

ORDINANCE NUMBER 0-18613 (NEW SERIES)

This ordinance number was reserved specifically for its use as a reference number for Proposition C, approved by the voters of the City on November 3, 1998. The proposition reads as follows:

PROPOSITION C

AN ORDINANCE AUTHORIZING REDEVELOPMENT AND CONSTRUCTION OF A BALLPARK

WHEREAS, on December 30, 1996, the Mayor's Task Force on Padres Planning [Mayor's Task Force] was established by the Mayor to "develop and help implement a strategic plan that enables the San Diego Padres Baseball Club [Padres] to operate on a sound business basis and as a contributing corporate citizen of San Diego for the foreseeable future;" and

WHEREAS, on September 19, 1997, the Mayor's Task Force issued its report concluding, in part, that a new baseball-oriented facility was necessary for the Padres to have the opportunity to remain competitive and to become financially stable; and

WHEREAS, on September 30, 1997, the City of San Diego Task Force on Ballpark Planning [Citizen's Task Force] was established to recommend to the Mayor and City Council a site and financing alternatives for a new baseball-oriented facility within the City of San Diego; and

WHEREAS, after numerous public hearings and debate, the Citizen's Task Force issued its report on January 29, 1998, recommending, in part, that the proposed new facility be located in the South Embarcadero area of the City of San Diego and that the City enter into negotiations regarding the planning,

construction and operation of such a new facility, but recognizing that the new facility should be part of a larger redevelopment effort in the Centre City East area of San Diego; and

WHEREAS, the City, the Redevelopment Agency of the City of San Diego, the Centre City Development Corporation and the Padres have been negotiating regarding such matters since that time; and

WHEREAS, on July 14, 1998, the City and the Padres jointly presented the essential terms of an agreement to be submitted to the voters regarding the new ballpark and the necessary redevelopment to be built concurrently with the new ballpark; and

WHEREAS, those essential terms include an investment from the Padres and private sector of \$115 million, an investment from the City of \$225 million, an investment from the Redevelopment Agency of \$50 million, and numerous protections for the City's general fund including caps on both the City's investment and contribution for annual operating expenses, and a protection regarding certain general fund revenues; and

WHEREAS, the Citizen's Task Force has reviewed and unanimously approved the essential terms of the proposed agreement; and,

WHEREAS, it is the intent of the People of the City of San Diego [People] that this ordinance and the Memorandum of Understanding it authorizes constitute the legislative acts that establish policy for the City on these matters, and provide the ways and means for the implementation of that policy by such administrative

and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of this ordinance; and

WHEREAS, it is the further intent of the People that this ordinance and the Memorandum of Understanding it authorizes not provide for entitlements in land or development, such entitlements being the subject of other actions by public entities or of permits to be sought at later times; and

WHEREAS, it is also the intent of the People that the requirements of the California Environmental Quality Act be fully complied with in the implementation of the matters set forth in this ordinance and the Memorandum of Understanding it authorizes; NOW, THEREFORE,

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAN DIEGO
as follows:

Section 1. That the City Manager be and he is hereby authorized and directed to execute for and on behalf of the City of San Diego the Memorandum of Understanding between the City of San Diego [City], the Redevelopment Agency of the City of San Diego [Agency], the Centre City Development Corporation [CCDC], and Padres L.P. [Padres] concerning a ballpark district, construction of a baseball park, and a redevelopment project [MOU], the form of which is attached hereto as Exhibit A and which is incorporated into this ordinance and made a part of it. When fully executed, the MOU shall be on file in the office of the City Clerk as Document No. OO-18565.

Section 2. That, following the adoption of this ordinance and approval of the MOU by the voters of the City, the City Council be and it is hereby authorized

to enter into any amendments, or agree to any modifications, to the MOU that in its judgement are in the best interests of the City, Agency and CCDC only if any such amendments or modifications do not materially: 1) decrease the rights or increase the obligations of the City; 2) increase the financial commitments of the City; or 3) decrease revenue to the City.

Section 3. That the City be and it is hereby authorized and directed to enter into the agreements necessary to implement the provisions of this ordinance and the MOU, and to carry out their purposes and intent; provided, however, that any such agreements are determined by the City Council to be in the best interests of the City, Agency and CCDC and do not materially: 1) decrease the rights or increase the obligations of the City pursuant to the MOU; 2) increase the financial commitments of the City pursuant to the MOU; or 3) decrease revenue to the City pursuant to the MOU.

Section 4. This ordinance shall become effective on the date of its adoption by a majority of the voters of the City of San Diego voting at an election held for that purpose.