

RESOLUTION NUMBER R- 313669

DATE OF FINAL PASSAGE AUG 03 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING AMENDMENT NO. 1 TO
THE MEMORANDUM OF UNDERSTANDING
CONCERNING A BALLPARK DISTRICT,
CONSTRUCTION OF A BASEBALL PARK, AND
A REDEVELOPMENT PROJECT, AUTHORIZING
AMENDMENT NO. 2 TO THE JOINT USE AND
MANAGEMENT AGREEMENT FOR PETCO PARK, AND
MAKING RELATED FINDINGS.

WHEREAS, on November 3, 1998, the electorate of the City of San Diego (City) approved Proposition C, which consisted of Ordinance O-18613 (Ordinance) and the Memorandum of Understanding among Padres L.P., a Delaware limited partnership (Padres), the City, the Redevelopment Agency of the City of San Diego (Former RDA), and the Centre City Development Corporation, currently known as Civic San Diego (CivicSD), regarding the financing, construction, management, operation and use of the "Ballpark Project" currently known as Petco Park, which is used for professional baseball and other events (MOU); and

WHEREAS, the Ordinance expressed the intent of the electorate that the Ordinance and the 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 provides that the operation, management, use and occupancy of the Ballpark Project shall be subject to the terms of more definitive agreements, encompassing issues not addressed in the MOU; and

WHEREAS, on February 1, 2000, the City Council approved the Joint Use and Management Agreement between the City and the Padres, which implemented the Ordinance and the MOU, pursuant to Resolution R-292706, and on May 21, 2012, the City Council approved Amendment No. 1 to the Joint Use and Management Agreement pursuant to Resolution R-307455 (as amended, the JUMA); and

WHEREAS, the parties to the MOU have also entered into other implementing agreements necessary and appropriate to carry out the purpose and intent of the Ordinance, which were approved by the City Council pursuant to resolutions making the required findings pursuant to the Ordinance and the MOU; and

WHEREAS, the City has now prepared a proposed version of Amendment No. 1 to the MOU and Amendment No. 2 to the JUMA, both of which are included in the docket backup materials accompanying this Resolution, to remove a football prohibition contained in the MOU and the JUMA, thereby allowing the Ballpark Project to be used for football events; and

WHEREAS, as a result of the redevelopment dissolution laws, the Former RDA no longer exists, and City in its capacity as successor agency to the Former RDA (Agency) has transferred to the City all of the Former RDA's land use and land planning functions for the Ballpark Project, and therefore, the Agency is not a party to Amendment No. 1 to the MOU, which accomplishes a change to the allowable land use functions at the Ballpark Project; and

WHEREAS, as a result of the redevelopment dissolution laws, the completion of construction of the Ballpark Project, and the current Operating Agreement between the City and CivicSD approved pursuant to Ordinance O-21082, CivicSD is no longer a necessary party to the MOU, and therefore, is being removed as a party to the MOU as of the effective date of Amendment No. 1 to the MOU; and

WHEREAS, the City and the Padres desire to amend the MOU, and the City, the Padres and San Diego Ballpark Funding, LLC, a Delaware limited liability company, desire to amend the JUMA, to further implement the Ordinance and the MOU; and

WHEREAS, based on the information provided in the staff report accompanying this Resolution, the City Council will make the judgments and determinations required by Sections 2 and 3 of the Ordinance and Section XXXVIII of the MOU, and the actions authorized by this resolution are fully consistent with the Ordinance and the MOU, specifically Sections 2 and 3 of the Ordinance and Sections XXXVIII, XXXIX and XL of the MOU; NOW, THEREFORE,

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

1. Pursuant to Sections 2 and 3 of the Ordinance and Section XXXVIII of the MOU, the Council finds that amending the MOU and the JUMA to remove the prohibition on football being played at the Ballpark Project is in the best interest of the City, the Agency and CivicSD, and 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.

2. The Council authorizes the Mayor or designee to execute, for and on behalf of the City, Amendment No. 1 to the MOU, on file in the Office of the City Clerk as Document No.

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3. The Council authorizes the Mayor or designee to execute, for and on behalf of the City, Amendment No. 2 to the JUMA, on file in the Office of the City Clerk as Document No.

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4. The Council authorizes the Mayor or designee to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this

Resolution and the amendments to the MOU and the JUMA approved by this Resolution,
consistent with the rights and obligations of the City pursuant to the Ordinance and the MOU.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa D. Ables
Melissa D. Ables
Deputy City Attorney

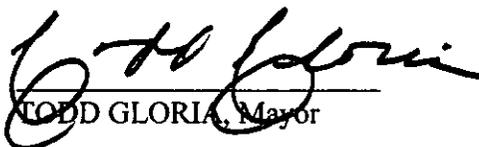
MDA:jdf
07/15/2021
Or.Dept:Mayor
Doc. No. 2703804
Companion to Reso. R-2022-17

I hereby certify that the foregoing Resolution was passed by the Council of the City of
San Diego, at this meeting of 07/27/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Connie Patterson
Deputy City Clerk

Approved: 8/3/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 27 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 03 2021

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
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