

RESOLUTION NUMBER R- 305483
DATE OF FINAL PASSAGE DEC 17 2009

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING
SECOND AMENDMENTS WITH BIOFUELS ENERGY, LLC FOR
THE BENEFICIAL USE OF DIGESTER GAS AND RENEWABLE
ENERGY FUEL CELL POWER.

WHEREAS, in 2007, the Council authorized agreements with Linde Merchant Production for the purchase and sale of excess biogas produced at the Point Loma Wastewater Treatment Plant and for the purchase of fuel cell generated electricity produced at the South Bay Water Reclamation Plant, together with the agreements to lease the associated sites; and

WHEREAS, in June 2009, at Linde's request, the Council authorized assignment of the agreements to BioFuels Energy, LLC, which continues the terms and conditions of the agreements subject to a First Amendment; and

WHEREAS, due to recent clarification of California Public Utilities Commission rules, BioFuels Energy is now able to transport the biogas produced via a natural gas distribution system rather than overland by truck, subject to Council's approval of this Second Amendment; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a further amendment to the agreement with BioFuels Energy, LLC, for the beneficial use of digester gas and renewable energy fuel cell power, under the terms and conditions set forth in the Second Amendment to Agreement for the Purchase and Sale of Biogas, on file with the City Clerk as Document No. RR- 305483 -1.

2. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a further amendment to the site lease with BioFuels Energy, LLC, for the beneficial use of digester gas, under the terms and conditions set forth in the Second Amendment to Site Lease for the Point Loma Wastewater Treatment Plant, on file with the City Clerk as Document No.

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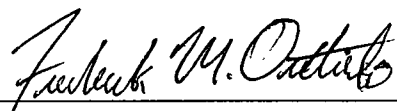
3. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a further amendment to the agreement with BioFuels Energy, LLC, for the purchase of renewable biogas fueled on-site power generation, under the terms and conditions set forth in the Second Amendment to Power Purchase Agreement for Renewable Biogas Fueled On-Site Power Cogeneration at the South Bay Water Reclamation Plant, on file with the City Clerk as Document

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4. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a further amendment to the lease with BioFuels Energy, LLC, for the fuel cell site, under the terms and conditions set forth in the Second Amendment to Site Lease for Renewable Biogas Fueled On-Site Power Cogeneration at the South Bay Water Reclamation Plant, on file with the

City Clerk as Document No. RR- 305483 - 4

APPROVED: JAN I. GOLDSMITH, City Attorney

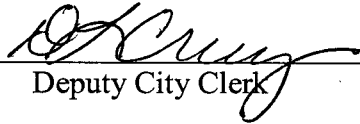
By 
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
11/09/09
C.Cert:N/A
Or.Dept:MWWD
R-2010-353

(R-2010-353)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of DEC 8 2009.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 12.17.09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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