



**AGENDA**  
**REGULAR CITY COUNCIL**  
**REDEVELOPMENT AGENCY**  
**PUBLIC FACILITIES FINANCING AUTHORITY**  
**TUESDAY, MAY 25, 2010, 7:00 P. M.**  
**SENIOR CITIZEN/COMMUNITY CENTER**  
**MULTI-PURPOSE ROOM, 201 E. BONITA AVENUE**

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**COUNCIL:**

Mayor Curtis W. Morris  
Mayor Pro Tem John Ebner  
Councilmember Emmett G. Badar  
Councilmember Denis Bertone  
Councilmember Jeff Templeman

**1. CALL TO ORDER AND FLAG SALUTE**

**2. RECOGNITIONS**

- Presentation to Engineering Intern Daniel Price who is leaving to join the U. S. Army
- Proclamation in memory of Officer Louis Pompei - presented to Captain Rob Castro, Glendora Police Department

**3. ANNOUNCEMENTS**

- 50th Anniversary Flashbacks
- Pui-Ching Ho, Librarian, San Dimas Library

**4. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

**5. CONSENT CALENDAR**

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council or member of the audience requests separate discussion.)

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

- (1) **RESOLUTION NO. 2010-21**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MAY, 2010.

b. Approval of minutes for regular meeting of May 11, 2010 and special meeting of May 11, 2010.

c. Award of Cash Contract No. 2010-04, Sealcoat Project, to Champion Paving, in the amount of \$193,747.00.

END OF CONSENT CALENDAR

**6. PUBLIC HEARINGS**

*(The following item has been advertised and/or posted. The meeting will be opened to receive public testimony.)*

- a. Proposed issuance of Lease Revenue Bonds for the Civic Center Renovation and Expansion, Series 2010 (Bank Qualified) by the San Dimas Public Financing Authority.

1) **RESOLUTION NO. 2010-22**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING AND APPROVING THE ISSUANCE OF LEASE REVENUE BONDS (CIVIC CENTER RENOVATION AND EXPANSION), SERIES 2010 (BANK QUALIFIED), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000 IN ONE OR MORE SERIES, AS TAX-EXEMPT BONDS, APPROVING THE FORM AND AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT, A SITE AND FACILITY LEASE, A LEASE AGREEMENT, AN AGENCY AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND A BOND PURCHASE AGREEMENT, AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF DOCUMENTS RELATED THERETO

2) **RESOLUTION NO. 2010-23**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS IN CONNECTION WITH THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS AND DECLARING ITS INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM TAX-EXEMPT OBLIGATIONS

- b. Setting the Special City-wide parcel tax for Fiscal Year 2010-2011.

1) **RESOLUTION NO. 2010-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FISCAL YEAR 2010-2011 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES.

**7. OTHER MATTERS**

- a. Consider increase of Business License Fees.

1) **RESOLUTION NO. 2010-25**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, SETTING THE BUSINESS LICENSE FEES RATES FOR FISCAL YEAR 2010-11.

- b. Consider continuation of the 1% PEG fee for public access support.

1) **RESOLUTION NO. 2010-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SETTING THE PUBLIC ACCESS FEE FOR FISCAL YEAR 2010-2011 TO BE USED FOR PEG PURPOSES.

**8. SAN DIMAS REDEVELOPMENT AGENCY**

- a. Oral Communication (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)
- b. Approval of minutes for meeting of May 11, 2010.
- c. Executive Director
  - 1) Renewal of Administrative Agreement between the City and the Redevelopment Agency for personnel, equipment and facilities required for the operation of the Housing Set-Aside Fund.
- d. Members of the Agency

**9. SAN DIMAS PUBLIC FACILITIES FINANCING AUTHORITY**

- a. Oral Communication (This is the time set aside for members of the audience to address the Authority. Speakers are limited to three minutes.)
- b. Approval of minutes of the May 11, 2010 meeting.
- c. Members of the Authority
  - 1) Review Lease Revenue Bond financing in regard to the City Hall, Plaza, and Community Building renovation and expansion project.

**RESOLUTION NO. 2010-02**, A RESOLUTION OF THE SAN DIMAS PUBLIC FINANCING AUTHORITY APPROVING THE ISSUANCE OF LEASE REVENUE BONDS (CIVIC CENTER RENOVATION AND EXPANSION), SERIES 2010 (BANK QUALIFIED), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000, IN ONE OR MORE SERIES, AS TAX-EXEMPT BONDS, APPROVING THE FORM AND AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT, A SITE AND FACILITY LEASE, A LEASE AGREEMENT, AN ASSIGNMENT AGREEMENT, AN AGENCY AGREEMENT, AN INDENTURE AND A BOND PURCHASE AGREEMENT; AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF DOCUMENTS RELATED THERETO

**10. ORAL COMMUNICATIONS**

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)
- b. City Manager
- c. City Attorney
- d. Members of the City Council
  - 1) Councilmembers' report on meetings attended at the expense of the local agency.
  - 2) Individual Members' comments and updates.

## 11. CLOSED SESSION

Recess to a Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

### a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Concessionaire Agreement for Agency owned property at 121 North San Dimas Avenue

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney; Ken Duran, Assistant City Manager

For Concessionaire: Marsteller Investments LLC, dba Saffron

Under Negotiation: Terms and conditions for concession agreement.

b. Report on closed session items.

## 12. ADJOURNMENT

Adjourn in memory of Joe Templeman, a local painting contractor, who moved his family to San Dimas in 1950 and built the family home at 730 Walnut Avenue. Mr. & Mrs. Templeman left San Dimas in 1968 to build a home in Rancho Cucamonga and ultimately retired in Mexico before relocating to Bolivar, Missouri for their final years. He reached the age of 91 when he passed away on Sunday May 23, 2010.

The next meeting is 6:30 p.m. on June 8, 2010, Senior Citizen/Community Center Patio, for a reception for Distinguished Service to Youth Awards. Regular meeting at 7:00 p.m.

**AGENDA STAFF REPORTS:** COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET: <http://cityofsandimas.com>

**SUPPLEMENTAL REPORTS:** AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE MARCH 11, 2008 AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

**HEARING ASSISTANCE SYSTEM:** HEARING ASSISTANCE IS AVAILABLE. PLEASE CONTACT THE CITY CLERK AT 909/394-6216 TO CHECK OUT A RECEIVER.

**POSTING STATEMENT:** ON MAY 21, 2010, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 201 EAST BONITA AVENUE (SAN DIMAS SENIOR CITIZEN/COMMUNITY CENTER); 186 VILLAGE COURT (SAN DIMAS TEMPORARY CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE); AND AS A CONVENIENCE, AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT [WWW.CITYOFSANDIMAS.COM](http://WWW.CITYOFSANDIMAS.COM).

**RESOLUTION NO. 2010-21**

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTH OF  
MAY 2010

WHEREAS, the following listed demands have been audited by the Director of Finance;  
and

WHEREAS, the Director of Finance has certified as to the availability of funds for  
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for  
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas  
does hereby approve Warrant Register: 05/28/2010; 131285 through 131426; in the amount of  
\$718,508.91.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF MAY, 2010.

\_\_\_\_\_  
Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City  
Council of the City of San Dimas at its regular meeting of May 25, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

50 (1)



***THE WARRANT DISBURSEMENT  
JOURNAL IS NOT AVAILABLE TO  
VIEW THROUGH LASERFICHE***

***A PAPER COPY IS AVAILABLE IN THE  
FINANCE DEPARTMENT***

***SORRY FOR ANY INCONVENIENCES.***

***DOCUMENT IMAGING DEPT.***



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, MAY 11, 2010, 7:00 P. M.**  
**SENIOR CITIZEN/COMMUNITY CENTER**  
**MULTIPURPOSE ROOM, 201 E. BONITA AVE.**

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**PRESENT:**

Mayor Curtis W. Morris  
Mayor Pro Tem John Ebner  
Councilmember Emmett G. Badar  
Councilmember Denis Bertone  
Councilmember Jeff Templeman

City Manager Blaine Michaelis  
City Attorney J. Kenneth Brown  
City Clerk Ina Rios  
Assistant City Manager of Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Director of Parks and Recreation Theresa Bruns

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:04 p.m. and led the flag salute.

**2. RECOGNITIONS/PRESENTATIONS**

- Association for Los Angeles Deputy Sheriffs - ALADS recognizes City of San Dimas for ongoing support

On behalf of more than 8,000 Deputy Sheriffs and District Attorney Investigators, **Steve Remige**, President of ALADS, presented a plaque to Mayor Morris in appreciation of the City Council's commitment to safety and support to Deputy Sheriffs in Los Angeles County.

Mayor Morris said the City Council enjoys the good relationship with the Deputy Sheriffs and representatives.

- Bob Hardcastle to present check in the amount of \$6,028 from Ride for Life to the San Dimas Relay for Life Committee and San Dimas Team

On behalf of the San Dimas Ride for Life, **Bob Hardcastle** presented a check in the amount of \$6,028 to Kevin Frey, for the San Dimas Relay for Life Committee and San Dimas Team. Mr. Hardcastle said his goal for next April is to raise \$15,000 and to expand the Ride for Life event.

**Kevin Frey**, Team City Hall, thanked Mr. Hardcastle for the check and said the Relay for Life raises funds and awareness for the American Cancer Society. The event will be held on Saturday and Sunday, May 15-16, 2010, at Horsethief Canyon Park in San Dimas. The goal of the Team is to keep one person walking throughout the 24 hour period. He invited the community to participate and enjoy live entertainment, food donated by several businesses, games, and various fun activities.

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### 3. ANNOUNCEMENTS

#### a. 50th Anniversary Flashbacks

**Susan Davis**, San Dimas Historical Society, provided highlights of 1961, the year the City adopted the first Zoning Code; Puddingstone Shopping Center, the City's first shopping center, opened; McKinley Home for Boys was completed; Belknap Agency was sold; first portion of the Via Verde area was annexed; and *Profile of San Dimas* by J. Howard Hoover was published.

#### 4. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

#### a. Members of the Audience

1) **Paula Donahuy**, Heart of the Village Antique Mall, downtown, expressed her appreciation for the Gala Garden affair, and Art Festival on April 25, 2010. She said the support and cooperation is wonderful between the Chamber of Commerce and the City.

2) **Margie Green**, said the Festival of Arts just completed their annual Western Art Exhibition and Sale in conjunction with the Downtown Merchants Garden Affair, including David Dreier's Congressional Art Show, in the historic Walker House. She invited the community to the 2nd Story Gallery on Friday and Saturday, May 14-15 and 21-22, in the Walker House featuring paintings by four Plein Air Artists Richard Meyer, Charles Fogg, Anton Ruf, and Mike Johnson. The event is free for everyone to enjoy.

3) **Brianna Celaya**, ASB President, San Dimas High School, thanked the City Council for the opportunity to report their school activities. On May 3, Scholar-Athlete Banquet; May 21, Choir Spring Performance at Lone Hill Middle School; May 22, Prom at the Queen Mary; May 28, Renaissance Assembly. She said the High School will also have a team at Relay for Life.

Councilmember Templeman introduced Yvette Picconi the new Equestrian Commissioner.

4) **Yvette Picconi**, representing the Equestrian Commission for San Dimas, said the Commission is sponsoring a trail cleanup event starting at 8:30 a.m. on Saturday May 22, at Horsethief Canyon Park, to maintain Sycamore Canyon Trail. She invited students and anyone interested in assisting to join them for a few hours of work and a barbecue lunch. To sign up, contact Teddie Main at Temporary City Hall.

5) **Charles McCants** said he is unable to participate in this year's Relay for Life and presented a check to Kevin Kenney, as his donation for the Relay for Life.

6) **Ted Powl**, President/CEO, Chamber of Commerce, announced the following:

- a) May 12, 2010 Teacher of the Year recognition dinner at San Dimas Canyon Golf Course Clubhouse;
- b) May 24, 2010 The Annual Fundraiser Golf Tournament in Via Verde; \$150 per golfer; \$500 per four-some;
- c) June 24, 2010 Annual Installation and Awards dinner to recognize Business of the Year, New Business of the Year, Businessperson of the Year, New Commercial Building of the Year and Renovated Commercial Building of the Year; he said there is still time to submit nominations.

d) August 7, 2010, City's 50th Anniversary-Birthday Barbecue celebration at Civic Center Park, with lots of food, entertainment by The Answer, and fun activities.

7) **Stephanie Garcia** said students from La Verne University, are present to take notes for their final project on News Reporting.

8) **Sid Maksoudian** invited the City Council to view his tapes of Bonita Avenue during the Garden Affair.

#### 5. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

Mayor Pro Tem Ebiner requested item 5.a.2 be removed for separate discussion.

It was moved by Councilmember Bertone, seconded by Councilmember Ebiner, and carried unanimously to accept, approve and act upon the consent calendar, as follows.

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

(1) **RESOLUTION NO. 2010-19**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF APRIL AND MAY, 2010.

b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:

(1) Municipal Code Text Amendment 10-01 - A request to amend Chapter 18.14 of the City's Municipal Zoning Code, regarding Water Efficient Landscaping, to bring the City in compliance with SB 1881.

**ORDINANCE NO. 1196**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 10-01, TO AMEND CHAPTER 18.14 OF THE CITY'S MUNICIPAL ZONING CODE. **SECOND READING AND ADOPTION**

c. Approval of minutes for regular meetings of April 13, 2010, April 27, 2010, Special meeting of April 27, 2010, and City Council/Staff Retreat of April 19, 2010.

d. Approval of City's Statement of Investment Policy: This investment statement outlines the policies for maximizing the efficiency of the City's cash management system.

e. Reject claim for damages from Frederick Baisley.

END OF CONSENT CALENDAR

**5.a.2 RESOLUTION NO. 2010-20**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING THE GENERAL CLOSURE OF CERTAIN STREETS FOR CITY SPONSORED OR OTHER SPECIAL EVENTS.

In response to Mayor Pro Tem Ebiner, Public Works Director Patel explained that events listed on Resolution No. 2010-20 are noticed to the City Council through the Traffic Safety Committee reports and the purpose of asking for authority to close certain streets is to improve efficiency and operations from

day to day. He said the Traffic Safety Committee meeting is posted as a public meeting and staff will continue to provide traffic review updates to the City Council.

Mayor Pro Tem Ebner felt the public would more readily voice their concerns at a City Council meeting than at the Traffic Safety Committee meeting. He said he supports all street closures throughout the year, however, he prefers to keep the existing policy to bring back street closures to the City Council for approval.

In response to Councilmember Bertone, Assistant City Manager Stevens replied that all events, with the exception of city events on city property, go through the Temporary Use Permit process. He said only street closures are brought to the City Council for approval.

In response to Councilmember Templeman, Director Patel stated that the recommendation is to specify specific streets and any changes will be brought to the City Council for approval.

After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2010-20, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING THE GENERAL CLOSURE OF CERTAIN STREETS FOR CITY SPONSORED OR OTHER SPECIAL EVENTS.**

The motion carried 3:2; Councilmembers Bertone and Ebner opposed.

## 6. PUBLIC HEARINGS

### a. 2010-11 Annual City Budget

#### 1) Presentation of preliminary budget highlights

City Manager Michaelis explained the budget process and said the budget represents the spending plan for upcoming Fiscal Year 2010-11. He said staff is presenting to the Council a balanced budget that maintains current service levels with a conservative approach in their estimates to account for the current economic situation.

Assistant City Manager Duran presented a narrative and summary of the 2010-11 budget proposals and highlights, including an estimate of anticipated revenues and expenditures. He stated that staff is available to receive public comments, suggestions, or reports regarding the City's 2010-11 financial plan.

#### 2) Question and Answer Period/General Discussion

Councilmember Badar noted that the City Council conducted a study session on the budget prior to the regular session this evening.

Mayor Morris opened the public hearing and asked if anyone wished to ask questions or make comments on the proposed 2010-11 budget. There being no one wishing to speak, Mayor Morris closed the public hearing.

City Manager Michaelis said the Budget is scheduled for approval at the June 8, 2010 City Council meeting. He and Mr. Duran are available to respond to any questions concerning the budget.

In response to Mayor Pro Tem Ebner, Mr. Michaelis said the budget can be placed on a separate link on the City's website for the public.

Councilmember Templeman stated that in spite of the State take-away in the amount of \$2 million, the City of San Dimas is fortunate to have healthy reserves.

Mayor Pro Tem Ebiner commended City Manager Michaelis for budgeting conservatively. It is his hope that at end of calendar year, if surplus funds are available, the Community Park Fund 20 can be allocated a portion of those surplus funds.

3) Other Items of Community Interest.

There were no comments.

**7. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular meeting at 7:51 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:22 p.m..

**8. SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION**

Mayor Morris recessed the regular meeting at 8:22 p.m. to convene a meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular meeting reconvened at 8:23 p.m..

**9. ORAL COMMUNICATIONS**

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

1) **Sid Maksoudian**, 120 W. Bonita, said based on the loss of funds to the State, the Agency does not have sufficient funds to move forward with the Façade Improvement program. He said a Master Plan is needed to revitalize the Downtown, however, improving the facades will not attract anchor merchants.

- b. City Manager

- 1) Update on City Hall, Civic Center, and Stanley Plummer Community Building expansion and renovation project.

Director of Development Services Coleman provided a slide presentation of the last 30 days progress on the demolition of the interior, exterior, and front of the City Hall building; wing addition to city hall; grading and plumbing, and added footage to the Community Building. He said due to code interpretations, the Plummer Building kitchen was designated as a commercial kitchen. He distributed an overview of LEED Green Building Standard Code and said the building was designed to LEED Certified standards, however, due to the high cost, the City is not pursuing LEED certification. He stated that the slide show reflecting the progress will be posted on the City's webpage.

In response to Councilmember Bertone, Director Coleman replied that during the design state, the architect reached the certification level to pass; however, LEED rating is required prior to construction of the project.

- c. City Attorney

There were no comments.

d. Members of the City Council

1) Reappointments to Parks and Recreation Commission

Mayor Pro Tem Ebiner said four Parks and Recreation Commissioners' terms will expire at the end of June and all are eligible for reappointment.

It was moved by Mayor Pro Tem Ebiner, seconded by Councilmember Bertone, to reappoint Susan Davis, Georgia Florentine, John Margis, and Caryol Smith to the Parks and Recreation Commission for a two-year term through June 30, 2012. The motion carried unanimously.

2) Reappointments to Senior Citizen Commission.

Councilmember Bertone said three Senior Citizen Commissioners' terms will expire at the end of May. All are eligible for reappointment, however, two members have declined and one has requested reappointment.

It was moved by Councilmember Bertone, seconded by Mayor Morris, to reappoint Lorous (Connie) Brown to the Senior Citizen Commission for a two year term through May 31, 2012. The motion carried unanimously.

3) Councilmembers' report on meetings attended at the expense of the local agency.

There were no comments.

4) Individual Members' comments and updates.

a) Councilmember Templeman said although he agreed that the Downtown needs revitalization, merchants do not have the needed funds to demolish and reconstruct their buildings. He endorsed the Façade Improvement program as a small step toward accomplishing some needed repairs.

b) Mayor Pro Tem Ebiner said he attended the Senior Citizen Commission and commended the energetic, great group of people. He said Commissioners Pace and Short had a lot of great comments, one being the limited number of handicapped parking spaces where several senior activities take place.

c) Councilmember Bertone said the Senior Citizen Commission is a great supporter of the Council. He praised the volunteers who do a great job on the Historical Society, Chamber of Commerce, Festival of Arts, and the Relay for Life.

d) Mayor Morris mentioned that he filmed the Garden Affair and was surprised by the attendance. He complimented Landscaping Maintenance for the flowers on the corner, and the Historical Society markers.

e) Councilmember Templeman said he and Mayor Morris attended the graduation ceremony for the Citizens Academy and participants enjoyed the event learning about the City, School District and Utility Companies.

## 10. CLOSED SESSION

Mayor Morris recessed the regular meeting at 8:51 p.m. to a Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

**a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 151 West Bonita Avenue

Negotiating Parties:

For Agency: Blaine Michaelis, Executive Director, Larry Stevens, Assistant City Manager of Community Development, and J. Kenneth Brown, Agency Attorney.

For Property: Todd Launchbaugh

Under Negotiation: Possible sale of property and terms and conditions of City/Agency possible participation.

**b. CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to G.C. Section 54957.6)**

City Representative: Blaine Michaelis

Employee Group: City of San Dimas Employees

**c. Report on closed session items**

There was no action to report on closed session items.

**11. ADJOURNMENT**

Mayor Morris adjourned the meeting at 9:25 p.m. The next meeting is Tuesday, May 25, 2010, 5:30 p.m. for a study session regarding the Tree Ordinance and the Bonita/Cataract Landscaping project.

Respectfully submitted,

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Ina Rios, CMC, City Clerk



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**TUESDAY, MAY 11, 2010, 5:00 P. M.**  
**SENIOR CITIZEN/COMMUNITY CENTER**  
**MEETING ROOM, 201 E. BONITA AVE.**

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**PRESENT:**

Mayor Curtis W. Morris (arrived at 5:11 p.m.)  
Mayor Pro Tem John Ebner  
Councilmember Emmett G. Badar  
Councilmember Denis Bertone  
Councilmember Jeff Templeman

City Manager Blaine Michaelis  
City Attorney J. Kenneth Brown  
City Clerk Ina Rios  
Assistant City Manager of Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Director of Parks and Recreation Theresa Bruns  
Finance Manager Barbara Bishop  
Superintendent John Campbell

**1. CALL TO ORDER**

Mayor Pro Tem Ebner called the meeting to order at 5:10 p.m.

**2. ORAL COMMUNICATIONS**

(For anyone wishing to address the City Council on an item on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. Speakers will be subject to a three-minute limit.)

- a. Members of the Audience

There were no comments.

**3. STUDY SESSION**

- a. Discuss 2010-11 Budget for the City of San Dimas

City Manager Michaelis stated that the purpose of the study session is to review highlights of the Fiscal Year Budget which will be brought for Council approval on June 8, 2010. He stated that although revenue is down, staff is presenting a conservative approach to match expenditures to revenue. He said staff is presenting a balanced budget with no reduction in service levels, and after the audit is concluded in September, the forecast is to end the year with a surplus. Mr. Michaelis mentioned that after the budget discussion, he would like direction on an investment option CalTRUST to possibly improve interest earnings. He said Chamber representatives are in attendance to present their annual report.

**General Fund:**

Assistant City Manager Duran provided an overview of the anticipated revenue projections included in the proposed budget. He said some of the City's revenue sources experienced significant declines reducing overall general fund revenue, however, staff is presenting a balanced budget with approximately \$150,000 in revenue over expenditures with no significant changes, with a few exceptions, such as the

General Municipal Election; and addition of part time Housing Intern due to increase in housing programs. He said the position is funded through a transfer from the Housing Set Aside fund.

In response to Mayor Pro Tem Ebiner, City Manager Michaelis replied that a quarterly meeting is held with HdL that prepare conservative sales tax analysis and revenue projections for the City.

In response to Councilmember Templeman, Mr. Michaelis replied that after the \$2,085,552 was paid to the State, the Housing Set Aside Fund 34 balance is \$3.85 million, which includes a \$2,684,000 commitment to the Canyon Center project with additional funds for other projects. Mr. Michaelis stated that funds have been expended for the four units at the Grove Station project.

Mr. Duran stated that \$2 million is a loan to the Redevelopment Agency that has to be repaid to the Housing Set Aside Fund 34 within five years - the first payment is \$417,000.

Mr. Michaelis explained that next year \$438,000 has to be repaid over a five year period. He said the court's decision has been appealed and if the decision is reversed, local agencies want the take-aways reimbursed. He said each year \$1.3 million is added to the Fund.

Mr. Duran said note worthy items include the deposit funding formula was changed by the California Joint Powers Insurance Authority; discussions held with City of La Verne regarding the sharing of an Emergency Services Intern; a 2% COLA in the Sheriff's Department contract; he said this year there are insufficient COPS grant funds to cover the School Resource Officer and a portion of the GAAP if Bonita Unified School District does not contribute their historic share.

Councilmember Templeman recommended that the School Resource Officer be retained.

Mr. Michaelis mentioned that 6% goes into the Liability Trust Fund for claims against Deputy Sheriffs and the County agreed to reduce the rate to 4%.

Mr. Duran reported that \$250,000 was set aside in a designated reserve account for the General Plan update; the current budget does not allocate new funds.

In response to Council, Assistant City Manager Stevens replied the Housing Element update is next due in 2012 for the RHNA cycle. Staff is applying for a Strategic Growth Council planning grant to partially offset costs of \$600,000-\$1 million, and he would like to use reserve funds if successful securing the grants.

Mr. Duran reported that ongoing sewer maintenance costs required an increase for the Sycamore Canyon Equestrian Center house. He added that the sewer system was approved.

Councilmember Templeman said the restrooms at Marchant Park serve the entire community and should be upgraded. He said the City Attorney and City Manager are exploring the use of low to moderate income funds.

Mr. Duran stated that the proposed budget includes reorganization in the Parks and Recreation Department.

Parks and Recreation Director Bruns said the proposal for fiscal year 2010-11 is to eliminate one part-time position, which is currently vacant, and elevate one Recreation Coordinator position to full-time status, resulting in savings of approximately \$14,000. Additionally, work load will be realigned for greater organizational efficiency. She said the reorganization will not affect services.

Mr. Duran stated that Fund 4 was created for all Civic Center related expenses.

In response to Councilmember Badar, Mr. Michaelis replied that Lease Revenue Bonds for the Civic Center renovation and expansion will be brought for the Public Finance Authority Board consideration and approval at their May 25, 2010 meeting. He said the complete bond issue will go to market on June 3, 2010 and funds will be wired to the City.

**Special Fund:**

Mr. Duran highlighted the special funds, which are restricted for special projects. He said several projects are proposed, the new significant project is the Annual Pavement Preservation Program for slurry seal and repairs in the Via Verde area, south of Via Verde Avenue funded out of Fund 02, 12, 73, and 74. Mr. Duran said the City Council approved the extension of the sewer line from Horsethief Canyon Park to the Sycamore Canyon Equestrian Center; and funds were transferred to Fund 4 to pay for a portion of the sewer connection associated with the Civic Center renovation project; Downtown decorative lighting to replace street lights in the town core at the rate of two blocks per year. Mr. Duran stated the Landscape Parcel Tax allows for annual adjustment by CPI at the Council's discretion. He said a recommendation for a 1.9% increase will be brought back for Council consideration.

Mayor Pro Tem Ebner suggested transferring revenue from the Open Space Districts funds 21, 22 and 23 into Fund 20 for community parks on an annual basis.

Mayor Morris agreed with Councilmember Templeman's suggestion to replace or refurbish the restrooms at Marchant Park.

In response to Council, Mr. Stevens said due to the loan from Fund 34 and SERAF payment, Council is being asked to approve the parameters for the Façade program, however, there are no funds being budgeted at this time for the Program.

Mr. Duran requested direction on administrative reimbursement from the Housing Set-Aside Fund 34 to the General Fund to cover staff costs for administering the housing programs.

In response to Council, Mr. Michaelis replied that after the commitment to Bonita Canyon Gateway project and four units at Grove Station project, the Housing Set Aside Fund balance is \$3.85 million.

Mr. Duran stated that in addition to other ongoing expenses at the golf course, the cost of water will increase significantly due to the loss of water rights to the Malone Well. To offset water costs, the Golf Course Advisory Committee authorized a water surcharge per round of golf that would generate approximately \$75,000. He said any excess revenue will be reserved as dedicated funds for future water related costs.

Mayor Morris suggested City Manager Michaelis explore the purchase of water rights from Golden State Water Company.

Mr. Duran said significant capital equipment purchases include the replacement of computer equipment and software and furniture for the new city hall.

Mr. Duran requested direction whether or not to increase the Citywide Landscape Parcel Tax, Business License Fees and Planning and Engineering Fees by 1.9%, and the 1% PEG fee adopted in 2009 is also due for renewal. Staff recommended approval of the CPI adjustments and to continue with the collection of the PEG fee.

It was the consensus of the City Council to bring back for Council consideration resolutions to increase the Citywide Landscape Parcel Tax, Business License Fees and Planning and Engineering Fees by 1.9%, and the 1% PEG fee.

- b. Authorize the City's participation in the CalTRUST investment program.

City Manager Michaelis reported that the City has historically invested funds in the Local Agency Investment Fund (LAIF) and Certificates of Deposit with various institutions. LAIF interest earnings have been .53% to .55% and staff has been exploring alternative investment options where the City could improve interest earnings and diversify our investment portfolio. Staff has discovered a viable investment option called CalTRUST which offers several investment options that could result in higher interest earnings. Staff recommends authorization to submit the required participant information to CalTRUST and to open account(s) to initially invest some City money with CalTRUST and to report to the City Council the results and City experience after three or four months of participation.

In response to Council, Mr. Michaelis explained the short-term and medium-term investments options and said staff would like to explore the medium-term investment option as a means to safely increase investment yield. He said no action is required from the Council but he would like authorization to proceed.

It was the consensus of the City Council to authorize staff to submit the required participant information to CalTRUST and to open account(s) to initially invest city funds with CalTRUST.

Chamber of Commerce Chairman of the Board Joe Fransen presented to the City Council the Chambers annual report and request for continued financial support from the City in the amount of \$50,000. Chamber President Ted Powl reviewed the program highlights in the report and said the Accounting firm is conducting an audit of 2009-10 financials. Mr. Powl added that both he and Chamber Secretary are planning to retire in December 2010. He would like to open discussions with the City to contemplate salary adjustments to recruit suitable candidates for the President/CEO.

#### **4. ADJOURNMENT**

Mayor Morris adjourned the meeting at 6:57 p.m. The next meeting is May 11, 2010, 7:00 p.m.

Respectfully submitted,

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Ina Rios, CMC, City Clerk



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the Meeting of May 25, 2010*

**From:** Blaine Michaelis, City Manager

**Initiated By:** Public Works Department *MP*

**Subject:** Award of Cash Contract No. 2010-04, Sealcoat Project, to Champion Paving, Inc. in the amount of \$193,776.68

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## **BACKGROUND**

Sealed bids were received by the City Clerk on Tuesday, May 4, 2010, and publicly opened for Cash Contract No. 2010-04, Sealcoat Project. The project consists of applying an herbicide (Round Up) to control vegetation, crack seal, and applying a tire-rubber sealcoat material followed by replacing traffic striping & markings. The following four bids were received:

1.	Champion Paving, Inc.	\$193,776.18
2.	NPG, Inc.	\$205,998.00
3.	Pavement Coatings Co.	\$281,598.00
4.	Roy Allan Slurry Seal, Inc.	\$300,617.00

## **DISCUSSION**

For fiscal year 2009-2010, total project funds of \$660,000 have been allocated from Fund 02 - Gas Tax, Fund 12 - Infrastructure Fund, and Fund 73 - Prop C Local Transportation Fund. The Pavement Preservation funds are allocated for slurry seal, seal coating, and as-needed pavement repairs in the specified zone. In order to receive competitive bid prices for the specialized type of work being done, Pavement Preservation for Zone "C" has been broken down into three specified categories of street and maintenance. In April, the Council awarded a contract in the amount of \$384,706 for slurry seal. Similarly, in June staff proposes to request Council to award the pavement repairs contract for which we are currently seeking bids.

Staff has reviewed the bid proposal and bid bond provided by the lowest responsible bidder, Champion Paving Inc. After bid opening, a vague and rather unclear bid statement was received from the second bidder NPG regarding lack of contributions from Champion in reference to Employment of Apprentices. Due to this vagueness, staff considered it as a potential protest for bid irregularity. Therefore, to avoid any issues regarding labor compliance this irregularity was reviewed by the City Attorney's Office who concluded that the irregularity was deemed to be a minor irregularity therefore as such it would not be atypical for Council to waive the bid irregularity since the provisions of a public contract does allow the contractor to apply for the apprentice program after the award. Champion Paving, Inc. has indicated that they are ready to file the necessary paperwork with the California Apprentice Council and has formally agreed to comply with all labor requirements as specified in the contract provisions. However, should Council desire, Council can dismiss the low bidder's proposal because of the specific irregularity and consider awarding the project to the second lowest bidder.

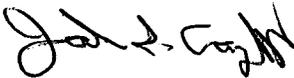
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Staff reviewed the bid proposal, and references provided by the lowest responsible bidder, Champion Paving, Inc. It was confirmed through the State Contractor's License Board that the contractor's license #595611, C12 and Haz-Mat Certification, expires on 3/31/2011. All references contacted were positive in favor of the contractor. The contractor submitted a Bid Bond as security in accordance with the requirements of the specifications.

**RECOMMENDATION**

Staff recommends that Council consider awarding Cash Contract No. 2010-04, Sealcoat Project to Champion Paving, Inc. in the amount of \$193,776.18.

Respectfully submitted,



John C. Campbell  
Maintenance Superintendent

jgc/kp/gdh/05-10-19



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of May 25, 2010*

**FROM:** Blaine Michaelis, City Manager *BM*

**SUBJECT:** Lease Revenue Bond Financing for the Expansion and  
Renovation of City Hall and the Community Center

## **SUMMARY**

*Staff is requesting that the City Council consider adopting an Authorizing Resolution which would allow the San Dimas Public Financing Authority, on behalf of the City, to issue Lease Revenue Bonds, the proceeds of which will be applied to finance a portion of the City Hall and Community Center renovation and expansion.*

## **BACKGROUND**

During the March 23, 2010 City Council Meeting, City Staff introduced financing proposals for the Civic Center renovation and expansion project (the "Project"), and the City Council authorized staff to enter into the necessary agreements with the Underwriter and Bond Counsel to complete the financing. Attached hereto is (1) a Resolution authorizing a Lease Revenue Bond Financing and adopting certain documents providing for the issuance of lease revenue bonds, (2) a form of Reimbursement Resolution, and (3) a form of Executive Summary outlining the function of each of the form documents. Resolution 2010-22 authorizes the preparation of the documents summarized in the Executive Summary. The City Clerk maintains a copy of these draft documents if you desire to review them.

Indenture  
Site and Facility Lease  
Lease Agreement  
Agency Agreement  
Bond Purchase Agreement  
Preliminary Official Statement  
Assignment Agreement

*6a (1-2)*

## **DISCUSSION**

The approval of this Resolution would authorize the issuance of Lease Revenue Bonds (the “Bonds”) in an amount not to exceed \$8,800,000, and the interest rate on the Bonds is limited to 5.25% over a term of 15 years (the amount of the bond and interest rate are maximum amounts for authorization purposes – the specific bond amount necessary to provide \$7.5 million in financing and the interest rate for the bond will be determined as part of the bond sale process scheduled for the first week in June, 2010). The San Dimas Public Financing Authority (the “Authority”) will assist the City with such financing by entering into certain lease agreements as a counter-party. The City shall utilize Lone Hill Park and Pioneer Park as the “Leased Property” or collateral for the financing.

Should the City need to expend some of its moneys for capital expenditures relating to the project (the “Reimbursable Expenditures”) prior to the date the Bond proceeds are delivered, the Reimbursement Resolution would allow reimbursement for such capital expenditures from bond proceeds.

## **RECOMMENDATION**

Staff recommends that the City Council approve the Resolution authorizing the San Dimas Public Financing Authority’s issuance of Lease Revenue Bonds on behalf of the City.

### Process:

1. Receive report from staff.
2. Ask questions as desired.
3. Conduct Public Hearing.
4. Approve the recommended resolutions as proposed.

Attachment A: Resolution 2010-22 City Council Authorizing and Approving the Issuance of Lease Revenue Bonds (Civic Center Expansion), Series 2010.  
Attachment B: Reimbursement Resolution 2010-23  
Attachment C: Executive Summary of the other documents needed to complete the transaction.

ATTACHMENT A

RESOLUTION NO. 2010 - 22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING AND APPROVING THE ISSUANCE OF LEASE REVENUE BONDS (CIVIC CENTER RENOVATION AND EXPANSION), SERIES 2010 (BANK QUALIFIED), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000 IN ONE OR MORE SERIES, AS TAX-EXEMPT BONDS, APPROVING THE FORM AND AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT, A SITE AND FACILITY LEASE, A LEASE AGREEMENT, AN AGENCY AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND A BOND PURCHASE AGREEMENT, AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF DOCUMENTS RELATED THERETO**

WHEREAS, the San Dimas Public Financing Authority (the "Authority") has been formed pursuant to a Joint Exercise of Powers Agreement, dated as of April 23, 1996 (the "Agreement"), by and between the City of San Dimas (the "City") and the Redevelopment Agency of the City of San Dimas, and is authorized under the Agreement and under the laws of the State of California to finance and refinance the acquisition and construction of public capital improvements for any of its members; and

WHEREAS, the City desires to finance certain capital improvements, including the expansion and renovation of its civic center (the "Project"); and

WHEREAS, it has been proposed that the Authority assist the City in providing funds to finance the Project by entering into an Indenture, dated as of June 1, 2010 (the "Indenture"), by and between the Authority and U.S. Bank National Association, as trustee and providing for the execution and delivery of the Authority's Lease Revenue Bonds (Civic Center Renovation and Expansion) Series 2010 (Bank Qualified) (the "Bonds"), in one or more series, as tax-exempt bonds; and

WHEREAS, the City has heretofore held a public hearing pursuant to Section 6586.5 of the California Government Code;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Dimas (the "City Council") as follows:

**Section 1. Approval of Bonds.** The City Council hereby approves the issuance of the Authority's Lease Revenue Bonds (Civic Center Renovation and Expansion), Series 2010, in the aggregate principal amount not to exceed \$8,800,000. The City hereby designates the Bonds as qualified tax-exempt obligations within the meaning of section 265(b)(3) of the Code. The City reasonably anticipates that the amount of tax-exempt obligations (other than those described in section 265(b)(3)(C)(ii) of the Code) that will be issued in calendar year 2010 by the City, and by any entities related or subordinate to the City for the purpose of aggregation of issuers as provided in section 265(b)(3)(E) of the Code, will not exceed \$30,000,000. The City (including

any related or subordinate entity) agrees not to designate more than \$30,000,000 qualified tax-exempt obligations within the meaning of section 265(b)(3) of the Code in the calendar year 2010.

**Section 2. Finding of Significant Public Benefits.** The City Council hereby finds that (i) the public capital improvements are to be located within the boundaries of the City and (ii) there are significant public benefits, including demonstrable savings in effective interest rates, bond preparation, bond underwriting or bond issuance costs, arising from the Authority's issuance of the Bonds to finance such public capital improvements as contemplated by Section 6586 of the California Government Code.

**Section 3. Approval of the Site and Facility Lease.** The City Council hereby approves the Site and Facility Lease in substantially the form on file with the City Clerk of the City and presented to the City Council at this meeting. The Mayor, the City Manager or the Assistant City Manager, their designee, or any member of the City Council (each, a "Responsible Officer"), are each hereby authorized to execute the Site and Facility Lease in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 4. Approval of the Lease Agreement.** The City Council hereby approves the Lease Agreement in substantially the form on file with the City Clerk of the City and presented to the City Council at this meeting. Any Responsible Officer is hereby authorized to execute the Lease Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 5. Approval of the Agency Agreement.** The City Council hereby approves the Agency Agreement in substantially the form on file with the City Clerk of the City and presented to the City Council at this meeting. Any Responsible Officer is hereby authorized to execute the Agency Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 6. Approval of the Preliminary Official Statement and the Official Statement.** The City Council hereby approves the Preliminary Official Statement relating to the Bonds, in substantially the form on file with the City Clerk of the City and presented to the City Council at this meeting, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel and Disclosure Counsel, to make the Preliminary Official Statement final as of its date, except for the omission of certain information, as permitted by Section 240.15c2-12(b)(1) of Title 17 of the Code of Federal Regulations ("Rule 15c2-12"), and any certificate relating to the finality of the Official Statement under Rule 15c2-12. A Responsible Officer is authorized and directed to execute and deliver a final Official Statement, with such additions and changes as may be approved by Bond Counsel and Disclosure Counsel and the Responsible Officer executing the same, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 7. Approval of the Continuing Disclosure Agreement.** The City Council hereby approves the Continuing Disclosure Agreement in substantially the form on file with the City Clerk of the City and presented to the City Council at this meeting. Any Responsible Officer is hereby authorized to execute the Continuing Disclosure Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 8. Approval of the Bond Purchase Agreement.** The City Council hereby approves the Bond Purchase Agreement in substantially the form on file with the City Clerk of the City and presented to the City Council at this meeting. Any Responsible Officer is hereby authorized to execute the Bond Purchase Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that such additions, deletions or changes in the Bond Purchase Agreement shall provide for a principal amount of Bonds not greater than \$8,800,000, an underwriter's discount not greater than \$5.85 per \$1,000 principal amount of Bonds and an interest rate on the Bonds not greater than 5.25%.

**Section 9. Official Actions.** The Responsible Officers, the City Clerk and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all other actions, including the publication of any notices necessary or desirable in connection with the sale of the Bonds, procurement of municipal bond insurance, if any, and reserve fund surety bond, if any, and execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, deem necessary or advisable to consummate the lawful issuance and sale of the Bonds and the consummation of the transactions as described herein.

**Section 10. Effective Date.** This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF MAY, 2010.

\_\_\_\_\_  
Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by a vote of the City Council of the City of San Dimas at its regular meeting of May 25, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

**ATTACHMENT B**

**RESOLUTION NO. 2010 -23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS  
IN CONNECTION WITH THE FINANCING OF CERTAIN CAPITAL  
IMPROVEMENTS AND DECLARING ITS INTENT TO REIMBURSE  
CERTAIN EXPENDITURES FROM TAX-EXEMPT OBLIGATIONS**

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WHEREAS, this City Council (the "City Council") of the City of San Dimas, California (the "City"), has determined the need to finance certain capital improvements, including the expansion and renovation of its civic center (the "Project"), using the proceeds of tax-exempt obligations (the "Obligations") to be issued by or on behalf of the City; and

WHEREAS, this City Council has determined that the Project is necessary and advisable for the benefit of the public, and it now appears that the City Council may need to expend some of its moneys for capital expenditures relating to the Project (collectively, the "Reimbursable Expenditures") prior to the date of delivery of any Obligations; and

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the City Council generally no later than 60 days following any Reimbursable Expenditures to declare its reasonable official intent to reimburse such Reimbursable Expenditures for the Project from proceeds of the Obligations which the City Council reasonably expects will be issued to finance the costs of the Project incurred prior to said date of issuance and that certain of the proceeds of the Obligations in the amount of not to exceed \$7,500,000 will be used to reimburse the City for the Reimbursable Expenditures;

NOW, THEREFORE, the City Council of the City of San Dimas, California does hereby resolve as follows:

Section 1. All of the foregoing Recitals are true and correct, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of this City Council.

Section 2. The City Council hereby declares its reasonable official intention to use proceeds of the Obligations to reimburse itself for the Reimbursable Expenditures.

Section 3. The City Council presently intends and reasonably expects to have tax-exempt Obligations issued on its behalf within 18 months of the date of the expenditure of moneys on the Project or the date upon which the Project is placed in service or abandoned, whichever is later (but in no event more than 3 years after the date the original expenditure of such moneys is paid), and to allocate an amount not to exceed \$7,500,000 of the proceeds thereof to the Reimbursable Expenditures in connection with the Project. All of the Reimbursable Expenditures covered by this Resolution were paid not earlier than 60 days prior to the date of this Resolution.

Section 4. The City Council intends to allocate within 30 days after the date of issue of the Obligations the proceeds therefrom to reimburse the City for the Reimbursable Expenditures.

Section 5. With respect to the proceeds of the Obligations allocated to reimburse the City for prior expenditures, the City Council hereby covenants not to employ an abusive device under Treasury Regulation Section 1.148-10, including using within one year of the reimbursement allocation, the funds corresponding to the proceeds of the Obligations in a manner that results in the creation of replacement proceeds, as defined in Treasury Regulation Section 1.148-1, of the Obligations or another issuer of tax-exempt obligations.

Section 6. This Resolution is adopted solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This Resolution does not bind the City Council to make any expenditure, incur any indebtedness, issue the Obligations, or proceed with the financing, acquisition or construction of the Project.

Section 7. All actions heretofore taken by the officers, or their respective designees, employees and agents of the City Council and the City in connection with the financing of the Project are hereby ratified and confirmed. The Mayor, the City Manager, the Assistant City Manager, members of the City Council and each of their respective designees are hereby authorized to take any and all actions in connection with the financing of the Project and as may be necessary and consistent with the purposes of this Resolution.

Section 8. This Resolution shall take effect from and after its adoption.

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF MAY, 2010.

\_\_\_\_\_  
Curtis W. Morris  
Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

ATTACHMENT C

**Fulbright & Jaworski I.L.P.**

A Registered Limited Liability Partnership  
555 South Flower Street, 41<sup>st</sup> Floor  
Los Angeles, California 90071  
www.fulbright.com

arohlin@fulbright.com  
direct dial: (213) 892-9327

telephone: (213) 892-9200  
facsimile: (213) 892-9494

May 18, 2010

City Council  
City of San Dimas, California  
245 East Bonita Avenue  
San Dimas, California 91773

Board of Directors  
San Dimas Public Financing Authority  
245 East Bonita Avenue  
San Dimas, California 91773

Re: **Materials Presented for Approval for Lease Revenue Bonds (Civic Center Expansion) Series 2010**

Dear City Council Members and Board Members:

You have been provided with copies of the current drafts of the following documents for consideration, each of which is a necessary part of the proposed bond financing to provide for the financing of certain capital improvements of the City, which will be issued as Lease Revenue Bonds (the "Bonds").

- \* Indenture
- \* Site and Facility Lease
- \* Lease Agreement
- \* Agency Agreement
- \* Bond Purchase Agreement
- \* Preliminary Official Statement
- \* Assignment Agreement

Naturally, as the transaction progresses towards closing, there will be additional certificates and other documents, but the above-listed documents, submitted to the Board for approval, constitute the framework for the deal. We outline the purpose of each of them briefly here.

Indenture. The Indenture is a contract between U.S. National Bank Association (the "Trustee") and the San Dimas Public Finance Authority (the "Authority"), under which the Bonds that the Authority is issuing for the benefit of the City are secured. Further, the Indenture assigns certain duties to the Trustee and establishes the way in which persons owning the Bonds

will be paid on their investment. The Authority appoints the Trustee as its agent to accept the Base Rental Payments (defined below) made under the Lease Agreement and to divide these payments among the registered owners of the Bonds, according to the interest and principal payments due to each of them. The Trustee will accept for deposit a portion of the amount equal to the net proceeds of sale of the Bonds from the Underwriter at closing (see "Bond Purchase Agreement" below) and will deposit such moneys in the Construction Fund to fund certain capital improvements within the City, including expansion and renovation of the Civic Center and City Hall (the "Project"). The Bonds may be issued at a fixed rate of interest in accordance with the terms set forth in the Indenture. The payment of principal of and interest on the Bonds may be insured by a municipal bond insurance policy to be issued simultaneously with the issuance of the Bonds. Certain procedures for claims under such insurance policy would also be included in the Indenture.

Site and Facilities Lease. In order for there to be a stream of City payments for the Trustee to administer and pay to the owners of the Bonds, the City first leases out to the Authority a parcel or parcels of City property. No money is exchanged under this document.

Lease Agreement. Under the Lease Agreement, the City will lease back from the Authority the same parcel or parcels, but will agree to make annual rental payments ("Base Rental Payments"). The Base Rental Payments will represent fair market value for the pledged real estate. The Lease also sets forth the obligation of the City to make its semiannual Base Rental Payments over time. This document also details the insurance coverage required for the real estate.

Agency Agreement. Under the Agency Agreement, the Authority appoints the City to act as its agent in connection with the acquisition, delivery and/or installation of the Project in accordance with such other agreements as shall be approved and entered into by the City.

Bond Purchase Agreement. Under this document, which will be signed the day of the pricing of the Bonds (or the day following pricing), the Underwriter agrees to purchase all of the Bonds from the Authority at an established price and discount. Immediately prior to the Authority's and City's executing the Purchase Contract, the Underwriter will "price" the Bonds in the public market — that is, to identify the interest rate which the Bonds will represent when sold to investors. A final underwriting discount (the Underwriter's fee) will be established at the same time and incorporated into the terms of the Purchase Contract.

Preliminary and Final Official Statement. There has also been submitted to the City a form of preliminary official statement for the Bonds, which contains information, statistics, and summaries regarding the Bonds and the City that prospective purchasers of the Bonds are likely to need in order to make an investment decision. As Disclosure Counsel, we will prepare this document and the final form of the Preliminary Official Statement (a "Final Official Statement") once the pricing and sale of the Bonds is complete. The data included in the Official Statement needs to be reviewed by staff and the summaries and content are reviewed by us and by Underwriter's Counsel. Related to the Official Statement and appended thereto is a Continuing

Disclosure Agreement which is a requirement of the S.E.C. in long-term financings such as that for the Bonds. The Continuing Disclosure Agreement is an agreement between the City and the future owners of the Bonds regarding information to be made available to such owners during the term of the Bonds. The obligation of the City to supply material information continues until the Bonds are paid in full and can be met by certain annual and material event filings described in the Continuing Disclosure Agreement.

In addition, there will be an Assignment Agreement, to which only the Authority and the Trustee, and not the City, are parties. In the Assignment Agreement, the Authority turns over to the Trustee all of the Base Rental Payments it would otherwise be due under the terms of the Lease Agreement with the City. In this way, the Authority never actually receives (or has to account for) cash from the City under these legal documents.

Minor changes will be made to the forms of these documents following formal approval by the City and the Authority and prior to the execution thereof. All such changes will be brought to your attention and will be reviewed prior to final incorporation.

We can assure you that the terms of the legal documents will be carefully reviewed and will comply with the requirements of the Constitution and laws of the State of California applicable to the City and the Authority.

If you should have any additional questions regarding the legal documents, please do not hesitate to contact me or Don Hunt of this office.

Very truly yours,

*Ann La Morena Rohlin*

Encls.



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of May 25, 2010*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Ken Duran, Assistant City Manager

**SUBJECT:** Adoption of Resolution No. 2010-24  
City Wide Landscape Parcel Tax for Fiscal Year 2010–2011

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## **SUMMARY**

At the May 11, 2010 City Council Study Session, the Council agreed to consider an increase in the City Wide Landscape Parcel Tax for Fiscal Year 2010–2011. Ordinance No. 1086 requires that the voter approved City Wide Landscape Parcel Tax shall be set annually by the City Council following a public hearing. Per the request of the City Council, Resolution No. 2010-24 is presented for Council consideration and review.

## **BACKGROUND**

In November 1997 the voters of the City of San Dimas by a 71% affirmative vote, approved Ordinance No. 1086 adopting a special parcel tax to be levied against properties in the city. The revenues collected from the tax are exclusively used to improve and maintain landscaping and trees in parkways, parks and other public areas.

Ordinance No. 1086 requires that commencing with FY 1999–2000; the special tax shall be set annually by the City Council following a public hearing. The rate of the tax was established by Ordinance No. 1086 but can be adjusted annually to reflect changes in the Consumer Price Index.

## **Options**

Staff would like Council to review two options for the rate of the tax.

**Option 1** - Maintains the landscape parcel tax at the same rate without adjustment for FY 2010–2011.

**Option 2** - Adjusts the tax by increasing the rate to reflect the change in the Consumer Price Index of 1.9% for March 2010.

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<u>Property Classification</u>	<u>Option 1</u> <u>Amount of Tax</u>	<u>Option 2</u> <u>Amount of Tax</u>
Single Family Residential	\$50.97	\$51.94
Commercial/Industrial, per front foot	\$1.53	\$1.56
Non-Profit/Tax Exempt Parcels, per front foot	\$0.32	\$0.33
Multi-Family Residential, per unit	\$37.33	\$38.04
Mobile home Parks, per front foot	\$1.18	\$1.21

Option 1: The current estimated revenue for Option 1 is \$739,000. The amount is based on the revised budget estimate for the FY 2009–2010 and is based upon the current estimated actual receipts. This revenue amount remains the same as FY 2009–2010.

Option 2: The revenue estimate is \$753,000, an increase of \$14,000.

Including contributions from the school district and beginning fund balance, total funds available for FY 2010–11 with the increase in the tax is \$838,731. The total estimated expenditures for FY 2010-2011 are \$838,400. The expenditures will exceed revenues without the increase. The excess cost will have to be transferred to the General Fund.

Staff would like the City Council to review options for the City Wide Landscape Parcel Tax rates for FY 2010–2011. Even with the increased rate the parcel tax collections do not cover the total cost for landscape maintenance. The additional cost is borne by the general fund. Without the increase more of the excess costs will be borne by the General Fund.

Concluding the Public Hearing the City Council may adopt Resolution No. 2010-24 maintaining the landscape parcel tax at the same rate as FY 2010–21011 or with the 1.9% Cost of Living adjustment.

### **RECOMMENDATION**

Staffs recommendation is to adopt Resolution No. 2010-24 setting the special City Wide Landscape Parcel Tax for FY 2010 – 2011 with the CPI increase, Option 2.

(OPTION 1)

RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITY WIDE PARCEL TAX FOR FISCAL YEAR 2010-2011 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSE

WHEREAS, at the November 1997 City election, the voters of the City of San Dimas approved Ordinance No. 1086 adopting a special parcel tax to be levied against the properties in the City, with the revenues to be used to improve and maintain parkway trees, landscaping, public parks and other public areas;

WHEREAS, Ordinance No. 1086 requires that commencing with fiscal year 1999-2000, the special tax shall be set annually by the San Dimas City Council following a public hearing; and

WHEREAS, the public hearing to set the annual special tax has been properly noticed for the City Council meeting of May 25, 2010; and

WHEREAS, the public hearing was held and testimony received, if any at the May 25, 2010 City Council meeting; and

WHEREAS, the City Council desires to levy the special parcel tax at the same rates for fiscal year 2010-2011.

NOW, THEREFORE, the City Council of the City of San Dimas does hereby resolve as follows:

For fiscal year 2010-2011 the following special parcel tax shall be levied against property in the City of San Dimas:

<b>PROPERTY CLASSIFICATION</b>	<b>AMOUNT OF TAX</b>
Single Family Residential	\$50.97
Commercial/ Industrial, per front foot	\$1.53
Non-Profit/Tax Exempt Parcels, per front foot	\$ .32
Multi-Family Residential, per unit	\$37.33
Mobil Home Parks, per front foot	\$1.18

APPROVED AND ADOPTED this 25<sup>TH</sup> day of May 2010.

\_\_\_\_\_  
Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

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Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the forgoing Resolution No. 2010-24 was adopted by the City Council of the City of San Dimas at its regular meeting of May 25, 2010 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

City Clerk

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Ina Rios, CMC. City Clerk

(OPTION 2)

**RESOLUTION NO. 2010-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITY WIDE PARCEL TAX FOR FISCAL YEAR 2010-2011 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSE**

WHEREAS, at the November 1997 City election, the voters of the City of San Dimas approved Ordinance No. 1086 adopting a special parcel tax to be levied against the properties in the City, with the revenues to be used to improve and maintain parkway trees, landscaping, public parks and other public areas;

WHEREAS, Ordinance No. 1086 requires that commencing with fiscal year 1999-2000, the special tax shall be set annually by the San Dimas City Council following a public hearing; and

WHEREAS, the public hearing to set the annual special tax has been properly noticed for the City Council meeting of May 25, 2010; and

WHEREAS, the public hearing was held and testimony received, if any at the May 25, 2010 City Council meeting; and

WHEREAS, the City Council desires to increase the rate of the special parcel tax at the Consumer Price Index rate of 1.9% for fiscal year 2010-2011.

NOW, THEREFORE, the City Council of the City of San Dimas does hereby resolve as follows:

For fiscal year 2010-2011 the following special parcel tax shall be levied against property in the City of San Dimas:

<b>PROPERTY CLASSIFICATION</b>	<b>AMOUNT OF TAX</b>
Single Family Residential	\$51.94
Commercial/ Industrial, per front foot	\$1.56
Non-Profit/Tax Exempt Parcels, per front foot	\$ .33
Multi-Family Residential, per unit	\$38.04
Mobil Home Parks, per front foot	\$1.21

APPROVED AND ADOPTED this 25<sup>TH</sup> day of May 2010.

\_\_\_\_\_  
Curtis W. Morris, Mayor of the City of San Dimas

Resolution No. 2010-24

Page 2

ATTEST:

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Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the forgoing Resolution No. 2010-24 was adopted by the City Council of the City of San Dimas at its regular meeting of May 25, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ina Rios, CMC, City Clerk



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
For the meeting of May 25, 2010

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Ken Duran, Assistant City Manager

**SUBJECT:** Consider increase to Business License Fees

## **SUMMARY**

*Ordinance No. 956, provides that basic business license fees may be increased by an amount equal to the increase in the Consumer Price Index of the period extending from April 1<sup>st</sup> of the previous year through March 31<sup>st</sup> of the current year. At the May 25, 2010 City Council Special Session, the Council agreed to consider an increase to Business License Fees. Per the request of the City Council, Resolution 2010-25 is presented for Council consideration and review.*

## **BACKGROUND**

The current business license fees were established by Ordinance No. 956 adopted in 1991. The ordinance established the fees for the various categories of business licenses and built in automatic increases up through 1993. The ordinance then allowed for an annual increase in business license fees in the amount of the annual Consumer Price Index (CPI) beginning the 1994. The fees were adjusted by CPI in 1994, but were not adjusted from 1995-2002. Since 2003 the fees have been adjusted annually by the CPI except for last year when the CPI was a negative number.

Ordinance No. 956 provides the basic business license fees may be increased by an amount equal to the increase in the Consumer Price Index of the period extending from April 1<sup>st</sup> of the previous year through March 31<sup>st</sup> of the current year. The Consumer Price Index for the period of April 1, 2009 to March 31, 2010 was 1.9%.

Staff would like Council to review the two options for the business license fees:

**Options 1** maintain the business license fees at the same rate without adjustment for fiscal year 2010-2011.

**Options 2** would adjust the fees by increasing the rate to reflect the change of the Consumer Price Index of 1.9%, April 1, 2009 to March 31, 2010.

72(1)

May 25, 2010  
Consideration of Business License Fee Increase

Exhibit "A" reflects Current, or Option 1, and Proposed, Option 2. Business License Fees

Staff would like City Council to review the Options for the Business License Fees for fiscal year 2010-2011. The total net increase in revenue to the city if the license is increased would be approximately \$7,500. Staff recommends Option 2, to increase the business license fees by the 1.9% CPI as permitted by Ordinance 956. The most commonly utilized business license fee category is C03 General Business with employees. The base fee would increase from \$113.15 to \$115.30 and per employee fee would increase from \$8.15 to \$8.30.

If City Council concurs with the staff recommendation, they should adopt Resolution No. 10-25 setting the business license fee rates for fiscal year 2010-2011 with the 1.9% CPI increase.

**RESOLUTION NO. 2010-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE CITY BUSINESS  
LICENSE FEES RATES FOR FISCAL YEAR 2010-2011**

WHEREAS, Section A of the San Dimas Municipal Code Section 5.24.060 relating to business license fees provides that basic fees may be increased by an amount equal to the increase in the Consumer Price Index for the period extending from April 1<sup>st</sup> of the previous year through March 31<sup>st</sup> of the current year; and

WHEREAS, the Consumer Price Index for the period of April 1, 2009 to March 31, 2010 was 1.9%;

WHEREAS, the City Council of the City of San Dimas did review the rate options for business license fees;

NOW, THEREFORE, the City Council of the City of San Dimas does hereby resolve as follows:

SECTION 1. For fiscal year 2010-2011 the City of San Dimas hereby adopts the following fee schedule, adjusted to reflect the 1.9% Consumer Price Index from April 1, 2009 to March 31, 2010, as shown in the following exhibit:

A. Exhibit "A" Proposed Business License Fee Rates

APPROVED AND ADOPTED this 25<sup>th</sup> day of May 2010.

\_\_\_\_\_  
Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution No. 2010-25 was adopted by the City Council of the City of San Dimas at its regular meeting of May 25, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

City of San Dimas  
Business License Fee Comparison  
Current and Proposed Rates

EXHIBIT A

Rate	Description		OPTION 1	OPTION 2
			Current 2009-2010 Fees	Proposed Increase @ 1.9% CPI 2010- 2011 Fees*
C01	Billiard & Pool Hall	for 1st table	\$81.75	\$83.40
		for each additional table	\$10.00	\$10.20
C02	Bowling Alley	for 1st 5 lanes	\$113.15	\$115.30
		for each additional lane over 5	\$16.40	\$16.80
C03	Business with employees	business fee	\$113.15	\$115.30
		per employee or partner	\$8.15	\$8.40
C04	Apartment & Business Rentals	business fee	\$113.15	\$115.30
		for each unit over 2	\$10.00	\$10.20
C05	Mini Storage	for each 100 sq ft of storage space	\$1.95	\$2.00
C06	Hotels, Motels, Hospitals, and Retirement Care Homes	business fee	\$75.40	\$76.90
		for each bed	\$7.50	\$7.70
C07	Movie Filming	per day	\$315.05	\$321.10
C08	Recreational Vehicle Park	per space	\$7.65	\$7.80
C09	Solicitors	principal solicitor	\$188.50	\$192.10
		each additional solicitor permit	\$125.60	\$128.00
C10	Mobile Home Park	per space	\$9.45	\$9.70
C11	RV Parking Space at Storage Lots	per space	\$5.10	\$5.20
C12	Deliveries	per vehicle	\$94.20	\$96.00
C13	Rubbish, Waste, Garage Collection	not permitted unless license is in effect		
C14	Non-Profit Public Marketplace	per space	\$48.90	\$49.90
C15	Communication Sites	business fee	\$113.15	\$115.30
	cell towers, antenna sites, pay phones	per site or unit	\$8.15	\$8.40
F01	Contractors	flat fee	\$119.40	\$121.70
F02	Bar & Lounge	flat fee	\$226.05	\$230.40
F03	Dance Hall	flat fee	\$226.05	\$230.40
F04	Theatres	flat fee	\$251.30	\$256.10
F05	Home Occupation	flat fee	\$113.15	\$115.30
F06	Exempt or Non-Profit	flat fee	\$1.00	\$1.10
F07	Consignment businesses	flat fee	\$251.30	\$256.10
F08	Entertainment	flat fee	\$18.40	\$18.80

\* Rounding to the nearest "nickel"

City of San Dimas  
 Business License Fee Comparison  
 Current and Proposed Rates

EXHIBIT A

Rate	Description		OPTION 1	OPTION 2
			Current 2009-2010 Fees	Proposed Increase @ 1.9% CPI 2010- 2011 Fees*
F09	Secondhand Dealer	flat fee	\$125.60	\$128.00
F10	Special Permit Fee	flat fee	\$18.40	\$18.80
G01	Gross Receipts	\$0-\$15,999	\$75.50	\$77.00
		\$16,000-\$30,999	\$88.05	\$89.80
		\$31,000-\$50,999	\$100.60	\$102.60
		\$51,000-\$75,999	\$113.15	\$115.30
		\$76,000-\$100,999	\$125.70	\$128.10
		\$101,000-\$200,999	\$138.25	\$140.90
		\$201,000-\$300,999	\$150.80	\$153.70
		\$301,000-\$400,999	\$163.35	\$166.50
		\$401,000-\$500,999	\$175.90	\$179.30
		\$501,000-\$600,999	\$188.45	\$192.10

\* Rounding to the nearest "nickel"



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of May 25, 2010*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Ken Duran, Assistant City Manager

**SUBJECT:** Resolution No. 2010-26 setting the amount of the Public Access Fee for Fiscal Year 2010-11

## **BACKGROUND**

In September 2006, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) law went in to effect which allowed video service providers to obtain a state issued franchise to provide video services in a local community. DIVCA establishes the California Public Utilities Commission (CPUC) as the sole franchising authority for video service providers' state wide; however it delegated certain limited rights to local authorities. Those rights needed to be established by a local ordinance to be enforceable on state video franchise holders. In October 2008 the City Council adopted Ordinance 1183 establishing San Dimas rights under DIVCA.

Among other things DIVCA allowed the city to adopt an up to 1% PEG fee to be paid by all video subscribers to fund public access. The fee requires customers to pay up to 1% of the cable portion of their bill. The fee can only be used for capital expenses associated with public access and not operating expenses, such as personnel. The fee is only imposed on video subscribers who have the PEG channel available to them. Residents who do not subscribe to Verizon or Time Warner and therefore, do not have the channel available to them are not impacted by the fee.

The 1% public access fee was adopted by the City Council and became effective last year. The enabling Ordinance requires the City Council to set the amount of the fee annually. The Council has the option of imposing the full 1%, something less than 1% or not imposing the fee in any given year. It is estimated that a 1% fee would generate approximately \$56,000.

The City currently has an agreement with the University of La Verne for the management of the City's public access channel for an annual fee of \$66,527. This includes expenses for personnel costs, rent, equipment and supplies. All of these expenses with the exception of the personnel costs are eligible for use of the public access fee. In addition, funds collected from the fee were used for the

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costs associated with the relocation of the public access equipment during the city hall remodel and would be used to move the equipment back to the remodeled city hall.

### **RECOMMENDATION**

The City will be incurring ongoing expenses for the management and operation of the City's public access channel. Therefore, staff recommends that the City Council adopt Resolution No. 2010-26 approving the public access fee in the amount of 1% for fiscal year 2010-2011.

**RESOLUTION NO. 2010-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, SETTING THE PUBLIC ACCESS FEE FOR  
FISCAL YEAR 2010-2011 TO BE USED FOR PEG PURPOSES**

WHEREAS, the City Council approved Ordinance No. 1183 adding Section 5.60.380 to the San Dimas Municipal Code establishing franchise and PEG fees and customer service penalties for state franchise holders providing video service within the City of San Dimas, and

WHEREAS, Ordinance No. 1183 states that for any state video franchise holder operating within the boundaries of the City of San Dimas, there shall be a fee paid to the City equal to up to one percent of the gross revenue of the state video franchise holder, which fee shall be used by the City for PEG purposes consistent with state or federal law, and

WHEREAS, Ordinance No. 1183 requires the percentage amount of the fee to be set annually by the City Council, and

NOW, THEREFORE, THE City Council of the City of San Dimas does hereby resolve that for Fiscal Year 2010-2011 the percentage amount of the PEG fee shall be 1%.

PASSED, APPROVED AND ADOPTED THIS 25<sup>th</sup> DAY OF MAY, 2010.

\_\_\_\_\_  
Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of the City of San Dimas at its regular meeting of May 25, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ina Rios, CMC, City Clerk



**CITY OF SAN DIMAS  
MINUTES  
SAN DIMAS REDEVELOPMENT AGENCY MEETING  
TUESDAY, MAY 11, 2010  
SENIOR CITIZEN/COMMUNITY CENTER  
MULTIPURPOSE ROOM, 201 E. BONITA AVENUE**

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**PRESENT:**

Chairman Curtis W. Morris  
Vice Chairman Denis Bertone  
Mr. Emmett G. Badar  
Mr. John Ebner  
Mr. Jeffrey W. Templeman  
Executive Director Blaine Michaelis  
Agency Attorney Ken Brown  
Secretary Ina Rios  
Assistant City Manager of Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Director of Parks and Recreation Theresa Bruns

**CALL TO ORDER**

Chairman Morris called the meeting to order at 7:51 p.m.

**ORAL COMMUNICATION** (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)

There were no comments.

**APPROVAL OF MINUTES**

It was moved by Mr. Templeman, seconded by Mr. Ebner, to approve the minutes of the April 27, 2010 meeting. The motion carried unanimously.

**EXECUTIVE DIRECTOR**

- 1) Façade Program

**RESOLUTION NO. 190, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING A PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO THE OWNERS OF PROPERTY IN DOWNTOWN SAN DIMAS IN RECONSTRUCTING BUILDING FRONT FAÇADES.**

Assistant City Manager for Community Development Stevens said at their April 27, 2010 joint meeting with the Planning Commission, the City Council considered the establishment of a Façade Improvement Program and directed staff to bring back the proposed program for approval. He stated that due to the loss of the California Redevelopment Agency Lawsuit, rather than specifying an amount, Exhibit A will be revised to reflect that the Redevelopment Agency will provide funding as set forth in 2009-10 and 2010-11 budgets. He outlined three loan options, based on a ten-year duration for Council consideration, as well as a direct rebate option for property owners who choose to not secure a loan. Mr. Stevens additionally recommended permits and fees be waived and said he will bring back the program in June.

In response to Councilmember Bertone, Mr. Stevens replied that the amount of the design costs will vary based on frontage and extent of damage.

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Councilmember Templeman urged support, endorsement and financial assistance for the façade improvement program and stated he enjoys seeing the vintage signage that is visible underneath the façade.

In response to Mayor Pro Tem Ebiner, Mr. Stevens said the Redevelopment Agency would provide funding for the program as set forth in the 2010-11 Budget. He added that funds are not currently available to cover the seven properties outlined in the original proposal and if the program is approved, three to four properties can be initially funded. He said if the program is rejected, he will commit design money in July, and will meet with property owners to determine interest in participation.

Councilmember Bertone supported the City's participation in the façade improvement program, however, he expressed his opposition to city funds being utilized for a 60% rebate toward the improvement of private properties.

Mayor Morris stated that it is procedurally appropriate to get a motion and second, and consider amendments.

After the title was read, it was moved by Mr. Templeman, seconded by Mr. Badar, to waive further reading and adopt **RESOLUTION NO. 190**, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING A PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO THE OWNERS OF PROPERTY IN DOWNTOWN SAN DIMAS IN RECONSTRUCTING BUILDING FRONT FAÇADES.

Councilmember Templeman stated that Redevelopment Agency funds are used to eliminate blight, and helping businesses become more productive in turn provides additional revenue. He understands that the Redevelopment Agency may not have sufficient funds for this program at this time, but believes staff will identify resources to help get the pilot program in place. He stated he is not locked in to 60% and would entertain other options to create stimulus.

Councilmember Bertone stated he is not opposed to the assistance program. He is opposed to awarding a 60% rebate from taxpayer funds to improve private property, however, he would support a 40% rebate.

In response to Councilmember Badar, Mr. Stevens said the 60% can be reduced at the City Council's discretion, however, the purpose of that percentage number is to encourage participation.

Councilmember Badar stated that some members of the public have expressed concern with safety in the Downtown. He felt the City should move forward with some type of improvement program to ensure safety for pedestrians. He expressed his support for the program, however, he felt further discussion is warranted to determine the rebate percentage.

Mayor Pro Tem Ebiner said the entire City would benefit from the revitalization of the Downtown. He stated that in order to qualify for the 60% rebate, the property owner would need to front the costs. He supports the program as proposed.

Mayor Morris said the purpose of the Redevelopment Agency is to remove blight and even if the program is approved, funds are not being appropriated. He is in favor of approving the façade improvement program.

The motion carried 4.1; Councilmember Bertone opposed.

- 2) Supplemental Revenue Augmentation Funds (SERAF) Funding Method; the Agency's intention to borrow the funds from Housing Set Aside Funds.

Assistant City Manager Duran reported that on May 5, 2010, the courts ruled in favor of the State in response to the CRA lawsuit against the State's taking of local agency funds. In the case of the San Dimas Redevelopment Agency (RDA), the amount of the shift in FY2009-10 funds is \$2,085,552 payable to the State on May 10, 2010. According to the Monthly Cash Balance Statement ending April 30, 2010, the Agency has a negative cash balance

of \$1.38 million, and has informed the County that San Dimas intends to borrow funds from its Set Aside Fund to pay the \$2,085,552. Staff recommends that the Agency find that the Agency currently has insufficient funds to meet the requirement to pay the \$2,085,552 and therefore is borrowing the funds from the accumulated Housing Set Aside funds.

It was moved by Mr. Bertone, seconded by Mr. Badar, to find that the Agency has insufficient funds to meet the State's demand for \$2,085,552 and is eligible to borrow funds from the Housing Set Aside Funds. The motion carried unanimously.

**MEMBERS OF THE AGENCY**

There were no comments.

**ADJOURNMENT**

Chairman Morris adjourned the meeting at 8:22 p.m.

Respectfully submitted,

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Ina Rios, Secretary



# Agenda Item Staff Report

**TO:** Redevelopment Agency  
*For the Meeting of May 25, 2010*

**FROM:** Blaine Michaelis, Executive Director

**INITIATED BY:** Ken Duran, Deputy Executive Director

**SUBJECT:** Update of Administrative Agreement with the City

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## **SUMMARY**

There is an existing Administrative Agreement between the City and the Redevelopment Agency for utilization of city personnel, equipment and facilities for the operation of the Housing Set Aside Fund. This updated agreement replaces the existing Agreement.

## **BACKGROUND**

The City and Redevelopment Agency have maintained an Administrative Agreement for a number of years. The City has the personnel, equipment and facilities required for the operation of the Housing Set Aside Fund. A similar agreement exists between the two parties for the general operation of the Redevelopment Agency. Staff has reviewed the existing Agreement and feels that the Agreement should be adjusted to better reflect the amount of City staff time actually spent on the Housing Set Aside Fund. In particular hours for the Housing Program Manager and Housing Coordinator have been increased and the newly created Housing Intern position has been added.

The attached Agreement describes the terms and cost for utilization of personnel, equipment and facilities. The Agreement establishes a total expenditure for Fiscal Year 2010 – 2011 of \$402,034.19. The Agreement also establishes that this beginning amount will increase annually by the CPI.

## **RECOMMENDATION**

Staff recommends that the Agency approve the revised Agreement in order to continue to provide the necessary support for the Housing Set Aside Fund.

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**ADMINISTRATIVE SERVICES AGREEMENT**

This Agreement entered into this 25<sup>th</sup> day of May 2010, by and between the City of San Dimas, hereinafter referred to as "City" and the Redevelopment Agency of the City of San Dimas, hereinafter referred to as "Agency".

**WITNESSETH**

**WHEREAS**, the City has the personnel, equipment and facilities required for the operation of the Agency's **Housing Set Aside Fund**.

**WHEREAS**, the Agency is desirous of utilizing said personnel, equipment and facilities.

**NOW, THEREFORE**, in consideration of the foregoing recital, the parties hereby do agree as follows:

1. Agency contracts with the City to provide personnel, equipment and facilities to maintain the effective operation of the **Housing Set Aside Fund**.
2. City agrees to provide Agency with adequate personnel, office space, supplies and equipment. (See Attachment A)
3. City agrees to provide clerical services required for the effective operation of the fund.
4. This agreement may be terminated upon 30 days written notice by either party and the annual charges shall be prorated.
5. This agreement shall provide for services rendered from July 1 through June 30, each year, payable in advance on July 1 of each year.
6. Agency agrees to pay the City on a lump sum basis, the annual amount as stated in Section 7. Interest charges of 4% will be charged for the unpaid balance as of July 31 of each year.
7. The beginning annual amount will be **increased annually by CPI**. The first year's payment **due on July 1, 2010 is \$402,034.19**.
8. This agreement supersedes all previous administrative services agreements.

CITY OF SAN DIMAS

REDEVELOPMENT AGENCY  
OF THE CITY OF SAN DIMAS

BY: \_\_\_\_\_  
Mayor

BY: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
City Clerk

**ATTACHMENT A  
 ADMINISTRATIVE SERVICES AGREEMENT  
 HOUSING SET ASIDE FUND  
 PRODUCTIVE HOURLY RATES - FISCAL YEAR 2010-11**

	HOURS	RATE	COST
<b>ADMINISTRATIVE SERVICES</b>			
EXECUTIVE DIRECTOR	150	\$156.35	\$23,452.50
DEPUTY EXECUTIVE DIRECTOR	100	\$124.21	\$12,421.00
FINANCE/IS MANAGER	75	\$97.09	\$7,281.75
HOUSING PROGRAM MANAGER	1460	\$89.79	\$131,093.40
HOUSING COORDINATOR	1560	\$58.55	\$91,338.00
CITY CLERK	50	\$80.25	\$4,012.50
SENIOR ACCOUNTING TECHNICIAN	30	\$58.14	\$1,744.20
ACCOUNTING TECHNICIAN	20	\$47.92	\$958.40
HOUSING INTERN	1040	\$15.25	\$15,860.00
<b>PLANNING</b>			
ASSISTANT CITY MANAGER OF COMMUNITY DEVELOPMEN	156	\$136.89	\$21,354.84
DIRECTOR OF DEVELOPMENT SERVICES	25	\$115.32	\$2,883.00
<b>PUBLIC WORKS</b>			
DIRECTOR OF PUBLIC WORKS	50	\$118.08	\$5,904.00
ASSOCIATE ENGINEER	76	\$92.40	\$7,022.40
<b>TOTAL PERSONNEL</b>			<b>\$325,325.99</b>
<b>OVERHEAD (10%)</b>			<b>\$32,532.60</b>
<b>OFFICE RENT</b>	<b>SF</b>	<b>3506</b>	<b>\$12.60</b>
<b>TOTAL EXPENDITURES</b>			<b>\$402,034.19</b>

\*BEGINNING JULY 1, 2010 AMOUNT DUE \$402,034.19

\*ANNUAL AMOUNT INCREASED BY CPI EACH YEAR



CITY OF SAN DIMAS  
MINUTES  
SAN DIMAS PUBLIC FACILITIES FINANCING  
CORPORATION  
TUESDAY, MAY 11, 2010  
SENIOR CITIZEN/COMMUNITY CENTER  
MULTIPURPOSE ROOM, 201 E. BONITA AVENUE

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**PRESENT:**

President Curtis W. Morris  
Mr. Emmett Badar  
Mr. Denis Bertone  
Mr. John Ebiner  
Mr. Jeff Templeman

Secretary/Treasurer Blaine Michaelis  
Attorney J. Kenneth Brown

**CALL TO ORDER**

Chairman Morris called the meeting to order at 8:22 p.m.

**ORAL COMMUNICATION** (This is the time set aside for members of the audience to address the Authority. Speakers are limited to three minutes.)

There were no comments.

**APPROVAL OF MINUTES**

It was moved by Mr. Templeman, seconded by Mr. Ebiner to approve the minutes of the April 27, 2010 meeting. The motion carried unanimously.

**ADJOURNMENT**

Chairman Morris adjourned the meeting at 8:23 p.m.

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Secretary/Treasurer

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# Agenda Item Staff Report

San Dimas Public Facilities Financing Authority

**TO:** Honorable President, Vice President, and Board Members of the  
San Dimas Public Facilities Financing Authority  
*For the Meeting of May 25, 2010*

**FROM:** Blaine Michaelis, Secretary - Treasurer *BM*

**SUBJECT:** Lease Revenue Bond Financing for the Expansion and  
Renovation of City Hall and the Community Center

## **SUMMARY**

*This is the companion action with the city council's consideration and adoption of Resolutions 2010-22 and 2010-23.*

*Resolution 2010-02 provides for the issuance of issue Lease Revenue Bonds, the proceeds of which will be applied to finance a portion of the City Hall and Community Center renovation and expansion.*

## **RECOMMENDATION**

Staff recommends that the Authority Board approve Resolution 2010-02 authorizing the San Dimas Public Financing Authority's approval for the issuance of Lease Revenue Bonds.

### Process:

1. Receive report from staff.
2. Ask questions as desired.
3. Receive any public comment.
4. Approve Resolution 2010-02.

Attached  
Resolution 2010-02 approving the issuance of Lease Revenue Bonds for the  
Civic Center renovation and expansion project.

*QC(1)*

## RESOLUTION NO. 2010-02

**RESOLUTION OF THE SAN DIMAS PUBLIC FINANCING AUTHORITY APPROVING THE ISSUANCE OF LEASE REVENUE BONDS (CIVIC CENTER RENOVATION AND EXPANSION), SERIES 2010 (BANK QUALIFIED), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000, IN ONE OR MORE SERIES, AS TAX-EXEMPT BONDS, APPROVING THE FORM AND AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT, A SITE AND FACILITY LEASE, A LEASE AGREEMENT, AN ASSIGNMENT AGREEMENT, AN AGENCY AGREEMENT, AN INDENTURE AND A BOND PURCHASE AGREEMENT; AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF DOCUMENTS RELATED THERETO**

WHEREAS, the San Dimas Public Financing Authority (the "Authority") has been formed pursuant to a Joint Exercise of Powers Agreement, dated as of April 23, 1996 (the "Agreement"), by and between the City of San Dimas (the "City") and the Redevelopment Agency of the City of San Dimas (the "Agency"), and is authorized under the Agreement and under the laws of the State of California to finance and refinance the acquisition and construction of public capital improvements for any of its members; and

WHEREAS, the City desires to finance certain capital improvements, including the expansion and renovation of its civic center (the "Project"); and

WHEREAS, it has been proposed that the Authority assist the City in providing funds to finance the Project by entering into an Indenture, dated as of June 1, 2010 (the "Indenture"), by and between the Authority and U.S. Bank National Association, as trustee and providing for the execution and delivery of the Authority's Lease Revenue Bonds (Civic Center Renovation and Expansion), Series 2010 (Bank Qualified) (the "Bonds"), in one or more series, as tax-exempt bonds; and

WHEREAS, the City, as one of the members of the Authority, has heretofore held a public hearing pursuant to Section 6586.5 of the California Government Code and in connection therewith has approved the Authority's financing of the Project and has found and determined that (i) the Project is located within the boundaries of the City and (ii) there are significant public benefits (as defined in Section 6586 of the California Government Code) arising from the Authority's issuance of the Bonds to finance the Project; and

WHEREAS, the Board of Directors (the "Board") of the Authority has duly considered the issuance of the Bonds, has found such issuance to have significant public benefits, and wishes at this time to approve the issuance of the Bonds; and

WHEREAS, the City Council has approved the Site and Facility Lease, the Lease, the Agency Agreement, the Preliminary Official Statement, the Official Statement and the Continuing Disclosure Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the San Dimas Financing Authority as follows:

**Section 1. Approval of the Issuance of the Bonds.** The Board hereby approves the issuance of the Bonds in the aggregate principal amount not to exceed \$8,800,000. The Authority hereby designates the Bonds as qualified tax-exempt obligations within the meaning of section 265(b)(3) of the Code. The Authority reasonably anticipates that the amount of tax-exempt obligations (other than those described in section 265(b)(3)(C)(ii) of the Code) that will be issued in calendar year 2010 by the Authority, and by any entities related or subordinate to the Authority for the purpose of aggregation of issuers as provided in section 265(b)(3)(E) of the Code, will not exceed \$30,000,000. The Authority (including any related or subordinate entity) agrees not to designate more than \$30,000,000 qualified tax-exempt obligations within the meaning of section 265(b)(3) of the Code in the calendar year 2010.

**Section 2. Approval of the Site and Facility Lease.** The Board hereby approves the Site and Facility Lease in substantially the form on file with the Secretary of the Authority and presented to the Board at this meeting. The Chairperson, Executive Director, or the Vice-Chairman of the Authority, or their designee, or any member of the Board (each, a "Responsible Officer") are each hereby authorized to execute the Site and Facility Lease in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 3. Approval of the Lease Agreement.** The Board hereby approves the Lease Agreement in substantially the form on file with the Secretary of the Authority and presented to the Board at this meeting. Any Responsible Officer is hereby authorized to execute the Lease Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 4. Approval of the Assignment Agreement.** The Board hereby approves the Assignment Agreement in substantially the form on file with the Secretary of the Authority and presented to the Board at this meeting. Any Responsible Officer is hereby authorized to execute the Assignment Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 5. Approval of the Agency Agreement.** The Board hereby approves the Agency Agreement in substantially the form on file with the Secretary of the Authority and presented to the Board at this meeting. Any Responsible Officer is hereby authorized to execute the Agency Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 6. Approval of the Indenture.** The Board hereby approves the Indenture in substantially the form on file with the Secretary of the Authority and presented to the Board at this meeting. Any Responsible Officer is hereby authorized to execute the Indenture in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 7. Approval of the Preliminary Official Statement and Official Statement.** The Board hereby approves a Preliminary Official Statement relating to the Bonds, in substantially the form on file with the Secretary of the Authority and presented to the Board at this meeting, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel and Disclosure Counsel, to make the Preliminary Official Statement final as of its date, except for the omission of certain information, as permitted by Section 240.15c2-12(b)(1) of Title 17 of the Code of Federal Regulations (“Rule 15c2-12”), and any certificate relating to the finality of the Official Statement under Rule 15c2-12. A Responsible Officer is authorized and directed to execute and deliver a final Official Statement, with such additions and changes as may be approved by Bond Counsel and Disclosure Counsel and the Responsible Officer executing the same, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 8. Approval of the Bond Purchase Agreement.** The Board hereby approves the Bond Purchase Agreement in substantially the form on file with the Secretary of the Authority and presented to the Board at this meeting. Any Responsible Officer is hereby authorized to execute the Bond Purchase Agreement in substantially such form, with such revisions, amendments and completions as shall be approved by a Responsible Officer, with the advice of Bond Counsel, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that such additions, deletions or changes in the Bond Purchase Agreement shall provide for a principal amount of Bonds not greater than \$[8,800,000], an underwriter’s discount not greater than \$5.85 per \$1,000 principal amount of Bonds and an interest rate on the Bonds not greater than 5.25%.

**Section 9. Official Actions.** The Responsible Officers, the Secretary, and any and all other officers of the Authority are hereby authorized and directed, for and in the name and on behalf of the Authority, to do any and all things and take any and all actions, including the publication of any notices necessary or desirable in connection with the sale of the Bonds, procurement of a municipal bond insurance policy, if any, and reserve fund surety bond, if any, and execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, deem necessary or advisable to consummate the lawful issuance and sale of the Bonds and the consummation of the transactions as described herein.

**Section 10. Effective Date.** This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF MAY, 2010.

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Curtis W. Morris  
President

ATTEST:

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Blaine Michaelis  
Executive Director/Treasurer