

ORDINANCE NUMBER O-21716 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 18 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO THE CONSULTING AGREEMENT WITH ADAM FRANK, INC. FOR THE PRESIDIO PARK PUBLIC ART PROJECT (CONTRACT NO. H176944).

WHEREAS, through its Public Art Program, the City of San Diego (City) promotes artistic development and transforms the built environment of the City's public buildings and spaces through the inclusion of public art in capital improvement projects that enrich the everyday lives of San Diego's residents, visitors, and employees; and

WHEREAS, the City entered into an agreement on April 19, 2018, for an amount not to exceed \$525,000 to retain the services of the professional artist Adam Frank, Inc. to provide consulting services for the creation of a site-specific public artwork under contract No. H176944 (Agreement) for the Presidio Park Public Art Project (Project); and

WHEREAS, Adam Frank, Inc. worked with the City, Project design team, Commission for Arts and Culture and its Public Art Committee, and general public to develop artwork for the Project; and

WHEREAS, the design for the artwork is underway and is nearly completed; and

WHEREAS, due to protracted delays because of the complex nature of the site and the coordination required to provide for the Project's accessibility, as well as unforeseeable delays incurred from the COVID-19 pandemic, the Project was not able to be completed prior to the expiration of the term of the Agreement; and

WHEREAS, completion of the overall Project is now anticipated in the summer of 2025;
and

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

WHEREAS, with the approval of this action, the First Amendment to the Agreement will extend the term of the Agreement with Adam Frank, Inc. to August 31, 2027, and amend any applicable exhibits referenced in the First Amendment; and

WHEREAS, an extension of this Agreement is necessary to complete artwork design, fabrication, as well as transportation to, and installation of, the artwork at the site; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That the Mayor, or his designee, is authorized to execute the First Amendment to the Consulting Agreement with Adam Frank, Inc. to extend the Agreement duration to August 31, 2027, and amend any applicable exhibits referenced in the First Amendment.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

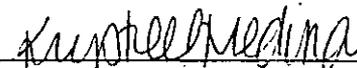
By 
Ken So
Deputy City Attorney

KRS:jdf
04/20/2023
Or.Dept: Comm. for Arts & Culture
Doc. No.: 3285205

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

SEP 12 2023

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 9/15/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is September 18, 2023, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on SEP 12 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 2023.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristelle Medina, 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

JUL 25 2023, and on SEP 18 2023.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21716