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APPROVED
BY THE CITY COUNCIL

SEP 23 1997

C097-132

OFFICE OF THE
CITY CLERK
DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814

DEVELOPMENT SERVICES
DIVISION

September 11, 1997

PH 916-264-7474
FAX 916-264-7480

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: DISPLAY WAY ASSESSMENT DISTRICT #96-04, AUTHORIZE SALE OF BONDS, AND AWARD OF CONTRACT

LOCATION AND COUNCIL DISTRICT:

The Display Way Assessment District is in Council District #2 (please see attached Exhibit A). The district includes 6 parcels of land located just west of Rio Linda Boulevard and south of Interstate 80.

RECOMMENDATION:

This report recommends that the City Council adopt the following:

1. Resolution Authorizing Issuance of Bonds, etc.
2. Resolution Amending the Capital Improvement Program and Establishing the Revenue and Expenditure Budget.

CONTACT PERSONS: Ron Wicky, Special Districts Analyst, 264-5628

FOR COUNCIL MEETING OF: September 23, 1997

SUMMARY:

This report request that the City Council adopt the attached resolutions. This action will officially determine the amount of assessments that remain unpaid, authorize the issuance of bonds and award the contract.

COMMITTEE/COMMISSION ACTION:

None.

City Council
 Display Way Assessment District #96-04, Authorize
 Sale of Bonds and Award of contract
 September 11, 1997

BACKGROUND INFORMATION:

On August 12, 1997, Council held a public hearing on the assessment district and levied assessments. The clerk reported that 100% of the property owners mailed in ballots and voted in favor of the district. The City Treasurer has determined that the amount of assessments remaining unpaid is \$315,040 and requests authorization to issue bonds to represent the unpaid assessments.

Bids were received and reported to Council on August 12, 1997. Staff recommends that the contract be awarded to R.C. Collet Inc., the lowest responsible bidder at \$338,877.

FINANCIAL CONSIDERATIONS:

The funds necessary for this project will be provided by the revenue that is forthcoming from the sale of bonds, and a contribution by Sacramento Housing Redevelopment Agency (SHRA). The money will be distributed by establishing a revenue and expenditure budget of \$529,013 (\$315,040, the amount assessed to the property owners, plus \$225,000 received from SHRA minus \$11,027 for the bond discount). A summary of the estimated project costs are as follows:

Estimated Construction Cost	\$338,877
Contingency	<u>33,888</u>
Subtotal	\$372,765
Drain Line Acquisition	<u>22,694</u>
Total Construction	\$395,459
Engineering	
Design	\$15,825
Project Management/Staking & Inspection	<u>45,000</u>
Subtotal	\$456,284
Bond Incidentals	<u>41,225</u>
Subtotal	\$497,509
Contributions	
(SHRA)	<u>(225,000)</u>
Project Cost	\$272,509
Reserve Account	<u>31,504</u>
Total Expenditures	\$304,013
Bond Discount	<u>\$11,027</u>
Total Amount Assessed to Property Owners	\$315,040

The above expenditures are detailed in the Engineer's Report on file with the City Clerk. There is no impact to the General Fund as a result of this district.

City Council
Display Way Assessment District #96-04, Authorize
Sale of Bonds and Award of contract
September 11, 1997

ENVIRONMENTAL CONSIDERATIONS:

On August 20, 1996, City Council adopted Resolution No. 96-074 ratifying the negative declaration and the mitigation monitoring plan for this project.

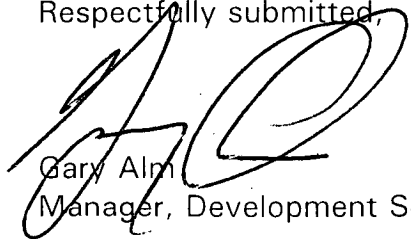
POLICY CONSIDERATIONS:

The procedures under which this district is being formed are set forth in the California Streets and Highways Code, specifically Division 12 entitled, "Municipal Improvement Act of 1913" and Division 10 entitled, "Improvement Bond Act of 1915".

MBE/WBE:

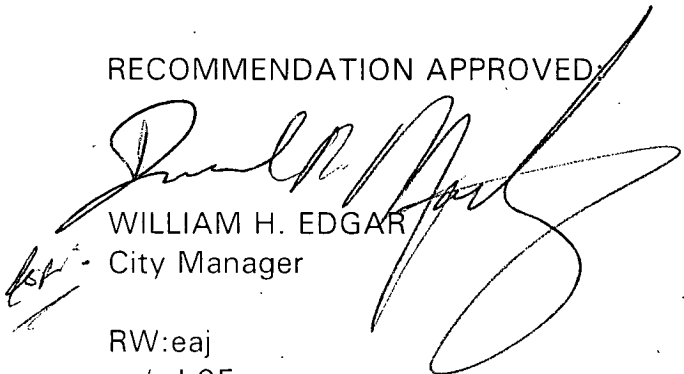
This project included participation goals of 10.57% MBE and 9.5% WBE as required by Resolution 93-619 relating to MBE/WBE participation goals and policies adopted by the City Council on November 2, 1993. Award of the project is contingent upon the responsive low bidder either meeting these project MBE/WBE participation goals or making documented good faith efforts toward meeting the project goals. The lowest responsible bidder, R.C. Collet, Inc., participation goals were 14.73% MBE and 17.29% WBE.

Respectfully submitted,



Gary Alm
Manager, Development Services

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

RW:eaj
cc/sd.05

APPROVED:



Michael Kashiwagi
Director of Public Works

DISPLAY WAY ASSESSMENT DISTRICT #96-04

June 24, 1997	Council adopted Resolution of Intention and sets hearing dates
June 1997	Boundary Map recorded with County Recorder
June 1997	Mailed, Published, Notice of Hearing
July 22, 1997	Council held Public Meeting (Hearing #1)
August 12, 1997	Council held Public Hearing #2. Council adopted Resolution Adopting Amended Engineer's Report, Confirming and Levying Assessments and Ordering Improvements
August 1997	Recorded Assessment Diagram and Notice of Assessment with County

September 23, 1997	Council considers Resolution Authorizing Sale of Bonds, Appropriation of Funds - Award of Contract
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September 1997	Bond Closing
September 1997	City Receives Proceeds from Bonds
September 1997	Contractor Notice to Proceed
November 1997	Estimated Completion Date of Improvements

APPROVED
BY THE CITY COUNCIL

SEP 23 1997

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 97-529

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO PROVIDING FOR THE ISSUANCE OF \$315,039.65 PRINCIPAL AMOUNT OF CITY OF SACRAMENTO LIMITED OBLIGATION IMPROVEMENT BONDS, DISPLAY WAY ASSESSMENT DISTRICT NO. 96-04; PRESCRIBING THE DATE, DENOMINATIONS, MATURITIES, INTEREST RATES AND FORM OF SAID BONDS; AUTHORIZING THE EXECUTION OF SAID BONDS; PROVIDING FOR THE COLLECTION OF ASSESSMENTS TO PAY THE INTEREST ON AND PRINCIPAL OF SAID BONDS; PROVIDING FOR A RESERVE FUND FOR SAID BONDS; AND DIRECTING THE SALE OF SAID BONDS AND APPROVING THE OFFERING CIRCULAR FOR SAID BONDS.

WHEREAS, the City Council (the "Council") of the City of Sacramento (the "City") on June 24, 1997, duly adopted its Resolution of Intention No. 97-364 (the "Resolution of Intention") relating to the acquisition and construction of certain public improvements in and for an assessment district in the City designated "Display Way Assessment District No. 96-04," as described therein, pursuant to the provisions of the Municipal Improvement Act of 1913; and

WHEREAS, an assessment and diagram were thereafter duly made and filed with the Council, and after a duly noticed public meeting and a duly noticed public hearing which were duly held, said assessment was amended and confirmed, levied and approved by Resolution No. 97-467 adopted by the Council on August 12, 1997; and

WHEREAS, said assessment and diagram were duly recorded in the office of the City Engineer and Superintendent of Streets of the City and the Engineer of Work for said assessment district, and said diagram was duly recorded in the office of the County Recorder of the County of Sacramento, and a notice of assessment was duly recorded in the office of the County Recorder of the County of Sacramento, all in the time, form and manner required by law; and

WHEREAS, said assessment was in the total amount of three hundred fifteen thousand thirty-nine dollars and sixty-five cents (\$315,039.65) and was apportioned upon the several subdivisions of

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land in said assessment district in proportion to the estimated benefits to be received by such subdivisions, respectively, from the acquisition and construction of said public improvements as shown in said assessment; and

WHEREAS, all property owners within said assessment district have signed waivers waiving their rights to pay the assessments in cash and to receive notices of the assessments by mail and by publication; and

WHEREAS, the Treasurer of the City (the "Treasurer") thereafter made and filed with the City Engineer and Superintendent of Streets of the City and the Engineer of Work for said assessment district and the City Clerk of the City (the "City Clerk") and the Director of Finance of the County of Sacramento a complete list of all unpaid assessments upon said assessment, and the Council found and determined by a resolution adopted on August 12, 1997, that said assessments so listed as unpaid in said assessment district in said list of unpaid assessments are unpaid and that the aggregate amount thereof is three hundred fifteen thousand thirty-nine dollars and sixty-five cents (\$315,039.65);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sacramento, as follows:

Section 1. The foregoing recitals are true and correct and the Council hereby so finds and determines.

Section 2. The Council has reviewed all proceedings heretofore taken relative to the foregoing and has found, as a result of such review, and does hereby find and determine that all acts, conditions and things required by law to exist, happen and be performed precedent to and in the issuance of improvement bonds as hereinafter provided do exist, have happened and have been performed in due time, form and manner as required by law, and the City is now authorized pursuant to each and every requirement of law to issue improvement bonds in the manner and form as in this resolution provided.

Section 3. Improvement bonds of the City in the aggregate principal amount of three hundred fifteen thousand thirty-nine dollars and sixty-five cents (\$315,039.65) shall be issued upon the security of said unpaid assessments in accordance with the provisions of the Improvement Bond Act of 1915 (the "Act") and pursuant to the provisions of the Resolution of Intention and the proceedings taken thereunder, which bonds shall be designated the "City of Sacramento Limited Obligation Improvement Bonds, Display Way Assessment District No. 96-04" (the "Bonds"). The

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Bonds shall be dated September 1, 1997, shall be issued as fully registered bonds in the denomination of one thousand dollars (\$1,000) each or integral multiples thereof, except for the first numbered Bond which shall be in the denomination of one thousand thirty-nine dollars and sixty-five cents (\$1,039.65), and shall mature on September 2 in the years and in the principal amounts and shall bear interest at the interest rates as follows:

<u>Maturity Date</u> <u>(September 2)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
1998	\$15,039.65	5.00%
1999	15,000.00	5.60
2000	15,000.00	5.80
2001	15,000.00	6.00
2002	15,000.00	6.20
2003	20,000.00	6.40
2004	20,000.00	6.50
2005	20,000.00	6.60
2006	20,000.00	6.70
2007	25,000.00	6.80
2008	25,000.00	6.90
2009	25,000.00	7.00
2010	25,000.00	7.10
2011	30,000.00	7.20
2012	30,000.00	7.25

Section 4. The interest on the Bonds shall be payable semiannually on March 2 and September 2 in each year, commencing on March 2, 1998, from the interest payment date next preceding the date of registration thereof (unless such date of registration is on a day a day during the period from the fifteenth (15th) day of the calendar month next preceding an interest payment date to such interest payment date, both days inclusive, in which event they shall bear interest from such interest payment date, or unless such date of registration is on a day before the fifteenth (15th) day of the calendar month next preceding the first interest payment date, in which event they shall bear interest from their dated date) until payment of the principal sum thereof shall have been discharged.

The interest on and principal of and redemption premiums, if any, on the Bonds shall be payable in lawful money of the United

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States of America at the Office of Bonds and Assessments, City of Sacramento, Sacramento, California, as Paying Agent, Registrar and Transfer Agent of the City for the Bonds (the "Paying Agent"). Payment of the interest on the Bonds due on or before the maturity or prior redemption thereof shall be made by check mailed by first class mail on each interest payment date to the registered owners of the Bonds as their names appear at the close of business on the fifteenth (15th) day of the calendar month next preceding each interest payment date on the registration books maintained by the Paying Agent as hereinafter set forth, and payment of the principal of and redemption premiums, if any, on the Bonds shall be made only upon surrender thereof by the registered owners thereof on their maturity dates or on redemption prior to maturity at the office of the Paying Agent.

Any Bond may be redeemed on the second day of March or September in any year, at the option of the City, upon payment of the principal amount thereof plus interest accrued thereon to the date of redemption, together with a redemption premium equal to the following percentages of the principal amount redeemed, namely:

<u>Redemption Date</u>	<u>Redemption Premium</u>
On or after March 2, 1998, and prior to March 2, 2003	3%
On or after March 2, 2003, and prior to March 2, 2008	2
On or after March 2, 2008, and prior to March 2, 2010	1
On or after March 2, 2010, and prior to maturity	0

; provided, that the City shall proceed pursuant to Part 11.1 of the Act in determining those Bonds to be redeemed and the manner of the redemption thereof, and shall give at least thirty (30) days' notice of the redemption of any Bond by registered or first class mail to the registered owner thereof at the registered owner's address as it appears on the registration books maintained by the Paying Agent.

The Council declares and determines that it does not and will not obligate itself to advance funds from the City treasury to cure any deficiency which may occur at any time in the Redemption Fund created in Section 9 of this resolution.

Section 5. The Bonds shall be substantially in the form and substance herein set forth, the blanks in said form to be filled in with appropriate words and figures, namely:

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[FORM OF BOND]

UNITED STATES OF AMERICA
STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

CITY OF SACRAMENTO
LIMITED OBLIGATION IMPROVEMENT BOND
DISPLAY WAY ASSESSMENT DISTRICT NO. 96-04

REGISTERED

REGISTERED

No. R- _____

\$ _____

Interest Rate

Maturity Date

Dated as of

_____ %

September 2, _____

September 1, 1997

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

Under and by virtue of the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code of the State of California (the "Act"), the City of Sacramento (the "City") will, out of the redemption fund for the payment of the bonds issued upon the unpaid portion of assessments made for the acquisition and construction of certain public improvements more fully described in proceedings taken pursuant to Resolution of Intention No. 97-364 adopted by the City Council of the City on June 24, 1997, pay to the registered owner set forth above on the maturity date set forth above (subject to the right of prior redemption hereinafter reserved) the principal amount set forth above in lawful money of the United States of America, and in like manner will pay interest from the interest payment date next preceding the date of registration of this bond (unless such date of registration is on a day during the period from the fifteenth (15th) day of the calendar month next preceding an interest payment date to such interest payment date, both days inclusive, in which event it shall bear interest from such interest payment date, or unless such date of registration is on a day before the fifteenth

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(15th) day of the calendar month next preceding the first interest payment date, in which event it shall bear interest from the dated date set forth above) until payment of such principal sum shall have been discharged, at the interest rate per annum set forth above, payable semiannually on March 2 and September 2 in each year commencing on March 2, 1998. The principal hereof and the redemption premium, if any, hereon are payable only upon surrender of this bond on its maturity date or on redemption prior to maturity at the Office of Bonds and Assessments, City of Sacramento, Sacramento, California, as Paying Agent, Registrar and Transfer Agent of the City for the bonds (the "Paying Agent"), and the interest hereon is payable by check mailed by first class mail on each interest payment date to the registered owner hereof as the owner's name appears at the close of business on the fifteenth (15th) day of the calendar month next preceding each interest payment date on the registration books maintained by the Paying Agent.

This bond is one of several annual series of bonds of like date, tenor and effect, but differing in amounts, maturities and interest rates, issued by the City under the Act and Resolution No. 97-___ adopted by the City Council of the City on September 23, 1997, providing for its issuance (the "Resolution of Issuance") for the purpose of providing means for paying for the acquisition and construction of those certain public improvements described in said proceedings, and is secured by the money in said redemption fund and by the unpaid portion of said assessments made for the payment of the acquisition and construction of said public improvements, and, including principal and interest, is payable exclusively out of said fund.

This bond will continue to bear interest after maturity at the rate above stated; provided, it is presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient money in said redemption fund with which to pay the same. If it is not presented at maturity, interest hereon will run until maturity.

This bond may be redeemed and paid in advance of maturity upon the second day of March or September in any year, at the option of the City, by giving at least thirty (30) days' notice by registered or first class mail to the registered owner hereof at the registered owner's address as it appears on the registration books maintained by the Paying Agent, upon payment of the principal amount thereof plus interest accrued thereon to the date of redemption, together with a redemption premium equal to the following percentages of the principal amount redeemed, namely:

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<u>Redemption Date</u>	<u>Redemption Premium</u>
On or after March 2, 1998, and prior to March 2, 2003	3%
On or after March 2, 2003, and prior to March 2, 2008	2
On or after March 2, 2008, and prior to March 2, 2010	1
On or after March 2, 2010, and prior to maturity	0

This bond is transferable by the registered owner hereof, in person or by the owner's attorney duly authorized in writing, at the above-mentioned office of the Paying Agent, subject to the terms and conditions provided in the Resolution of Issuance, including the payment of certain charges, if any, upon surrender of this bond for cancellation accompanied by delivery of a duly executed written instrument of transfer in a form satisfactory to the Paying Agent, and thereupon a new bond or bonds of authorized denominations and of the same maturity date aggregating the principal amount of this bond will be issued to the transferee in exchange therefor.

Bonds shall be registered only in the name of an individual (including joint owners), a corporation, a partnership or a trust, and the City and the Paying Agent may treat the owner hereof as the absolute owner for all purposes, and the City and the Paying Agent shall not be affected by any notice to the contrary.

IN WITNESS WHEREOF, the City of Sacramento has caused this bond to be signed by the facsimile signature of the City Treasurer of the City and by the facsimile signature of the City

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Clerk of the City, and has caused its corporate seal to be printed in facsimile hereon, all on the 1st day of September, 1997.

CITY OF SACRAMENTO

City Treasurer

[SEAL]

City Clerk

[FORM OF REGISTRATION ENDORSEMENT]

This bond has been registered in the name of the above-named registered owner this ____ day of _____, ____.

OFFICE OF BONDS AND ASSESSMENTS, CITY OF SACRAMENTO, as Paying Agent

By _____
Authorized Officer

FOR CITY CLERK USE ONLY

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[FORM OF ASSIGNMENT]

For value received the undersigned do(es) hereby sell, assign and transfer unto _____ the within bond and do(es) hereby irrevocably constitute and appoint _____ attorney to transfer the same on the register of the Paying Agent, with full power of substitution in the premises.

Date: _____.

SIGNATURE GUARANTEED:

NOTE: The signature(s) to this Assignment must correspond with the name(s) as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: _____

Section 6. The Bonds shall be executed by the Treasurer and by the City Clerk by the use of their printed facsimile signatures, and the seal of the City shall be affixed thereto by the City Clerk, which seal shall be printed by facsimile thereon. Such signing and sealing as herein provided shall be a sufficient and binding execution of the Bonds by the City, and in case either of such officers whose signatures appears on the Bonds shall cease to be such officer before the delivery of the Bonds to the purchaser, such signature shall nevertheless be valid and sufficient for all purposes the same as though such officer had remained in office until the delivery of the Bonds.

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Section 7. The Paying Agent will keep at its office in Sacramento, California, sufficient books for the registration, transfer and exchange of the Bonds, which books shall at all times during normal business hours with reasonable advance notice be open to inspection by the City, and upon presentation for such purpose, the Paying Agent shall, under such reasonable regulations as it may prescribe, register or transfer or exchange the Bonds on such books as hereinafter provided, and shall execute the registration endorsement on the Bonds to evidence the registration of the Bonds in the name of the registered owner thereof.

Any Bond may be transferred or exchanged on such books by the registered owner thereof, in person or by his duly authorized attorney, upon payment of any tax or other governmental charge required to be paid with respect to such transfer or exchange, upon surrender of such Bond for cancellation accompanied by delivery of a duly executed written instrument of transfer or exchange in a form approved by the Paying Agent. Whenever any Bond or Bonds shall be surrendered for transfer or exchange, the City shall execute and the Paying Agent shall deliver a new Bond or Bonds of authorized denominations of the same maturity date aggregating the same principal amount of the Bond or Bonds so surrendered. The City and the Paying Agent may deem and treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of receiving payment thereof and for all other purposes, whether such Bond shall be overdue or not, and neither the City nor the Paying Agent shall be affected by any notice or knowledge to the contrary; and payment of the interest on and principal of and redemption premium, if any, on such Bond shall be made only to such registered owner as above provided, which payment shall be valid and effectual to satisfy and discharge the liability on such Bond to the extent of the sum or sums so paid.

Section 8. The unpaid assessments in the aggregate amount of three hundred fifteen thousand thirty-nine dollars and sixty-five cents (\$315,039.65), as shown on said list hereinabove referred to and as determined by the Council, together with interest thereon computed at the rate specified in the Bonds (which interest shall begin to run from the date of the Bonds), shall, in accordance with and consistent with the Act, remain and constitute a trust fund for the redemption and payment of the principal of the Bonds and for the interest due thereon, and said assessments and each installment thereof and the interest and penalties thereon shall constitute a lien against the lots and parcels of land on which they are made, until the same be paid. The Director of Finance of the County of Sacramento shall annually make a record in his office showing the several installments of principal and interest on said assessments which are to be collected for the

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forthcoming year during the term of the Bonds; and an annual installment of said unpaid assessments shall be payable and shall be collected in each year corresponding in amount to the amount of Bonds unpaid and maturing in such year, which amount shall be sufficient to pay the Bonds as the same become due in such year, and an annual installment of interest on said unpaid assessments shall be payable and shall be collected in each year corresponding in amount to the amount of interest which will accrue on the Bonds outstanding for such year, which amount shall be sufficient to pay the interest thereon that shall become due on the Bonds in the next succeeding March and September. In addition, the Director of Finance of the County of Sacramento shall annually enter in the assessment roll on which taxes will next become due, opposite each lot or parcel of land affected, in the manner and subject to the limitations set forth in Sections 8682 and 8682.1 and 10204(f) of the Streets and Highways Code; each lot's or parcel's pro rata share of the estimated annual costs of collection of such installments and the estimated annual costs in connection with the registration of the Bonds, and all sums so collected shall belong to the City and shall be used to pay the expenses and compensation of the City incurred in the collection of such assessments and the registration of the Bonds. All such assessments coming due in any year, together with the annual interest on the unpaid principal of such assessment, shall be payable in the same manner and at the same time and in the same installments as the general taxes of the County of Sacramento on real property are payable, and said assessment installments and said annual interest on said unpaid assessments shall be payable and become delinquent on the same dates and in the same proportionate amounts and, except for the penalties provided below, shall bear the same proportionate penalties and interest after delinquency as do general taxes on real property in the County of Sacramento.

Additionally, a penalty of two per cent (2%) per month of the total amount of any delinquent assessment installment shall be added to such delinquent assessment installment after the close of business on the delinquency date, and an additional penalty of two per cent (2%) of the amount of such delinquency shall be added thereto at the beginning of business on the tenth (10th) day of each succeeding month until such delinquent assessment installment and all penalties are fully paid, which penalties shall be in lieu of all other penalties assessed by other provisions of law, and all such penalties collected shall be collected with and as a part of such delinquent assessment installments and all penalties collected shall be deposited into the Redemption Fund provided in Section 10 of this resolution.

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The Council hereby agrees and covenants with the registered owners of the Bonds that, on or before October 1 of each year, it will review the public records of the County of Sacramento relating to the collection of the assessment installments in the prior fiscal year, and if the City determines on the basis of such review that the amount collected in such fiscal year is less than ninety-five per cent (95%) of the total amount due in such fiscal year and if the amount in the Reserve Fund is less than the Reserve Requirement, the City will within sixty (60) days of such determination institute foreclosure proceedings as authorized by the Act in order to enforce the lien of each of such delinquent assessment installments, and will diligently prosecute and pursue such foreclosure proceedings to judgment and sale; provided, that the City will in any case institute foreclosure proceedings against any parcel that is delinquent by more than one thousand dollars (\$1,000) in payment of assessment installments at the end of the fiscal year in which the assessment installment was placed on the tax roll for collection.

The Council hereby further agrees and covenants with the registered owners of the Bonds that it will not issue any additional indebtedness of said assessment district payable from and secured by assessments against the property within said assessment district.

Section 9. There is hereby created and established in the treasury of the City a fund to be known as the "City of Sacramento Limited Obligation Improvement Bonds, Display Way Assessment District No. 96-04 Redemption Fund," which fund shall be kept by the City and shall constitute a trust fund for the benefit of the registered owners of the Bonds. At the time of the issuance of the Bonds, the City shall deposit in said fund from the proceeds of sale of the Bonds an amount equal to the accrued interest received for the Bonds, and all sums received by the City which are received from the collection of unpaid assessments, and of the interest and penalties thereon, shall upon receipt be deposited in said fund. All sums to become due for the payment of the principal of the Bonds (whether at maturity or on prior redemption) and the redemption premiums, if any, thereon and the interest thereon shall be withdrawn from said fund and transferred by the Treasurer to the Paying Agent and used for the payment of the principal of the Bonds (whether at maturity or on prior redemption) and the redemption premiums, if any, thereon and the interest thereon on each such principal or interest payment date, and the Bonds and the redemption premiums, if any, thereon and the interest thereon shall not be paid out of any other funds. All money in said fund shall be invested in any lawful investments of City money maturing not later than the date on which such money is estimated to be required

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for disbursement hereunder. All interest earned on such investments shall be credited to said fund, except as otherwise required by Section 12 of this resolution. Any surplus remaining in said fund after payment of all Bonds and the interest thereon shall be applied as directed by the City.

Section 10. There is hereby created and established in the treasury of the City a fund to be known as the "City of Sacramento Limited Obligation Improvement Bonds, Display Way Assessment District No. 96-04 Improvement Fund," which fund shall be kept by the City. All proceeds of the sale of the Bonds shall be placed by the City to the credit of said fund (except for the accrued interest deposited into the Redemption Fund as provided in Section 9 of this resolution and except for the deposit required to be made in the Reserve Fund as provided in Section 11 of this resolution) and shall be kept separate and distinct from all other City funds. All money in said fund shall be invested in any lawful investments of City money maturing not later than the date on which such money is estimated to be required for disbursement hereunder. All interest earned on such investments shall be credited to said fund, except as otherwise required by Section 12 of this resolution. The money in said fund shall be applied exclusively for the purpose of paying the cost of the acquisition and construction of said public improvements for which said assessment district was formed, including payment of the incidental expenses in connection with the acquisition and construction of said public improvements and the issuance of bonds; provided, that after completion of the acquisition and construction of said public improvements and the payment of all claims from said fund, any surplus money remaining in said fund (as determined by the Council), or such portion thereof as is allowed by law, shall be used as a credit on the assessment in accordance with the provisions of Section 10427.1 of the Streets and Highways Code. The Council hereby agrees and covenants with the registered owners of the Bonds that it will proceed in good faith to complete the acquisition and construction of said public improvements for which said assessment district was formed in a timely manner pursuant to the Municipal Improvement Act of 1913, reserving the right to make changes and modifications as permitted by such act.

Section 11. There is hereby created and established in the treasury of the City a separate fund to be known as the "City of Sacramento Limited Obligation Improvement Bonds, Display Way Assessment District No. 96-04 Reserve Fund," which fund shall be kept by the City and shall constitute a trust fund for the benefit of the registered owners of the Bonds. At the time of the issuance of the Bonds, the City shall deposit from the proceeds of the sale of the Bonds in said fund a sum of money equal to the least of

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DATE ADOPTED: _____

(1) the maximum annual debt service on the Bonds; (2) one hundred twenty-five per cent (125%) of the average annual debt service on the Bonds; or (3) ten per cent (10%) of the original principal amount of the Bonds (the "Reserve Requirement"), and all money in said fund shall be paid and transferred in the following amounts and at the following times and under the following circumstances:

(a) Whenever there are insufficient funds in the Redemption Fund to meet the next maturing installment of interest on or principal of the Bonds, an amount necessary to satisfy such deficiency shall be transferred by the City from the Reserve Fund to the Redemption Fund, and the City agrees and covenants that if such insufficiency was caused by delinquent payment of installments of assessments, then an amount equal to the amount so transferred shall be reimbursed and deposited by the City in the Reserve Fund from the proceeds of redemption or sale of the parcel in respect of which payment of installments of assessments was delinquent.

(b) In the event any unpaid assessments are paid in cash prior to their final due date, the City shall transfer from the Reserve Fund to the Redemption Fund an amount equal to the ratio of the total amount initially provided for in the Reserve Fund to the total amount originally assessed in the proceedings for the Bonds multiplied by the reduction in said assessments, and the amount of the Reserve Requirement shall be reduced by the amount of any such transfer.

(c) Whenever the balance in the Reserve Fund is sufficient to retire all the remaining outstanding Bonds, the City shall transfer the balance in the Reserve Fund to the Redemption Fund and the City shall cease the collection of the unpaid assessments. In such case, the City shall credit such balance against the unpaid assessments in the manner set forth in the Act, with the amount apportioned to each unpaid assessment credited against the last unpaid assessment installment; and if the amount apportioned to each parcel exceeds the amount of said last installment, then such excess shall be credited against the next preceding unpaid assessment installment or installments until exhausted. In the event that the balance in the Reserve Fund at the time of such transfer exceeds the amount required to retire all outstanding Bonds, then such excess shall be apportioned by the City to each parcel upon which an individual assessment remained unpaid at the time the balance in the Reserve Fund was sufficient to retire all outstanding Bonds, and such payments shall be made by the City in cash to the respective owners of the parcels, except that if the excess attributable to any

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RESOLUTION NO.: _____

DATE ADOPTED: _____

individual assessment is fifty dollars (\$50.00) or less, such excess shall be transferred to the General Fund of the City.

All money in the Reserve Fund provided in this section shall be invested in lawful investments of City funds maturing not later than five (5) years from the date of purchase. All interest earned on such investments shall be credited to said fund, so long as the amount in said fund does not exceed an amount equal to the Reserve Requirement, but if at any time the amount of money in the Reserve Fund shall accumulate to an amount which exceeds the Reserve Requirement, such excess shall be credited by the City upon the unpaid assessments in the manner set forth in the Act; except in either case as otherwise required by Section 12 of this resolution.

Section 12. (a) The City will not directly or indirectly use or make any use of the proceeds of the Bonds or any other funds of the City or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" subject to federal income taxation by reason of Section 148 of the Internal Revenue Code of 1986 (the "Code") or "private activity bonds" subject to federal income taxation by reason of Section 141(a) of the Code or obligations subject to federal income taxation because they are "federally guaranteed" as provided in Section 149(b) of the Code; and to that end the City, with respect to the proceeds of the Bonds and such other funds, will comply with all requirements of such sections of the Code and all regulations of the United States Department of the Treasury issued thereunder to the extent that such requirements are, at the time, applicable and in effect. In the event that at any time the City determines that for purposes of this section it is necessary to restrict or limit the yield on the investment of any money held by it hereunder or otherwise, the City shall take such action as may be necessary in accordance with such determination.

(b) Without limiting the generality of the foregoing, the City will pay from time to time all amounts required to be rebated to the United States of America pursuant to Section 148(f) of the Code and any regulations of the United States Department of the Treasury issued thereunder as may be applicable to the Bonds from time to time, which obligation shall survive payment in full or defeasance of the Bonds, and to that end, there is hereby established in the treasury of the City a fund to be known as the "City of Sacramento Limited Obligation Improvement Bonds, Display Way Assessment District No. 96-04 Rebate Fund," which fund shall be kept by the City. The City will comply with the provisions of the Tax Certificate delivered at the time of issuance of the Bonds with respect to making deposits in the Rebate Fund, and the money held

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RESOLUTION NO.: _____

DATE ADOPTED: _____

in the Rebate Fund is pledged to provide payments to the United States of America as provided herein and in such Tax Certificate and no other person shall have claim to such money except as provided in such Tax Certificate.

(c) Notwithstanding any other provision of this resolution to the contrary, upon the City's failure to observe, or refusal to comply with, the covenants contained in this section, no one other than the registered owners or former registered owners of the Bonds shall be entitled to exercise any right or remedy under this resolution on the basis of the City's failure to observe, or refusal to comply with, such covenants.

(d) Notwithstanding any other provision of this section to the contrary, if the City shall obtain an opinion of nationally recognized bond counsel that any specified action required under this section is no longer required or that some further or different action is required to maintain the exclusion from gross income for federal income tax purposes of interest on the Bonds, the City may conclusively rely upon such opinion in complying with the requirements of this section, and the covenants hereunder shall be deemed to be modified to that extent.

(e) The covenants in this section shall survive the payment of the Bonds.

Section 13. The Bonds shall be sold by the Treasurer to such purchasers as may be selected by the Treasurer and in any manner deemed fair by him for a price of the principal amount thereof plus accrued interest thereon plus such premium, if any, specified by such purchasers; and in connection with the sale of the Bonds, the Offering Circular relating to the Bonds (the "Offering Circular), in substantially the form on file with the City Clerk, is hereby approved, and the Treasurer is hereby authorized to execute the Offering Circular on behalf of the City (with such changes as he may deem necessary or advisable) and to deliver copies of the Offering Circular to all potential and actual purchasers of the Bonds.

Section 14. The City Clerk is directed to cause a sufficient number of blank Bonds of suitable quality to be typed, lithographed, printed or engraved and to cause the blank spaces thereof to be filled in to comply with the provisions hereof and to procure their execution by the proper officers and to deliver them to the respective purchasers of the Bonds on receipt of the purchase price thereof by the City. The Treasurer and the City Clerk are further authorized to execute and deliver to such purchasers a signature and no-litigation certificate in the form

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RESOLUTION NO.: _____

DATE ADOPTED: _____

customarily required by purchasers of municipal bonds, certifying to the genuineness and due execution of the Bonds and to all facts within their knowledge relative to any litigation which may or might affect said assessment district or the City, said officers or the Bonds, and the Treasurer is further authorized to execute and deliver to such purchasers a receipt in the form customarily required by purchasers of municipal bonds, evidencing the payment of the purchase price of the Bonds, which receipt shall be conclusive evidence that said purchase price has been paid and has been received by the City. Any subsequent registered owner of the Bonds is hereby authorized to and shall be justified in relying upon any such signature and no-litigation certificate and any such receipt with respect to the Bonds executed, sold and delivered pursuant to the authority of this resolution.

Section 15. The City Clerk is hereby authorized and directed to file a certified copy of this resolution with the Director of Finance of the County of Sacramento.

Section 16. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, or to make any necessary modifications thereto, which are acceptable to the Treasurer and which he deems necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds, and the City hereby agrees and covenants with the registered owners of the Bonds that it will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this resolution and for the better assuring and confirming unto the registered owners of the Bonds of the rights and benefits provided hereby.

Section 17. This resolution shall take effect immediately upon its adoption.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

PASSED AND ADOPTED by the City Council of the City of Sacramento this 23rd day of September, 1997, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mayor of the City of Sacramento

ATTEST:

City Clerk of the City of Sacramento

[SEAL]

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

25

CLERK'S CERTIFICATE

I, Valerie A. Burrowes, City Clerk of the City of Sacramento, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 23rd day of September, 1997, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

An agenda for said meeting was posted at least seventy-two (72) hours before said meeting at the Sacramento City Hall, 915 I Street, Sacramento, California 95814, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: _____, 1997.

City Clerk of the City of
Sacramento

[SEAL]

APPROVED
BY THE CITY COUNCIL

SEP 23 1997

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 97-530

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION AMENDING THE CITY CAPITAL IMPROVEMENT PROGRAM BY ESTABLISHING DISPLAY WAY ASSESSMENT DISTRICT #96-04 REVENUE AND EXPENDITURE BUDGET IN THE AMOUNT OF \$529,013.26

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. The City Capital Improvement Program is hereby amended by establishing the project entitled "Display Way Assessment District #96-04 (42AD)."
2. The following appropriation increase will be supported by revenue that is forthcoming from the sale of bonds to be issued on all unpaid assessments, money received during the cash collection period, and a cash contribution by the Sacramento Redevelopment & Housing Agency (SHRA). The Assessment District Revenue Budget is established as follows:

\$ 225,000.00	675-ASD-42AD-3509 from SHRA
<u>304,013.26</u>	675-ASD-42AD-3714 from A.D. Bonds & Cash Payments
\$529,013.26	

The total revenue budget is the sum of the assessment to property owners of \$315,039.65, plus \$225,000.00 SHRA contribution minus \$11,026.39 for the bond discount.

The City Capital Improvement Program Budget is hereby amended by appropriating \$529,013.26 to the newly established project as follows:

\$338,877.00	675-ASD-42AD-4820	Construction Cost
15,750.00	675-ASD-42AD-4880	Engineering (Salary)
6,750.00	675-ASD-42AD-4881	Engineering (Benefits)
22,500.00	675-ASD-42AD-4831	Engineering (Indirect)
2,500.00	675-ASD-42AD-4213	Bond Printing
2,500.00	675-ASD-42AD-4321	Bond Administration

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

5,225.59	675-ASD-42AD-4287	S.D.I.R.S.
10,000.00	675-ASD-42AD-4802	Bond Counsel
31,503.97	675-ASD-42AD-4842	Reserve Account
16,000.00	675-ASD-42AD-4300	Special Districts
33,887.70	675-ASD-42AD-4414	Contingency
15,825.00	675-ASD-42AD-4802	Property Owner Reimbursement
5,000.00	675-ASD-42AD-4840	Attorney Fees
22,694.00	675-ASD-42AD-4813	Drain Line Acquisition

These appropriations will provide sufficient funds, to pay all incidental expenses associated with said Assessment District.

3. Director of Finance is hereby authorized and directed to expend the total sum of \$529,013.26 as follows": \$338,877.00 to be paid to the contractor to construct improvements; \$22,694.00 for a Drain line acquisition; and \$167,442.26 to pay for engineering and other incidental expenses.

MAYOR

ATTEST:

CITY CLERK

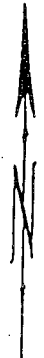
FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

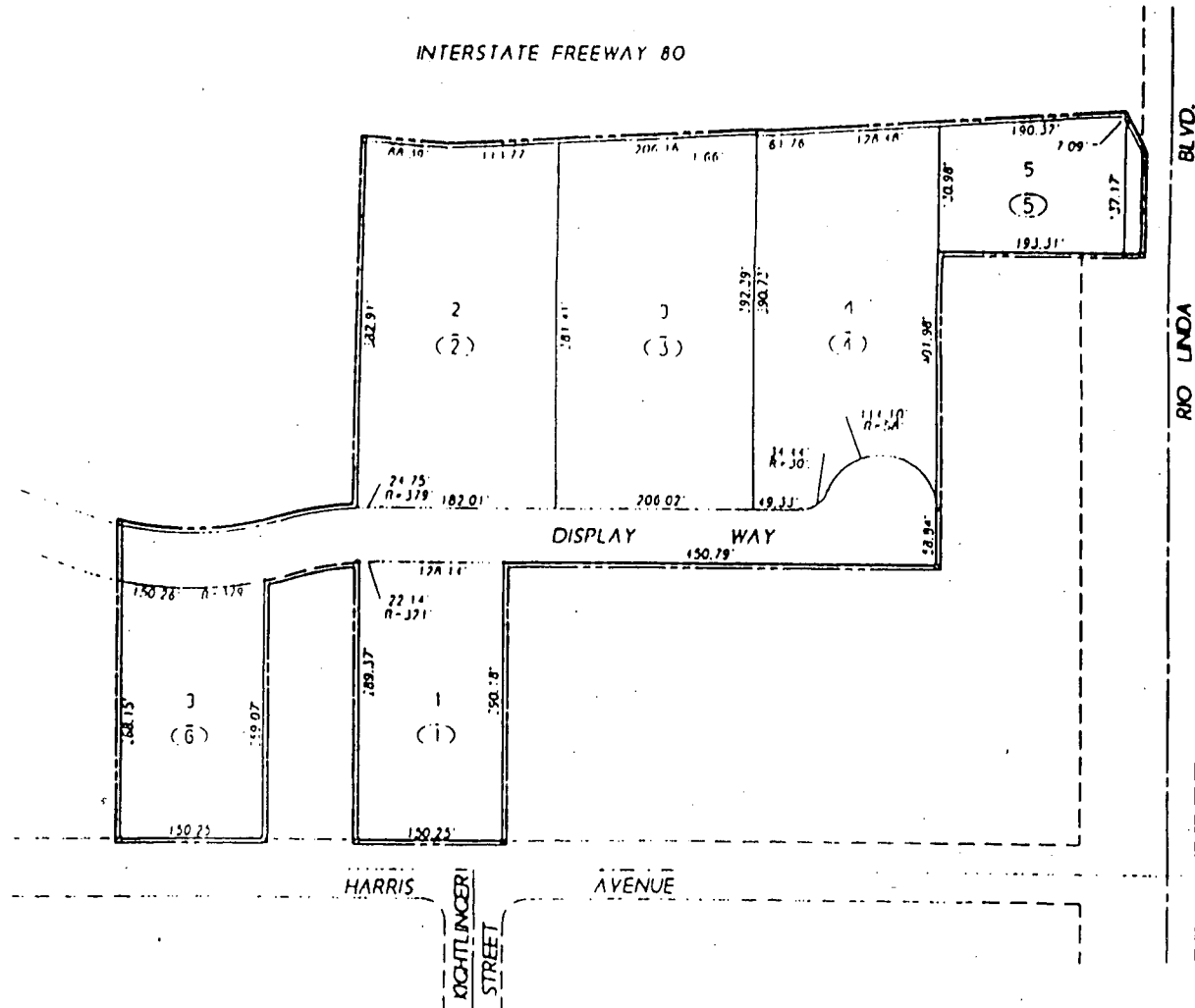
PROPOSED BOUNDARIES OF
 DISPLAY WAY ASSESSMENT DISTRICT NO. 96-04

CITY OF SACRAMENTO, CALIFORNIA
 MORTON & PITALO, INC.
 SHEET 1 OF 1 SHEET



SCALE: 1"=100'

INTERSTATE FREEWAY 80



LEGEND

BOUNDARY OF ASSESSMENT

ASSESSMENT DISTRICT BOUNDARY

ASSESSMENT NUMBER

LOT NUMBER

(1)

1

NOTE

DISTANCES ALONG CURVED LINE ARE CHORD MEASUREMENTS

1993 0007 10 0011 ALAD01 90210402 DWG 56-04-37 11 41 06

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION AMENDING THE CITY CAPITAL IMPROVEMENT PROGRAM BY ESTABLISHING DISPLAY WAY ASSESSMENT DISTRICT #96-04 REVENUE AND EXPENDITURE BUDGET IN THE AMOUNT OF \$529,013.26

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<u>304,013.26</u>	675-ASD-42AD-3714 from A.D. Bonds & Cash Payments
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The total revenue budget is the sum of the assessment to property owners of \$315,039.65, plus \$225,000.00 SHRA contribution minus \$11,026.39 for the bond discount.

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45,000.00	675-ASD-42AD-4880	Engineering
2,500.00	675-ASD-42AD-4213	Bond Printing
2,500.00	675-ASD-42AD-4321	Bond Administration
5,225.59	675-ASD-42AD-4287	S.D.I.R.S.
10,000.00	675-ASD-42AD-4802	Bond Counsel
31,503.97	675-ASD-42AD-4842	Reserve Account

FOR CITY CLERK USE ONLY

RESOLUTION NO. _____

DATE ADOPTED _____

16,000.00	675-ASD-42AD-4330	Special Districts
33,887.70	675-ASD-42AD-4414	Contingency
15,825.00	675-ASD-42AD-4802	Property Owner Reimbursement
5,000.00	675-ASD-42AD-4812	Attorney Fees
22,694.00	674-ASD-41AD-4820	Drain Line Acquisition

These appropriations will provide sufficient funds, to pay all incidental expenses associated with said Assessment District.

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MAYOR

ATTEST:

CITY CLERK

8.2797

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RESOLUTION NO.: _____

DATE ADOPTED: _____

CITY OF SACRAMENTO
Department of Public Works
Architecture & Engineering Division

Kochoo Construction Co., Inc.
1221 Greenhills Road
Sacramento, California 95864

Bid Proposal
Page 1 of 5

TO THE HONORABLE CITY COUNCIL
SACRAMENTO, CALIFORNIA:

In compliance with the Contract Documents, the undersigned hereby proposes to furnish all required labor, materials, supervision, transportation, equipment, services, taxes and incidentals required for:

NORWOOD/80 BUSINESS PARK - UNIT NO. 2B
ASSESSMENT DISTRICT NO. 96 -04
DISPLAY WAY
(JN:3829)

MAY 28 1997
Office of the City Clerk

REJECTED

SEP 23 1997
BY THE CITY COUNCIL
OFFICE OF THE
CITY CLERK

in the City and County of Sacramento, California.

The Work is to be done in strict conformity with the Contract Documents now on file in the office of the City Clerk, for the following sum:

<u>Item No.</u>	<u>Item</u>	<u>Estimated Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
1.	Preconstruction Photographs	1	JOB	\$ <u>500.00</u>	\$ <u>500.00</u>
2.	Clearing and Grubbing	1	JOB	\$ <u>15,000.00</u>	\$ <u>15,000.00</u>
3.	Trees to Remove	8	EA	\$ <u>10,000.00</u>	\$ <u>10,000.00</u>
4.	Roadway Excavation and Grading	4400(F)	CY	\$ <u>10.00</u>	\$ <u>44,000.00</u>
5.	Aggregate Base Class 2 to Place	3000	TON	\$ <u>12.00</u>	\$ <u>36,000.00</u>
6.	Asphalt Concrete to Place	1000	TON	\$ <u>35.00</u>	\$ <u>35,000.00</u>
7.	Curb and Gutter No 13 to Construct	416	LF	\$ <u>12.00</u>	\$ <u>4,992.00</u>
8.	Curb and Gutter No.4 to Construct	1,262	LF	\$ <u>12.00</u>	\$ <u>15,144.00</u>
9.	Sidewalk, 3-1/2" PCC to Construct	7,622	SF	\$ <u>2.50</u>	\$ <u>19,055.00</u>

10.	Concrete Residential Driveway	9	EA	\$ <u>500.00</u> \$ <u>4,500.00</u>
11.	Commercial Driveway to Construct	3	EA	\$ <u>1,000.00</u> \$ <u>3,000.00</u>
12.	Street Barricades to Construct	2	EA	\$ <u>1,500.00</u> \$ <u>3,000.00</u>
13.	Maintenance Hole No. 3 to Construct	3	EA	\$ <u>2,500.00</u> \$ <u>7,500.00</u>
14.	Maintenance Hole No. 3A to Construct	2	EA	\$ <u>2,700.00</u> \$ <u>5,400.00</u>
15.	Maintenance Hole No. 4 to Construct	1	EA	\$ <u>3,000.00</u> \$ <u>3,000.00</u>
16.	Drop Inlet, Type B to Construct	1	EA	\$ <u>1,200.00</u> \$ <u>3,600.00</u>
17.	Ditch Box to Construct	1	EA	\$ <u>1,000.00</u> \$ <u>2,000.00</u>
18.	Reconstruct Maintenance Hole Head to Grade	1	EA	\$ <u>750.00</u> \$ <u>1,500.00</u>
19.	12" Drainage Pipe to Place	167	LF	\$ <u>38.00</u> \$ <u>6,346.00</u>
20.	18" Drainage Pipe to Place	190	LF	\$ <u>45.00</u> \$ <u>8,550.00</u>
21.	24" Drainage Pipe to Place (RCP Class III)	126	LF	\$ <u>55.00</u> \$ <u>6,930.00</u>
22.	12" Drain Service to Place	1	EA	\$ <u>1,700.00</u> \$ <u>1,700.00</u>
23.	12" Drain Lead to Place	59	LF	\$ <u>38.00</u> \$ <u>2,242.00</u>
24.	Rock Cobbles to Place	1	JOB	\$ <u>2,500.00</u> \$ <u>2,500.00</u>
25.	8" Inside Drop Connection to Construct	1	EA	\$ <u>1,500.00</u> \$ <u>1,500.00</u>
26.	6" Sewer Service to Place	4	EA	\$ <u>1,000.00</u> \$ <u>4,000.00</u>
27.	Sewer Services to Remove and Replace	9	EA	\$ <u>1,000.00</u> \$ <u>9,000.00</u>

REJECTED
 SEP 23 1997
 BY THE CITY COUNCIL
 OFFICE OF THE
 CITY CLERK

MAY 28 2007

Office of the
 City Clerk

28.	Sewer Pipe 8" Diameter to Place	407	LF	\$ <u>45.00</u>	\$ <u>18,315.00</u>
29.	12" Diameter Water Pipe to Place	460	LF	\$ <u>40.00</u>	\$ <u>18,400.00</u>
30.	Existing Water Service to remove and Replace	7	EA	\$ <u>500.00</u>	\$ <u>3,500.00</u>
31.	12" Diameter Gate Valve to Place	2	EA	\$ <u>1,500.00</u>	\$ <u>3,000.00</u>
32.	Fire Hydrant Assembly to Remove		EA	\$ <u>1,000.00</u>	\$ <u>1,000.00</u>
33.	Fire Hydrant to Place	2	EA	\$ <u>2,000.00</u>	\$ <u>4,000.00</u>
34.	No Parking Sign to Place	1	EA	\$ <u>250.00</u>	\$ <u>250.00</u>
35.	Private Driveway Sign to Place		EA	\$ <u>250.00</u>	\$ <u>250.00</u>
36.	Removeable Pipe Barriers to Place	1	JOB	\$ <u>750.00</u>	\$ <u>750.00</u>
37.	6' High Chain Link Fence to Place	200	LF	\$ <u>14.00</u>	\$ <u>2,800.00</u>
38.	8' Wide Chain Link Gate to Place	4	EA	\$ <u>400.00</u>	\$ <u>1,600.00</u>
39.	Street Lights		JOB	\$ <u>8,453.00</u>	\$ <u>8,453.00</u>
					TOTAL \$ <u>318,277.00</u>

REJECTED

SEP 23 1997

BY THE CITY COUNCIL
 OFFICE OF THE
 CITY CLERK I

MAY 28 1997

Office of the City Clerk

If awarded the Agreement, the undersigned agrees to sign said Agreement and furnish the necessary surety bonds and insurance certificates within ten (10) days after receipt of the notice of award of Agreement, and to begin work within fifteen (15) days after receipt of the Notice to Proceed by the City.

It is understood that this Bid Proposal is based upon completion of the Work within a period of **THIRTY (30)** working days, commencing on the date set forth in the written Notice to Proceed issued by the City to the Contractor.

In determining the amount bid by each bidder, City shall disregard mathematical errors in addition, subtraction, multiplication and division that appear obvious on the face of the Proposal. When

such a mathematical error appears on the face of the Proposal, the City shall have the right to correct such error and to compute the total amount bid by said bidder on the basis of the corrected figure or figures.

When an item price is required to be set forth in the Proposal, and the total for the item set forth separately does not agree with a figure which is derived by multiplying the item price times the Engineer's estimate of the quantity of work to be performed for said item, the item price shall prevail over the sum set forth as the total for the item unless, in the sole discretion of the City, such a procedure would be inconsistent with the policy of the bidding procedure. The total paid for each such item of work shall be based upon the item price and not the total price. Should the Proposal contain only total price for the item and the item price is omitted, the City shall determine the item price by dividing the total price for the item by Engineer's estimate of the estimated quantities of work to be performed as items of work.

If the Proposal contains neither the item price nor the total price for the item, then it shall be deemed incomplete and the Proposal shall be disregarded.

The undersigned has examined the location of the proposed Work, the local conditions at the place where the Work is to be done, is familiar with the Contract Documents and is familiar and expressly agrees to the liquidated damages provision of the Contract Documents.

The undersigned has checked carefully all of the foregoing figures and understands that the City of Sacramento will not be responsible for any errors or omissions on the part of the undersigned in making up this Bid Proposal.

Enclosed is Bid Proposal Guarantee, as required, consisting of a bidder's bond or other acceptable security for not less than ten percent (10 %) of the amount Bid Proposal.

The undersigned agrees that all addenda received and acknowledged herein shall become a part of and be included in this Bid Proposal. This Bid Proposal includes the following addenda:

Add. #	<u>1</u>	DATE	<u>May 21, 1997</u>
Add. #	_____	DATE	<u>REJECTED</u>
Add. #	_____	DATE	<u>MAY 28 1997</u>

NOTE: State whether your concern is a corporation, a co-partnership, private individual, or individuals doing business under a firm name.

SEP 23 1997
BY THE CITY COUNCIL
OFFICE OF THE
CITY CLERK

If the Bidder is a corporation, the Bid Proposal must be executed in the name of the corporation and must be signed by a duly authorized officer of the corporation.

If the Bidder is a partnership, the Bid Proposal must be executed in the name of the partnership and one of the partners must subscribe their signature thereto as the authorized representative of the partnership.

AMOUNT OF BID PROPOSAL GUARANTEE ENCLOSED:

(\$ 10%) not less than ten percent (10%) of amount Bid Proposal

Bid Bond CERTIFIED CHECK
CASHIER'S CHECK
BID BOND
MONEY ORDER
OTHER SECURITY

CONTRACTOR:

By William Tochoo
(Signature)

William Tochoo
(Print or Type)

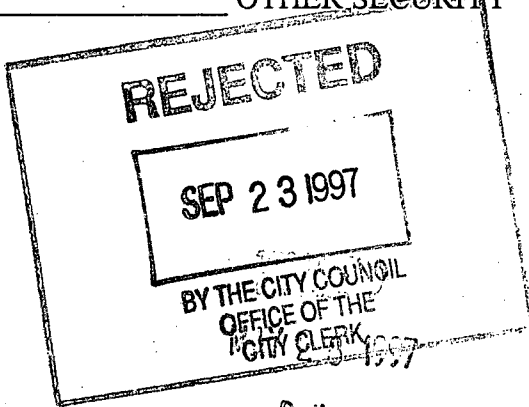
Title President

Address 1221 Greenhills Rd
Sacramento, CA 95864

Telephone No. 916-483-4185

Fax No. 916-482-2080

Date 5/28/97



Office of the City Clerk

Contractor's License No. 427343 Type A

Expiration Date 7/31/97

Tax I.D. Nos. - Fed. 94-2842444 State 27544972

City of Sacramento Business Operation Tax Certificate No. 1259300

DATE BID OPENED <u>5-28-97</u>	EMPLOYEE INITIALS <u>NA</u>
MARK ONE BOX FOR EACH ITEM, ONLY	
BID SECURITY	
<input checked="" type="checkbox"/> NONE REQUIRED	
<input checked="" type="checkbox"/> PROPERLY SIGNED	
BID DEPOSIT TYPE	
<input checked="" type="checkbox"/> BID BOND	
<input type="checkbox"/> CALIF. BANK CASHIER'S CHECK	
<input type="checkbox"/> CERTIFIED CHECK	
<input type="checkbox"/> CASH	
<input type="checkbox"/> CALIF. BANK MONEY ORDER	
AFTER AWARD OF BID	
<input type="checkbox"/> SECURITY RETURNED	
<input type="checkbox"/> SECURITY ACCEPTED	
EMPLOYEE INITIALS	DATE

DRUG-FREE WORKPLACE POLICY AND AFFIDAVIT

BID PROPOSAL MAY BE DECLARED NONRESPONSIVE IF THIS FORM (COMPLETED) IS NOT ATTACHED.
Pursuant to City Council Resolution CC90-498 dated 6/26/90 the following is required.

The undersigned contractor certifies that it and all subcontractors performing under this Agreement will provide a drug-free workplace by:

1. Publishing a "Drug-Free Workplace" statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Establishing a Drug-Free Awareness Program to inform employees about:
 - a. The dangers of drug abuse in the workplace.
 - b. The contractor's policy of maintaining a drug-free workplace.
 - c. Any available drug counseling, rehabilitation, and employee assistance program.
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Notify employees that as a condition of employment under this Agreement, employees will be expected to:
 - a. Abide by the terms of the statement.
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace.
4. Making it a requirement that each employee to be engaged in the performance of the Agreement be given a copy on the "Drug-Free Workplace" statement.
5. Taking one of the following appropriate actions, within thirty (30) days of receiving notice from an employee or otherwise receiving such notice, that said employee has received a drug conviction for a violation occurring in the workplace:
 - a. Taking appropriate disciplinary action against such an employee, up to and including termination; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

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* I certify that any person employed by this company, corporation, or business has not been convicted of any criminal drug statute violation on any job site or project within three years of the date of my signature below.

EXCEPTION: _____ Yes _____ No

Date	Violation Type	Place of Occurrence
Was Employed By This Firm.		

If additional space is required use back of this form.

* The above statement will also be incorporated as a part of each subcontract agreement for any and all subcontractors selected for performance on this project.

IN THE EVENT THIS COMPANY, CORPORATION, OR BUSINESS IS AWARDED THIS CONSTRUCTION AGREEMENT, AS A RESULT OF THIS BID; THE CONTRACTOR WITH HIS/HER SIGNATURE REPRESENTS TO THE CITY THAT THE INFORMATION DISCLOSED IN THIS DOCUMENT IS COMPLETE AND ACCURATE. IT IS UNDERSTOOD AND AGREED THAT FALSE CERTIFICATION IS SUBJECT TO IMMEDIATE TERMINATION BY THE CITY.

The Representations Made Herein On This Document Are Made Under Penalty Of Perjury.

CONTRACTOR'S NAME: _____

BY: Will [Signature] _____ Date: 5/27/97

Signature

President

Title

Effects of violations: a. Suspension of payments under the Agreement. b. Suspension or termination of the Agreement. c. Suspension or debarment of the contractor from receiving any Agreement from the City of Sacramento for a period not to exceed five years.

CITY OF SACRAMENTO

5/13/97

MINORITY AND WOMEN'S BUSINESS ENTERPRISE PROGRAM REQUIREMENTS SIGN-IN SHEET

Time & Date: 5/13/97 10:00 PM
 Project Name: FOR ALL CITY PROJECTS (good for next 90 days)
 Location: 927 10th Street, Rm 300 Sacramento, CA 95814

NAME	FIRM	TELE #	FAX #
Craig Lymus	Contract Administrator, City of Sacramento	264-5524	264-7903
<i>Tom Byers</i>	<i>H.K. MERRON</i>	<i>939-4164</i>	<i>939-2246</i>
<i>Richard Cox</i>	<i>Richard Cox Const. Inc.</i>	<i>916-221-7223</i>	<i>221-7398</i>
<i>Bill Kochoo</i>	<i>Kochoo Construction Co., Inc.</i>	<i>485-4185</i>	<i>482-2080</i>
<i>TREVOR WIACTA</i>	<i>Administrative Servs</i>	<i>433-6376</i>	<i>433-6310</i>

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MAY 21 1997

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OFFICE OF THE
CITY CLERK

SIP 2 3 997

REJECTED

May 28, 97 9:10 No. 002 P.01
CITY OF SAC ENG DIV TEL No. 916-264-7903

MBE/WBE GOOD FAITH EFFORT WORKSHEET

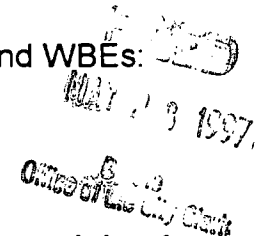
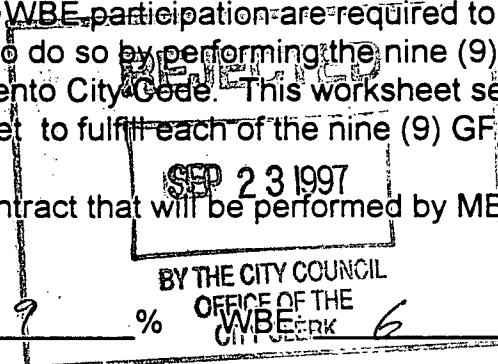
Name of Contractor: Kochoo Construction Co; Inc.
(please print)

Name of Project: Norwood/80 Business Park Unit No. 2B

This MBE/WBE Good Faith Effort Worksheet is provided to assist bidders in meeting the requirements of the City of Sacramento (City) for minority business enterprise (MBE) and women business enterprise (WBE) participation. Bidders who cannot meet the contract's goals of 10.57 % MBE and 9.5 % WBE participation are required to demonstrate that they made a "good faith effort" (GFE) to do so by performing the nine (9) actions specified in Section 58.08.802 of the Sacramento City Code. This worksheet sets forth the minimum requirements the bidder must meet to fulfill each of the nine (9) GFE actions.

Indicate the percentage of the contract that will be performed by MBEs and WBEs:

MBE: 7 % WBE: 6 %



NOTE: All MBEs and WBEs utilized to meet the project's MBE/WBE participation goals must be certified by the City's Office of Minority, Women and Small Business at the time of bid opening.

The bidder shall complete this worksheet if the percentage of the contract that will be performed by MBEs and/or WBEs does not meet the contract's goals for MBE and/or WBE participation. **The bidder shall submit a completed worksheet, with any attachments clearly identified, to the Office of the City Clerk no later than four (4) working days after bid opening. Failure to submit this worksheet and required attachments within the specified time shall be grounds for rejecting the bid.** Additional information requested from the bidder by the City shall be provided no later than two (2) working days after the bidder receives the City's request.

ACTION 1 - The bidder attended a MBE/WBE program meeting held by the City to inform bidders of the minority and women's business enterprise program requirements within ninety days prior to the date that bids are opened.

Compliance Requirement:

- Indicate the date of a MBE/WBE program meeting the bidder attended during the past

90 calendar days: 5/13/97 (Attach copy of sign-in sheet)

ACTION 2 - The bidder identified and selected specific items of the project to be performed by MBEs and/or WBEs to provide an opportunity for participation by those enterprises. The total dollar value of those items identified and selected by the bidder shall exceed or meet the goal or goals established for the contract but not met by the bidder.

Compliance Requirement:

- List all elements of the project selected to be performed by sub-contractors, suppliers, truckers and other businesses, and the value of the selected elements in dollars. (Attach an additional page if needed)

DESCRIPTION OF WORK/SERVICE	ACTUAL DOLLAR VALUE
1. James Soares Trucking	25,500.00
2. Harbor Sand & Gravel	20,000.00
3. Central Fence Co.	4,350.00
4.	
5.	
6.	
7.	
8.	
9.	
10.	
TOTAL	

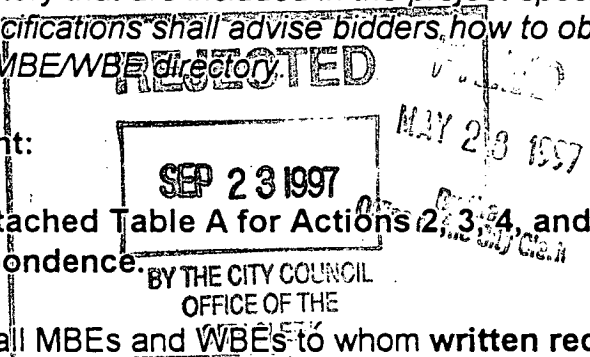
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MAY 20 1997
Office of the City Clerk

- The total dollar value of the project elements listed above must meet or exceed the MBE/ WBE participation goals established for the contract, but not met by the bidder, as follows:
 - If the bidder's percentage of MBE and WBE participation is less than the contract's MBE goal and WBE goal, the sum of the dollar value of the item(s) listed above must be at least **20.07 percent** of the total bid amount.
 - If the bidder meets the contract's WBE goal, but the bidder's percentage of MBE participation is less than the contract's MBE goal, the sum of the dollar value of the item(s) listed above must be at least **10.57 percent** of the total bid amount.

- If the bidder meets the contract's MBE goal, but the bidder's percentage of WBE participation is less than the project's WBE goal, the sum of the dollar value of the item(s) listed above must be at least **9.5 percent** of the total bid amount.

ACTION 3 - *The bidder requested, in writing, subcontract and supply proposals from MBEs and/or WBEs not less than 10 calendar days prior to the opening of bids. If the bidder does not meet the contract's MBE participation goal, for each item of the project identified and selected pursuant to action (2), above, the bidder shall request proposals from a minimum of three or one-third, whichever is greater, of the certified MBEs listed for each such item's category of work in the City's MBE/WBE directory; provided that if the City's directory lists fewer than three certified MBEs for any such item's category of work, the bidder shall request proposals from all of the certified MBEs listed for such category. If the bidder does not meet the contract's WBE participation goal, for each item of the project identified and selected pursuant to action (2), above, the bidder shall request proposals from a minimum of three or one-third, whichever is greater, of the certified WBEs listed for each such item's category of work in the City's MBE/WBE directory; provided that if the City's directory lists fewer than three certified WBEs for any such item's category of work, the bidder shall request proposals from all of the certified WBEs listed for such category. Bidders shall use the most recent MBE/WBE directory that is available on the date that the City advertises for bids on the project, including any updates to such directory that are included in the project specifications issued for the contract. The project specifications shall advise bidders how to obtain copies of and/or access to the City's most recent MBE/WBE directory.*

Compliance Requirement:



- Complete the attached Table A for Actions 2, 3, 4, and 5 and attach copies of relevant correspondence.
- On Table A, list all MBEs and WBEs to whom **written requests for proposals** were sent not less than 10 calendar days prior to the opening of bids. (Solicitations by FAX will be accepted as "written.")
- **If the bidder does not meet the contract's MBE goal:** For each item of the project listed under Action 2, above, the bidder shall send requests for proposals to a minimum of three or one third, whichever is greater, of the MBEs listed for each such item's category of work in the City's MBE/WBE directory. If fewer than three MBEs are listed in the City's MBE/WBE directory for any such item's category of work, the bidder shall request proposals from all of the MBEs listed for such category.
- **If the bidder does not meet the contract's WBE goal:** For each item of the project listed under Action 2, above, the bidder shall send requests for proposals to a minimum of three or one third, whichever is greater, of the WBEs listed for each such item's category of work in the City's MBE/WBE directory. If fewer than three WBEs

are listed in the City's MBE/WBE directory for any such item's category of work, the bidder shall request proposals from all of the WBEs listed for such category.

- Bidders shall only receive credit for requests sent to MBEs and WBEs listed as certified in the most recent MBE/WBE directory available on the date that the City advertised for bids on the project, as modified by any updates to such directory included in the project specifications issued for the contract. **Copies of the City's most recent MBE/WBE directory may be obtained by contacting the City's Office of Minority, Women and Small Business at (916) 264 - 6250.**
- Documentation of the bidder's performance of Action 3 **SHALL** include copies of each written solicitation and one of the following for each written solicitation:
 - Stamped and addressed envelopes sent by certified mail or other registered delivery system involving the use of "delivery receipts," with an established delivery service such as the U.S. Postal Service, Federal Express, United Parcel Service (UPS) Airborne Express, Roadway Package Systems, etc.. Certification, registration, or tracking numbers must be visible and readable on the copies of the envelopes.
 - FAX machine transactions logs.
- Failure to submit the verification required herein may be grounds for rejecting the bid.

ACTION 4 - The bidder followed up initial solicitations of interest by contacting the MBEs and WBEs solicited pursuant to action (3), above, to determine with certainty whether the enterprises were interested in performing specific items of the project.

Compliance Requirement:

MAY 23 1997

- A follow-up telephone call **must be made to every MBE or WBE solicited.**
- On Table A provide the information requested for each follow-up contact.

ACTION 5 - Upon request, the bidder provided MBEs and WBEs with information about the plans, specifications, and requirements for the selected subcontracting or material supply work.

Compliance Requirement:

- Indicate on Table A for each MBE or WBE solicited whether the business requested information regarding the plans and specifications, and whether such information was provided if requested. Include copies of any such request, as well as any informational letters, announcements, or flyers sent to MBEs and WBEs solicited.



Table for Responses to GFE ACTIONS 2, 3, 4 and 5.
List all MBEs and WBEs solicited for work. Attach verification as required by this worksheet.

GFE # 2 Type of work or service	GFE # 3 Written solicitation to: Business Name Phone #/Fax #	GFE # 3 Indicate if MBE or WBE	GFE # 3 Date of written solicitation	GFE # 4 Follow-Up Contact: Name/Title	GFE # 4 Follow-Up Contact: Date/Mode of Contact	GFE # 4 Response: Interested, Declined, or No Response	GFE # 5 Information on Plans/Specs Requested? (Circle one)	GFE # 5 Information on Plans/Specs Provided? (Circle one)
Clearing & Demolition	451-4331 Athena Const	WBE	5/19/97	Bill - Pres.	No Answer	No Response	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Rence work	383-3737 All-Country Rence	WBE	5/19/97	" "	" "	" "	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Demolition	No Fax # Andrea Const	WBE	5/19/97	" "	" "	" "	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Demolition & Clearing	C.E. Green Const	SB	5/19/97	" "	" "	" "	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Clearing & Demolition	All-Cal Demolition	MBE	5/19/97	" "	5/28/97	" "	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Street Lights	Oxards Elec	MBE	5/19/97	" "	will not bid	will not bid	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Street Lights	Roman ENGR	MBE	5/19/97	" "	will not bid	will not bid	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Street Lights	Azteca Const	MBE	5/19/97	" "	will not bid	will not bid	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Street Lights	Tovgensen Const	MBE	5/19/97	" "	will not bid	will not bid	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Concrete work	Ramirez Const	MBE	5/19/97	" "	will not bid	will not bid	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Concrete work	Pilcrest Const	MBE	5/19/97	" "	NO ANSWER	No Response	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Concrete work	Roy & Sons Const	MBE	5/19/97	" "	NO ANSWER	NO RESPONSE	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Concrete	Chetting Indust	MBE	5/19/97	" "	NO ANSWER	No Response	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
All Concrete	Athena Const	WBE	5/19/97	" "	NO ANSWER	No Response	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>

(Copy and attach additional pages as necessary)

PLEASE ATTACH VERIFICATION OF ALL WRITTEN SOLICITATIONS

ACTION 6 - The bidder requested assistance from one or more of the following organizations: minority and women community organizations; minority and women contractor groups; local, state, or federal minority and women business assistance offices; or other organizations that provide assistance in the recruitment and placement of MBEs or WBEs, if any are available.

Compliance Requirement:

- Bidders are required to request assistance from one or more of the agencies listed under the heading **HELPFUL RESOURCES** in the MBE/WBE Requirements section of the request for bids.
- The request for assistance information shall be entered on the following table:

Organization Address/Phone	Person Contacted	Date Contacted	Mode of Contact	Assistance Requested	Action or Results
1000 24th St. Bldg. 4 300	Never				

- Reference by the bidder to the use of a directory without having made direct contact with any organization will not count toward fulfillment of ACTION 6.

ACTION 7 - The bidder did not unreasonably reject the low bid from a MBE or WBE. The City shall provide a bidder who rejected a low bid from a MBE or WBE with an opportunity to explain the bidder's reasons for doing so, before the City determines whether the bidder's rejection of the low bid was unreasonable.

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MAY 28 1997
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Compliance Requirement:

- List any low bid(s) from a MBE or WBE that was/were rejected and provide the information requested below. (Attach additional page if needed)

MBE or WBE Business Name Address/Phone	Work or Service	Reasons for Rejection	Amount of Bid
Navajo Pipelines 989 Piedmont Dr Sac, CA 95822-1701	Pipe work	Bid too high	161,489.40

ACTION 8 - Upon request, the bidder advised and made efforts to assist interested MBEs and WBEs in obtaining bonds, lines of credit, or insurance required by the City or the contractor.

Compliance Requirement:

- Did any MBEs or WBEs request assistance in obtaining bonds, lines of credit, or insurance required by the City or the bidder?

Yes None Requested

- If "yes," list efforts made by bidder below.

MBE or WBE Firm Requesting Assistance	Assistance Requested	Assistance Provided
	REJECTED	
	SEP 23 1997	MAY 29 1997
	BY THE CITY COUNCIL OFFICE OF THE CITY CLERK	Office of the City Clerk

ACTION 9 - The bidder's efforts to obtain MBE and WBE participation could reasonably be expected to produce a level of participation sufficient to meet the goals established for the contract.

Compliance Requirement:

- It is intended that Action 9 will usually be fulfilled by the bidder's compliance with Actions 1 through 8 as specified above.

- City staff shall not determine a bidder who has fully complied with Actions 1 through 8 to be out of compliance with Action 9 unless and until such determination has been reviewed and approved by the City's **Office of Minority, Women and Small Business**.

DECLARATION

The undersigned hereby declares under penalty of perjury that the statements and information set forth on the foregoing pages and in any and all attachments are true and correct.

Signature: William Kochoo
Print Name: William Kochoo
Title/Firm: President
Date: 5/28/97
Telephone Number: (916) 483-4185

