

Item -51:
Subitem A
10/28/14
(O-2015-28)

ORDINANCE NUMBER O- 20440 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 25 2014

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

WHEREAS, the City retained the legal services of Opper & Varco, LLP, as special environmental counsel in connection with Clean-up & Abatement Order No. 92-01, issued by the San Diego Regional Water Quality Control Board (Water Board), that required the clean-up 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 on appeal; and

WHEREAS, the City also 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 are ongoing and 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 Mayor, or his designee, is authorized and directed to execute, for and on behalf of the City, the Ninth Amendment to the Agreement with Opper & Varco, LLP, for an additional one-year term, through December 31, 2016, and an additional \$100,000, for a total contract amount not to exceed \$578,000 for environmental legal services in connection with the clean-up 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 Ninth 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 \$100,000 from Fund No. 700011 – Water Utility Operating Fund, solely and exclusively to provide funds for the above Ninth Amendment, 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 Treasury.

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 
Heather L. Stroud
Deputy City Attorney

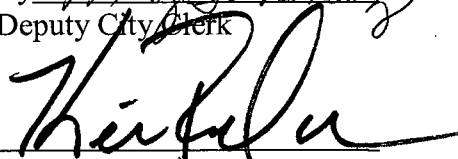
GCL:HLS:bas:cw
10/13/14
Or.Dept: PUD
CC No.: N/A
Doc.No: 864511

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 18 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/24/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 18 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 25 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Hernandez, 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

OCT 28 2014

, and on NOV 25 2014

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 Mary Hernandez, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20440