ORDINANCE NUMBER O- 19765 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 2 6 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

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

Grace C. Lowenberg

forth in the Fifth Amendment.

Deputy City Attorney

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

•	fy that the foregoing Ordir of JUN 2 4 2008	nance was passed by the Council of the City of Diego,
		By Deputy City Clerk 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

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