

ORDINANCE NUMBER O- 16947

Adopted on OCT 12 1987

AN ORDINANCE PURSUANT TO SECTION 99 OF THE CITY CHARTER RELATING TO THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF THE BAYSIDE LRT EXTENSION AUTHORIZING A LEASE AGREEMENT WITH THE CITY OF SAN DIEGO/MTDB AUTHORITY, A SUBLEASE AGREEMENT WITH THE SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD, AN AMENDMENT TO A MEMORANDUM OF UNDERSTANDING WITH THE SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD AND THE AUTHORIZATION FOR THE CITY OF SAN DIEGO/MTDB AUTHORITY TO ISSUE ITS REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$50,000,000

WHEREAS, the City of San Diego (the "City") and the San Diego Metropolitan Transit Development Board ("MTDB") formed the City of San Diego/MTDB Authority (the "Authority") to finance the construction of public capital improvements, including public mass, transit guideways, including public transit systems and related transportation facilities and services; and

WHEREAS, the City and MTDB desire that the Authority finance the acquisition and construction of the Bayside LRT (Light Rail Transit) Extension (the "Project"), which Project is more fully described in the Lease Agreement hereinafter referred to as the "Lease Agreement"); and

WHEREAS, the Project will be constructed by MTDB on behalf of the Authority and upon completion will be leased to the City; and

WHEREAS, the City will sublease the Project to MTDB for the purpose of maintenance and operation; and

WHEREAS, the City and the Authority have the power to enter into leases for real and personal property; and

WHEREAS, the Authority will cause the Project to be acquired and constructed from the proceeds of revenue bonds to be issued pursuant to Article 4, Chapter 5, Division 7 of Title 1 (commencing at Section 6584) of the Government Code of the State of California, which will be secured by the Lease Payments to be received from the City pursuant to the Lease Agreement; and

WHEREAS, the City desires to authorize the Authority to issue revenue bonds in an amount not to exceed \$50,000,000; and

WHEREAS, the City and MTDB have entered into a Memorandum of Understanding, City Document No. 00-15881 and MTDB Doc. No. 03-83-504 which the parties desire to amend to include the Bayside LRT Extension; and

WHEREAS, the City intends for the Lease Agreement to remain in full force and effect as to the Project until the last Lease Payment applicable to the Project is made, unless the Lease Agreement is sooner terminated in accordance with the terms provided therein; and

WHEREAS, the Authority and the City desire to deposit with the Trustee under the Trust Agreement referred to in the Lease Agreement the proceeds from the sale of the revenue bonds which proceeds are to be expended to acquire and construct the Project; and

WHEREAS, a public hearing was duly noticed and held as provided for in Section 99 of the City Charter in regard to the matters set forth 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 November 1, 1987 by and between the City and the Authority which is on file in the office of the City Clerk as Document No. 00-16947-1 is hereby approved in substantially the form presented. The maximum annual Lease Payments, exclusive of Supplemental and Additional Lease Payments, as said terms are defined in the Lease Agreement, shall not exceed \$6,210,000; provided, however, the annual Lease Payments may be less than said amount based on the interest rate to be paid on the revenue bonds of the Authority. The City Manager is authorized to execute the Lease Agreement on behalf of the City in substantially the form presented, and to insert the appropriate advance rental figure in the Lease Agreement and to

execute and make any modifications in the Lease Agreement or related documents consistent with the intent of the transaction, and to make any modifications in the Lease Payments in Exhibit C thereof when the rates on the revenue bonds have been determined.

Section 2. The proposed form of Sublease Agreement dated as of November 1, 1987 by and between the City and MTDB, which is on file with the office of the City Clerk as Document No. 00-16947-2 is hereby approved in substantially the form presented. The City Manager is authorized to execute the Sublease Agreement on behalf of the City in substantially the form presented and to execute and make any modifications in the Sublease Agreement or related documents consistent with the intent of the transaction.

Section 3. The Authority is authorized to issue revenue bonds for the purpose of constructing the Project in an amount not to exceed \$50,000,000, and to issue and execute the appropriate financing documents in connection therewith.

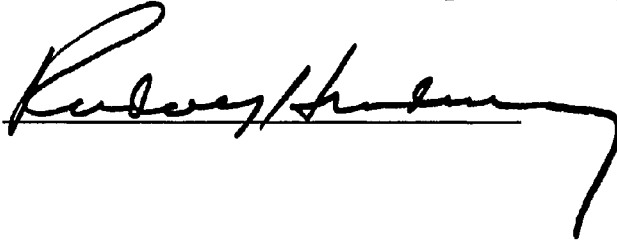
Section 4. The First Amendment to Memorandum of Understanding between City of San Diego and the Metropolitan Transit Development Board for Bayside LRT Street Use is hereby approved and the City Manager is hereby authorized to execute said First Amendment on behalf of the City, a copy of which is on file in the office of the City Clerk, Document No. 00-16947-3

Section 5. 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 6. 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:

A handwritten signature in black ink, appearing to be "Rudy H. [unclear]", written over a horizontal line. The signature is cursive and extends to the right.

Passed and adopted by the Council of The City of San Diego on.....**OCT 12 1987**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmā	<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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Charles G. Abdelnour*, 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

SEP 28 1987

OCT 12 1987

....., 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16947**

OCT 12 1987

Adopted

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

10/12/87
1987 OCT -9 AM 10:22 #63

SAN DIEGO, CALIF. *ack*

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: MARY LOU SANFORD

IN THE MATTER OF

NO.

public hearing to include but not
be limited to the following:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of San Diego Metropolitan Transit Development Board Joint Powers Authority (Authority) has set the hour of 11:00 a.m. on **MONDAY, OCTOBER 12, 1987**, in the 12th Floor Conference Room, City Administration Building, 202 "C" St., as the time and place for conducting a public hearing to include but not be limited to the following:

The approval of an issuance of lease revenue bonds by the Authority in an amount not to exceed \$50,000,000 for the purpose of financing the Bayside Light Rail Transit Line, approval of the firm of Stradling, Yocca, Carlson & Rauth as bond counsel, the firm of Stone & Youngberg as financial consultant, the First Boston Corporation as underwriter and remarketing agent, Full Bank as letter of credit provider, the Bank of New York as Trustee, and the execution of lease, trust, remarketing, and letter of credit agreements relative to the administration and operation of the Bayside Light Rail Transit Line, and related documents.

This item may begin at any time after the time specified. Any interested person may address the Authority to express support or opposition to this issue. Authority rules provide for a **TIME LIMIT ON PRESENTATIONS** of a maximum of 15 minutes total for all those in favor and a maximum of 15 minutes total for all those in opposition. It is requested that testimony be coordinated in order to stay within the time limit.

Those unable to attend the hearing may write a letter to the Authority, Attention: City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101, Mail Station 2A. All communications will be forwarded to the Authority.

If you challenge the Authority's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Authority at or prior to the public hearing. All correspondence should be delivered to the City Clerk (at the above address) to be included in the record of the proceedings.

If a sign language interpreter or aids for a visual impairment are required, please call 238-6950 TDD within 5 days of the meeting.

For further information, please call FINANCIAL MANAGEMENT (Jack Ferris) at 238-6060. CHARLES G. ABDELNOUR City Clerk Pub. October 5 89357

I, THOMAS D. KELLEHER, 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

NOTICE OF PUBLIC HEARING

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:

OCT. 5

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

Dated at San Diego, California this 5 day of OCT., 19 87

Thomas D. Kelleher

(Signature)

Sent Invoice + Copy of Cert to Fin Mgmt Jack Ferris 10/9/87 MK

*(7 1/2" \$80.55)
83 lines x .98 = 81.34*

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1987 OCT 30 PM 4:42
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: MAYDELL L. PONTECORVO

IN THE MATTER OF

NO.

AN ORDINANCE PURSUANT TO SECTION 99 OF THE CITY CHARTER RELATING TO THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF THE BAYSIDE LRT EXTENSION

ORDINANCE NUMBER O-16947

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WHEREAS, the City and MTDB desire that the Authority finance the acquisition and construction of the Bayside LRT (Light Rail Transit) Extension (the "Project"), which Project is more fully described in the Lease Agreement hereinafter referred to as the ("Lease Agreement"); and

WHEREAS, the Project will be constructed by MTDB on behalf of the Authority and upon completion will be leased to the City; and

WHEREAS, the City will sublease the Project to MTDB for the purpose of maintenance and operations; and

WHEREAS, the City and the Authority have the power to enter into leases for real and personal property; and

WHEREAS, the Authority will cause the Project to be acquired and constructed from the proceeds of revenue bonds to be issued pursuant to Article 4, Chapter 5, Division 7 of Title 1 (commencing at Section 6584) of the Government Code of the State of California, which will be secured by the Lease Payments to be received from the City pursuant to the Lease Agreement; and

WHEREAS, the City desires to authorize the Authority to issue revenue bonds in an amount not to exceed \$50,000,000; and

WHEREAS, the City and MTDB have entered into a Memorandum of Understanding, City Document No. 00-15881 and MTDB Doc. No. 00-83-504 which the parties desire to amend to include the Bayside LRT Extension; and

I, THOMAS D. KELLEHER, 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

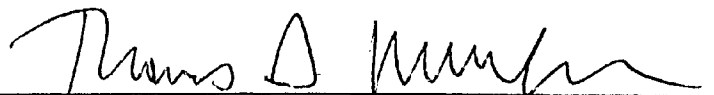
ORDINANCE NUMBER O-16947

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:

OCT. 26

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

Dated at San Diego, California this 26 day of OCT., 19 87.



124 lines x .98 = 1243.04

(11 1/4 x 10.78 x 2 = 242.56)

9989

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WHEREAS, the City intends for the Lease Agreement to remain in full force and effect as to the Project until the last Lease Payment applicable to the Project is made, unless the Lease Agreement is sooner terminated in accordance with the terms provided therein; and
WHEREAS, the Authority and the City desire to deposit with the Trustee under the Trust Agreement referred to in the Lease Agreement that proceeds from the sale of the revenue bonds which proceeds are to be expended to acquire and construct the Project; and
WHEREAS, a public hearing was duly noticed and held as provided for in Section 99 of the City Charter in regard to the matters set forth in the recitals hereof; NOW, THEREFORE,

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Section 5. 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 6. 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 October 12, 1987, by the following vote:

YEAS: Wolfshelmer, Struikema, Gotch, McCarty, Ballesteros, Mayor O'Connor.

NAYS: None.

NOT PRESENT: Cleator, McColl.

VACANT: District 4.

AUTHENTICATED BY: MAUREEN O'CONNOR,

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 SEPTEMBER 28, 1987, and on OCTOBER 12, 1987.

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.

Pub. October 26

89989

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