

**APPROVED**  
APR 15 2009

REPORT OF GENERAL MANAGER

NO. 09-078

DATE April 15, 2009

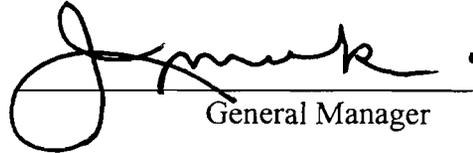
BOARD OF RECREATION  
and PARK COMMISSIONERS

C.D. 7 and 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BRAND PARK - COMMUNITY BUILDING (W.O. #E170935F);  
LAFAYETTE PARK - RECREATION CENTER (W.O. #E170317F) —  
ACCEPTANCE OF STOP NOTICE ON CONSTRUCTION CONTRACTS

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u><i>M. Shull</i></u>

  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board direct staff to withhold the amount claimed in the following Stop Notices, 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 contractors, sureties, and other interested parties that the amount of said claim plus 25% will be withheld.

SUMMARY:

ACCEPTANCE OF STOP NOTICES:

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

<u>Contract 3212</u>	CD 7			
Brand Park	-	Community Building	General Contractor:	Tek-Up Construction
(W.O. #E170935F)			Claimant:	Rester Plumbing, Inc.
Project Status:	95% Complete		Amount:	\$96,197.64
Project Impact:	none			

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Contract 3237      CD 10

Lafayette Park - Recreation Center      General      Western Alta Construction  
(W.O. #E170317F)      Contractor:

Project Status: 20% Complete

Claimant: Windrow Earth Transport

Project Impact: none

Amount: \$25,420.00

FISCAL IMPACT STATEMENT:

Acceptance of Stop Notices has no impact on the Department's General Fund.

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