

APPROVED

MAR 18 2009

REPORT OF GENERAL MANAGER

NO. 09-064

DATE March 18, 2009

BOARD OF RECREATION and PARK COMMISSIONERS

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BRAND PARK - COMMUNITY BUILDING (#2800N) (W.O. #E170935F); BENNY H. POTTER WEST ADAMS AVENUE MEMORIAL PARK - UNIVERSAL ACCESS PLAYGROUND (#1206L) (W.O. #E1904591) AND KEN MALLOY HARBOR REGIONAL PARK - UNIVERSAL ACCESS PLAYGROUND (#1205L) (W.O. #E1904593) - ACCEPTANCE AND RELEASE OF STOP NOTICES ON CONSTRUCTION CONTRACTS

R. Adams \_\_\_\_\_ J. Kolb \_\_\_\_\_
H. Fujita \_\_\_\_\_ F. Mok \_\_\_\_\_
S. Huntley \_\_\_\_\_ K. Regan \_\_\_\_\_
V. Israel \_\_\_\_\_ \*M. Shull \_\_\_\_\_

Blue fields

[Signature]
General Manager

Approved [Signature]

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

- 1. Accept the following Stop Notice and direct staff to withhold the amount claimed in it, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amount of said funds are available, and to notify the contractor, sureties, and other interested parties that the amount of said claim plus 25% will be withheld; and,
2. Accept the following Release of Stop Notice.

SUMMARY:

ACCEPTANCE OF STOP NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 3103 and 3181, on the following contract:

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Contract 3212 CD 7

Brand Park – Community Building (#2800N)  
(W. O. #E170935F)

Project Status: 95% complete

Project Impact: none

General Contractor: Tek-Up Construction

Claimant: HD Supply  
Plumbing/HVAC, Ltd

Amount: \$38,241.21

RELEASE OF STOP NOTICE:

The Department is in receipt of a Release of Stop Notice filed by the claimant below, which releases the Board from any and all liability for withholding funds from the general contractor or the sureties:

Contract 3227 CD 10/ CD 15

Benny H. Potter West Adams Avenue Memorial  
Park – UAP (#1206L) (W.O. #E1904591)/Ken  
Malloy Harbor Regional Park – UAP (#1205L)  
(W.O. #E1904593)

Project Status: 96% complete

Project Impact: none

General Contractor: Horizons Construction Co.

Claimant: Robertson's

Amount: \$3,361.00

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund, as funds have already been appropriated for this purpose.

This report was prepared by LaTonya D. Dean, Commission Executive Assistant.