

#52  
01/23/2024

(O-2024-32)

ORDINANCE NUMBER O- 21759 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 29 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE FIRST AMENDMENT TO  
THE CONSULTING AGREEMENT WITH NATHAN PAGE  
FOR THE CAÑON STREET POCKET PARK PUBLIC ART  
PROJECT (CONTRACT NO. H176929).

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 July 28, 2017, for an amount not to exceed \$30,000, to retain the services of the professional artist Nathan Page (Artist) to provide consulting services for the creation of a site-specific public artwork under contract No. H176929 (Agreement) for the Cañon Street Pocket Park 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 Cañon Street Pocket Park Project, which has been delayed; and

WHEREAS, the design for the artwork is now completed and fabrication has begun, but the estimated 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 materials, which will require an increase of \$6,600, thereby requiring an increase of the total contract to an amount not to exceed \$36,600; and

WHEREAS, the City and Artist also desire to amend the “Compensation and Fee Schedule” and “Schedule of Work” under the Agreement; and

WHEREAS, the Compensation and Fee Schedule is being amended to include the additional payment of \$6,600 for increased materials cost, and the Schedule of Work is being amended to include extended deadlines for the Notice of Fabrication completion and Notice of Artwork Completion related to 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 May 1, 2026, increase the contract amount by \$6,600 to a total amount not to exceed \$36,600, 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 Artist to extend the Agreement duration to May 1, 2026, increase the contract amount by \$6,600 to a total contract amount not to exceed \$36,600, modify the Compensation and Fee Schedule 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 additional amount not to exceed \$6,600 from CIP S-16047, Cañon Street Pocket Park Public Art Project, Fund 400118, Peninsula Urban Community Development Impact Fees (DIF) Fund, for the purpose of executing the First Amendment to the Consulting Agreement with Artist.

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:lmj  
10/12/2023  
Or.Dept: Comm. for Arts & Culture  
Doc. No. 3438265

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 23 2024.

DIANA J.S. FUENTES  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 1/29/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 23 2024, 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"/>
District 4 - vacant	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 29 2024.

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 Connie Patterson, 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 09 2024

, and on JAN 29 2024.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21759