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7/7

(R-2009-1297)

RESOLUTION NUMBER R- 305061

DATE OF FINAL PASSAGE JUL 21 2009

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING AN AGREEMENT WITH MWH AMERICAS, INC. FOR EXPERT SERVICES REGARDING CONTAMINATION OF THE STORM DRAIN AT CONVAIR LAGOON; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE AGREEMENT.

WHEREAS, the California Regional Water Quality Control Board [RWQCB] has issued Cleanup & Abatement Order No. R9-2004-0258 to TDY Industries and Teledyne Ryan Aeronautical Company for Polychlorinated Biphenyl [PCB] contaminated sediments in an area of San Diego Bay commonly referred to as Convair Lagoon; and

WHEREAS, TDY and Teledyne were compelled to remediate the sediments and monitor them; and

WHEREAS, post-remedial monitoring indicates that the sediments may be becoming recontaminated with PCBs; and

WHEREAS, RWQCB staff has indicated that the Board will require further investigation into the sources of PCBs and their conveyance to the sediments, which may involve further remedial action; and

WHEREAS, the City has a 60-inch storm drain line emptying into Convair Lagoon, which has been identified as a conduit for the PCB contamination; and

WHEREAS, it is in the best interests of the City to retain the expert consulting services of MWH Americas to work at the direction of the City Attorney to confidentially investigate the sources of the PCBs in the City's 60-inch storm drain and to assist the City in the RWQCB's resolution of this matter; and

WHEREAS, this activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines sections 15060(c)(3) and 15306;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, through the City Attorney, an agreement with MWH Americas, Inc. for expert consulting services and investigation relative to Regional Water Quality Control Board Cleanup & Abatement Order No. R9-2004-0258 and related orders, under the terms and conditions set forth in the Agreement, on file with the City Clerk as Document No. RR- 305061.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$199,967.88 is authorized from General Fund No. 100, Stormwater Department 533, solely and exclusively to provide funds for the above agreement.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
06/16/09
Aud.Cert:2900863
Or.Dept:Stormwater
R-2009-1297

I hereby certify that the foregoing Resolution was passed by the Council of the City of Diego,
at its meeting of JUL 7. 2009

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 7-21-09
(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 DEPT. NO.: 2900863
 DEPT. NO.: 533

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
TOTAL 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: \$199,968.00

Vendor: MWH Americas, Inc

Purpose: Authorizing an agreement with MWH America's, Inc. to provide additional expert technical services, investigations, and studies related to the 60-inch stormwater system draining into Convair Lagoon for a value not to exceed \$199,967.88.

Date: June 15, 2009 By: Jessica Olson *Jessica Olson*

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
001	0	100	533	4200	4151	007918					\$199,967.88
TOTAL											\$199,967.88

R 305061

JUL 07 2009