(O-2014-12 COR.COPY2)

ORDINANCE NUMBER O- 20307 (NEW SERIES)

DATE OF FINAL PASSAGE 0CT 2 2 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN EIGHTH AMENDMENT TO THE ENVIRONMENTAL CONSULTANT AGREEMENT WITH INTERA, INC., FOR CLEANUP OF CONTAMINATION TO THE MISSION VALLEY AQUIFER AND QUALCOMM STADIUM.

WHEREAS, the San Diego Regional Water Quality Control Board (Water Board) issued 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 in 2007 against the discharger, which is now on appeal; and

WHEREAS, the City also recently filed litigation appealing a decision of the Water Board related to the clean-up; and

WHEREAS, the City retained INTERA, Inc., as its environmental expert to assist in advocating the City's interests before the Water Board and in connection with the City's litigation against the discharger with respect to the contamination, and continues to require these expert environmental services, as well as additional funding for these services, for an additional year beyond the expiration of the current agreement; NOW, THEREFORE,

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

Section 1. That the Council President, acting in his capacity under Charter section 265(i), or his designee, is authorized and directed to execute, for and on behalf of the City, the Eighth Amendment to the Agreement with INTERA, Inc., for an additional one-year term, through December 31, 2015, and an additional \$350,000, for a total contract amount not to exceed \$1,450,000, for environmental consulting services in connection with the cleanup of contamination to the Qualcomm Stadium property and the Mission Valley Aquifer from releases of petroleum products at the Mission Valley Terminal, under the terms and conditions set forth in the Eighth Amendment to Agreement Between the City of San Diego and INTERA, Inc., for Consulting Services.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$350,000 from Fund No. 700011 – Water Utility Operating Fund, solely and exclusively to provide funds for the above Eighth Amendment, contingent on funding for this purpose being included in the City's Fiscal Year 2014 and Fiscal Year 2015 Appropriations Ordinances, as applicable, and provided that the City Comptroller 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

Grace C. Lowenberg
Deputy City Attorney

Date

GCL:mb 08/27/13 09/12/13 Cor.Copy 09/16/13 Corr.Copy2 C.Cert:3000006277 Or.Dept:PUD Doc.No:632928

TODD GLORIA, Council President

The City of San Diego COMPTROLLER'S CERTIFICATE

THEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attact solution, 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 cert conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriation from which the same are to be drawn, and that the said money now actually in 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, gether with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. Authorize the Amendment of the Professional Services Agreement related to the contamination at the Qualcomm Stadium site and Mission Valley Aquifer from Mission Valley Terminal for environmental consulting services in connection with the dean-up. Authorize the Amendment of the Professional Services Agreement related to the contamination at the Qualcomm Stadium site and Mission Valley Aquifer from Mission Valley Terminal for environmental consulting services in connection with the dean-up. Authorize the Amendment of the Professional Services Agreement related to the contamination at the Qualcomm Stadium site and Mission Valley Aquifer from Mission Valley Terminal for environmental consulting services in connection with the dean-up. Authorize the Amendment of the Professional Services Agreement related to the contamination at the Qualcomm Stadium site and Mission Valley Aquifer from Mission Valley Terminal For environmental consulting services in connection with the dean-up. Authorize the Amendment of the Professional Services Agreement related to the contamination at the Qualcomm Stadium site and Mission Valley Aquifer from Mission Valley Terminal For environmental consulting services in connection with the dean-up.			CERTIFICATE OF UNALLOTTED BALANCE				CC	3000006277						
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CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000006277

Passed by the Council of Tl	ne City of San Diego o	on 0CT 0	8 2013 , by	the following vote	: :
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Councilmembers	Yeas	Nays	Not Present	Recused	
Sherri Lightner	\mathbf{Z}			<u> </u>	
Kevin Faulconer	<u> </u>				
Todd Gloria			ota		
Myrtle Cole					
Mark Kersey	\square				
Lorie Zapf					
Scott Sherman					
David Alvarez	\mathbb{Z}				
Marti Emerald					
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Date of final passage	OCT 2 2 2013	·			
AUTHENTICATED BY:	· -			CIL PRESIDENT f San Diego, Califo	rnia.
(Seal)	-	City 91	ELIZABETH S. of The City of S	MALAND an Diego, Californi	a.
•	1	By (Mill	un Lagar	2	_, Deputy
I HEREBY CERTI had elapsed between the da	FY that the foregoing y of its introduction ar				days
SEP 24	2013	and on	OCT 2 2 201	3	·
I FURTHER CERT dispensed with by a vote of available to each member of		Council, and that	a written copy of t	he ordinance was n	
	-	City Cler	ELIZABETH S.	MALAND n Qiego, Californi	a.
(Seal)]	зу	entite (ano	_, Deputy
	F				
		Office of	the City Clerk, S	an Diego, Califori	nia
		Ordinance N	lumber O-	20307	