

APPROVED  
08-10-2016

BOARD OF RECREATION  
CITY OF SAN DIEGO

**BOARD REPORT**

NO. 16-179

DATE August 10, 2016

C.D. 15

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: 109<sup>TH</sup> STREET POOL AND BATHHOUSE REPLACEMENT PROJECT (PRJ1501P) (W.O. #E1906494) – ACCEPTANCE OF STOP PAYMENT NOTICE AND RELEASE OF STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3462

AP Diaz *	_____	V. Israel	_____
<i>for</i> R. Barajas	<u>CSD</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

  
 \_\_\_\_\_  
 General Manager

Approved ✓ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS

1. Direct staff to withhold the amounts claimed in the following Stop Payment Notice, 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 claims plus 25% will be withheld; and
2. Accept the Release of Stop Payment Notice.

STOP PAYMENT NOTICE:

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

<u>Contract 3462</u>	CD 15	
109 <sup>th</sup> Street Pool And Bathhouse Replacement Project (PRJ1501P) (W.O. #E1906494)	General Contractor:	Simgel Company, Inc.
Construction Status: Construction	Claimant:	Robertson's
Project Impact: none	Amount:	\$1,708.40

BOARD REPORT

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RELEASE OF STOP PAYMENT NOTICE:

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

Contract 3462            CD 15

109 <sup>th</sup> Street Pool And Bathhouse Replacement Project (PRJ1501P) (W.O. #E1906494)	General Contractor:	Simgel Company, Inc.
Construction Status: Construction	Claimant:	Robertson's
Project Impact: none	Amount:	\$1,708.40

FISCAL IMPACT STATEMENT:

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

This Report was prepared by Iris Davis, Commission Executive Assistant I.

LIST OF ATTACHMENTS

- 1) Stop Payment Notice filed by Robertson's
- 2) Release of Stop Payment Notice filed by Robertson's

STOP PAYMENT NOTICE  
(California Civil Code Section 8044)

NOTICE TO: CITY OF L.A. PARKS & REC  
1149 S BROADWAY 8TH FL LOS ANGELES

BOARD OF RECREATION  
AND PARK COMMISSIONERS

2016 JUN -9 PM 4:23

(If Private Job-file with responsible officer or person at office or branch of construction lender administering the construction funds or with the owner-CIVIL CODE SECTIONS 8500-8560)

(If Public Job-file with office of controller, auditor or other public disbursing officer whose duty it is to make payments under provisions of the contract-CIVIL CODE SECTIONS 9350-9510)

Direct Contractor: SIMGEL CO.  
Sub Contractor (If Any):  
Owner or Public Body: CITY OF L.A. PARKS & REC  
Improvement known as: 1431 E 110TH ST  
County of LOS ANGELES State of California.

Robertson's, Claimant, a Partnership, furnished certain labor service equipment, or materials used in the above described work of improvement. The name of the person or company to whom claimant furnished service, equipment, or materials is: SIMGEL CO.

The kind of materials furnished or agreed to be furnished by claimant was ready mix concrete, rock and/or sand materials.

Total value of labor,service,materials to be furnished.....\$	1,708.40
Total value of labor,service,materials actually furnished..\$	1,708.40
Credit for materials returned, if any.....\$	0.00
Amount paid on account, if any.....\$	0.00
Amount due after deducting all just credits and offsets....\$	1,708.40

YOU ARE HEREBY NOTIFIED to withhold sufficient monies held by you on the above described project to satisfy claimant's demand in the amount of \$ 1,708.40 and in addition thereto sums sufficient to cover interest, court costs and reasonable costs of litigation, as provided by law.

A bond (CIVIL CODE SECTION 8532) is/is not attached. (Bond required with Stop Payment Notice served on construction lenders on private jobs-bond not required on public jobs or on Stop Payment Notice served on owner on private job).

Name and address of Claimant:  
ROBERTSON'S, P.O. Box 3600, Corona, Ca. 92878 (951)685-2200

Dated: 06/02/16

By *Dee May*  
Authorized Agent

VERIFICATION

I, the undersigned, state: I am the agent of the claimant named in the foregoing Stop Payment Notice; I have read said claim of Stop Payment Notice and know the contents thereof, and I certify that the same is true of my knowledge. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 06/02/16 at Corona, State of California.

Signature of Claimant/Agent

*Dee May*

76630/130620

STOP PAYMENT NOTICE - PROOF OF SERVICE

The undersigned declares as follows: I am over the age of 18, and employed by Robertson's, whose business address is 200 South Main Steet, Suite 200, Corona, California 92882. I am employed in the County of Riverside, where this mailing occurs, and not a party to this action. On the date shown below, in the City of Corona, I served the within Stop Payment Notice, sealed in an envelope and deposited in the mail in the manner prescribed by law, by first class registered or certified mail, postage fully prepaid, to the person(s) at the addresses shown thereon.

Robertson  
Name

4/2/16  
Date

BOARD OF RECREATION  
AND PARK COMMISSIONER

2016 JUL 28 PM 3:25

RELEASE OF STOP NOTICE

TO: CITY OF L.A. PARKS & REC  
1149 S BROADWAY 8TH FL LOS ANGELES

You are hereby notified that the undersigned claimant releases that certain Stop Notice dated 06/02/16, in the amount of 1,708.40 against CITY OF L.A. PARKS & REC as owner or public body and *Sungel Co Inc* as prime contractor in connection with the work of improvement known as 1431 E 110TH ST in the City of LOS ANGELES County of LOS ANGELES State of California.

Date 07/22/16

Name of Claimant Robertson's

By *Welle May*  
Authorized Agent

VERIFICATION

I, the undersigned, state: I am the Agent of the claimant named in the foregoing Release; I have read said Release of Stop Notice and know the contents thereof, and I certify that the same is true of my own knowledge.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07/22/16, at Corona, California.

*Welle May*  
(Signature of Claimant or Authorized Agent)

*76630/180620*

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

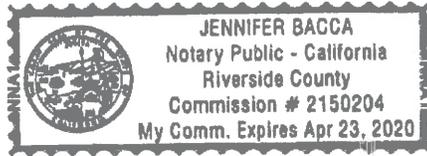
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Riverside } ss.

On July 22, 2016 before me, Jennifer Bacca, Notary Public, personally appeared Della Rumsey, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Jennifer Bacca  
Signature

**OPTIONAL INFORMATION**

Date of Document	_____	Thumbprint of Signer
Type or Title of Document	_____	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>
Number of Pages in Document	_____	
Document in a Foreign Language	_____	
Type of Satisfactory Evidence: ____ Personally Known with Paper Identification ____ Paper Identification ____ Credible Witness(es)		
Capacity of Signer: ____ Trustee ____ Power of Attorney ____ CEO / CFO / COO ____ President / Vice-President / Secretary / Treasurer ____ Other: _____		<input type="checkbox"/> Check here if no thumbprint or fingerprint is available.
Other Information:	_____	