

APPROVED
2016-01-06

BOARD OF RECREATION
& PARK COMMISSIONERS

BOARD REPORT

NO. 16-141

DATE June 01, 2016

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HOLLYWOOD RECREATION CENTER – POOL & POOL BUILDING
(PRJ1402B) (W.O. #E170344F) – ACCEPTANCE OF STOP PAYMENT NOTICE
ON CONSTRUCTION CONTRACT NO. 3454

AP Diaz	<u>✓</u>	V. Israel	_____
*R. Barajas	<u>CSJ</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

[Signature]
General Manager

Approved ✓ Disapproved _____ Withdrawn _____

RECOMMENDATION

Direct Department of Recreation and Parks (RAP) 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.

STOP PAYMENT NOTICE

RAP is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044, 8520, 8530, and 9350, on the following contract:

<u>Contract 3454</u>	CD 13	
Hollywood Recreation Center – Pool and Pool Building (PRJ1402B) (W.O. #E170344F)	General Contractor:	Morillo Construction, Inc.
Project Status: 100% Complete	Claimant:	Whitewater West Industries, Ltd, Inc.
Project Impact: none	Amount:	\$10,661.30

FISCAL IMPACT STATEMENT:

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

BOARD REPORT

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

LIST OF ATTACHMENTS

- 1) Stop Payment Notice for Contract No. 3454

PUBLIC WORK STOP PAYMENT NOTICE
LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS
AND

CITY OF RECREATION
AND PARK COMMISSIONER

2016 APR -4 PM 1:51

**REQUEST FOR NOTICE OF FILING OF NOTICE OF
ACCEPTANCE, COMPLETION OR CESSATION**
CIVIL CODE §8044, 8520, 8530, & 9350 et seq.

TO: City of Los Angeles
Attn: Dept. of Recreation & Parks
350 South Grand Avenue
Los Angeles, CA 90071

PROJECT: Hollywood Recreation Center
Pool & Pool Building
1122 North Cole Avenue
Hollywood, CA

TAKE NOTICE THAT Whitewater West Industries, Ltd. c/o Emalfarb, Swan & Bain whose address is 440 Central Avenue, Highland Park, IL 60035 has performed labor and/or furnished materials for a work of improvement described as follows: Hollywood Recreation Center, Pool & Pool Building, 1122 North Cole Avenue, Hollywood, CA.

The labor and/or materials furnished by claimant are of the following general kind: Waterpark/pool materials and labor. Direct contractor is Morillo Construction, Inc., 227 North Holliston Avenue, Pasadena, CA 91106.

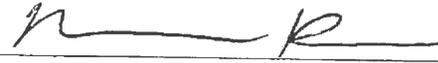
The labor and/or materials were furnished to or for the following party: Morillo Construction, Inc., 227 North Holliston Avenue, Pasadena, CA 91106. The relationship of the Claimant to the other parties is: Subcontractor.

The value of the whole amount of labor and/or materials agreed to be furnished is \$95,681.50. The value of the labor and/or materials furnished to date is \$95,681.50. Claimant has been paid the sum of \$85,020.20, and there is due, owing and unpaid the sum of \$10,661.30 together with interest at the rate of 0.00 percent per annum from March 15, 2016.

You are required to set aside sufficient funds to satisfy this claim with interest, court costs and reasonable costs of litigation as provided by law. You are also notified that claimant claims an equitable lien against any construction funds for this project which are in your hands.

You are also required to give Notice of Acceptance, Completion or Cessation to the undersigned as required by Civil Code §9362. Attached hereto is the \$10.00 fee as required by Civil Code §9362.

Firm Name: Whitewater West Industries, Ltd.
c/o Emalfarb, Swan & Bain

By: 
Naomi Pele / Authorized Agent

VERIFICATION

I, the undersigned, say: I am the Authorized Agent of the claimant of the foregoing Stop Payment Notice; I have read said Stop Payment Notice and know the contents thereof: the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15, 2016, at San Diego, California.


Naomi Pele / Authorized Agent