

ORDINANCE NUMBER O- 20308 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 22 2013

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

WHEREAS, the City retained the services of Oppper & Varco, LLP, as special environmental counsel in connection with Cleanup & Abatement Order No. 92-01, issued by the San Diego Regional Water Quality Control Board (Water Board), that required the cleanup of soil and groundwater underlying the Qualcomm Stadium property 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, 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 enforcement action by the Water Board and the litigation matters against the discharger and the Water Board require the continued services of special environmental counsel, as well as additional funding, for one year beyond the expiration of the current agreement; NOW, THEREFORE,

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

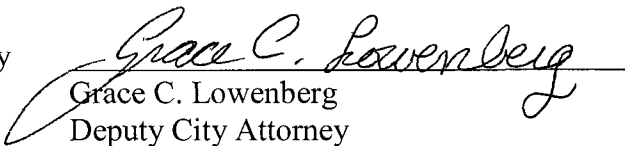
Section 1. That the Council President, acting in his capacity under Charter section 265(i), or his designee, is authorized and directed to execute, for and on behalf of the City, the Eighth Amendment to the Agreement with Opper & Varco, LLP, for an additional one-year term, through December 31, 2015, and an additional \$150,000, for a total contract amount not to exceed \$478,000 for environmental legal 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 Eight Amendment to Agreement between the City of San Diego and Opper & Varco, LLP, for Legal Services.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$150,000 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.

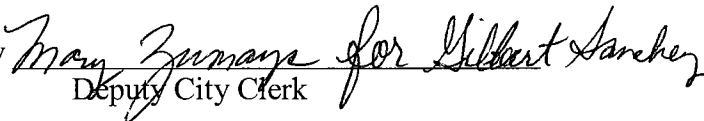
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Grace C. Lowenberg
Deputy City Attorney

GCL:mb
08/27/13
09/12/13 Cor.Copy
09/16/13 Cor.Copy2
C.Cert:3000006278
Or.Dept:PUD
Doc.No:634234

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,
at its meeting of OCT 08 2013.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i)

Date

TODD GLORIA, Council President

The City of San Diego
 COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000006278

ORIGINATING BUSINESS AREA: 2000

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: Rob Ruscitto
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
									\$0.00
TOTAL AMOUNT									\$0.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, 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 certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into 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, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$150,000.00

Vendor: Opper & Varco, LLP

Purpose: 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 legal services in connection with the clean-up.

Date: July 9, 2013 By: Rob Ruscitto
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	700011			OTHR-00000000-WU	512059	2000	2000140001		\$150,000.00
TOTAL AMOUNT									\$150,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on OCT 08 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 22 2013.

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 24 2013, and on OCT 22 2013.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20308