamara Taylor, Deputy City Clerk

City Council Agenda Consent

Subject: Agreement with Integrity Construction Maintenance, Inc for Janitorial Services

Date: September 28, 2009

Written by: Damien O’Bid, Director of Public Works / City Engineer

Recommendation

It is recommended that Council adopt a resolution approving a Janitorial Services agreement with Integrity Construction Maintenance, Inc., subject to final submission of insurance documents and employee background checks, and authorizing the City Manager to execute the agreement.

Background

On July 6, 2009, staff distributed a Request for Proposals from several reputable janitorial services companies, including:

- ALTECH BUILDING SERVICES
- INTEGRITY CONSTRUCTION MAINTENANCE
- UNIQUE BUILDING MAINTENANCE
- ENVIRONMENTAL DYNAMICS
- KENNETH WOODS CLEANING SERVICE
- SPOTLESS COMMERCIAL BUILDING MAINTENANCE SERVICES, INC.
- MANZO CLEANING SERVICES
- TOWN & COUNTRY JANITORIAL

Three firms responded by submitting proposals on July 15, 2009, as summarized below:

	Environmental Dynamics	Integrity Construction Maintenance	Unique Building Maintenance
Regular Cleaning (Annual)	\$25,695	\$18,268	\$21,240
As Requested Cleaning (Estimated Annual)	\$18,908	\$12,975	\$17,240

The low bidder for both regular cleaning and “as-requested” cleaning is Integrity Construction Maintenance (Integrity). The regular cleaning is for City Hall, Police Station, Cotati Room, and Community Center.

The proposals have been evaluated for responsiveness to the proposal criteria and references. For Integrity Construction Maintenance, background checks are in process.

Analysis/Discussion

The listed references for Integrity indicated satisfaction with the service that was provided. Currently, Integrity is finalizing the insurance documentation and is awaiting the results of some of the requested background checks.

In addition, because the City’s current janitorial service charges \$15,900 per year for regular cleaning, staff has been negotiating with Integrity to match the current cost due to general fund constraints. Integrity has agreed to a matching contract.

Financial Considerations

All funds for this service come from the General Fund. The request for proposal was conducted in order to improve the quality of service and to match or lower costs. The proposed contract would match the price of the contract with our current janitorial company for the same scope or work.

Environmental Issues

None.

Attachments:

1. Proposed resolution.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING
A JANITORIAL SERVICES CONTRACT WITH INTEGRITY CONSTRUCTION
MAINTENANCE, INC., SUBJECT TO FINAL SUBMISSION OF INSURANCE
DOCUMENTS AND EMPLOYEE BACKGROUND CHECKS, AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE CONTRACT.**

WHEREAS, the a Request for Proposals was issued to solicit proposals from janitorial services company that may offer better service at less than or equal to the City's current service costs; and

WHEREAS, Integrity Construction Maintenance is the lowest qualified bidder for janitorial services, and was able to match the City's currently budgeted expenditure of \$15,900; and

WHEREAS, prior to execution of this agreement, Integrity is required to submit final insurance documentation and employee background screening.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cotati that the Council adopt a resolution approving a Janitorial Services contract with Integrity Construction Maintenance, Inc., subject to final submission of insurance documents and employee background checks; and

BE IT FURTHER RESOLVED by the City Council of the City of Cotati that the City Manager is delgated the authority to execute the contract

IT IS HEREBY CERTIFIED that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 28th day of September, 2009 by the following vote, to wit:

GUARDINO	_____
COLEMAN-SENGHOR	_____
BARICH	_____
GILARDI	_____
ORCHARD	_____

Approved: _____
John Guardino, Mayor

Attest: _____
Tamara Taylor, Deputy City Clerk

City Council Agenda Consent Calendar

Subject: Agreement for Construction Observation and Project Management Services, Old Redwood Highway Rehabilitation – South Project

Date: September 28, 2009

Written by: Damien O’Bid, City Engineer / Director of Public Works

Recommendation

It is recommended that the Council adopt a resolution to authorize the City Manager to execute the Construction Observation, Project Management, and Material Testing Services Agreement with Green Valley Consulting Engineers for the East Cotati Avenue Improvements Project for an amount not to exceed \$65,000.

Background

On September 23, 2009, the City Council authorized award of the Old Redwood Highway Rehabilitation South Project to O.C. Jones & Sons, Inc. The administration of this construction contract requires review of a variety of submittals, including product submittals, requests for information, requests for payment, material testing and processing any required change orders. In addition, this project will require regular on-site observation to ensure general conformance with the contract requirements, organization of weekly field meetings, and response to various information requests by the public.

Green Valley Consulting Engineers (Green Valley) offers both construction observation and construction administration services, which they proposed to do for a fee not to exceed \$65,000.

Analysis/Discussion

Administration of construction contracts is time intensive, which detracts from the limited staff time available to work on other critical or required tasks. When construction is administered by a consultant, City staff are still extensively involved in the construction process, but are free from the daily routine tasks that consume significant time.

The construction contract time is 30 working days. Full time inspection will be necessary during the roadway rehabilitation and overlay portions of the work due to the fast pace and staffs desire

for continuous observation to ensure the desired work quality. The proposed scope of work with Green Valley reflects this projected level of effort.

Financial Considerations

The professional services agreement will be funded out of the General Capital Outlay Fund (Fund 204, Account 71082), which includes \$65,000 for this project in the adopted FY 09-10 budget. In the adopted budget, it was noted that this work may be reimbursable by ARRA funding. Due to the cost of the project construction, there will be no ARRA grant money left to fund construction management, inspection, and testing.

Environmental Issues

None.

Attachments:

1. Proposed resolution.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO
AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSTRUCTION
OBSERVATION, MATERIAL TESTING AND PROJECT MANAGEMENT
SERVICES AGREEMENT WITH GREEN VALLEY CONSULTING ENGINEERS
FOR THE OLD REDWOOD HIGHWAY REHABILITATION - SOUTH PROJECT FOR
AN AMOUNT NOT TO EXCEED \$65,000.**

WHEREAS, on September 23, 2009, the City Council authorized staff to award the Old Redwood Highway Rehabilitation Project to O.C. Jones & Sons, Inc.; and

WHEREAS, the administration of this construction contract requires review of a variety of submittals, including product submittals, requests for information, requests for payment, processing any required change orders, regular on-site observation to ensure general conformance with the contract requirements, material testing, organization of weekly field meetings, and responding to various information requests by the public; and

WHEREAS, City staff do not have sufficient time to conduct the routine tasks necessary to administer this construction project; and

WHEREAS, Green Valley Consulting Engineers (Green Valley) offers both construction observation, material testing, and construction administration services, which Green Valley proposed to do for a fee not to exceed fee \$65,000; and

WHEREAS, the necessary funding has been budgeted in the adopted FY 09-10 budget in the General Capital Outlay Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cotati that the City Manager is authorized to execute an agreement for Construction Observation and Project Management Services with Green Valley for a fee not to exceed \$65,000.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 28th day of September, 2009 by the following vote, to wit:

GUARDINO _____
COLEMAN-SENGHOR _____
BARICH _____
GILARDI _____
ORCHARD _____

Approved: _____
John Guardino, Mayor

Attest: _____
Tamara Taylor, Deputy City Clerk

Redevelopment Agency Agenda

Subject: Approval of Assignment and Purchase Agreement for Ryan Lane Affordable Housing

Date: September 28, 2009

Written By: Marsha Sue Lustig, Assistant to the City Manager/Acting Community Development Director

RECOMMENDATIONS

It is recommended that the Board adopt a resolution approving the expenditure of \$285,000, including closing costs not-to-exceed \$10,000, to purchase a .64 acre parcel located at the intersection of East Cotati Avenue and Ryan Lane.

Staff will return to CCRA Board with a funding agreement for the design and development costs of the proposed affordable housing.

Background

In February, the Cotati Community Redevelopment Agency (CCRA) approved the 2009 Affordable Housing Program for the Agency. One of the strategies included purchasing a parcel located on East School Street for a cooperative project with the Sonoma County Housing Land Trust. At the present time, the Agency and the Land Trust are not able to come to terms with the seller of that parcel. In the meantime, the Agency became aware of an opportunity to purchase a parcel which had obtained previous City approvals. The project before you is a substitute project for the 343 East School Street proposal.

Agency staff is requesting the Agency Board allocate funds to purchase a .64 acre parcel located at the intersection of East Cotati Avenue and Ryan Lane.

Analysis/Discussion

The Ryan Lane parcel is offered for sale by Sterling Bank for \$275,000. It had been listed for \$899,000 in 2006, and more recently, in 2009, for \$309,000. The property has a private road easement and a road maintenance agreement associated with the townhomes to the rear of the parcel. The City of Cotati approved a tentative map and planned unit

development for ten units (six units and four second units) in 2004. The tentative map recently expired.

The attachment to this report titled "Sale Comparable #6" is a comparable for the title report recently completed for the failed purchase of 343 East School Street. In the appraisal, 343 East School Street was appraised at \$475,000. That appraisal provides enough information to support an Agency purchase of the Ryan Lane parcel for \$275,000.

The original offer and agreement for purchase was between the Housing Land Trust and Sterling Bank. They have agreed to an assignment of Buyer's rights under the purchase agreement to the Agency. Therefore the Agency will take ownership of the property at this time. The attached resolution contains language that approves the assignment of the purchase agreement and the purchase, and authorizes execution of a Certificate of Acceptance of a Deed from Sterling Bank to the Agency.

The property is proposed to eventually be deeded to the Housing Land Trust for the development of affordable housing. Due to current market conditions, it seems prudent to purchase the land, design the project and process the entitlements. When the market improves the project can be constructed.

Environmental Considerations

The present project is categorically exempt from the California Environmental Quality Act pursuant to 14 California Code of Regulations ("CEQA Guideline") Section 15332 because it is the purchase of real property of less than five acres, within the city limits, intended for use as an infill affordable housing project presently estimated to be comprised of four single family units. Development of the site for that potential use would be consistent with the City of Cotati General Plan and applicable zoning designation and regulations.

Based on an Initial Study evaluating the project site for a prior ten unit development (six single family unit plus four second dwelling units) in 2004, the project site has no value as habitat for endangered, rare or threatened species, the potential project would not result in significant impacts relating to traffic, noise, air quality or water, and the site can be adequately served by all required utilities and public services. There are no circumstances which would except the proposed activity from the categorical exemption pursuant to CEQA Guidelines Section 15300.2. When a particular plan for development is proposed, the City will review continued use of the categorical exemption to determine whether it is still appropriate and/or whether a new Initial Study must be prepared to evaluate project-specific potential impacts which are not presently known.

Financial Considerations

The Cotati Community Redevelopment Agency's Low and Moderate Housing Fund currently has the following amounts identified as excess surplus:

Excess Surplus - FY 07-08, Must Be Eliminated by 7/1/2010	\$ 34,039
Excess Surplus - FY 08-09, Must Be Eliminated by 7/1/2011	\$ 532,263

The FY 09-10 budget identifies a capital improvement expenditure of \$700,000 for the Housing Land Trust. This amount is included in the CCRA Low/Mod Housing fund account 037-0902-71082.

Conclusion

This is an excellent time for the Agency to purchase properties that fulfill the affordable housing goals of the CCRA.

Attachments:

1. CCRA Resolution
2. Certificate of Acceptance
3. Addendum #1
4. Addendum #2
5. Sale Comparable #6 from Appraisal for 343 East School St. (also contains map of subject Property)

RESOLUTION NO. _____

**RESOLUTION OF THE COTATI COMMUNITY REDEVELOPMENT AGENCY
AUTHORIZING EXECUTION OF ASSIGNMENT OF A PURCHASE AND SALE
AGREEMENT BETWEEN THE HOUSING LAND TRUST OF SONOMA COUNTY
AND STERLING SAVINGS BANK FOR THE PURCHASE OF REAL PROPERTY
IDENTIFIED AS ASSESSOR'S PARCEL NO. 144-301-012 LOCATED AT EAST
COTATI AVENUE AND RYAN LANE IN COTATI, EXECUTION OF A CERTIFICATE
OF ACCEPTANCE OF DEED THERETO, AND RELATED ACTIONS**

WHEREAS, the Cotati Community Redevelopment Agency ("Agency") is a redevelopment agency existing pursuant to the Community Redevelopment Law, California Health and Safety Code Section 33000, et seq., and pursuant to the authority granted thereunder, has the responsibility to carry out the Cotati Redevelopment Plan ("Redevelopment Plan") for the Cotati Redevelopment Project Area ("Project Area"); and

WHEREAS, the Housing Land Trust of Sonoma County ("Land Trust") is a California nonprofit corporation which has agreed to purchase the real property located at Ryan Lane and East Cotati Avenue in the City of Cotati (the "Property") pursuant to a purchase agreement (the "Agreement") from Sterling Savings Bank (the "Bank") for the purpose of future development as affordable housing; and

WHEREAS, Land Trust is willing to assign its purchase rights under the Agreement to the Agency; and

WHEREAS, the Property is located within the Project Area, and Agency's purchase of the Property for development as affordable housing is consistent with the CRL and with the goals and objectives of the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the Cotati Community Redevelopment Agency Board as follows:

Section 1. The acquisition of the Property is exempt from CEQA pursuant to Section 15300.2.

Section 2. The Agency Board approves the purchase of the Property pursuant to the terms of the Agreement attached hereto.

Section 3. The Agency Board authorizes the Executive Director to execute the Agreement's Addendum No. 9-14-09 accepting the assignment of rights, terms, and conditions given by the Housing Land Trust of Sonoma County under the Agreement, and authorizes the Executive Director to execute a Certificate of Acceptance of Deed substantially in the form attached hereto and to take such other and further actions as necessary or appropriate to carry out the intent of this Resolution.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly introduced and legally adopted at a special meeting of the Cotati Redevelopment Agency held on the 28th day of September, 2009 by the following vote, to wit:

GUARDINO
COLEMAN-SENGHOR
BARICH
GILARDI
ORCHARD

Approved: _____
John Guardino/Agency Chair

Attest: _____
Tamara Taylor, Agency Secretary

Approved as to form:

City Attorney

After recording, return to:

Deputy City Clerk
City of Cotati
201 W. Sierra Avenue
Cotati, CA 94931-4217

No fee due for recordation pursuant to Government Code Section 6103

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Deed dated _____, 2009 from Sterling Savings Bank ("**Seller**") to the City of Cotati Community Redevelopment Agency, a public body, corporate and politic ("**Buyer**"), is hereby accepted on behalf of the Buyer by its Executive Director pursuant to authority conferred by Resolution No. _____, adopted by the Buyer on September 28, 2009, and that the Buyer consents to recordation of the Deed by its duly authorized officer.

Dated _____, 2009

By: _____
Executive Director



ADDENDUM

(C.A.R. Form ADM, Revised 10/01)

No. 9-14-09

The following terms and conditions are hereby incorporated in and made a part of the: [] Residential Purchase Agreement, [] Manufactured Home Purchase Agreement, [] Business Purchase Agreement, [] Residential Lease or Month-to-Month Rental Agreement, [] Vacant Land Purchase Agreement, [] Residential Income Property Purchase Agreement, [] Commercial Property Purchase Agreement, [X] other Vacant Land Purchase Agreement

dated August 13, 2009, on property known as APN 144-301-012

in which Housing Land Trust is referred to as ("Buyer/Tenant") and Sterling Savings Bank is referred to as ("Seller/Landlord").

Housing Land Trust of Sonoma County hereby assigns all rights to the Cotati Community Redevelopment Agency for the purchase of the above mentioned property, and futher assigns the terms and conditions set forth in the Vacant Land Purchase Agreement dated 8-13-09 between Housing Land Trust of Sonoma County and Sterling Savings Bank.

Cotati Community Redevelopment Agency hereby accepts this assignment of rights, terms, and conditions given by the Housing Land Trust of Sonoma County for the purchase of the above mentioned property.

All other terms and conditions to remain the same.

The foregoing terms and conditions are hereby agreed to, and the undersigned acknowledge receipt of a copy of this document.

Date September 14, 2009

Date

Buyer/Tenant [X] Housing Land Trust

Seller/Landlord Sterling Savings Bank

Buyer/Tenant [X]

Seller/Landlord

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Reviewed by Broker or Designee Date





ADDENDUM

(C.A.R. Form ADM, Revised 10/01)

No. 8/28/09

The following terms and conditions are hereby incorporated in and made a part of the: [] Residential Purchase Agreement, [] Manufactured Home Purchase Agreement, [] Business Purchase Agreement, [] Residential Lease or Month-to-Month Rental Agreement, [x] Vacant Land Purchase Agreement, [] Residential Income Property Purchase Agreement, [] Commercial Property Purchase Agreement, [] other

dated August 13, 2009, on property known as APN 144-301-012

in which Housing Land Trust is referred to as ("Buyer/Tenant") and Sterling Savings Bank is referred to as ("Seller/Landlord").

Buyer to release all contingencies on or before 9-30-09.

Close of escrow to be 10-15-09.

The foregoing terms and conditions are hereby agreed to, and the undersigned acknowledge receipt of a copy of this document.

Date August 28, 2009 Date

Buyer/Tenant X Housing Land Trust Seller/Landlord Sterling Savings Bank

Buyer/Tenant Seller/Landlord

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Reviewed by Broker or Designee Date



Sale Comparable #6

Property Address: East Cotati Avenue, in Cotati.
Grantor: Ryan Lane Properties
Grantee: n/a.
Assessor's Parcel Number: Sonoma County Assessor's parcel 144-301-012.
Parcel Size: 0.67 acres, or 29,185 square feet.
Zoning: NM – Neighborhood Medium Density.
General Plan: Low – Medium Density – 6 units/acre.
List Price: \$349,000.
Price Per Acre: \$520,896.
Improvements: None.
Access: Legal access from East Cotati Avenue.
Land Use: Vacant.
Comments: This is an active listing of a lot that is located on the north side of East Cotati Avenue, across from Industrial Avenue, in the City of Cotati. The property is rectangular in shape and has frontage and direct access off East Cotati. It was originally listed for sale in September 2006 at the price of \$899,000. The property had a tentative subdivision map approved for 6 – 1,800 SqFt. homes with detached two car garages. This map has expired and a new development plan would need to be submitted to the city. Listing agent indicated there has been little interest in the site.
Confirmed With: Richard Corwin, listing agent w/Hurd Real Estate.
Confirmed By: Bill Groverman.
Prior Sale: None.



