

(O-84-180)

ORDINANCE NUMBER O- 16180 (New Series)

Adopted on MAR 12 1984

AN ORDINANCE PURSUANT TO SECTION 99 OF THE CITY CHARTER RELATING TO THE CONSTRUCTION OF THE SOUTHEASTERN DIVISION POLICE STATION AUTHORIZING A LEASE PURCHASE AGREEMENT WITH IMPERIAL MUNICIPAL SERVICES GROUP, INC., AND A TRUST AGREEMENT WITH FIRST INTERSTATE BANK OF CALIFORNIA AND A FEE SCHEDULE FOR TRUST SERVICES RELATED TO THE ISSUANCE OF CERTIFICATES OF PARTICIPATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,200,000 FOR A TERM NOT EXCEEDING 30 YEARS.

WHEREAS, it is necessary for The City of San Diego ("City") to acquire, construct and operate a facility known as the Southeastern Division Police Station ("Police Station"); and

WHEREAS, City owns land suitable for use as the site for the Police Station; and

WHEREAS, Imperial Municipal Services Group, Inc. ("Imperial") is willing to assist the City by financing the construction of the Police Station, together with all structures, improvements and all facilities related thereto or provided therefor, and the outfitting thereof ("Facilities"); and

WHEREAS, the City intends to lease the site for the Police Station to Imperial, and Imperial intends to construct the Facilities on the site and to lease the Facilities and the site back to the City; and

WHEREAS, as a financing mechanism, Certificates of

00714

Participation will be issued evidencing a proportionate interest of the holder thereof in lease purchase payments to be made by the City to Imperial; and

WHEREAS, First Interstate Bank of California ("First Interstate") will be designated the Trustee to receive the lease purchase payments and to pay the principal and interest to the owners of the Certificates of Participation; and

WHEREAS, pursuant to Section 99 of the Charter of The City of San Diego, a noticed hearing was held on February 27, 1984, regarding the acquisition and construction of the Facilities and the agreements to be entered into to carry out the purposes of said Facilities as referred to in the recitals hereof; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1.. The proposed form of Lease Purchase Agreement dated as of April 1, 1984, by and between the City and Imperial, which is on file in the office of the City Clerk as Document No. 00-16180, is hereby approved. Base rental payments as set forth in Exhibit E thereof shall not be exceeded provided, however, the base rental payments set forth therein may be less based on when the interest rate to be paid on the Certificates of Participation is known. The City Manager and the City Clerk are authorized to execute said Lease Purchase Agreement on behalf of the City and to insert the appropriate advance rental figure in Section 4(g) of the Lease and to make any

modifications in the base rental payments in Exhibit B thereof when the rates on the Certificates of Participation have been determined.

Section 2. The proposed form of Trust Agreement dated as of April 1, 1984, by and among First Interstate, Imperial and City, which is on file in the office of the City Clerk as Document No. 00-16180-2, is hereby approved. The City Manager and the City Clerk are authorized to execute said Trust Agreement on behalf of the City, and to insert the appropriate interest rates in Section 3.03 thereof after the interest rates on the Certificates of Participation are known and to insert the appropriate amount of title insurance in Section 6.03 thereof when said amount is ascertained.

Section 3. First Interstate, in compensation for acting as Trustee, Registrar and Paying Agent pursuant to the aforesaid Trust Agreement, is hereby authorized to pay to itself out of the proceeds of the issuance of said Certificates of Participation such amounts to which it is entitled pursuant to its letter to the City, dated January 20, 1984, a copy of which is on file in the office of the City Clerk as Document No.

00-16180-3

Section 4. The Clerk is authorized and directed to cause a digest or copy of this ordinance to be published at least once in "The San Diego Daily Transcript" within fifteen (15) days after the adoption of this ordinance pursuant to Section 18 of the City Charter.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By *C. M. Fitzpatrick*  
C. M. Fitzpatrick  
Assistant City Attorney

CMF:rc:277  
2/15/84  
Or. Dept: Fin. Mgmt  
Aud. Cert: 84621  
O-84-180  
Form=r.none

MAR 12 1984

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Mayell E. Fontecove, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 27 1984

MAR 12 1984

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Mayell E. Fontecove, Deputy.

Office of the City Clerk, San Diego, California

00718

Ordinance Number 16180

MAR 12 1984

Adopted

CERTIFICATE OF PUBLICATION

1984 MAR 27 PM 1:55

SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
ATTN: MAYDELL L. PONTECORVO  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16180

ORDINANCE NO. O-16180  
(New Series)

AN ORDINANCE PURSUANT TO SECTION 99 OF THE CITY CHARTER RELATING TO THE CONSTRUCTION OF THE SOUTHEASTERN DIVISION POLICE STATION AUTHORIZING A LEASE PURCHASE AGREEMENT WITH IMPERIAL MUNICIPAL SERVICES GROUP, INC. AND A TRUST AGREEMENT WITH FIRST INTERSTATE BANK OF CALIFORNIA AND A FEE SCHEDULE FOR TRUST SERVICES RELATED TO THE ISSUANCE OF CERTIFICATES OF PARTICIPATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,200,00 FOR A TERM NOT EXCEEDING 30 YEARS.

WHEREAS, it is necessary for The City of San Diego ("City") to acquire, construct and operate a facility known as the Southeastern Division Police Station ("Police Station"); and

WHEREAS, City owns land suitable for use as the site for the Police Station; and

WHEREAS, Imperial Municipal Services Group, Inc. ("Imperial") is willing to assist the City by financing the construction of the Police Station, together with all structures, improvements and all facilities related thereto or provided therefor, and the outfitting thereof ("Facilities"); and

WHEREAS, the City intends to lease the site for the Police Station to Imperial, and Imperial intends to construct the Facilities on the site and to lease the Facilities and the site back to the City; and

WHEREAS, as a financing mechanism, Certificates of Participation will be issued evidencing a proportionate interest of the holder thereof in lease purchase payments to be made by the City to Imperial; and

WHEREAS, First Interstate Bank of California ("First Interstate") will be designated the Trustee to receive the lease purchase payments and to pay the principal and interest to the owners of the Certificates of Participation; and

WHEREAS, pursuant to Section 99 of the Charter of The City of San Diego, a noticed hearing was held on February 27, 1984, regarding the acquisition and construction of the Facilities and the agreements to be entered into to carry out the purposes of said Facilities as referred to in the recitals hereof; NOW THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. The proposed form of Lease Purchase Agreement dated as of April 1, 1984, by and between the City and Imperial, which is on file in the office of the City Clerk as Document No. OO-16180-1, is hereby approved. Base rental payments as set forth in Exhibit E thereof shall not be exceeded provided, however, the base rental payments set forth therein may be less based on when the interest rate to be paid on the Certificates of Participation is known. The City Manager and the City Clerk are authorized to execute said Lease Purchase Agreement on behalf of the City and to insert the appropriate advance rental figure in Section 4(g) of the Lease and to make any modifications in the base rental payments in Exhibit B thereof when the rates on the Certificates of Participation have been determined.

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16180  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

March 26, 1984

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

Dated at San Diego, California this 26th day of Mar., 1984.

Carrie Gedeon  
(Signature)  
Page 1 of 2

18 1/2" X 8.87 = 164.10

Section 2. The proposed form of Trust Agreement dated as of April 1, 1984, by and among First Interstate, Imperial and City, which is on file in the office of the City Clerk as Document No. OO-18180-2, is hereby approved. The City Manager and the City Clerk are authorized to execute said Trust Agreement on behalf of the City, and to insert the appropriate interest rates in Section 3.03 thereof after the interest rates on the Certificates of Participation are known and to insert the appropriate amount of title insurance in Section 8.03 thereof when said amount is ascertained.

Section 3. First Interstate, in compensation for acting as Trustee, Registrar and Paying Agent pursuant to the aforesaid Trust Agreement, is hereby authorized to pay to itself out of the proceeds of the issuance of said Certificates of Participation such amounts to which it is entitled pursuant to its letter to the City, dated January 20, 1984, a copy of which is on file in the office of the City Clerk as Document No. OO-18180-3.

Section 4. The Clerk is authorized and directed to cause a digest or copy of this ordinance to be published at least once in "The San Diego Daily Transcript" within fifteen (15) days after the adoption of this ordinance pursuant to Section 18 of the City Charter.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Passed and adopted by the Council of The City of San Diego on March 12, 1984, by the following vote:

YEAS: Mitchell, Cleator, McCall, Gotch, Murphy, Martinez, Mayor Hedgecock.

NAYS: None.

NOT PRESENT: None.

AUTHENTICATED BY:

ROGER HEDGECOCK,

Mayor of the City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

(SEAL)

By MAYDELL L. PONTECORVO, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed if twelve calendar days has elapsed between the day of its introduction and the day of its final passage, to wit, on February 27, 1984, and on March 12, 1984.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.

(SEAL)

By MAYDELL L. PONTECORVO, Deputy.

Published Mar. 26, 1984

80-3525