

RESOLUTION NUMBER R- 308085

DATE OF FINAL PASSAGE APR 22 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF AN AGREEMENT TO TERMINATE THE REFINANCING AGREEMENT WITH THE SAN DIEGO LESBIAN GAY BISEXUAL TRANSGENDER COMMUNITY CENTER (FORMERLY CENTER FOR SOCIAL SERVICES).

WHEREAS, the Housing and Community Development Act of 1974 established the Community Development Block Grant (CDBG) Program, which is administered by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City of San Diego (City) has received CDBG Entitlement funds annually since its inception; and

WHEREAS, the goal of the CDBG Program is to develop viable urban communities through the provision of decent housing, suitable living environments, and economic activities for persons of low and moderate income; and

WHEREAS, in September 1999, pursuant to Resolution No. R-292204, the City Council authorized the application of \$600,000 in Community Development Block Grant (CDBG) Program Income funds to the Center for Social Services and further authorized the City Manager to negotiate and execute a contract with the Center for Social Services for the use of funds for the construction of tenant improvements (CDBG Agreement) for a facility located at 3909 Centre Street, San Diego, California (Property); and

WHEREAS, pursuant to Resolution No. R-292204, the City Council also authorized the City Manager to execute a Refinancing Agreement with the Center for Social Services which restricted transfer or refinancing of the Property, without the prior written consent of the City of San Diego (City); and

WHEREAS, effective in 2003, the Center for Social Services legally changed its name to San Diego Lesbian Gay Bisexual and Transgender Community Center (Agency) as recognized by the U.S. Department of the Treasury Internal Revenue Service; and

WHEREAS, the regulations set forth by the U.S. Department of Housing and Urban Development (HUD) in 24 C.F.R. section 570.503 on the use of CDBG funds only require that Property be used to meet one of the national objectives in 24 C.F.R. section 570.208 for a period of five years after the expiration of the CDBG Agreement; and

WHEREAS, the Property has been used to meet one or more of such national objectives of providing benefit to low and moderate income persons and more than five years have elapsed since the City expiration of the CDBG Agreement; and


WHEREAS, the City's CDBG Program staff and the Agency agree that the Refinancing Agreement is no longer necessary and wish to enter into this agreement to terminate the Refinancing Agreement (Termination Agreement); and

WHEREAS, the City and Agency desire to terminate the Refinancing Agreement effective as of the date of execution by all of the parties to this Termination Agreement; and

WHEREAS, on March 13, 2013, the Council Committee on Public Safety and Neighborhood Services voted to move forward to the full Council the approval and execution of this Termination Agreement; NOW, THEREFORE,

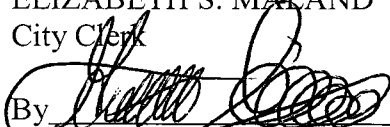
BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or his designee is authorized to execute an agreement with the San Diego Lesbian Gay Bisexual and Transgender Community Center (formerly Center for Social Services) to terminate the Refinancing Agreement associated with the renovation in 1999 of the facility located at 3909 Centre Street, San Diego.

APPROVED: JAN I. GOLDSMITH, City Attorney

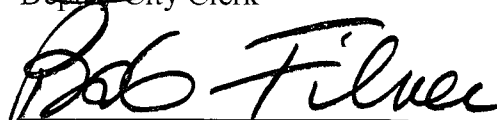
By   
Kenneth R. So  
Deputy City Attorney

KRS:nja  
03/21/13  
Or.Dept: Econ. Dev. Div.  
Doc. No. 514149

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2013.

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk

Approved: 4/22/13  
(date)

  
BOB FILNER, Mayor

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

\_\_\_\_\_  
BOB FILNER, Mayor