

ORDINANCE NUMBER O- 20072 (NEW SERIES)

536

DATE OF FINAL PASSAGE JUL 19 2011

7/12/11

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A SEVENTH AMENDMENT TO THE AGREEMENT WITH OPPER & VARCO, LLP, FOR LEGAL SERVICES IN CONNECTION WITH THE CLEANUP OF CONTAMINATION TO THE MISSION VALLEY AQUIFER AND QUALCOMM STADIUM.

WHEREAS, the City retained the services of Opper & Varco, LLP, as special environmental counsel in connection with San Diego Regional Water Quality Control Board (Water Board) Cleanup & Abatement Order No. 92-01, requiring the cleanup of soil and groundwater underlying the Qualcomm Stadium property which was contaminated by the release of petroleum products at the Mission Valley Terminal; and

WHEREAS, the City is the owner of the Qualcomm Stadium property and has Pueblo water rights in the underlying groundwater basin; and

WHEREAS, the City filed litigation against the discharger in 2007; and

WHEREAS, the enforcement action by the Water Board against the discharger and the litigation brought by the City against the discharger are ongoing, and the City continues to require these special environmental counsel services beyond the expiration of the current agreement as well as additional funds to continue those services; 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 Seventh Amendment to the Agreement with Opper & Varco, LLP, for an additional three-year term, through December 31, 2014, and an additional \$75,000, for a total contract amount not to exceed \$328,000, for special environmental counsel services in connection with

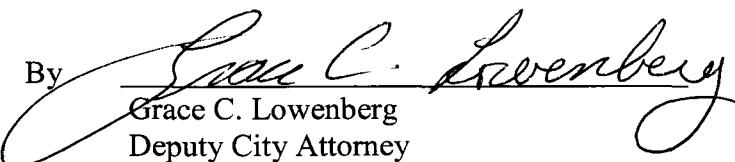
the cleanup of contamination underlying the Qualcomm Stadium property and the Mission Valley Aquifer from the Mission Valley Terminal, under the terms and conditions set forth in the Seventh Amendment.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$75,000 from Fund No. 700011 – Water Utility Operating Fund, solely and exclusively to provide funds for the above Seventh Amendment, contingent on funding for this purpose being included in future fiscal years' Appropriation Ordinances and provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Grace C. Lowenberg
Deputy City Attorney

GCL:mb
06/14/11
C.Cert:N/A
Or.Dept:P.Util.

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,
at its meeting of JUL 12 2011.

ELIZABETH S. MALAND, City Clerk

By Carmen J. Trujano
Deputy City Clerk

Approved: 7-19-11
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor