

**APPROVED**  
JUN 02 2010

REPORT OF GENERAL MANAGER

NO. 10-131

DATE June 2, 2010

BOARD OF RECREATION  
and PARK COMMISSIONERS

C.D. 1,10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: DOWNEY POOL REPLACEMENT (W.O. #E1906491); LAFAYETTE PARK - RECREATION CENTER (W.O. #E170317F) - ACCEPTANCE OF A STOP NOTICE AND PARTIAL RELEASE OF A STOP NOTICE ON CONSTRUCTION CONTRACTS

R. Adams \_\_\_\_\_  
V. Israel \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
S. Huntley \_\_\_\_\_

F. Mok \_\_\_\_\_  
K. Regan \_\_\_\_\_  
\*M. Shull ms

[Signature]  
General Manager

Approved [Signature]

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Accept the following Stop Notice and direct staff to withhold the amount claimed, 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 Partial Release of Stop Notice.

SUMMARY:

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:

Contract 3279 CD 1  
Downey Pool Replacement (W.O. #E1906491F)

General Contractor: Horizons Construction Co. Int'l, Inc.  
Claimant: MDT Materials, Inc.

Project Status: 85%

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Project Impact: none Amount: \$6,205.00

RELEASE OF STOP NOTICE:

The Department is in receipt of a Partial Release of Stop Notice in the amount of \$1,822.98 filed by Adkison Engineers, Inc., dba Adkan Engineers. The amount currently being withheld for the original stop notice is \$12,243.16. The Board's acceptance of this Partial Release of Stop notice will leave a remaining balance of \$10,420.18 to be withheld. The acceptance of the Partial Release of Stop Notice releases the Board from any and all liability for withholding funds in the amount of \$1,822.98 from the general contractor or the surety:

<u>Contract 3237</u>	CD 10	
Lafayette Park - Recreation Center (W.O. #E170317F)	General Contractor:	Western Alta Construction
Project Status: 65% Complete	Claimant:	Adkison Engineers, Inc., dba Adkan Engineers
Project Impact: none	Amount Presently on Hold:	\$12,243.16
	Partial Release at this Time	\$1,822.98
	Leaving a Balance to be Withheld of:	\$10,420.18

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.