

ORDINANCE NUMBER O- 21720 (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 REIGELMAN, LLC FOR THE EAST VILLAGE GREEN PHASE 1 PUBLIC ART PROJECT (CONTRACT NO. H166768).

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 November 21, 2016, for an amount not to exceed \$475,000 to retain the services of the professional artist Reigelman, LLC (Artist) to provide consulting services for the creation of a site-specific public artwork under contract No. H166768 (Agreement) for the East Village Green Phase 1 Public Art Project (Project); and

WHEREAS, Artist 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, there have been protracted delays in the design and construction of the Project because the Project is to be sited in the East Village Green Phase 1 Park Project, which has been delayed; and

WHEREAS, the design for the artwork is now completed and fabrication has begun, but the estimate costs for the completion of the Project have increased due to the additional costs incurred to accommodate the delays; and

WHEREAS, the protracted delays have resulted in cost increases for insurance, administration, travel, materials, fabrication, crating, delivery, and oversight, which will require an increase of \$280,473, thereby requiring an increase of the total contract to an amount not to exceed \$755,473; and

WHEREAS, the City and Artist also desire to amend the Scope of Services and Schedule of Work under the Agreement; and

WHEREAS, the Scope of Services is being amended to include additional fabrication progress reports and the Schedule of Work is being amended to include deadlines for the fabrication progress reports and to extend various dates related to the completion of the Project; 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 (Council); and

WHEREAS, with the approval of this action, the First Amendment to the Agreement will extend the term of the Agreement with Artist to January 30, 2026, increase the contract amount by \$280,473 to a total amount not to exceed \$755,473, and amend any applicable exhibits referenced in the First Amendment; and

WHEREAS, an extension of this Agreement is necessary to complete artwork 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, as follows:

Section 1. That the Mayor, or his designee, is authorized to execute the First Amendment to the Consulting Agreement with Reigelman, LLC to extend the Agreement duration to January 30, 2026, increase the contract amount by \$280,473 to a total contract amount not to exceed \$755,473, modify the Scope of Services and Schedule of Work, and amend any applicable exhibits referenced in the First Amendment.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$280,473 from CIP S16012, East Village Green Phase 1, Fund 200002, Public Art Fund, for the purpose of executing the First Amendment to the Consulting Agreement with Reigelmann, LLC.

Section 3. 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 4. 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:cc
06/27/2023
07/31/2023 COR. COPY
Or.Dept: Comm. for Arts & Culture
Doc. No. 3372996

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 Kristell Medina
Deputy City Clerk

Approved: 9/15/23
(date)

Todd Gloria
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 Kristell 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

AUG 01 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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21720</u>