


RESOLUTION No. 218517 R. 77-1704

Adopted on JUN 1 1977

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

That the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a First Amendment to the Agreement Between The City of San Diego and San Diego National League Baseball Club, Inc., for the Promotion of The City of San Diego and the San Diego Stadium, under the terms and conditions set forth in the form of First Amendment to Agreement on file in the office of the City Clerk as Document No. 759588, as modified by those certain provisions set forth in a Report to the Mayor and City Council from the City Manager dated May 24, 1977, a copy of which is filed in the office of the City Clerk as Document No. 759664.

APPROVED: JOHN W. WITT, City Attorney

BY 
C. M. Fitzpatrick
Senior Chief Deputy

CMF:vl:271
Rev. 6/1/77
Or. Dept.: Property
Aud. Cert. #8578

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JUN 16 PM 3:07
SAN DIEGO, CALIF.

REPORT

THE CITY OF SAN DIEGO



To the Honorable Mayor and City Council

From the City Manager

DATE ISSUED: May 24, 1977

FOR DOCKET OF: May 25, 1977
Item No. 203

SUBJECT: Agreement with the National League

REFERENCE: Item 208, Docket of May 11, 1977

This item was continued for two weeks during which time the City Manager was to: (1) Negotiate all demands discussed thus far with the Padres; and (2) determine the total cost to provide the Padres with Police traffic control for the period 1969 through 1976.

(1) PADRE DEMANDS/SETTLEMENT

Curtis Fitzpatrick, Senior Chief Deputy City Attorney and William MacFarlane, Property Director, met with E. J. Bavasi, President, San Diego Padres, on May 18, 1977 in an effort to determine Padre demands and negotiate a settlement. Mr. Bavasi identified the following Padre demands:

DEMAND 1 - Payment of Rental for the Directors' Area (Baseball Box) in the amount of \$134,803.

SETTLEMENT: Withdrawal of demand providing the City assures the Padres that it will control the indiscriminate use of the tickets.

DEMAND 2 - Claim for reimbursement of free admissions during the period 1969 through 1973 in the approximate amount of \$660,991.50.

SETTLEMENT: Claim withdrawn.

DEMAND 3 - Disputed Promotional Fee in the amount of \$39,927.

SETTLEMENT: The amendment to the Promotion Agreement has been signed by Ray Kroc and E. J. Bavasi and if approved by the City Council would eliminate the disputed payment.

DEMAND 4 - Reimbursement for expenses in the amount of \$11,372.49 relating to the San Diego Stadium Management Company operations from 1969 through 1973 which were paid by the Padre organization. Mr. Bavasi claims that additional security services were required for the use and control of the Directors' Area (Baseball Box).

SETTLEMENT: Mr. Bavasi is of the opinion that the Padres should receive credit in the amount of the claim (\$11,372.49) against the Promotion Payback fee.

DOCUMENT NO. 759664

FILED JUN 16 1977

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

(2) POLICE TRAFFIC CONTROL COSTS IN SUPPORT OF PADRE EVENTS

The Police Department, during the years 1969 through 1976, charged the time spent in traffic control at San Diego Stadium to its "Special Events" account. This account covers all charges connected with Rock Concerts, Parades, Athletic Events, etc. In the course of special studies conducted in 1973 and 1976, charges directly related to Padre games were isolated. Therefore, utilizing these actual figures as a base, the costs attributable to the Padres for the eight seasons (1969-1976) have been estimated to be \$257,469. The criteria for Police Department traffic control staffing for events at San Diego Stadium is as follows:

Anticipated attendance per game - 20,000 or less - 2 Officers
20,000 - 35,000 - 5 Officers, 1 Supervisor
Over 35,000 - 10 Officers, 2 Supervisors

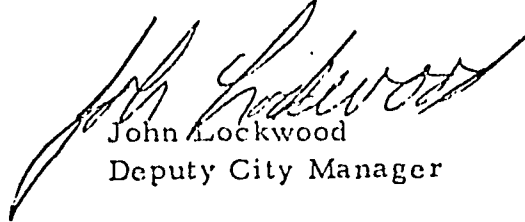
RECOMMENDATION

It is recommended that the City Council accept the settlement terms; approve the amended Promotion Agreement and authorize the City Auditor to issue a warrant in the amount of \$106,586.99 payable to the San Diego Padres Baseball Club.

FISCAL IMPACT

Padres paid to City	\$309,714.50
Due per amended agreement	<u>214,500.00</u>
Reimburse Padres	\$ 95,214.50
Settlement	<u>+ 11,372.49</u>
Total	\$106,586.99

Respectfully submitted,


John Lockwood
Deputy City Manager

JL/MacFarlane

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 1,000.00 256 San Diego Operations Fund
10,372.49 224 Fund Unallocated Reserve
95,214.50 Fund 223 Fund Rev. Acct. 76761

Purpose Authorizing the expenditure of \$95,214.50 for padres reimbursement, and the settlement of \$11,372.49 for claim against the Promotional Payback fee.

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CITY OF SAN DIEGO
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SAN DIEGO, CALIF.

Date May 31, 19 77

[Signature]
Auditor and Comptroller of
The City of San Diego, Calif.
By [Signature]

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ _____

Dated _____, 19 _____

Auditor and Comptroller of
The City of San Diego, Calif.
BY _____
Job Order _____
Resolution No. _____
Project No. _____

Fund _____ Prog./Elem. _____ Object _____

Purpose _____

Vendor _____

Passed and adopted by the Council of The City of San Diego on **JUN 1 1977**,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

(Seal)

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 1977 MAR 22 PM 4:55
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **218517** Adopted **JUN 1 1977**