

(O-2008-118)

ORDINANCE NUMBER O- 19731 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 25 2008

AN ORDINANCE OF THE CITY OF SAN DIEGO AUTHORIZING A 20-YEAR AGREEMENT WITH LINDE MERCHANT PRODUCTION FOR THE PURCHASE OF RENEWABLE ENERGY FUEL CELL POWER FOR THE SOUTH BAY WATER RECLAMATION PLANT; AND AUTHORIZING A SITE LEASE AGREEMENT WITH LINDE MERCHANT PRODUCTION FOR USE OF LAND AT THE SOUTH BAY WATER RECLAMATION PLANT.

WHEREAS, Linde Merchant Production, Inc. [Linde], formerly BOC Merchant Production, Inc., has an agreement with the City of San Diego for Linde's purchase of excess sewage digester biogas produced at the Point Loma Wastewater Treatment Plant, to be used by Linde for fuel cell renewable electric generation projects; and

WHEREAS, the biogas agreement contains a provision allowing City the opportunity to negotiate with Linde for a fuel cell electric generator project at the South Bay Water Reclamation Plant [SBWRP]; and

WHEREAS, the City and Linde have negotiated mutually agreeable terms for such a fuel cell project at SBWRP; and

WHEREAS, the fuel cell project is structured as an electric power purchase agreement, with ownership of the generating equipment resting with Linde, and the equipment capable of producing up to 1.2 megawatts of renewable energy for sale to the City for its use at SBWRP; and

WHEREAS, the fuel cell equipment will be placed on leased SBWRP land of approximately 19,450 square feet; NOW, THEREFORE,

(O-2008-118)

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

Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a 20-year agreement with Linde Merchant Production, Inc., under terms and conditions set forth in the Power Purchase Agreement for Renewable Biogas Fueled On-Site Power Generation on file in the office of the City Clerk as Document No. OO- 19731 - 1.

Section 2. That the Mayor or his designee is further authorized to execute a site lease agreement with Linde Merchant Production, Inc. under the terms and conditions set forth in the South Bay Water Reclamation Plant Fuel Cell Site Lease, on file in the office of the City Clerk as Document No. OO- 19731 - 2.

Section 3. That this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines sections 15060(c)(3) and 15301 because it is not a project and it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public facilities.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

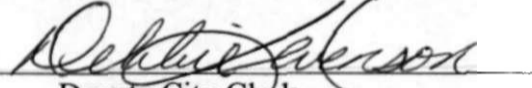
By Frederick M. Ortlieb  
Frederick M. Ortlieb  
Deputy City Attorney

(O-2008-118)

FMO:mb  
02/26/08  
Aud.Cert:N/A  
Or.Dept:MWWD  
MWD-8071  
O-2008-118

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,  
at this meeting of MAR 25 2008.

ELIZABETH S. MALAND, City Clerk

By   
Deputy City Clerk

Approved: 4-8-08  
(date)

  
JERRY SANDERS, Mayor

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

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