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9/12/06

ORDINANCE NUMBER O- 19544 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 19 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND HANNA GABRIEL WELLS ARCHITECTS

WHEREAS, on April 4, 2002, the City Manager of the City of San Diego approved a consultant agreement between the City of San Diego and Hanna Gabriel Wells Architects, on file in the office of the City Clerk as Document No. C-11336, for preliminary environmental studies and design development for the Ocean Beach Branch Library; and

WHEREAS, the City of San Diego now desires an Amended and Restated Agreement to add additional terms, additional work and additional compensation to complete schematic designs, bridging documents and provide assistance if and when construction is approved and begins; and

WHEREAS, under San Diego Charter Section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the City Council; and

WHEREAS, the Amended and Restated Agreement will extend beyond the five year limitation, therefore requiring City Council approval via ordinance; NOW THEREFORE,

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

Section 1. That the Mayor be and is hereby authorized and empowered to execute, for and on behalf of said City, the Amended and Restated Agreement with Hanna Gabriel Wells Architects for professional services required for the construction of the Ocean Beach Branch

Library, in an amount not to exceed \$378,200, under the terms and conditions set forth in the Amended and Restated Agreement on file in the office of the City Clerk as Document

No. **00-19544**

Section 2. That the expenditure of an amount not to exceed \$303,200 from CIP No. 35-100.0, Ocean Beach Branch Library, Fund No. 18523, Dept No. 18523, is authorized to provide funding for the Amended and Restated Agreement for Ocean Beach Branch Library.


Section 3. That the City Auditor and Comptroller is authorized, upon advice from the Administering Department, to transfer excess funds, if any, to the appropriate reserves.

Section 4. That this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(2), because this activity will not result in direct or reasonably foreseeable indirect physical change in the environment.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

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

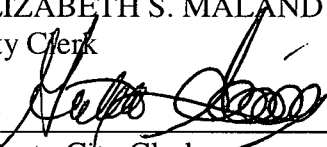
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Christina L. Bellows  
Deputy City Attorney

CLB:js  
06/12/2006  
Or.Dept:E&CP  
AC 2600790  
O-2006-154

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9.19.06  
(date)

  
JERRY SANDERS, Mayor

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

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

0 - 19544

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2600790  
DEPT. \_\_\_\_\_  
NO. 545

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: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
	0									
TOTAL AMOUNT										

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: \$303,200.00

Vendor: Hanna Gabriel Wells Architects

Purpose: Authorizing the first amendment and expenditure of funds for professional design services for the Ocean Beach Branch Library.

Date: May 3, 2006 By: Faye Howard-Hall  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	18523	18523		4117	351000				\$303,200.00
TOTAL AMOUNT										\$303,200.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2600790

*0-19544*

SEP 12 2006