

**APPROVED**  
JUN 20 2018

BOARD REPORT

BOARD OF RECREATION  
AND PARK COMMISSIONERS

NO. 18-125

DATE June 20, 2018

C.D. 2 & 5

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: LOS ANGELES RIVERFRONT PARK – PHASE II (W.O. #E170406F) –  
ACCEPTANCE OF STOP PAYMENT NOTICE ON CONSTRUCTION  
CONTRACT NO. 3385

AP Diaz	_____	V. Israel	_____
<i>for</i> *R. Barajas	<u>CSD</u>	S. Pifa-Cortez	_____
H. Fujita	_____	N. Williams	_____

*M. Stuee*

General Manager

Approved X Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION

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.

STOP PAYMENT NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044 on the following contract:

Contract 3385 CD 12

Los Angeles Riverfront Park – Phase II Project (W.O. #E170406A) Project Status: 100% Complete	General Contractor: Claimant:	Simgel Co., Inc. Ambience Landscape Corp. dba Southern California Landscape
Project Impact: none	Amount:	\$8,127.86

FISCAL IMPACT STATEMENT:

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

This Report was prepared by Harold Arrivillaga, Commission Executive Assistant I.

BOARD REPORT

PG. 2 NO. 18-125

LIST OF ATTACHMENTS

- 1) Stop Payment Notice
- 2) Contract No. 3385

Phone # for Board  
(213) 202-2640

### STOP PAYMENT NOTICE

Harold  
5/04/15

#### LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS (Public or Private Work of Improvement) (Per California Civil Code Section 8520, 8530 & 9350)

To: DEPT OF RECREATION AND PARKS  
(Name of owner, public entity or construction lender)  
221 N. FIGUEROA ST SUITE 100  
(Address, if directed to a bank use address of branch holding fund)  
LOS ANGELES CA 90012  
(if directed to public entity, to the department or officer whose duty it is to make payments)

Project: LARIVER FRONT PARK PHASE II  
(Name)  
COLDWATER TO WHITSETT  
(Street Address or Legal Description)

Name and address of the Project Owner (or reputed owner):

DEPT OF RECREATION AND PARKS  
221 N. FIGUEROA ST SUITE 100 CA CA 90012

Name and address of the Direct Contractor:

SINGEL CO. INC  
2035 WESTWOOD BLVD #212 LOS ANGELES CA 90025

Name and address of the Construction Lender (if any):

TAKE NOTICE THAT AMBIENCE LANDSCAPE CORP dba SOUTHERN CALIFORNIA LANDSCAPE (Claimant)  
(Legal name of the person or firm claiming the stop payment notice)

whose address is 10667 SAN FERNANDO RD PACOMA CA 91331  
(Address of person or firm claiming stop notice)

has performed labor and furnished materials for a work of improvement described above as Project. The relationship of the Claimant to the other parties is: SUB CONTRACTOR TO GENERAL CONTRACTOR

The work furnished by claimant is: IRRIGATION, LANDSCAPE AND LABOR  
(generally describe labor, service, equipment, or material furnished or agreed to be furnished by claimant)

The labor and materials were furnished at the request of the following party: SINGEL CO. INC

Total value of the whole amount of labor and materials agreed to be furnished is .....	\$ <u>318,860.97</u>
The value of the labor and materials furnished to date is: .....	\$ <u>318,860.97</u>
Claimant has been paid the sum of: .....	\$ <u>310,733.11</u>
and there is due, owing and unpaid the sum of: .....	\$ <u>827.86</u>

You are required to set aside sufficient funds to satisfy this claim 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.

Dated 2/21/18

NAME: SOUTHERN CALIFORNIA LANDSCAPE  
(Name of stop notice claimant)

By: [Signature]  
(Owner or agent of stop notice claimant must sign here and verify below)

Authorized Capacity: PRESIDENT

<b>VERIFICATION</b>	
I, the undersigned, state: I am the <u>CFO</u> of the claimant named in the	
<small>(Title - "President", "Partner", "Owner", "Agent", etc.)</small>	
foregoing Stop Notice; I have read said Stop Notice and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.	
Executed on <u>February 21</u> , 20 <u>18</u> , at <u>Pacoma</u> , California.	<small>(Date this document was signed) (name of city where stop notice signed)</small>
By: <u>[Signature]</u>	<small>(personal signature of the individual who is swearing that the contents of the stop notice are true)</small>

**REQUEST FOR NOTICE OF ELECTION**

(Private Works Only)

(Per California Civil Code Section 8536 & 8538)

If an election is made not to withhold funds pursuant to this stop notice by reason of a payment bond having been recorded, please send notice of such election and a copy of the bond within 30 days of such election in the enclosed preaddressed stamped envelope. This information must be provided by you under Civil Code Sections 8536 & 8538.

Signed: \_\_\_\_\_  
(Claimant must enclose self-addressed stamped envelope)

**PROOF OF NOTICE DECLARATION**

(Per California Civil Code Section 8118)

I, Pam Melius, declare that I served a copy of the Stop Payment Notice on the party at the address and on the date shown below:

To Construction Lender/Owner/Public Entity/Or Other Person Holding Construction Funds:

(name) JOHN KIRK MUKRI

(title or capacity of individual given notice) GENERAL MANAGER

(address) 221 N FIGUEROA ST, STE 100 - LOS ANGELES CA 90012

(date) 2/24/18

Stop Payment Notice should be served at the following location:

- (a) To an owner other than a public entity, the owner's address shown on the direct contract, the building permit or a construction trust deed;
- (b) To a public entity, the office of the public entity or another address specified by the public entity in the contract or elsewhere for service of notices, papers or other documents. A Stop Payment Notice for a public works contract of the state, shall be given to the director of the department that awarded the contract; and to a public entity other than the state, to the office of the controller, auditor or other public disbursing officer whose duty it is to make payment pursuant to the contract (see Civil Code §9354 for more information).
- (c) To a direct contractor, at the contractor's address shown on the building permit, on the direct contract, or on the records of the Contractors' State License Board.

In the following manner (check appropriate box):

By personal delivery

By Registered or Certified Mail (postage prepaid)

Express mail

Overnight delivery by \_\_\_\_\_, an express service carrier

I declare under penalty of perjury, that the foregoing is true and correct. Executed on February 24, 2018, at PACIFICA, California.

Pam Melius  
(Signature of person making service)

DEPARTMENT OF RECREATION AND PARKS  
City of Los Angeles  
221 N. Figueroa Street, Suite 1510  
Los Angeles, California 90012

CONTRACT NO. 3385 BETWEEN THE CITY OF LOS ANGELES AND

NAME OF CONTRACTOR: Simgel Company, Inc.

PROJECT: Los Angeles Riverfront Park - Phase II (W.O. #E170406F)

IN ACCORDANCE WITH INSTRUCTIONS TO BIDDERS, NOTICE INVITING BIDS,  
THE CONTRACTOR'S PROPOSAL AND PLANS AND SPECIFICATIONS, ALL OF  
WHICH ARE ON FILE IN THE OFFICE OF THE BOARD OF RECREATION AND PARK  
COMMISSIONERS, 221 N. FIGUEROA STREET, SUITE 1510, LOS ANGELES,  
CALIFORNIA 90012.

1. Awarded by the Board of Recreation and Park Commissioners on  
June 6, 2012.
2. Executed by the Board of Recreation and Park Commissioners on  
June 20, 2012.
3. Project Commencement Date - January 30, 2013.
4. Estimated Completion Date - November 27, 2014.

CONTRACT BETWEEN THE CITY OF LOS ANGELES  
AND SIMGEL CO., INC. FOR THE LOS ANGELES RIVERFRONT PARK - PHASE II  
(W.O. #E170406F) PROJECT

This Agreement is made and entered into this 20th day of June, 2012, by and between the City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners (hereinafter "City") and Simgel Co., Inc. (hereinafter "Contractor").

W I T N E S S E T H

WHEREAS, Contractor submitted a bid for the construction of the Los Angeles Riverfront Park Project - Phase II (W.O. #E 170406F) along two river reaches located at Sepulveda Boulevard and Kester Avenue, and between Coldwater Canyon Boulevard and Whitsett Avenue. Both river reaches are on south bank of LA River, Los Angeles, CA 91403 & 91604. Said bid is attached hereto as Exhibit "A" and incorporated by reference as though fully set forth herein; and

WHEREAS, City is desirous of the construction of the aforementioned development with the following additive alternates Nos. 1, 2, 3, and 4 as specified in the aforementioned bid (See Exhibit "A").

1. ADDITIVE ALTERNATE NO. 1: All work and materials associated with security site lighting (luminaries), all according to the plans and specifications.

2. ADDITIVE ALTERNATE NO. 2: All work and materials associated with entry signage, all according to the plans and specifications.

3. ADDITIVE ALTERNATE NO. 3: All work and materials associated with interpretive environmental signage, all according to the plans and specifications.

4. ADDITIVE ALTERNATE NO. 4: All work and materials associated with [the] small park, all according to the plans and specifications.

NOW THEREFORE, in consideration of the covenants and conditions herein contained, to be kept and performed by the respective parties, it is agreed as follows:

1. The aforementioned bid shall constitute City Contract Number 3385; and

2. Said contract shall be composed of the following documents which shall be made a part hereof as though fully set forth herein:

- (a) This Agreement; and
- (b) The Instructions to Bidders and the Notice Inviting Bids; and
- (c) Contractor's Proposal; and
- (d) The Plans and Specifications; and
- (e) All Bonds required by the Charter of the City of Los Angeles.

All of which are on file in the office of the Board of Recreation and Park Commissioners, and each of the parties hereto agree to carry out and fully perform each and all of the provisions of said documents which are required of it to be performed.

3. Contractor shall perform said contract in accordance with the terms of the aforementioned documents; and

4. City shall pay Contractor to perform said contract the sum of FOUR MILLION TWELVE THOUSAND AND 00/100 (\$4,012,000.00); and

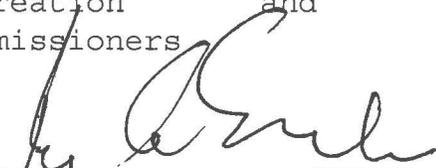
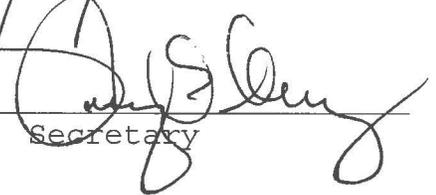
5. Contractor shall perform said contract for the sum of FOUR MILLION TWELVE THOUSAND AND 00/100 (\$4,012,000.00).

IN WITNESS WHEREOF, the parties have caused this instrument to be fully executed by their duly authorized representatives.

APPROVED AS TO FORM  
CARMEN A. TRUTANICH,  
City Attorney

  
Deputy City Attorney

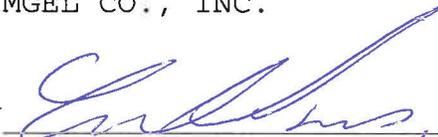
THE CITY OF LOS ANGELES, a  
municipal corporation, acting  
by and through its Board of  
Recreation and Park  
Commissioners

BY   
President  
BY   
Secretary

SUBSCRIBED AND SWORN TO  
BEFORE ME ON

\_\_\_\_\_  
\_\_\_\_\_

SIMGEL CO., INC.

BY   
President: Emanuel Sasoon  
BY   
Secretary: Mahnaz Sasoon

NOTARY PUBLIC  
STATE OF CALIFORNIA  
(Notary Seal)

State of California  
County of Los Angeles  
Subscribed and sworn to (or affirmed) before me on this 13<sup>th</sup>  
day of 06, 2012, by Emanuel Sasoon,  
and Mahnaz Sasoon  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.

(SEAL) Signature 

