

16200

ORDINANCE NUMBER O- (New Series)

Adopted on MAY 07 1984

AN ORDINANCE PURSUANT TO SECTION 99 OF THE CITY CHARTER AUTHORIZING A LEASE AGREEMENT (HEAVY VEHICLE MAINTENANCE FACILITY) WITH RAUSCHER PIERCE REFSNES LEASING, INC., A TRUST AGREEMENT WITH BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION AND A FEE SCHEDULE FOR TRUST SERVICES RELATED TO THE ISSUANCE OF CERTIFICATES OF PARTICIPATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,625,000 FOR A TERM NOT EXCEEDING 30 YEARS.

WHEREAS, it is necessary for The City of San Diego ("City") to acquire by lease a heavy vehicle maintenance facility (the "Project"); and

WHEREAS, Rauscher Pierce Refsnes Leasing, Inc. ("Lessor") is willing to assist the City by financing the construction of the Project, together with all structures, improvements and all facilities related thereto or provided therefor, and the outfitting thereof; and

WHEREAS, as a financing mechanism, Certificates of Participation will be executed and delivered evidencing a proportionate interest of the holder thereof in lease payments (the "Lease Payments") to be made by the City to Lessor; and

WHEREAS, Bank of America National Trust and Savings Association ("Trustee") will be designated the Trustee to receive the Lease Payments and to pay the principal and interest to the holders 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 April 23, 1984, regarding the acquisition and leasing of the Project and the

agreements to be entered into to carry out the purposes of said Project 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 Agreement, dated as of March 1, 1984, by and between the City and Lessor, which is on file in the office of the City Clerk as Document No.

00-16200<sup>-1</sup>, is hereby approved. Lease Payments payable by the City in any calendar year over the term of the Lease Agreement shall exceed the amount set forth in Exhibit A to the Lease Agreement, provided, however, the Lease Payments set forth therein may be reduced when the interest component of the Lease Payments is determined. The City Manager and the City Clerk are, subject to Section 5 hereof, authorized and directed to execute said Lease Agreement on behalf of the City and to make any modifications in the Lease Payments in Exhibit A thereof when the interest component of the Lease Payments is determined.

Section 2. The proposed form of Trust Agreement, dated as of March 1, 1984, by and among Trustee, Lessor and City, which is on file in the office of the City Clerk as Document No.

00-16200<sup>-2</sup>, is hereby approved. The City Manager and the City Clerk are authorized and directed to execute said Trust Agreement on behalf of the City, and to insert the appropriate interest rates and principal maturity schedule in Section 3.04 thereof after the interest component of the Lease Payments and such principal maturity schedule are determined.

Section 3. Trustee, as compensation for acting as Trustee pursuant to the aforesaid Trust Agreement, is hereby authorized

to pay to itself out of the proceeds of the delivery of said Certificates of Participation such amounts to which it is entitled pursuant to its letter to the City dated MAR 30, 1984, a copy of which is on file in the office of the City Clerk as Document No. 00-16199-3.

Section 4. The Lease Agreement and Trust Agreement are subject to minor changes not inconsistent with the essential terms thereof and which are approved by the City Manager and the City Attorney. The City Manager's approval of such changes shall be conclusively established by execution of the Lease Agreement and Trust Agreement.

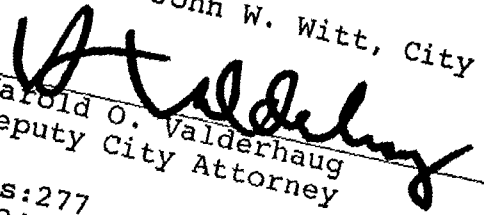
Section 5. The Lease Agreement and Trust Agreement shall not be executed by the City Manager and City Clerk until a Purchase Agreement and Official Statement for the Certificates of Participation are approved by the City Council.

Section 6. The City reserves the right, at its option, to make future modifications to this ordinance if deemed in the City's interest, if a determination is made that the City would benefit by using a financing plan which would require substantial changes in the Lease Agreement and Trust Agreement described above.

Section 7. The City 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 8. 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   
Harold O. Valderhaug  
Deputy City Attorney

HOV:ps:277  
4/12/84  
Revised 4/20/84  
Or.Dept:Police  
Form=r.none

**MAY 07 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Maybell L. Pontecorvo*, 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

**APR 29 1984**

**MAY 07 1984**

\_\_\_\_\_, and on \_\_\_\_\_.

~~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 *Maybell L. Pontecorvo*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16200 Adopted \_\_\_\_\_

**MAY 07 1984**

RECEIVED  
CITY CLERK'S OFFICE

1984 MAY 23 AM 10:59  
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

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

IN THE MATTER OF

NO.

ORDINANCE NO. O-16200

**ORDINANCE NO. O-16200**  
**(New Series)**

AN ORDINANCE PURSUANT TO SECTION 92 OF THE CITY CHARTER AUTHORIZING A LEASE AGREEMENT (HEAVY VEHICLE MAINTENANCE FACILITY) WITH RAUCHER PIERCE REFENSE LEASING, INC., A TRUST AGREEMENT WITH BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION AND A FEE SCHEDULE FOR TRUST SERVICES RELATED TO THE ISSUANCE OF CERTIFICATES OF PARTICIPATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,625,000 FOR A TERM NOT EXCEEDING 30 YEARS.

This ordinance authorizes a Lease Agreement for a heavy vehicle maintenance facility with Raucher Pierce Refense Leasing, Inc., a Trust Agreement with Bank of America National Trust and Savings Association and a fee schedule for trust services related to the issuance of Certificates of Participation in an aggregate principal amount not to exceed \$3,625,000 for a term not exceeding 30 years, under those terms and conditions contained in documents on file in the office of the City Clerk and available for inspection by the public.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

Passed and adopted by the Council of The City of San Diego on May 7, 1984, by the following vote:

YEAS: Mitchell, Cleator, Jones, Struiksma, Gotch, Murphy, Martinez, Mayor Hedgecock.

NAYS: None.

NOT PRESENT: McColi.

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 until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on April 23, 1984, and on May 7, 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.  
Publish May 21, 1984. 60-5425

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-16200  
(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:

May 21, 1984

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

Dated at San Diego, California this 21st day of May, 1984.

Carrie Gedeon  
(Signature)

9" X 8.87 = 79.83

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