

OFFICE OF  
**THE CITY ATTORNEY**  
CITY OF SAN DIEGO

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**Michael J. Aguirre**  
CITY ATTORNEY

May 23, 2008

REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL

EXECUTION OF 5TH AMENDMENTS  
TO AGREEMENTS WITH INTERA, INC.  
FOR ENVIRONMENTAL EXPERT SERVICES  
AND OPPER & VARCO, LLP, FOR  
ENVIRONMENTAL LEGAL SERVICES  
RE: CLEANUP OF CONTAMINATION  
AT QUALCOMM STADIUM

**INTRODUCTION**

In late 2003, the City formed a Working Group of staff, attorneys, and outside experts to address the issues presented by the release of petroleum products from the Mission Valley Terminal [Terminal] to the soil and groundwater beneath the Qualcomm Stadium [Site]. This Working Group is tasked with advocating the City's interests in expediting remediation of the Site in connection with the Regional Water Quality Control Board's [Water Board] enforcement action against the discharger, Kinder Morgan Energy Partners LP [Kinder Morgan]. From its inception, this Working Group has included Richard G. Opper of Opper & Varco LLP as Special Environmental Counsel and Dr. Richard Jackson, P.E., Ph.D., of INTERA, Inc., as the City's Environmental Expert Consultant, both of whom have intimate knowledge of the technical and other aspects of the clean-up action. Clean-up deadlines set by the Water Board are fast approaching. The deadline for removing gasoline from the soil and groundwater beneath the Site is December 31, 2010, and the deadline for reducing dissolved phase petroleum hydrocarbons to background water quality levels is December 31, 2013. Thus, the City's continued, active participation in the Water Board action over the next 3-5 years is crucial to ensuring that clean-up goals are achieved on time. Dr. Jackson and Mr. Opper are instrumental to the City's efforts.

Funds provided for Dr. Jackson's services are nearly exhausted, and the term of his consulting agreement will expire at the end of calendar year 2008. The term of the agreement between the City and Mr. Opper also will expire at the end of calendar year 2008. Thus, amendments to both agreements are being proposed for approval, so as to extend the term of both agreements to December 31, 2011, and to add \$200,000 to the total contract amount for Dr. Jackson's services over an additional three years. Pursuant to City Charter section 99, these

amendments each require authorization by ordinance adopted by a two-thirds vote of the City Council.

In addition, the funds from the Shell Oil settlement were intended to defray expenses incurred by the City in its ongoing efforts to ensure remediation of the Site and related litigation, including reimbursing expenses incurred by the Water Department for consultant services, attorney services, and other expenses related to those efforts. As of April 21, 2008, the expenses incurred by the Water Department, including for staff and attorney time funded from the Environmental Services Department Refuse Disposal Enterprise Fund, total \$472,000, with future reimbursable expenses expected as this matter continues.

### DISCUSSION

Beginning in 1986, petroleum products from the Terminal at Friars Road and Interstate 15, north of Qualcomm Stadium in Mission Valley, were discharged into the ground and groundwater beneath the Site. In 1992, the Water Board issued Clean Up and Abatement Order CAO 92-01 [CAO] for these petroleum products. As a result, the owners and operators of the Terminal, Santa Fe Pipeline Partners and its successor, Kinder Morgan, and the petroleum companies leasing the facilities at the tank farm were instructed to take action to investigate, contain, and mitigate the release.

In 2000, Kinder Morgan filed a lawsuit against various parties including Equilon Enterprises LLC doing business as Shell Oil Products US [Shell], contesting responsibility for the discharge to the Site. Eventually, this dispute was arbitrated before retired Los Angeles Superior Court Judge Robert Altman. In 2003, Judge Altman issued his opinion concluding that Kinder Morgan was the sole cause of the "core" gasoline plume, which extends beneath Qualcomm Stadium in the direction of the San Diego River. The arbitration opinion was confirmed by the Superior Court and became final in late 2003. Shell subsequently entered into a settlement with the City for some unrelated diesel-fuel contamination in the area of its leased terminals. The settlement included payment to the City of \$1,000,000.

Once responsibility for the discharge and the remediation had been adjudicated, the City formed its Working Group. The Working Group included Dr. Jackson, a nationally recognized environmental expert, who had been the technical advisor to Judge Altman in the arbitration proceeding and who was already intimately familiar with the technical aspects of the discharge, the hydrology of the Site, and the remedial challenges posed by the contamination. The Working Group also included Mr. Richard Opper, an experienced environmental attorney with years of practicing before the Water Board. The Working Group immediately began actively engaging with the Water Board, pressing the City's and the region's interests in developing the Mission Valley Aquifer [Aquifer], advocating accelerated clean-up technologies and more aggressive clean-up timelines, demonstrating that remedial alternatives for accelerated clean-up were technically feasible, and pressuring the discharger to do more faster.

While the clean-up is still ongoing and achieving clean-up deadlines is not yet assured, the actions of the Working Group have positively influenced the course of events and the pace of remedial progress. Through its numerous, comprehensive submittals and other communications and meetings with the Water Board, the Working Group repeatedly has communicated the importance of the Aquifer as a local and regional water resource and the City's plans and time frames for developing the Aquifer. Through the efforts of the Working Group, the City and Kinder Morgan entered into a Summary of Understanding whereby Kinder Morgan agreed to (1) develop a more accurate profile of the subsurface of the Site, the contamination, and the migration rate and pathways; (2) expedite installation of a property boundary containment system to prevent further migration from the Terminal onto the Site; (3) undertake testing of enhanced remedial technology; (4) investigate whether utilities under public rights-of-way were impacted by the contamination; and (5) improve its remedial system.

Among other submittals, in 2005, the Working Group prepared and submitted a comprehensive report in response to a proposed Water Board order to set clean-up goals and deadlines. The Working Group also participated in the Water Board's workshop on the proposed order, where it presented and advocated the City's interests in achieving clean-up goals in time to meet the City's timeframes for development of the Aquifer. Subsequently, through the efforts of Dr. Jackson, the City demonstrated to the Water Board and Kinder Morgan that alternative technologies to accelerate remediation were technically practicable and strongly urged their implementation.

The Working Group reviews all draft work plans, reports, and evaluations prepared by Kinder Morgan and routinely recommends improvements to work plans, evaluates and comments on the status of remedial progress, and through its actions maintains pressure on Kinder Morgan to make course corrections whenever necessary so that clean-up deadlines do not slide. In October 2007, Kinder Morgan submitted a comprehensive evaluation of the remedial progress to date. This evaluation confirmed for the Water Board the City's repeatedly expressed concerns that the pace of clean-up was insufficient to meet the Water Board's deadlines. It has also galvanized Kinder Morgan into action to significantly upgrade its remedial system, test and improve the property boundary containment barrier, and install technology to more accurately determine if clean-up goals have been achieved in any given area, all of which is currently underway.

Moreover, after repeated urging by the Working Group, the Water Board recently expressed its intent to establish interim benchmarks that Kinder Morgan must achieve during 2008-2010 in order to demonstrate its progress toward meeting the first deadline, with a contingency plan for course corrections in the event a benchmark is missed.

Upgrades currently underway are expected to be complete in June. The Working Group expects to meet with Water Board staff sometime after Labor Day to review the progress made during the first part of this year. The first deadline is only 2.5 years away and much work

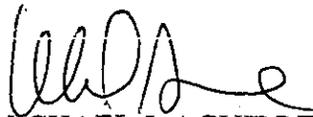
remains to be done. The efforts and the expertise of Dr. Jackson and Mr. Opper continue to be instrumental in protecting and advocating the City's interests in a timely clean-up.

### CONCLUSION

In order to ensure clean-up goals for the Site are achieved on time, it is imperative that the City remain an active participant in actions before the Water Board. The technical expertise of Dr. Jackson and the legal expertise of Mr. Opper are instrumental to this effort. Thus, it is recommended that the City Council authorize execution of the 5th Amendment to the Agreement between the City and INTERA, Inc. and authorize execution of the 5th Amendment to the Agreement between the City and Opper & Varco LLP for legal services to extend the term of both agreements to December 31, 2011, and to add \$200,000 to the total contract amount for Dr. Jackson's services over an additional three years.

It is also recommended that Council authorize the use of the Shell settlement monies for remediation of the Site and related litigation, including reimbursing expenses incurred by the Water Department for consultant services, outside counsel services, and staff and attorney time funded from the Environmental Services Department Refuse Disposal Enterprise Fund.

Respectfully submitted,



MICHAEL J. AGUIRRE  
City Attorney

<p><b>000473</b>      <b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO</p>		<p>1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) <b>2800816</b>      60</p>					
<p>TO:      CITY ATTORNEY</p>		<p>2. FROM (ORIGINATING DEPARTMENT): WATER DEPARTMENT</p>					
<p>3. DATE:      May 6, 2008      06/10</p>							
<p>4. SUBJECT: Amendments to Professional Services Agreements Related to Contamination at Qualcomm Stadium; Department Expense Reimbursement</p>							
<p>5. PRIMARY CONTACT (NAME, PHONE, &amp; MAIL STA.) M. Steirer (619) 533-4112      MS 906</p>		<p>6. SECONDARY CONTACT (NAME, PHONE, &amp; MAIL STA.) Grace Lowenberg (619) 533-6459      MS 59</p>					
<p>7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED</p>			<p><input checked="" type="checkbox"/></p>				
<p><b>8. COMPLETE FOR ACCOUNTING PURPOSES</b></p>							
FUND	41500	<p>9. ADDITIONAL INFORMATION / ESTIMATED COST:  Fund 41500  TOTAL REQUEST \$200,000 for INTERA, Inc. agreement only</p>					
DEPT.	760						
ORGANIZATION	8320						
OBJECT ACCOUNT	4222						
JOB ORDER	832005						
C.I.P. NUMBER							
AMOUNT	\$200,000/						
<p><b>10. ROUTING AND APPROVALS</b></p>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEPARTMENT DIRECTOR	<i>[Signature]</i>	5/8/08	8	DEPUTY CHIEF	<i>[Signature]</i>	5/12/08
2	EAS	<i>[Signature]</i>	5/6/08	9	COO		
3	EOC	<i>[Signature]</i>	5/15/08	10	CITY ATTORNEY	<i>[Signature]</i>	5/23/08
4	LIAISON OFFICE	<i>[Signature]</i>	5/16/08	11	ORIG. DEPT	<i>[Signature]</i>	5/21/08
5	CIP/FM	<i>[Signature]</i>	5/19/08	DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON: <i>[Signature]</i>			
6	AUDITORS	<i>[Signature]</i>	05/27/08 ✓	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/>		COUNCIL DATE: 6/11/08	
7				REFER TO: _____			
<p>11. PREPARATION OF:      <input checked="" type="checkbox"/> RESOLUTIONS      <input checked="" type="checkbox"/> ORDINANCE(S)      <input checked="" type="checkbox"/> AGREEMENT(S)      <input type="checkbox"/> DEED(S)</p> <p>1. Authorize execution of the fifth amendment to the agreement with INTERA Inc., which will add three years to the existing five-year term and additional funding of \$200,000 to continue environmental consulting services in connection with contamination at Qualcomm Stadium from Mission Valley Terminal including further documentation for the San Diego Regional Water Quality Control Board (RWQCB); and</p> <p style="text-align: center;">(Please see other side)</p>							
<p>11A. STAFF RECOMMENDATIONS: Adopt the ordinances and resolution.</p>							
<p><b>12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)</b></p> <p><u>COUNCIL DISTRICT(S)</u>:      6</p> <p><u>COMMUNITY AREA(S)</u>:      Mission Valley Planning Group</p> <p><u>CITY CLERK INSTRUCTIONS</u>:      Items 1-3 require 6 votes pursuant to Charter § 99. Please return two (2) copies of the 1472, Auditor's Certificate, Ordinance and/or Resolution to Tammy Ferguson, 533-4109, MS 904.</p> <p><u>ENVIRONMENTAL IMPACT</u>:      This activity is statutorily exempt from CEQA pursuant to State Guidelines Section 15262.</p> <p><u>HOUSING IMPACT</u>:      N/A</p> <p><u>OTHER ISSUES</u>:      NONE</p>							

000474

2. Authorizing the expenditure of \$200,000 from Water Department FY 2008 Operating Budget, Water Fund 41500, Org. 8320, for environmental services from INTERA, Inc. in connection with contamination at Qualcomm Stadium from Mission Valley Terminal provided that the City Auditor first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer, and authorizing the Auditor and Comptroller to return excess budgeted funds to the appropriate reserve.
3. Authorize execution of the fifth amendment to the agreement with Opper & Varco, LLP, which will add three years to the existing five-year term to continue legal services and representation before the RWQCB in connection with contamination at Qualcomm Stadium from Mission Valley Terminal.
4. Authorizing and directing the Auditor and Comptroller to disburse monies from the Shell settlement (Mission Valley Terminal settlement fund number 10705) to reimburse expenses incurred by the Water Department for staff, consultant and outside counsel services, and attorney and staff expenses incurred by the Refuse Disposal Enterprise Fund in the Environmental Services Department (ESD) in support of the City's efforts to remediate the contamination at Qualcomm Stadium.

CITY ATTORNEY  
08 MAY 23 AM 11:46  
CIVIL DIVISION

000475

EXECUTIVE SUMMARY SHEET

CITY OF SAN DIEGO

DATE ISSUED: REPORT NO: N/A  
ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: Water Department  
SUBJECT: Amendments to Professional Services Agreements Related to Contamination at Qualcomm Stadium; Department Expense Reimbursement  
COUNCIL DISTRICT(S): 6 (Frye)  
CONTACT/PHONE NUMBER: Marsi Steirer (619-533-4112)

REQUESTED ACTION:

1. Authorize execution of the fifth amendment to the agreement with INTERA, Inc. for environmental consulting services to add three years to the five-year term and increase the funding amount by \$200,000, and
2. Authorize the expenditure of \$200,000 from Water Department FY 2008 Operating Budget, Water Fund 41500, Org. 8320, for the above agreement, and
3. Authorize execution of the fifth amendment to the agreement with Opper & Varco, LLP for environmental outside counsel services to add three years to the five-year term and
4. Authorize and direct the Auditor and Comptroller to disburse monies from the Shell settlement to reimburse expenses.

STAFF RECOMMENDATION:

Adopt the Ordinances and Resolution.

EXECUTIVE SUMMARY:

In 1992, an enforcement action was brought by the San Diego Regional Water Quality Control Board (RWQCB) against the party responsible for the release of petroleum products from the Mission Valley Terminal to the soil and groundwater beneath the Qualcomm Stadium site. The RWQCB ordered the discharger to clean-up the contamination by certain deadlines which are fast-approaching. That clean-up is still ongoing. The City also recently initiated litigation against the discharger.

The City is the owner of the Qualcomm Stadium site. The City Water Department has Pueblo Water Rights in the waters of the San Diego River, which include the groundwater basin at issue in the above-referenced RWQCB enforcement action. The City plans to utilize this basin beginning in 2010 to pursue the groundwater objectives of the Long-Range Water Resources Plan adopted by the City Council on December 9, 2002, which establishes priority elements of groundwater storage and desalination including the Mission Valley Groundwater Basin. In its efforts to advocate the City's interests in timely meeting clean-up goals, the City retained the services of an environmental consultant and an environmental attorney. Those agreements are nearing the end of their 5-year terms, and the funds for the environmental consultant are nearly exhausted. In addition, funds advanced by the Water Department and the Environmental Services Department for the City's efforts are in need of reimbursement. Thus, the following actions are requested:

1. Authorizing execution of a fifth amendment to the agreement between the City and INTERA, Inc. for additional environmental consulting services in connection with the clean-up of contamination to the Qualcomm Stadium site from the Mission Valley Terminal. The fifth amendment increases the agreement amount by \$200,000 to \$450,000 and extends the agreement by three years to a term of eight years.



000479

**PLEASE NOTE:**

The fifth amendments to the agreement between the City of San Diego and INTERA, Inc. and Opper & Varco, LLP are considered to be Attorney/Client privileged documents.

For that reason, they will not be routed with the 1472.

Please contact Deputy City Attorney, Grace Lowenberg at 533-6459 if you have any Questions regarding the fifth amendments.

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SAN DIEGO AUTHORIZING  
A FIFTH AMENDMENT TO THE ENVIRONMENTAL  
CONSULTANT AGREEMENT WITH INTERA, INC. REGARDING  
THE MISSION VALLEY TERMINAL / QUALCOMM STADIUM  
GROUNDWATER CONTAMINATION CLEANUP.

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;

WHEREAS, the City retained an environmental expert in connection with the City's efforts before the Water Board and potential related litigation the City may bring with respect to the contamination;

WHEREAS, the City continues to require these services beyond the five-year limit 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 to execute, for and on behalf of the City, the Fifth Amendment to Agreement Between the City of San Diego and INTERA, Inc. for Consulting Services [Fifth Amendment] regarding cleanup of the contaminated soil and

groundwater underlying the Qualcomm Stadium property including, but not limited to, preparation of further documentation for the Water Board, under the terms and conditions set forth in the Fifth Amendment.

Section 2. That the expenditure of an amount not to exceed \$200,000 is authorized from Water Department Fiscal Year 2008 Operating Budget, Fund No. 41500, Org. 8320, solely and exclusively to provide funds for the above Fifth Amendment, provided that the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

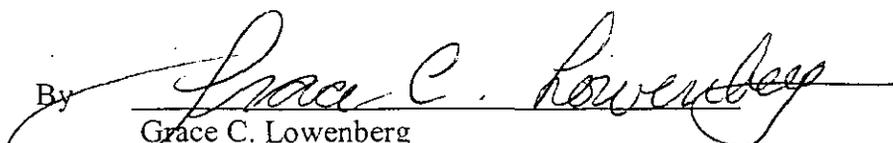
Section 3. That the City Auditor and Comptroller is authorized to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

Section 4. That the above activity is statutorily exempt from the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines section 15262 because the activity involves feasibility and planning studies for future action by the City.

Section 5. 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.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Grace C. Lowenberg  
Deputy City Attorney

000483

(O-2008-153)

GCL:mb  
05/23/08  
Aud.Cert:2800816  
Or.Dept:Water  
Wtr 14-08-025  
O-20008-153

I hereby certify that the foregoing Ordinance was passed by the Council of the City of Diego,  
at its meeting of \_\_\_\_\_.

ELIZABETH S. MALAND, City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SAN DIEGO AUTHORIZING A FIFTH AMENDMENT TO THE AGREEMENT WITH OPPER & VARCO, LLP, REGARDING THE MISSION VALLEY TERMINAL / QUALCOMM STADIUM GROUNDWATER CONTAMINATION CLEANUP.

WHEREAS, the City retained the services of Opper & Varco, LLP as special environmental counsel in connection with Cleanup and Abatement Order No. 92-01 issued by the San Diego Regional Water Quality Control Board [Water Board] regarding 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 enforcement action brought by the Water Board against the discharger to enforce cleanup of the contamination is ongoing, and the City continues to require the environmental legal services beyond the five-year limit 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 to execute, for and on behalf of the City, the Fifth Amendment to Agreement Between the City of San Diego and Opper & Varco, LLP for Legal Services [Fifth Amendment] for environmental legal services, including representation before the Water Board, in connection with the cleanup of contaminated soil and groundwater underlying the Qualcomm Stadium property, under the terms and conditions set forth in the Fifth Amendment.

Section 2. That the above activity is statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15262 because the activity involves feasibility and planning studies for future action by the City.

Section 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.

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Grace C. Lowenberg  
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
05/23/08  
Aud.Cert:N/A  
Or.Dept:Water  
Wtr 14-08-025  
O-20008-154

I hereby certify that the foregoing Ordinance was passed by the Council of the City of Diego, at its meeting of \_\_\_\_\_.

ELIZABETH S. MALAND, City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

(C)

000487

(R-2008-1046)

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE CITY OF SAN DIEGO DIRECTING  
DISBURSEMENT OF MONIES TO THE WATER DEPARTMENT  
AND ENVIRONMENTAL SERVICES DEPARTMENT IN  
REIMBURSEMENT OF COSTS INCURRED IN CONNECTION  
WITH THE QUALCOMM STADIUM CLEANUP MATTER.

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

WHEREAS, Shell Oil Products US [Shell] subsequently entered into a settlement with the City for some unrelated diesel-fuel contamination in the area of its leased terminals, which included payment to the City of \$1,000,000; and

WHEREAS, the funds from the Shell settlement were intended to be used to defray expenses incurred by the City in its ongoing efforts to ensure remediation of the soil and groundwater underlying the Qualcomm property and related litigation, including reimbursing expenses incurred by the Water Department for consultant services, attorney services, staff and other expenses related to those efforts; and

WHEREAS, to date, the Water Department has incurred expenses of approximately \$472,000, including expenses advanced by the Environmental Services Department, in support of the remediation efforts; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Auditor and Comptroller is authorized and directed to disburse monies received from the Shell settlement, Mission Valley Terminal Settlement Fund No. 10705, to reimburse expenses incurred by the

Water Department for staff, consultant, and outside counsel services, and attorney and staff expenses incurred by the Refuse Disposal Enterprise Fund of the Environmental Services Department in support of the City's efforts to remediate the contamination of soil and groundwater underlying the Qualcomm Stadium property.

BE IT FURTHER RESOLVED, that the above activity is statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15262 because the activity involves feasibility and planning studies for future action by the City.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Grace C. Lowenberg  
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
05/23/08  
Aud.Cert:N/A  
Or.Dept:Water  
Wtr 14-08-025  
R-2008-1046

I hereby certify that the foregoing Resolution was passed by the Council of the City of Diego, at its meeting of \_\_\_\_\_.

ELIZABETH S. MALAND, City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor