

001443

**REQUEST FOR COUNCIL ACTION**  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE)  
**N/A** 102  
3. DATE: 11/20  
September 27, 2007

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): PETCO Park

4. SUBJECT: Agreement Between The City of San Diego and Padres regarding Police/Traffic Services at PETCO Park

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)  
Tim Moore 619-236-6733 MS 51A

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

**8. COMPLETE FOR ACCOUNTING PURPOSES**

FUND			
DEPT.			
ORGANIZATION			
OBJECT ACCOUNT			
JOB ORDER			
C.I.P. NUMBER			
AMOUNT			

9. ADDITIONAL INFORMATION / ESTIMATED COST:  
Beginning in fiscal year 08, the fiscal year annual estimate of reimbursement from the Padres: \$300,000 for Traffic Control and \$100,000 for Police Services.

**10. ROUTING AND APPROVALS**

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	9/27/07	8	DEPUTY CHIEF	<i>[Signature]</i>	10-15-07
2	EAS	<i>[Signature]</i>	10/3/07	9	COO	<i>[Signature]</i>	10-21-07
3	ECCP	<i>[Signature]</i>	10/4/07	10	CITY ATTORNEY	<i>[Signature]</i>	10/25/07
4	LIAISON OFFICE	<i>[Signature]</i>	10/8/07	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	10/25/07
5	FM	<i>[Signature]</i>	10/18/07	DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON: <i>[Signature]</i>			
6	AUDITORS	<i>[Signature]</i>	10/19/07 ✓	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION			
7				COUNCIL DATE: 11/20/07			

11. PREPARATION OF:  RESOLUTION(S)  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

Authorize execution of the agreement clarifying the JUMA's usual and customary benchmarks for staffing of Police and Special Event Traffic Control (SETC) services at PETCO Park during Padres home games. The agreement also authorizes the Padres to request police services inside PETCO Park, which is in conflict with current JUMA language. Padres will reimburse the City at 100% of the current and future billing rates for the Police services inside PETCO Park. Fiscal impact to the City is an annual reimbursement estimated at approximately \$300,000 for SETC services and \$100,000 for Police services.

11A. STAFF RECOMMENDATIONS: Approve execution of agreement between the City and the Padres.

12. SPECIAL CONDITIONS:  
**COUNCIL DISTRICT(S): 2**  
**COMMUNITY AREA(S): EAST VILLAGE/BALLPARK DISTRICT**  
**ENVIRONMENTAL IMPACT: THIS ACTIVITY IS NOT A "PROJECT" AND IS THEREFORE NOT SUBJECT TO CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15060 (C) (3).**  
**HOUSING IMPACT: NONE**  
**OTHER ISSUES: NONE**

**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED: \_\_\_\_\_ REPORT NO: \_\_\_\_\_  
 ATTENTION: City Attorney  
 ORIGINATING DEPARTMENT: PETCO Park/Real Estate Assets Department  
 SUBJECT: Agreement between City and Padres re: Police/traffic  
 COUNCIL DISTRICT(S): 2  
 CONTACT/PHONE NUMBER: Tim Moore (619) 236-6733

REQUESTED ACTION:

Authorize execution of the agreement clarifying the Joint Use and Management Agreement's (JUMA) usual and customary benchmarks for police services at PETCO Park during Padres home games. This agreement authorizes the Padres to request police services inside PETCO Park, which is in conflict with the current language of the JUMA. The Padres will reimburse the City at 100% of the current (and future) billing rates to have police services inside PETCO Park during Padres home games. Additionally the agreement clarifies the benchmark staffing level for usual and customary Special Event Traffic Control (SETC) services for home games at PETCO Park.

STAFF RECOMMENDATION: Authorize execution of the letter agreement.

EXECUTIVE SUMMARY:

The JUMA's language of "usual and customary" is vague and requires additional clarification in order to properly bill the Padres for their portion of staffing additional Police and SETC personnel. The Ballpark Administrator, the Police Special Events/Traffic Division and the Padres have all worked together to establish billing guidelines consistent with the intent of the JUMA and have incorporated such clarification into a letter agreement.

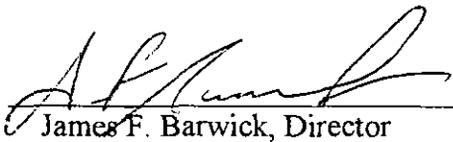
FISCAL CONSIDERATIONS:

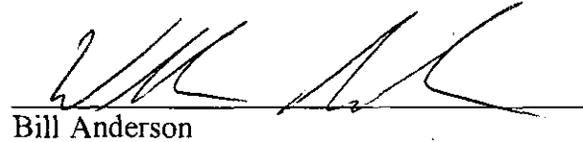
Reimbursement to the City on an annual basis is estimated at approximately \$300,000 for SETC services and \$100,000 for Police services.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None

KEY STAKEHOLDERS AND PROJECTED IMPACTS: The City will recover additional costs from the operations of PETCO Park.

  
 \_\_\_\_\_  
 James F. Barwick, Director  
 Real Estates Assets Department

  
 \_\_\_\_\_  
 Bill Anderson  
 Deputy Chief Land Use & Economic Dev.

September 27, 2007

San Diego Padres  
Mr. Richard Andersen  
Executive Vice President and General Manager  
PETCO Park  
100 Park Boulevard  
San Diego, CA. 92101

Re: Police and Traffic Control Services at Padres Home Games

Dear Mr. Andersen,

Thank you for your time and effort in arriving at an equitable understanding for the payment of police and traffic control costs for Padres' home games. The agreement we have made furthers our mutual goals of providing San Diego baseball fans with a secure and orderly ballpark consistent with our obligations under the Joint Use and Management Agreement ("JUMA").

We agree to the following:

1. Quarterly Meetings: The Padres and the City will meet quarterly to review traffic patterns and needs.
2. Police Costs Inside PETCO Park for Padres Home games: In the event the Padres deem, in their sole discretion, that police services are necessary inside PETCO Park for home games, then the Padres shall notify the Police Department and the Police Department shall prepare a Cost Estimate Letter (CEL) indicating the probable costs associated for police services to be provided inside the ballpark for each home game. The Padres shall assist the Police Department in preparing the CEL by providing the Police Department with information relevant to drafting the CEL. The CEL shall establish the number of sworn personnel and prisoner processing officers needed inside the ballpark for each home game and set forth the gate opening time for each game. The CEL shall be provided to the Padres for signature prior to each home game. A signed copy of the CEL shall be returned to the San Diego Police Department before each home game is commenced. The Padres shall be responsible for all police costs inside PETCO Park for each home game. Commencing with the Padres home game on July 16, 2007 the Padres shall be responsible for all costs associated with one (1) prisoner processing officer at each home game. This agreement related to prisoner processing shall be in effect through the end of the 2007 baseball season. Thereafter the parties agree

Richard Andersen

Re: Police and SETC Costs

September 27, 2007

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to meet and review the need for a prisoner processor. Reimbursement for police services in connection with each Padres home game, as described in this memorandum of agreement, shall commence when the gates open to the public (currently either 1.5 or 2 hours before game time, or any other established pre-game opening time, as may be set from time to time, upon reasonable notice to the City, by the Padres) and shall terminate one half hour (.5 hours) after the last pitch is thrown in the game. The current hourly rate for sworn police officer services is seventy-five dollars (\$75.00).

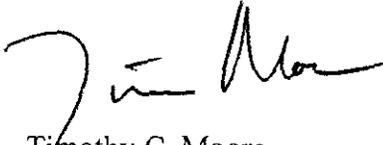
3. Usual and Customary Police Costs Outside PETCO Park: The Padres and the City agree that the level of support that the City currently provides for police services outside PETCO Park during Padres home games is consistent with what was usually and customarily provided at Qualcomm. No additional reimbursement by the Padres is necessary.
4. Usual and Customary Special Event Traffic Control Services (SETC) for Padres Home Games: The baseline number of hours to be used to establish the usual and customary SETC services, as set forth in the JUMA, for each Padres home game is one hundred, fifty-five and six tenths hours. (155.6 hours). The City of San Diego shall be responsible for the costs associated with providing the usual and customary SETC services for each Padres home game. The Padres shall be responsible for all costs associated with providing SETC services in excess of the usual and customary amounts (i.e., in excess of 155.6 hours per game). The current hourly rate for SETC services is thirty dollars (\$30.00).
5. Hourly Rates for Police and SETC for Padres Home Games: The hourly rates set forth in this agreement for Padres home games, or as modified by future agreement of the parties, shall remain in effect throughout the term of the current, or then current, baseball season. Any future changes to the rates being charged to the Padres for SETC or police services shall be communicated in writing by the City to the Padres prior to the beginning of each baseball season to take effect that season.
6. Invoicing: The City shall submit an itemized invoice for all SETC and in-ballpark police services within thirty days (30) after the last home game of each calendar month during the baseball season. The itemized invoice shall include the following information for both SETC and police services: posting of employees, number of employees, total hours worked per game, the rate charged, the credit for usual and customary, and the total amount due.

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Richard Andersen  
Re: Police and SETC Costs  
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If you agree with the above, please sign where indicated below.

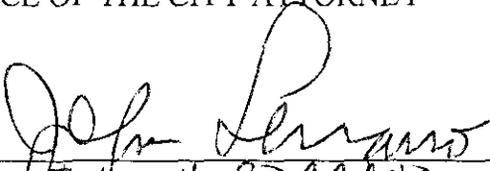
Sincerely,



Timothy C. Moore  
Ballpark Administrator  
City of San Diego

I hereby approve the form and legality of the foregoing  
letter this \_\_\_\_ day of October, 2007

OFFICE OF THE CITY ATTORNEY

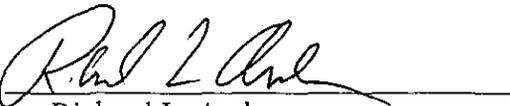
By: 

Name: John H. SERRANO

Title: Deputy City Attorney.

ACCEPTED AND AGREED TO AS OF THE  
DATE FIRST WRITTEN ABOVE.

PADRES, LP

By: 

Name: Richard L. Andersen

Title: EVP/General Manager PETCO Park

cc: John Serrano

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION RATIFYING A LETTER AGREEMENT BY THE BALLPARK ADMINISTRATOR AND AUTHORIZING THE MAYOR TO EXECUTE AN ACCORD REGARDING THE JOINT USE AND MANAGEMENT AGREEMENT FOR PETCO PARK WHICH PERMITS POLICE SERVICES INSIDE PETCO PARK AND ESTABLISHES REIMBURSEMENT STANDARDS FOR POLICE AND SPECIAL EVENT TRAFFIC CONTROL SERVICES

WHEREAS, the City of San Diego and the Padres L.P. entered a Joint Use and Management Agreement (JUMA) for the operation of the PETCO Park effective February 1, 2000; and

WHEREAS, the Ballpark operations sometimes requires Police Services inside the stadium and both Police Services and Special Event Traffic Control Services outside the stadium and both the City and the Padres desire to clarify their responsibilities for the costs associated with such services; and

WHEREAS, the JUMA, § 7.7.2, precludes public safety personnel from being stationed for work inside PETCO Park and the new agreement will permit the Padres to request and pay for police services inside the Ballpark; and

WHEREAS, the JUMA, § 7.6.2, provides for the City to be responsible for the "usual and customary" operations for traffic and safety personnel outside the stadium but does not specify a standard amount of time for which the City is responsible for either these traffic or safety personnel and this absence of specificity has led to debate over the standards; NOW  
THEREFORE,

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

1. That the City Council hereby ratifies and the Mayor is hereby authorized to execute and implement, for and on behalf of the City of San Diego, a September 27, 2007 letter agreement made by the Ballpark Administrator Timothy Moore and the Padres L.P. amending the JUMA to permit police services within the Ballpark so long as the Padres pay the agreed upon cost of those services.

BE IT FURTHER RESOLVED, that the JUMA's reference to the "usual and customary hours" for each home game for Special Event Traffic Control Services is hereby established at one hundred, fifty-five and six-tenths hours (155.6 hours).

BE IT FURTHER RESOLVED, that the mayor or his designee is authorized to establish for PETCO Park the hourly rates for police service costs both inside and outside of the ballpark and to establish the hourly rates for the Special Event Traffic Control Services necessitated by events at the park.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to receive payments from the Padres L.P. under the letter agreement and deposit the funds in the appropriate account.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



John H. Serrano  
Deputy City Attorney

JHS:amp:lb  
11/01/2007  
Or.Dept:READ  
R-2008-389

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor