

ORDINANCE NUMBER O- 20599 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 09 2016

AN ORDINANCE OF THE CITY OF SAN DIEGO
AUTHORIZING THE A THIRD AMENDMENT WITH
TATRO TEKOSKY SADWICK, LLP FOR THE LEGAL
SERVICES AGREEMENT RELATED TO LITIGATION
PERTAINING TO THE CLEANUP OF CONTAMINATION
TO THE QUALCOMM STADIUM SITE AND TO THE
MISSION VALLEY AQUIFER FROM THE MISSION
VALLEY TERMINAL.

WHEREAS, pursuant to Cleanup and Abatement Order No. 92-01, the San Diego Regional Water Quality Control Board (Water Board) ordered the cleanup by responsible parties of soil and groundwater underlying the Qualcomm Stadium property which was contaminated from the release of petroleum products at the Mission Valley Terminal; and

WHEREAS, the City, as the owner of the Qualcomm Stadium property and the water rights in the underlying groundwater basin, has been actively involved in advocating its interests in the Water Board enforcement action against the discharger, including ensuring that the cleanup remains on schedule; and

WHEREAS, the City retained special litigation counsel in connection with related litigation the City filed in 2007 against the discharger; and

WHEREAS, on January 29, 2008, the City Council passed Resolution No. 303320 authorizing the legal services agreement with Tatro Tekosky Sadwick, LLP; and

WHEREAS, on April 15, 2010, the City Council passed Resolution No. 305757 authorizing the first amendment to the legal services agreement with Tatro Tekosky Sadwick, LLP; and

WHEREAS, on February 9, 2011, the City Council passed Resolution No. 306577 authorizing the second amendment to the legal services agreement with Tatro Tekosky Sadwick, LLP; and

WHEREAS, the litigation filed by the City against the discharger is ongoing; the City continues to require special litigation counsel services in connection with this matter beyond the five years as set forth in Charter section 99; and additional funds are necessary to continue those services; and

WHEREAS, the contract with Tatro Tekosky Sadwick, LLP has exceeded five years. This Ordinance will retroactively authorize the extension of the contract and payments made to Tatro Tekosky Sadwick, LLP under the Second Amendment and further authorize the Third Amendment to the Legal Services Agreement; NOW, THEREFORE,

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

1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, the Third Amendment to the legal services agreement between the City and Tatro Tekosky Sadwick, LLP for an additional \$700,000 for continued legal services in connection with the litigation over the contamination to the Qualcomm Stadium site and the Mission Valley Aquifer from the Mission Valley Terminal. This Third Amendment shall be retroactive to October 9, 2013. It shall further authorize and approve payments previously made to Tatro Tekosky Sadwick, LLP under the second amendment and expenditure of funds still remaining. This increases the total agreement amount to \$5.45 million.

2. Authorize the Chief Financial Officer to expend a total of \$700,000 from the following funds: \$350,000 from General Fund #100000, Department 9912, Citywide Program

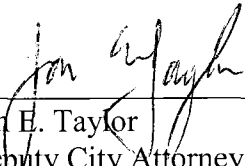
Expenditures and \$350,000 from Fund #700011 Public Utilities Operating Fund, Department 2000, for the purpose of supporting federal court litigation efforts.

3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

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

APPROVED:

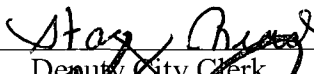

JAN I. GOLDSMITH, City Attorney

By  _____
Jon E. Taylor
Deputy City Attorney

JET:tsc
12/21/15
C.Cert:
Or.Dept: City Attorney
Doc. No. 1192765

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,
at its meeting of JAN 26 2016.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 2/5/16
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 26 2016, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 FEB 09 2016.

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 Stacy Brady, 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

JAN 12 2016, and on FEB 09 2016.

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 Stacy Brady, Deputy

Office of the City Clerk, San Diego, California

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