

RESOLUTION NUMBER R-293420

ADOPTED ON JUNE 27, 2000

WHEREAS, on November 3, 1998, the voters of the City of San Diego approved Ordinance No. O-18613, which directed the City Manager to execute for and on behalf of the City of San Diego that certain Memorandum of Understanding [MOU] between the City of San Diego [City], Redevelopment Agency of the City of San Diego [Agency], Centre City Development Corporation and San Diego Padres [collectively "Parties"] regarding a ballpark and redevelopment project [Project]; and

WHEREAS, the MOU has been signed by the Parties; and

WHEREAS, in the MOU the City agreed, subject to certain conditions, to provide interim funding of certain Project related expenses until such time as permanent financing could be obtained; and

WHEREAS, by the adoption of Resolution No. R-291197 on January 19, 1999, the City Council authorized the amount of \$3.5 million in interim funding for the Project; and

WHEREAS, by the adoption of Resolution No. R-291450 on March 31, 1999, the City Council authorized the additional amount of \$11.5 million in interim funding for the Project; and

WHEREAS, it is now appropriate for the City Council to take such actions as are necessary to provide additional levels of interim funding for eligible Project related expenses until such time as permanent financing for the Project is available; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that contingent upon the adoption of the Fiscal Year 2001 budget, the expenditure of an amount not to exceed \$10 million

in interim funding for Project related expenses is hereby authorized on the following basis: \$3.8 million for SVERDRUP Civil, Inc. for continued design and construction services as set forth in Attachment A; and, \$6.2 for other Project related expenses as set forth in the MOU and the Design-Build Consultant Procurement Agreement, approved by the Council on February 1, 2000.

BE IT FURTHER RESOLVED, that the City Manager and the City Auditor and Comptroller are hereby directed to create a comprehensive interim funding plan to keep this project on track but that will not affect any capital improvement project scheduled within the City of San Diego in the next 12 months, and will not affect any levels of service to the public.

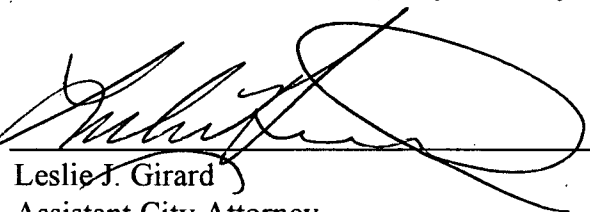
BE IT FURTHER RESOLVED, that this authorization is specifically contingent upon the Padres' agreement and commitment to provide \$20 million in interim funds for Project related expenses, said funds to be expended concurrently with the authorized City funds.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to expend the authorized funds from available sources as identified in his discretion, and after providing the necessary certification that the funds are available to be spent, for the purpose set forth above, said sources of funds to be reimbursed upon the City obtaining permanent financing for the Project.

BE IT FURTHER RESOLVED, that the City Manager and City Auditor and Comptroller are authorized to take such other actions as are necessary and appropriate to implement the purposes and intent of this resolution provided that such actions are otherwise consistent with the MOU, and do not commit the City to any expenditure of funds in excess of expenditures previously authorized and authorized by this resolution.

BE IT FURTHER RESOLVED, that, consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, the status of sources of revenue to pay for the funding or financing, and any other matter which may affect the City's financing not only of the Project but of any other current or future City project.

APPROVED: CASEY GWINN, City Attorney

By 
Leslie J. Girard
Assistant City Attorney

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ATTACHMENT A

These funds would be used in order to continue progress on the Ballpark Infrastructure Project and specifically for the following purposes:

- (1) Demolition and site remediation of the East Village Square (Park in the Park) properties - building and street demolition to prepare site, including the Park in the Park area;
- (2) Demolition and site remediation of the Ed Plant property - between 8th and 9th and south of Imperial, this block is north of Harbor Drive and would become part of the southern alignment of the new Park Boulevard. The northwest portion of the block is within the Ballpark footprint;
- (3) Design of the new Park Boulevard - includes the new diagonal from 12th to Harbor Drive, as well as construction of the traffic circle, and realignment and design of the existing railroad tracks at 8th and Harbor;
- (4) Purchase of younger trees to allow for a growing period, which is more cost effective than purchasing mature trees; and
- (5) Demolition and remediation of the SDG&E warehouse property - at the northeast corner of 10th and L, the southern third of this block is in the northern portion of the new Park Boulevard and part of 10th Avenue. The southwest portion of the block is within the Ballpark footprint.

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

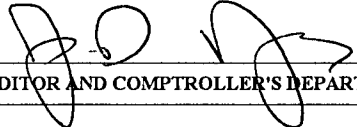
CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 2100015
 DEPT. NO.: 038

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 \$ 3,800,000.00 Fund 102214

Purpose Ballpark interim funding (CONTINGENT ON THE FY 2001 BUDGET)

Date June 21, 2000 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	102214			9544					\$3,800,000.00
TOTAL AMOUNT										\$3,800,000.00

FUND OVERRIDE

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 money 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 \$ _____

Vendor _____

Purpose _____

Date _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

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AC 2100015

JUN 27 2000