

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: December 6, 2016
To: Honorable Mayor and City Councilmembers
From: City Manager-City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Subject: Rejection of Claim for Money or Damages Against the City of Sebastopol Filed
by Yolanda Lopez on behalf of The Barlow
Recommendation : That the City Council Approve the Rejection of the Claim Filed and Forward
to Redwood Empire Municipal Insurance Fund (REMIF) for Processing
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost:
Amount: \$

INTRODUCTION: This item is to request that the City Council Approve the Rejection of the
Claim Filed and Forward to Redwood Empire Municipal Insurance Fund (REMIF) for Processing

BACKGROUND:

A claim was filed against the City of Sebastopol on November 9, 2016.

A copy of the claim is attached for the City Council's information.

DISCUSSION:

City staff and REMIF have reviewed the claim submitted and believe the claim is without merit.

RECOMMENDATION:

Staff recommends that the City Council Approve the Rejection of the Claim Filed and Forward to
Redwood Empire Municipal Insurance Fund (REMIF) for Processing

Attachment:

Claim Filed November 9, 2016 (The Barlow)

File with:
Office of the City Manager/Assistant
City Manager/City Clerk, MMC
City of Sebastopol
7120 Bodega Avenue
Sebastopol, CA 95472

Date Received:
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CLAIM FOR MONEY OR
DAMAGES AGAINST THE
CITY OF SEBASTOPOL

City of Sebastopol

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Address of the Claimant:

Name of Claimant: THE BARLOW
Address: 6780 Depot St, Ste 110
Sebastopol, CA 95472
Mailing Address (if different than above): _____
Telephone Number: 707.824.5600

2. Address to which the person presenting the claim desires notices to be sent:

Name of Addressee: THE BARLOW
Mailing Address (if different than above): same
Telephone Number: same

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date of Occurrence: 9/15 - 10/14/16 Time of Occurrence: _____
Location: 6780 Depot Street, Sebastopol CA 95472

Circumstances giving rise to this claim:

Main sewer line offset at McKinley street. Our toilets were backed up, we had 13 toilets malfunctioning as a result. The issue was investigated and it was determined to be a result of an offset on City property.

4. General Description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim.

Invoices attached for investigative work, repairs, etc.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

N/A

6. a. If the amount claimed totals less than \$10,000: The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of the presentation of this claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:
The Total amount claimed is \$8199.00

b. If the amount claimed exceeds \$10,000: If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (See CCP § 86)

LIMITED CIVIL CASE

UNLIMITED CIVIL CASE

You are required to provide the information requested above, plus your signature on page 3 of this form, in order to comply with Government Code §910. In addition, in order to conduct a timely investigation and possible resolution of your claim, the City requests that you answer the following questions.

7. Claimant(s) Date(s) of Birth:

N/A

8. Name, address and telephone number of any witness(es) to the occurrence or transaction which gave rise to the claim asserted:

Boys Sewer Service - Kevin - PO Box 763, Novato CA 94948 415-892-5
Incom Mechanical - Phil - 975 Transport Way #5, Petaluma CA 94954 707-581
Northwest General Engineering - Milce - 5492 Old Redwood Hill -
Santa Rosa, CA 95406
707-579-1163

9. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment.

N/A

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

10. If the claim relates to an automobile accident:

Claimant (s) Auto Insurance Company: _____

Telephone: _____
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Address: _____

Insurance Broker/Agent: _____

Insurance Policy Number: _____
City of Sebastopol

Address: _____

Telephone: _____

Claimant's Vehicle License Number: _____

Vehicle Make/Year: _____

Claimant's Driver License Number: _____

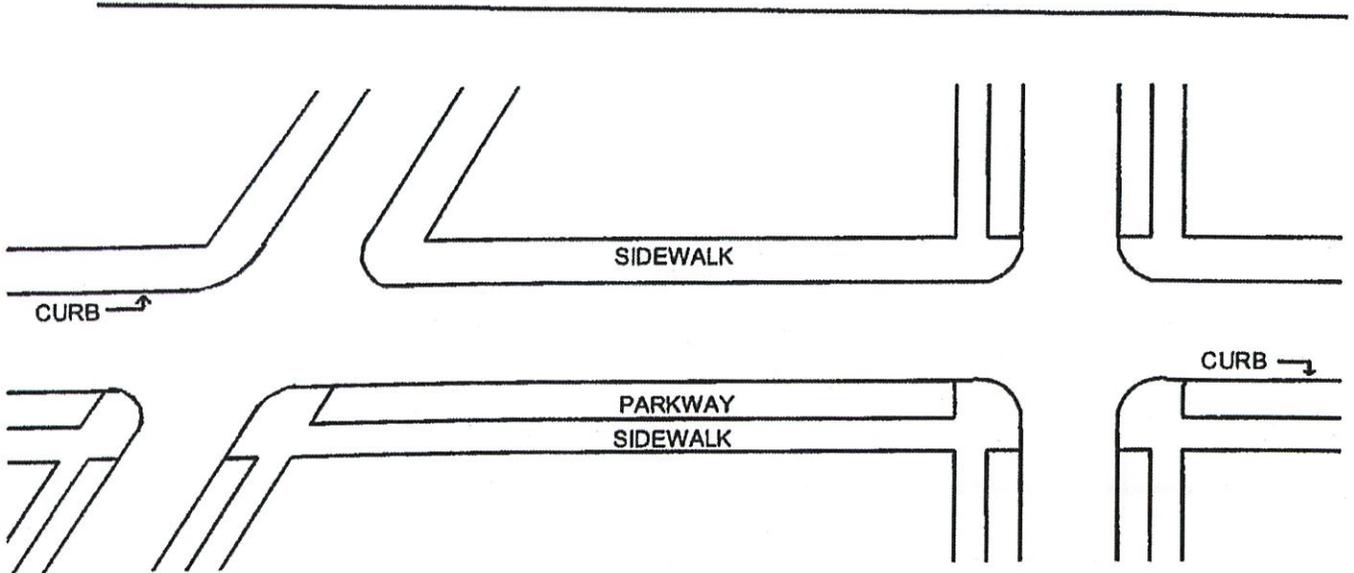
Expiration: _____

If applicable, please attach any repair bills, estimates, or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City/Agency Vehicle was involved, designate by letter "A" location of City/Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City/Agency Vehicle; location of City/Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



WARNING: Presentation of a false claim with the intent to defraud is a felony (Penal Code § Pursuant to CCP § 1038, the City/Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature: _____

[Handwritten Signature]

Date: _____

11/9/16

Printed Name: _____

Yolanda Lopez

Received

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City of Sebastopol

BARLOW SEBASTOPOL LLC6780 DEPOT ST SUITE 110
SEBASTOPOL, CA 95472**Statement**

Account: 18 - B130 - nectary

Date: 10/23/16

Payment: _____

Thank you for your tenancy!
707-824-5600**THE NECTARY**
6760 MCKINLEY SUITE 130
SEBASTOPOL, CA 95472

Date	Description	Charges	Payments	Balance
	Balance Forward			0.00
09/01/16	Rent Charges (09/2016)	1,060.90		1,060.90
09/01/16	Estimated Bathroom Exp (09/2016)	98.10		1,159.00
09/01/16	Estimated Cam (09/2016)	241.36		1,400.36
09/02/16	Add'l Rent-Gross Sales @ 6% Jul 2016	1,856.42		3,256.78
09/02/16	Bottle Deposit Refund Mar 2016-Jun 2016	-322.00		2,934.78
09/05/16	chk# 1053 Payment- Thank you!		2,934.78	0.00
10/01/16	Add'l Rent-Gross Sales Credit for July	-40.61		-40.61
10/01/16	Rent Charges (10/2016)	1,060.90		1,020.29
10/01/16	Estimated Bathroom Exp (10/2016)	98.10		1,118.39
10/01/16	Estimated Cam (10/2016)	241.36		1,359.75
10/01/16	Water & Sewer- 007650-000 (JUL-AUG)	61.95		1,421.70
10/01/16	Water & Sewer- 007647-003 (JUL-AUG)	116.86		1,538.56
10/01/16	Add'l Rent-Gross Sales @ 6% Aug 2016	1,641.72		3,180.28
10/04/16	chk# 1102 Payment- Thank you!		3,180.28	0.00
10/14/16	(Pay# 31291)	-196.39		-196.39
10/14/16	Check # 20266 paid out		-196.39	0.00
11/01/16	Rent Charges (11/2016)	1,060.90		1,060.90
11/01/16	Estimated Bathroom Exp (11/2016)	98.10		1,159.00
11/01/16	Estimated Cam (11/2016)	241.36		1,400.36
11/01/16	Reimburse for Plumbing Issues	-1,000.00		400.36
11/01/16	Add'l Rent-Gross Sales @ 6% Sep 2016	2,071.88		2,472.24

credited tenant \$1,000 due to no access to business. Plumbing issues enabled her from conducting business.

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City of Sebastopol

Current	30 Days	60 Days	90 Days	Amount Due
0.00	0.00	0.00	0.00	2,472.24

INCOM MECHANICAL, INC.
CA Lic. #517617
975 Transport Way, Suite 5
Petaluma, CA 94954

(707) 586-0511
FAX: (707) 586-0239

To: Barlow

PLUMBING	
REQUEST FOR CHANGE ORDER	
FOR T & M WORK.	
Date:	<u>10-14-16</u>
Job No.	_____
Attn:	<u>Barney</u>
RE:	<u>Coop Bldg</u>

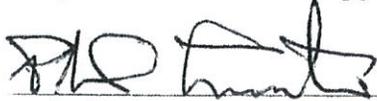
copy

Please process a change order for labor and materials expended on additional plumbing work on the subject project.
We summarize attached Job Invoice numbers 4054 as follows.

- 1) Site visit to analyze sewer clog problem, coordinate with Roy's sewer service to clear 6" sewer line
- 2) cut in 2 way clean outs on existing 6" clay sewer line @ Phenter

CHANGE ORDER REQUEST \$ 1,344.-

Please process by signing and returning at your earliest convenience. Upon billing we will designate this a change order and bill accordingly.

Signed: 
Project Manager

We acknowledge completion of the work described and approve the requested change order to the subject contract.

Copy to: _____

Attachments: _____

Work Authorized by: _____

Contractor/Owner _____ Date _____

Signature

Received

Print Name

NOV 9 2016

City of Sebastopol

- Fax
- Track
- Copy
- File

INCOM MECHANICAL, INC.
975 Transport Way, Suite 5
PETALUMA, CALIFORNIA 94954
(707) 586-0511 FAX (707) 586-0239
State License #517617

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City of Sebastopol

JOB INVOICE

40544

TO

Barlow

DATE	10-10-16
DEPT/TASK BY	CLIENT/ADDRESS/CITY
DAY WORK	CONTRACT
THE BARLOW	
Sebastopol	
DATE	10-10-16

TERMS

QTY	MATERIAL NO	PRICE	AMOUNT
2	4" PVC 90° WYE	19.58	39

DESCRIPTION OF WORK
cut in 2-way clean
outs on G sewer
man

2	9" 45°	8.58	17
---	--------	------	----

10	sch 40 PVC PIPE	3.72	37
----	-----------------	------	----

2	PVC F.I.P	6.70	13
---	-----------	------	----

2	3" clean out plug	3.18	6
---	-------------------	------	---

OTHER CHARGES
30% material markup 59

2	6" clay & plastic ferrous	22.81	46
---	------------------------------	-------	----

2	carbide sawsall blades (8)	15.15	30
---	-------------------------------	-------	----

LABOR

Matthew Rodgers	15.55	311
Sage	4.95	99

Phil Lorch
(site visits)

3	1.00	3.00
---	------	------

NOV 10 16	TOTAL MATERIALS	175
-----------	-----------------	-----

TOTAL LABOR	106
TOTAL MATERIALS	175
TOTAL OTHER	59
Gas Surcharge	30
TOTAL	344

Thank You

[Handwritten Signature]

Santa Rosa Plumbing
Box 867
Cotati, CA 94931
(707) 528-8228
srplumb@sonic.net
santarosaplumbing.net

Invoice 6439

Copy

BILL TO
The Barlow
6770 McKinley St #120
Sebastopol, CA 95472

DATE
09/23/2016

PLEASE PAY
\$1,230.00

DUE DATE
09/23/2016

TECHNICIAN
Kevin

ACTIVITY	QTY	RATE	AMOUNT
drain service to clear toilet and urinal; urinal needs repair kit	1	140.00	140.00
Zurn repair parts	1	60.00	60.00
rebuild men's urinal valve	1	140.00	140.00
snaked main sewer line 150ft to clear blockage	1	210.00	210.00
cleared blockage from bathrooms at cleanout jetted from same cleanout; line may have offset	1	680.00	680.00

Thank you for your business.

TOTAL DUE

\$1,230.00

THANK YOU

Received

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City of Sebastopol



Yolanda Lopez <yolandalopez1985@gmail.com>

Re: Plumbing Line Issue at 6780 Depot Street on McKinley

1 message

Yolanda Lopez <yolanda@thebarlow.net>

Thu, Nov 3, 2016 at 3:43 PM

To: Dante Del Prete <ddelprete@cityofsebastopol.org>

Cc: Reyna Ramirez <rramirez@cityofsebastopol.org>, Larry McLaughlin <lwmclaughlin@juno.com>, "j_gaffney@comcast.net" <j_gaffney@comcast.net>, Henry Mikus <hmikus@cityofsebastopol.org>, Richard Emig <remig@cityofsebastopol.org>, Mary Gourley <mgourley@cityofsebastopol.org>

Thank you Dante.

YOLANDA MATHEW
Property Manager



THE BARLOW
6780 Depot Street #110
Sebastopol, CA 95472
O: 707.824.5600
C: 707-481-6682
www.thebarlow.net

Received

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City of Sebastopol

On Thu, Nov 3, 2016 at 2:54 PM, Dante Del Prete <ddelprete@cityofsebastopol.org> wrote:

Yolanda,

At this time the City Engineer and the Engineering Manager are out of the office until November 14th.

The City will review this request in further detail once they return.

If you would like to file a claim against the City to seek reimbursement you may do so at City Hall. 7120 Bodega Ave.

Ask to speak with Assistant City Manager, Mary Gourley.

Thank you,

Dante Del Prete
Assistant Superintendent
City of Sebastopol
Public Works Department
707-823-5331

ddelprete@cityofsebastopol.org



Received
NOV 9 2016
City of Sebastopol

From: yolandalopez1985@gmail.com [mailto:yolandalopez1985@gmail.com] **On Behalf Of** Yolanda Lopez
Sent: Thursday, November 03, 2016 10:40 AM
To: Dante Del Prete <ddelprete@cityofsebastopol.org>
Cc: Reyna Ramirez <rramirez@cityofsebastopol.org>; Larry McLaughlin <lwmclaughlin@juno.com>; j_gaffney@comcast.net; Yolanda Mathew <Yolanda@thebarlow.net>
Subject: Re: Plumbing Line Issue at 6780 Depot Street on McKinley

Dante,

Thank you for your prompt response. After touching base with our Contractors, they informed me that looking back at the improvement plans that portion of water main was installed prior to the Barlow project. The Barlow project only tied into that existing water main for new services and fire lines.

With that said, we do not agree that the damage was caused by our construction.

We ask that you please revisit our request for reimbursement.

Thank you,

YOLANDA MATHEW
Property Manager



6780 Depot Street #110

Sebastopol, CA 95472

O: 707.824.5600

C: 707-481-6682

www.thebarlow.net

Received

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City of Sebastopol

On Tue, Nov 1, 2016 at 4:44 PM, Dante Del Prete <ddelprete@cityofsebastopol.org> wrote:

Yolanda,

The damage to the sewer main that caused the top of the sewer pipe to collapse and create the blockage was found directly under the new water main that was installed during the improvements. Based on the evidence found, the top of the pipe had been damaged during the water main construction process and therefore is the fault of the contractor that performed the work.

Dante Del Prete

Assistant Superintendent

City of Sebastopol

Public Works Department

707-823-5331

ddelprete@cityofsebastopol.org



From: yolandalopez1985@gmail.com [mailto:yolandalopez1985@gmail.com] **On Behalf Of** Yolanda Lopez

Sent: Tuesday, November 01, 2016 4:23 PM

To: Dante Del Prete <ddelprete@cityofsebastopol.org>; Reyna Ramirez <rramirez@cityofsebastopol.org>; Larry McLaughlin <lwmclaughlin@juno.com>

Subject: Plumbing Line Issue at 6780 Depot Street on McKinley

Hello Dante,

I'm writing this email hoping you can steer me in the right direction. As you are aware, we had some major plumbing issues occurring as a result of a broken sewer lateral on McKinley Street. We experienced blockage for several weeks and incurred a lot of plumbing charges as a result. Currently, the money spent in the last few days before we realized the issue was a City issue, are \$7534. We would like to seek reimbursement for these expenses, as they were directly related to a City repair that needed to have taken place.

Can you please tell me how I would go about this, or who I can directly contact?

Thank you,

YOLANDA MATHEW

Property Manager



6780 Depot Street #110

Sebastopol, CA 95472

O: 707.824.5600

C: 707-481-6682

www.thebarlow.net

Received

NOV 9 2016

City of Sebastopol