

(R-2003-958)

RESOLUTION NUMBER 207625

ADOPTED ON FEB 10 2003

WHEREAS, on November 3, 1998, approximately 60% of the electorate of the City of San Diego [City] voting at the General Municipal Election held that day voted to adopt Ordinance No. O-18613 [Ordinance], otherwise known as Proposition C and appearing on the ballot for the City of San Diego; and

WHEREAS, the Ordinance authorized and directed the City Manager to execute for and on behalf of the City the Memorandum of Understanding [MOU] Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project [Project] between the City, the Redevelopment Agency of the City [Agency], the Centre City Development Corporation [CCDC], and Padres L.P. [Padres]; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and MOU constitute the legislative acts establishing policy for the City on those matters, and provided for 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 the Ordinance; and

WHEREAS, the MOU was executed by all the parties thereto; and

WHEREAS, the MOU provided that the Padres would retain the “naming rights” to the new downtown baseball park; be able to solicit for and contract with a naming rights partner for the ballpark; select the name that would be attached to the new ballpark; and retain all revenue from such an agreement; and

WHEREAS, the MOU provided that any name to be associated with the new ballpark would be tasteful and not be a cause for embarrassment to the City; and

WHEREAS, to ensure this protection to the City, the MOU provided that the City would have the right to consent to the proposed name for the new ballpark; and

WHEREAS, the City’s consent cannot be unreasonably withheld or delayed; and

WHEREAS, the City has no approval or consent rights regarding the terms of the agreement providing for the naming rights between the Padres and the naming rights partner; and

WHEREAS, the Padres recently announced that they have reached an agreement with Petco to name the new ballpark “PETCO PARK;” and

WHEREAS, Petco was founded, and remains headquartered, in San Diego; and

WHEREAS, Petco is a reputable company, and the name “PETCO PARK” will be a source of pride to the citizens of San Diego; and

WHEREAS, the name “PETCO PARK” is tasteful and will not be a cause for embarrassment to the City; and

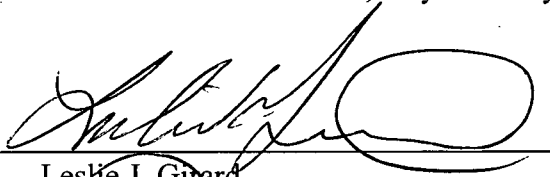
WHEREAS, it is now timely and appropriate to consider such further actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance, and the MOU, consistent with the City's obligations under California law, and the discretion lawfully vested in the City Council acting on behalf of the City; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City hereby consents to the name "PETCO PARK" for the new downtown baseball park.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to take such other and further necessary or appropriate actions, and execute any necessary or appropriate documents, to effectuate the intent and purpose of this resolution.

APPROVED: CASEY GWINN, City Attorney

By



Leslie J. Girard
Assistant City Attorney

LJG:ljk:km

1/31/03

Or.Dept:CityAtty

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