

ORDINANCE NUMBER O- 19766 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 26 2008

AN ORDINANCE OF THE CITY OF SAN DIEGO AUTHORIZING A FIFTH AMENDMENT TO THE AGREEMENT WITH OPPER & VARCO, LLP, REGARDING THE MISSION VALLEY TERMINAL / QUALCOMM STADIUM GROUNDWATER CONTAMINATION CLEANUP.

WHEREAS, the City retained the services of Opper & Varco, LLP as special environmental counsel in connection with Cleanup and Abatement Order No. 92-01 issued by the San Diego Regional Water Quality Control Board [Water Board] regarding 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 enforcement action brought by the Water Board against the discharger to enforce cleanup of the contamination is ongoing, and the City continues to require the environmental legal 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 Opper & Varco, LLP for Legal Services [Fifth Amendment] for environmental legal services, including representation before the Water Board, in connection with the cleanup of contaminated soil and groundwater underlying the Qualcomm Stadium property, under the terms and conditions set forth in the Fifth Amendment.

Section 2. That the above activity is statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15262 because the activity involves feasibility and planning studies for future action by the City.

Section 3. 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 4. 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  
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
05/23/08  
Aud.Cert:N/A  
Or.Dept:Water  
Wtr 14-08-025  
O-20008-154

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 Elizabeth S. Maland  
Deputy City Clerk

Approved: 6-26-08  
(date)

Jerry Sanders  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor