

**City Council Chambers
29844 Haun Road
Menifee, CA 92586**



**Menifee City Council
Regular Meeting Agenda**

**Wednesday, August 2, 2023
4:30 PM Closed Session
6:00 PM Regular Meeting**

**Bill Zimmerman, Mayor
Bob Karwin, District 1
Ricky Estrada, District 2
Lesa Sobek, District 3
Dean Deines, District 4**

**Armando G. Villa, City Manager
Jeffrey T. Melching, City Attorney
Sarah Manwaring, City Clerk**

AGENDA

-
- 10.10 Notice of Completion and Acceptance for the Fire Station No. 68 Interior Improvements Project, Capital Improvement Program No. 21-03

RECOMMENDED ACTION

1. Accept the improvements for the Fire Station No. 68 Interior Improvements Project, Capital Improvement Program No. 21-03; and
2. Authorize the City Clerk to file a Notice of Completion with the Riverside County Recorder's Office.



CITY OF MENIFEE

SUBJECT: Notice of Completion and Acceptance for the Fire Station No. 68 Interior Improvements Project, Capital Improvement Program No. 21-03

MEETING DATE: August 2, 2023

TO: Mayor and City Council

PREPARED BY: Carlos Geronimo, Principal Engineer

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Accept the improvements for the Fire Station No. 68 Interior Improvements Project, Capital Improvement Program No. 21-03; and
2. Authorize the City Clerk to file a Notice of Completion with the Riverside County Recorder's Office.

DISCUSSION

The Fire Station No. 68 Interior Improvements Project, Capital Improvement Program (CIP) No. 21-03 is located at the intersection of Murrieta Road and Wickerd Road. The Project remodeled the existing fire facility to accommodate additional equipment and personnel, to provide modifications to meet current standards and house a future medic response team. The Project consisted of improvements which included remodeling existing bathrooms, expanding the bedroom areas to accommodate additional fire staff, and installation of ADA improvements throughout the existing facility.

On July 20, 2022, the City Council approved a total construction budget of \$902,200 for the Project and authorized the City Manager to approve the construction contract with JCOS Development, Inc. in the amount of \$762,000. The estimated final construction costs for the Project totaled \$822,905, which is approximately \$79,000 under budget. The \$822,905 total included ancillary costs such as materials testing, labor compliance services, temporary housing and restroom facilities, contract change orders, and assessment of liquidated damages in the amount of \$43,000 as the project was delayed approximately 54 days.

If approved, a Notice of Completion (NOC) would be filed, which protects the City from future claims against the Project by providing proper noticing to each contractor, subcontractor, and material supplier, that the Project has been completed. The payment bond would be released upon project acceptance by the City and the performance bond would be released one year after the date of recording of the NOC. The City has not received any stop notices that would prevent said releases.

STRATEGIC PLAN OBJECTIVE

Safe and Vibrant Community

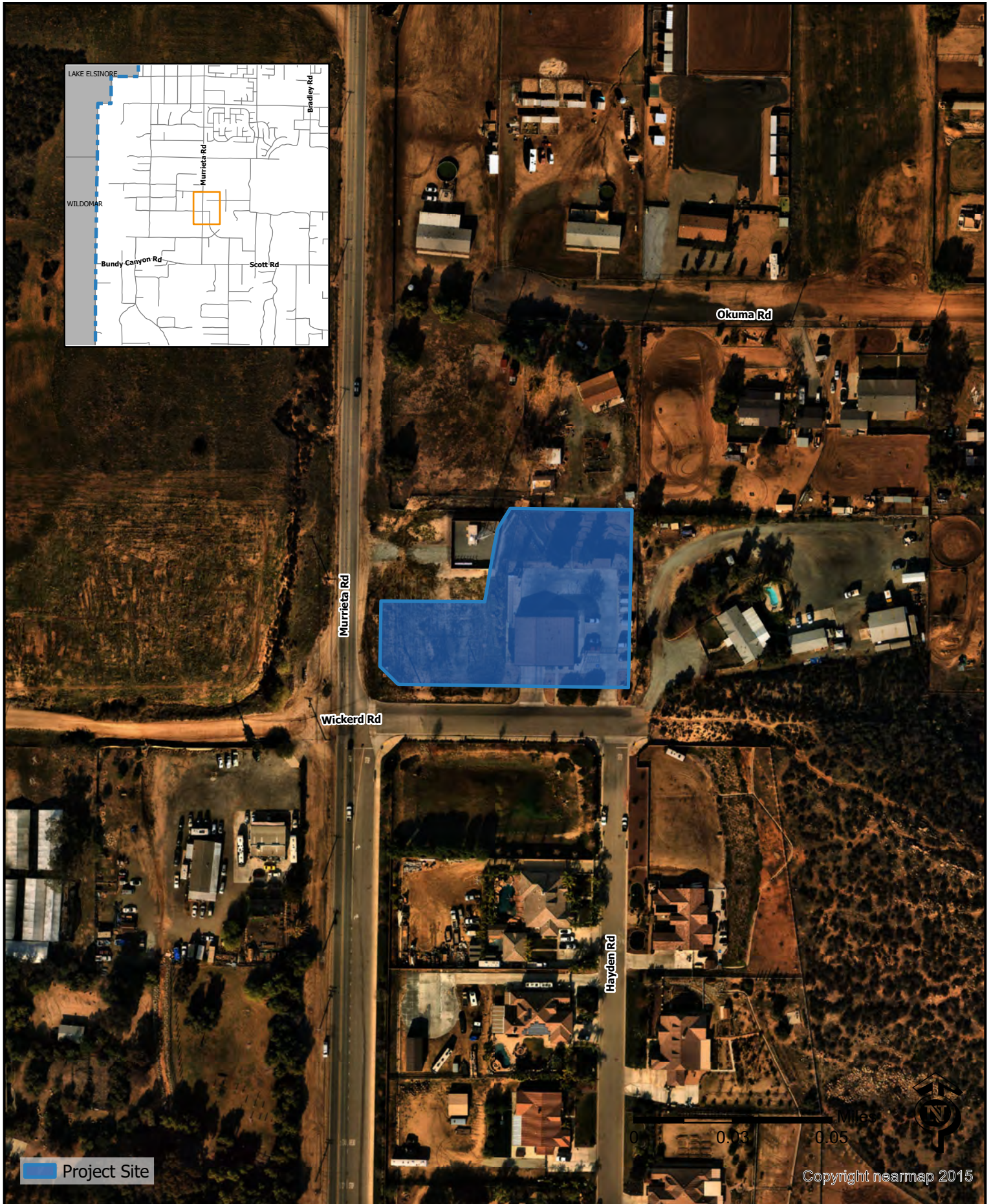
FISCAL IMPACT

There is no fiscal impact associated with the acceptance of the improvements related to the Project.

ATTACHMENTS

1. Project Location Map
2. Notice of Completion
3. Closeout Documents

Fire Station #68 Improvements (CIP 21-03) Project Location Map



Recording Requested By:
CITY OF MENIFEE

After Recording Mail To:
CITY CLERK
CITY OF MENIFEE
29844 HAUN ROAD
MENIFEE, CA 92586

Record without fee subject to Govt. Code 6103

NOTICE OF COMPLETION
(Public Works – Civil Code Sec. 9204)

FIRE STATION NO. 68 INTERIOR IMPROVEMENTS PROJECT, CIP 21-03

Notice is hereby given that:

Work of improvements on the project herein described was accepted as complete on August 2, 2023. The project improvements consist of remodeling existing bathrooms, expanding the bedroom areas to accommodate additional fire staff, and ADA improvements throughout the existing facility. The project was done in the city of Menifee, County of Riverside, State of California.

1. The full name of the Owner is: CITY OF MENIFEE
2. The full address of the Owner is: 29844 HAUN ROAD
MENIFEE, CA. 92586
3. The undersigned is a Corporate Officer of the Owner of the interest
stated below in the property herein described:
Fire Station No. 68
23020 Wickerd Road
MENIFEE, CA 92584
4. The name of the contractor for such work of construction is:
JCOS Development, Inc.
8201 Orangethorpe Ave., Suite D
Buena Park, CA 90621
5. The property on which said work of improvement was completed is within the City of Menifee, County of Riverside, State of California.

STATE OF CALIFORNIA)

Ss

COUNTY OF RIVERSIDE)

I, Stephanie Roseen, hereby certify that I am the City Clerk of the City of Menifee, a municipal corporation, which is the owner of the properties described within this Notice of Completion, executed on behalf of the City; that I have read the notice and know the contents thereof and that the facts therein stated are true of my own knowledge under penalty of perjury under the laws of the state of California; that I make this verification on _____, 20____ for and on behalf of the City.

Stephanie Roseen, Acting City Clerk

Recording Requested By:
CITY OF MENIFEE

After Recording Mail To:
CITY CLERK
CITY OF MENIFEE
29844 HAUN ROAD
MENIFEE, CA 92586

Record without fee subject to Govt. Code 6103

DOC # 2023-0226587
08/04/2023 08:00 AM Fees: \$0.00
Page 1 of 1
Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

**This document was electronically submitted
to the County of Riverside for recording**
Receipted by: NORMA #248

NOTICE OF COMPLETION
(Public Works – Civil Code Sec. 9204)

FIRE STATION NO. 68 INTERIOR IMPROVEMENTS PROJECT, CIP 21-03

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Work of improvements on the project herein described was accepted as complete on August 2, 2023. The project improvements consist of remodeling existing bathrooms, expanding the bedroom areas to accommodate additional fire staff, and ADA improvements throughout the existing facility. The project was done in the city of Menifee, County of Riverside, State of California.

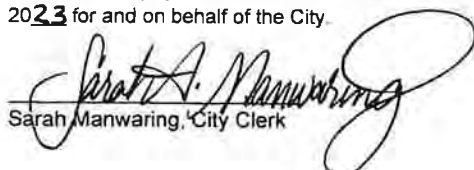
1. The full name of the Owner is: CITY OF MENIFEE
2. The full address of the Owner is: 29844 HAUN ROAD
MENIFEE, CA. 92586
3. The undersigned is a Corporate Officer of the Owner of the interest
stated below in the property herein described:
Fire Station No. 68
23020 Wickerd Road
MENIFEE, CA 92584
4. The name of the contractor for such work of construction is:
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Ss

COUNTY OF RIVERSIDE)

I, Stephanie Roseen, hereby certify that I am the City Clerk of the City of Menifee, a municipal corporation, which is the owner of the properties described within this Notice of Completion, executed on behalf of the City; that I have read the notice and know the contents thereof and that the facts therein stated are true of my own knowledge under penalty of perjury under the laws of the state of California; that I make this verification on August 3 2023 for and on behalf of the City.


Sarah Manwaring, City Clerk

APPENDIX 4

CLOSE-OUT DOCUMENTS

FIRE STATION NO. 68 IMPROVEMENTS PROJECT

CIP No. 21-03

CONTRACTOR'S CERTIFICATION OF COMPLETION

DATE: 05/08/2023

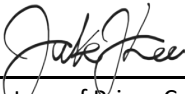
TO: City of Menifee
29714 Haun Rd
Menifee, California 92586

FROM: JCOS Development, Inc.
(Firm or Corporation)

PROJECT: Fire Station No.68 Improvements Project - CIP No. 21-03

This is to certify that I, acting as an authorized official of the above stated firm or corporation, have been properly authorized by said firm or corporation to sign the following statements pertaining to the subject contract:


1. I know, of my own personal knowledge, and do hereby certify, that the work of the contract described above has been performed, and materials used and installed in every particular, in accordance with, and in conformity to, the contract drawings and specifications.
2. The contract work is now complete in all parts and requirements, and ready for your final inspection.
3. I understand and agree that neither the determination by the Owner that the work is complete, nor the acceptance thereof by the Owner, shall operate as a bar to claim against the Contractor under the terms of the guarantee provisions of the contract documents.



Signature of Prime Contractor

Jeoung Hun Lee / President

Print name and title



Signature of Prime Contractor

Jeoung Hun Lee / Secretary

Print name and title

(If the Prime Contractor is a corporation two signatures of corporate officers are required.)

FIRE STATION NO. 68 IMPROVEMENTS PROJECT

CIP No. 21-03

CONTRACTOR'S AFFIDAVIT OF DISPOSAL

WHEREAS, on the 8th day of May, 2023, the undersigned entered into and executed a contract with City of Menifee for **Fire Station No.68 Improvements Project** as particularly described in said contract and identified as **CIP No. 21-03**, and

WHEREAS, the specifications of said contract requires the Contractor to affirm that "all brush, trash, debris, and surplus materials resulting from this project have been disposed of in a legal manner" and that all designated recyclable materials are properly recycled in compliance with the City of Menifee Ordinances.

WHEREAS, said contract has been completed, all surplus materials disposed of, and proof of compliance with the City of Menifee Municipal Code has been furnished.

NOW, THEREFORE, in consideration of the final payment by the City of Menifee to said Contractor under the terms of said contract, the undersigned Contractor, hereby certifies and affirms under penalty of perjury that all surplus materials as described in said contract have been disposed of at the following location(s):

Construction debris - drywalls & woods
Type of material disposed of

Riverside County Dept. of Waste Resources
Name of disposal site

14310 Frederick St., Moreno Valley, CA 92553
Address of disposal site

Type of material disposed of

Name of disposal site

Address of disposal site

Construction debris - drywalls & woods
Type of material disposed of

El Sobrante Landfill
Name of disposal site

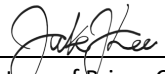
10910 Dawson Canyon Road, Corona, CA 92883
Address of disposal site

Type of material disposed of

Name of disposal site

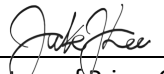
Address of disposal site

By signing and submitting this form to the City of Menifee on this 8th day of May, 2023, I (we) hereby certified and swear under penalty of perjury under the laws of the State of California that the aforementioned information is true and correct without omission, error or misrepresentation.

 05/08/2023
Signature of Prime Contractor Date

Jeoung Hun Lee / President
Print name and title

(If the Prime Contractor is a corporation two signatures of corporate officers are required.)

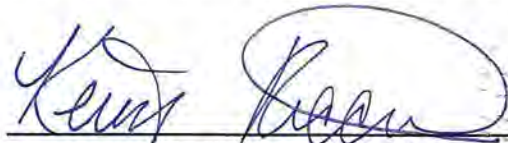
 05/08/2023
Signature of Prime Contractor Date

Jeoung Hun Lee / Secretary
Print name and title

CONSENT OF SURETY FOR FINAL PAYMENT

In accordance with the provisions of the contract between the Owner and the Contractor, and the following named Surety: The Ohio Casualty Insurance Company on the Payment Bond in the amount of Eight Hundred Sixteen Thousand Three Hundred Twelve and 00/100 Dollars, of the following named Contractor: JCOS Development, Inc. hereby approves of final payment to the Contractor, and further agrees that said final payment to the Contractor shall not relieve the Surety named herein of any of its obligations to the Owner, as set forth in said Surety company's bond.

IN WITNESS WHEREOF, the Surety Company has hereunto set its hand and seal this 14th day of June, 20 23.



Signature of Authorized Surety Representative

Kerissa Ricciardi, Attorney-in-Fact

Title

(CORPORATE SEAL)

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 Orange

On June 14, 2023 before me, Hanh T. Le, Notary Public
(insert name and title of the officer)

personally appeared Kerissa Ricciardi,
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 signature(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.

Signature  (Seal)





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8210278-986376**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Jeremy Pendergast; Kerissa Ricciardi; Michael Castaneda

all of the city of Santa Ana state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 12th day of June, 2023.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 12th day of June, 2023 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 14th day of June, 2023.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

FIRE STATION NO. 68 IMPROVEMENTS PROJECT

CIP No. 21-03

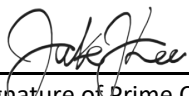
CONTRACTOR'S AFFIDAVIT OF PAYMENT

To All Whom It May Concern:

WHEREAS, the undersigned has been contracted by the City of Menifee to furnish labor and materials for **Fire Station No.68 Improvements Project - CIP No. 21-03**, under a contract dated the 20th day of July, 2022, in the City of Menifee, County of San Diego, State of California, of which City of Menifee is the Owner.

NOW, THEREFORE, this 8th day of May, 2023 the undersigned, as the Contractor for the above-named Contract pursuant to the Conditions of the Contract hereby certifies that, except as listed below, he has paid in full or has otherwise satisfied all obligations for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or his property might in anyway be held responsible.

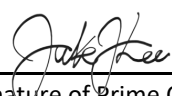
EXCEPTIONS: (If none, write "None". If required by the Owner, the Contractor shall furnish bond satisfactory to the Owner for each exception.) None



Signature of Prime Contractor 05/08/2023
Date

Jeoung Hun Lee / President

Print name and title



Signature of Prime Contractor 05/08/2023
Date

Jeoung Hun Lee / Secretary

Print name and title

(If the Prime Contractor is a corporation two signatures of corporate officers are required.)

FIRE STATION NO. 68 IMPROVEMENTS PROJECT

CIP No. 21-03

GUARANTEE AGREEMENT

We hereby guarantee that **Fire Station No.68 Improvements Project - CIP No. 21-03**

, has been installed in accordance with the drawings and specifications and that the work as installed will fulfill the requirements included in the specifications. The undersigned agrees to promptly repair or replace, in a manner satisfactory to the Engineer, any or all of such work, together with any other adjacent work which may be displaced in connection with such repair or replacement, that may prove to be defective in workmanship or material within a period of one (1) year from the date of acceptance of the above referenced project by City of Menifee, ordinary wear and tear and unusual abuse or neglect excepted.

The Contractor also agrees to indemnify and hold City of Menifee harmless from claims of any kind arising from damage due to said defects in the work constructed under the Contract.

In the event that the undersigned fails to comply with the abovementioned conditions within a reasonable period of time, as determined by City of Menifee, the undersigned hereby authorizes the City of Menifee to proceed with the repair of said defects and the Contractor and his/her surety shall be liable to the City of Menifee for the cost thereof.

Firm name

Address

Signature of Prime Contractor or Sub-Contractor

Signature of Prime Contractor or Sub-Contractor

Print name and title

Print name and title

Countersigned (required by Prime Contractor if this Guarantee Agreement is for a Sub-Contractor):

JCOS Development, Inc.

8201 Orangethorpe Ave., Ste D, Buena Park, CA 90621

Firm name

Address



Signature of Prime Contractor



Signature of Prime Contractor

Jeoung Hun Lee / President

Jeoung Hun Lee / Secretary

Print name and title

Print name and title

Contact for Service:

Jeoung Hun Lee

Name

8201 Orangethorpe Ave., Ste D, Buena Park, CA 90621

Address

714-251-3023 / jake@jcosusa.com

Telephone number and email address