

ORDINANCE NUMBER O- 21877 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 14 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SECOND AMENDMENT TO THE CONSULTING AGREEMENT WITH JANELLE IGLESIAS FOR THE PACIFIC HIGHLANDS RANCH BRANCH LIBRARY PUBLIC ART PROJECT (CONTRACT NO. H187020).

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. The City of San Diego's (City) Public Art Program 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.

B. The City entered into an agreement on March 7, 2019, for an amount not to exceed \$165,000, to retain the services of the professional artist Janelle Iglesias (Artist) to provide consulting services for the creation of a site-specific public artwork for the Pacific Highlands Ranch Branch Library Public Art Project (Project) under contract No. H187020 (Agreement).

C. The Artist worked with the City, Commission for Arts and Culture, Project design team and its Public Art Committee, and general public to develop artwork for the Project.

D. There have been protracted delays in the design and construction of the Project because the Project is to be sited in the Pacific Highlands Ranch Branch Library, which has had construction delays.

E. On September 21, 2022, the Council of the City of San Diego (Council) approved an ordinance authorizing the First Amendment to the Agreement, extending the contract beyond five years to December 31, 2024.

F. 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.

G. The protracted delays have resulted in cost increases for materials, which will require an increase of \$40,000, thereby requiring an increase of the total contract to an amount not to exceed \$205,000.

H. The City and Artist also desire to amend the “Compensation and Fee Schedule” and “Schedule of Work” under the Agreement.

I. The Compensation and Fee Schedule is being amended to include the additional payment of \$40,000 for increased materials cost, and the Schedule of Work is being amended to include extended deadlines related to the Project for the Notice of Artwork Completion and Notice of Fabrication Completion.

J. Under San Diego City Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be amended except by ordinance approved by a two-thirds majority vote of the Council.

K. With the approval of this action, the Second Amendment to the Agreement will increase the contract amount by \$40,000 to a total amount not to exceed \$205,000, and amend any applicable exhibits referenced in the Second Amendment.

L. An extension of this Agreement is necessary to complete artwork fabrication, as well as transportation to, and installation of, the artwork at the site.

M. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff (including information provided by affected third parties and verified by City staff) with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

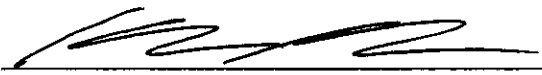
Section 1. The Mayor, or his designee, is authorized to execute the Second Amendment to the Consulting Agreement with Artist to increase the contract amount by \$40,000 to a total contract amount not to exceed \$205,000, modify the Schedule of Work, Compensation and Fee Schedule, and amend any applicable exhibits referenced in the Second Amendment.

Section 2. The Chief Financial Officer is authorized to expend an additional amount not to exceed \$40,000 from CIP S-14023.02.04, Pacific Highlands Ranch Branch Library Public Art Project, Fund 400090, Pacific Highlands Ranch Facilities Benefit Assessment.

Section 3. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 4. This Ordinance will 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
Senior Deputy City Attorney

KRS:lmj:amt
09/05/2024
Or.Dept: Comm. for Arts & Culture
Doc. No. 3783056

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
OCT 08 2024

DIANA J.S. FUENTES
City Clerk

By Krystell Medina
Deputy City Clerk

Approved: 10/11/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is October 14, 2024, 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 OCT 08 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 14 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 Krystle 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 SEP 24 2024, and on OCT 14 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 Krystle Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- **21877**