

104
11/16

RESOLUTION NUMBER R- 306327

DATE OF FINAL PASSAGE NOV 29 2010

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING A
THIRD AMENDMENT TO THE AGREEMENT WITH MWH
AMERICAS, INC. TO PROVIDE ADDITIONAL EXPERT
TECHNICAL SERVICES REGARDING TENTATIVE
CLEANUP AND ABATEMENT ORDER NO R9-2005-0126.

WHEREAS, on April 29, 2005 the San Diego Regional Water Quality Control Board (RWQCB) issued Tentative Cleanup and Abatement Order (TCAO) No. R9-2005-0126 (TCAO), which names the City of San Diego and five other responsible parties as "Dischargers" of pollutants to San Diego Bay in the area of the Shipyards and the mouth of Chollas Creek; and

WHEREAS, under the Mayor's authority an initial agreement with MWH to provide expert technical services was approved on October 8, 2008 and City Council approved the first amendment on February 24, 2009, and the second amendment on September 8, 2009; and

WHEREAS, due to extended mediation sessions, and related Federal Litigation initiated in the past year, and due to the 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 which have assumed payment for services of MWH Americas; 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 behalf of the City, an amendment to the agreement with MWH Americas, Inc. for additional expert technical services regarding TCAO No. R9-2005-0126 for an incremental amount not to exceed \$130,000, and a total Agreement not to exceed \$1,197,907.

2. That the Mayor and the City Attorney are authorized to continue to tender invoices of MWH Americas under the Third 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:cla
10/26/2010
Or.Dept: Storm water Department

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 16 2010

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 11-29-10
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor