

ORDINANCE NUMBER O- 19765 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 26 2008

AN ORDINANCE OF THE CITY OF SAN DIEGO AUTHORIZING  
A FIFTH AMENDMENT TO THE ENVIRONMENTAL  
CONSULTANT AGREEMENT WITH INTERA, INC. REGARDING  
THE MISSION VALLEY TERMINAL / QUALCOMM STADIUM  
GROUNDWATER CONTAMINATION CLEANUP.

WHEREAS, pursuant to Cleanup and Abatement Order No. 92-01, the San Diego Regional Water Quality Control Board [Water Board] ordered the cleanup by responsible parties of soil and groundwater underlying the Qualcomm Stadium property which was contaminated from the release of petroleum products at the Mission Valley Terminal; and

WHEREAS, the City, as the owner of the Qualcomm Stadium property and the water rights in the underlying groundwater basin, has been actively involved in advocating its interests in the Water Board enforcement action against the discharger, including ensuring that the cleanup remains on schedule;

WHEREAS, the City retained an environmental expert in connection with the City's efforts before the Water Board and potential related litigation the City may bring with respect to the contamination;

WHEREAS, the City continues to require these services beyond the five-year limit of the current agreement; NOW, THEREFORE,

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, the Fifth Amendment to Agreement Between the City of San Diego and INTERA, Inc. for Consulting Services [Fifth Amendment] regarding cleanup of the contaminated soil and

groundwater underlying the Qualcomm Stadium property including, but not limited to, preparation of further documentation for the Water Board, under the terms and conditions set forth in the Fifth Amendment.

Section 2. That the expenditure of an amount not to exceed \$200,000 is authorized from Water Department Fiscal Year 2008 Operating Budget, Fund No. 41500, Org. 8320, solely and exclusively to provide funds for the above Fifth Amendment, provided that the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

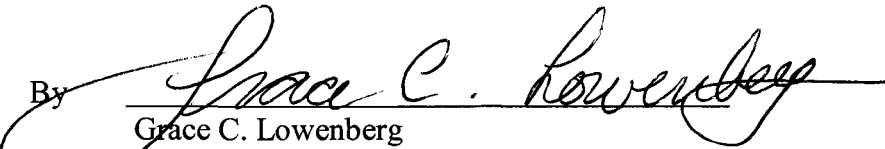
Section 3. That the City Auditor and Comptroller is authorized to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

Section 4. That the above activity is statutorily exempt from the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines section 15262 because the activity involves feasibility and planning studies for future action by the City.

Section 5. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

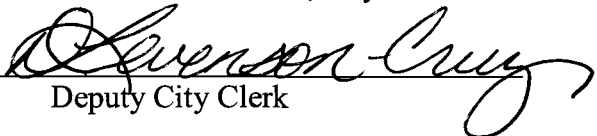
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
05/23/08  
Aud.Cert:2800816  
Or.Dept:Water  
Wtr 14-08-025  
O-20008-153

I hereby certify that the foregoing Ordinance was passed by the Council of the City of Diego,  
at its meeting of JUN 24 2008.

ELIZABETH S. MALAND, City Clerk

By   
Deputy City Clerk

Approved: 6.26.08  
(date)

  
JERRY SANDERS, Mayor

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

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

**The City of San Diego  
 CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**  
ORIGINATING

AC 2800816  
 DEPT. \_\_\_\_\_  
 NO.: 760

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: \_\_\_\_\_

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

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: \_\_\_\_\_ \$200,000.00

Vendor: INTERA Inc.

Purpose: Authorize fifth ammendment to existing agreement with INTERA Inc., to add three years and additional funding of \$200,000 to continue environmental consulting services and documentation for (RWQCB). Authorizing the expenditure of \$200,000 from Water Dept. FY2008 Operating Budget, fund 41500, org. 8320.

Date: May 22, 2008 By: Norman Reyes

**AUDITOR AND COMPTROLLER'S DEPARTMENT**

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
01	0	41500	760	8320	4222	832005					\$200,000.00
<b>TOTAL AMOUNT</b>											<b>\$200,000.00</b>

FUND OVERRIDE

AC-361 (REV 2-92)

*0-19765*

JUN 24 2008

AC 2800816