

RESOLUTION NUMBER R- 315713

DATE OF FINAL PASSAGE AUG 01 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RATIFYING CHANGE ORDERS 5 AND 7 TO THE PHASE FUNDED CONSTRUCTION CONTRACT (K-21-1919-DBB-3) WITH 3-D ENTERPRISES, INC. TO DESIGN AND FINISH THE INTERIOR OF THE MODULAR FOOD SERVICE BUILDING ASSOCIATED WITH THE MISSION BAY GOLF COURSE CLUBHOUSE DEMOLITION AND PORTABLE BUILDING INSTALLATION PROJECT AND RELATED ACTIONS.

WHEREAS, on November 15, 2021, the City and 3-D Enterprises, Inc. entered into a phased-funded construction contract (K-21-1919-DBB-3) in the amount of \$9,199,700 for the demolition of the original clubhouse building; grading; the construction of two separate premanufactured modular buildings, one for golf operations and one for food service; shade trellises; drainage; landscaping; irrigation; hardscape; turf repair; and parking lot and path of travel accessibility upgrades at Mission Bay Golf Course (Project); and

WHEREAS, the modular food service building was designed to be installed as a building shell for a prospective long-term food service vendor to enter into a long-term lease with the flexibility to design the interior and customize the installation of the furnishings, fixtures, finishes, and equipment to accommodate their needs and requirements; and

WHEREAS, the Golf Division of the Parks and Recreation Department was subsequently informed that a long-term lease to operate the food service building was not feasible, and that the interior design and build-out costs were prohibitive for prospective vendors under a short-term lease; and

WHEREAS, in order to attract vendors for a short-term concessions agreement and begin generating revenue for food and beverage service at the golf course, the interior kitchen must be fully operational upon completion of the overall Project; and

WHEREAS, the most efficient approach to provide a functional facility and obtain the best economic result for the public would be to add the improvements to the current construction contract; and

WHEREAS, 3-D Enterprises, Inc. is currently active on site and familiar with the Project and would be able to integrate the work into the Project seamlessly and provide an expedited timeline for completing the kitchen design and finishes to allow the earliest opportunity for the City to enter into a lease with a vendor and to begin providing food and beverage services for the public, attracting more golfers, and generating revenue for the City; and

WHEREAS, on December 12, 2023, the City Council approved additional funding (R-315250) for this Project in the amount of \$1,250,000, which was anticipated to complete the kitchen design and finishes; and

WHEREAS, the kitchen design and interior finishings were added to the Project in Change Order No. 5 and Change Order No. 7; and

WHEREAS, Change Order No. 6 was for work anticipated and necessary to complete the contract for this Project and therefore does not require City Council approval; and

WHEREAS, after further consideration it has been determined that the interior kitchen design and finishings, while necessary to have a fully functional kitchen, were not expressly included in the original scope of work for this contract and would not be necessary to complete the contract; and

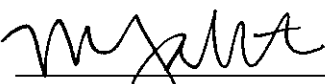
WHEREAS, San Diego Municipal Code section 22.3018(a)(3) provides that City Council approval is required for alterations to contracts that were not necessary to complete the contract; and

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

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

1. Change Order No. 5 for contract K-21-1919-DBB-3 with 3-D Enterprises, Inc. is ratified.
2. Change Order No. 7 for contract K-21-1919-DBB-3 with 3-D Enterprises, Inc., in the amount of \$459,596.08, is ratified.
3. The Chief Financial Officer is authorized to expend an amount not to exceed \$459,596.08 from CIP S-01090, MBGC Clubhouse Demo/Portable Building Install., Fund 700046, Mission Bay Golf Course-CIP for Change Order No. 7, to complete the modular food service building associated with the Mission Bay Golf Course Clubhouse Demo/Portable Building Installation Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
\_\_\_\_\_  
Michael D. Johnston  
Deputy City Attorney

MDJ:cw  
July 16, 2024  
Or.Dept: Engineering & Capital Projects  
CC No.: 3000016628  
Doc. No.: 3727140

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 30 2024.

DIANA J.S. FUENTES  
City Clerk

By Annie Patterson  
Deputy City Clerk

Approved: 8/1/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000016628  
 DEPT. NO.: 2112

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: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |                |      |              |             |                 |               |                            |                               |                 |
|-----------------|----------------|------|--------------|-------------|-----------------|---------------|----------------------------|-------------------------------|-----------------|
| Doc. Item       | Funded Program | Fund | Grant Number | G/L Account | Functional Area | Business Area | Fund Center or Cost Center | Internal Order or WBS Element | Original Amount |
|                 |                |      |              |             |                 |               |                            |                               |                 |
|                 |                |      |              |             |                 |               |                            |                               |                 |
|                 |                |      |              |             |                 |               |                            |                               |                 |
|                 |                |      |              |             |                 |               |                            |                               |                 |
| 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: \$459,596.08

Vendor: 3-D Enterprises, Inc.

Purpose: To authorize the expenditure of funds not to exceed \$459,596.08 to 3-D Enterprises, Inc. for Contract Change Order number 7 within Contract K-21-1919-DBB-3 for the MBGC Irrigation & Electrical Upgrades & MC GC Clubhouse Demo/Prtbl Building Instl projects.

Date: March 26, 2024 By: Naiahd Askor  
 COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |                |        |                    |             |                  |               |                            |                               |                 |
|-----------------|----------------|--------|--------------------|-------------|------------------|---------------|----------------------------|-------------------------------|-----------------|
| Doc. Item       | Funded Program | Fund   | Grant Number       | G/L Account | Functional Area  | Business Area | Fund Center or Cost Center | Internal Order or WBS Element | Original Amount |
| 1               | S01090         | 700046 | NOT_RELEVANT_GRANT | 512025      | OTHR-00000000-CL | 1714          | 1714161315                 | S-01090-06.01.02              | \$459,596.08    |
|                 |                |        |                    |             |                  |               |                            |                               |                 |
|                 |                |        |                    |             |                  |               |                            |                               |                 |
|                 |                |        |                    |             |                  |               |                            |                               |                 |
| TOTAL AMOUNT    |                |        |                    |             |                  |               |                            |                               | \$459,596.08    |

FUND OVERRIDE

Passed by the Council of The City of San Diego on JUL 30 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"/> |
| 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 AUG 01 2024.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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  
for Connie Patterson

Office of the City Clerk, San Diego, California

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