

RESOLUTION NUMBER R- 305227

DATE OF FINAL PASSAGE SEP 11 2009

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING
A SECOND AMENDMENT TO THE AGREEMENT WITH MWH
AMERICAS FOR EXPERT SERVICES IN CONNECTION WITH
CLEANUP OF SAN DIEGO BAY CONTAMINATION.

WHEREAS, San Diego Regional Water Quality Control Board Tentative Cleanup and Abatement Order No. R9-2005-0126 has named the City of San Diego as a Discharger responsible for cleaning up contamination in San Diego Bay, and the City and other named Dischargers are now in mediation to determine the extent and costs of such cleanup; and

WHEREAS, the City retained the firm of MWH Americas, Inc. to provide expert consulting services, and by Council in Resolution No. R-304677 amended the agreement once; and

WHEREAS, due to extended mediation sessions and complexity of the cleanup issues, the City continues to require the services of MWH Americas; and

WHEREAS, the City has tendered costs of defense of this matter to insurance carriers; and

WHEREAS, this activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 13060(c)(3); 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, a second amendment to the agreement with MWH Americas, Inc. for expert consulting services related to Regional Water

Quality Control Board Tentative Cleanup & Abatement Order No. R9-2005-0126, under the terms and conditions set forth in the Second Amendment to Agreement in Exercise of Option, on file with the City Clerk as Document No. RR- 305227

BE IT FURTHER RESOLVED, that the Mayor and the City Attorney are authorized to tender invoices of MWH Americas under the Second Amendment to the City's insurance carriers for payment.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

FMO:mb
08/18/09
Cert:N/A
Or.Dept:StormWater
R-2010-67

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of SEP 08 2009.

ELIZABETH S. MALAND, City Clerk
By [Signature]
Deputy City Clerk

Approved: Sept 11, 09
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor