

RESOLUTION NUMBER R- **314444**DATE OF FINAL PASSAGE NOV 28 2022

A RESOLUTION OF THE COUNCIL OF THE  
CITY OF SAN DIEGO APPROVING THE APPLICATION FOR  
UNITED STATES DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT ECONOMIC DEVELOPMENT  
INITIATIVE-COMMUNITY PROJECT FUNDING GRANT,  
AND ALL RELATED ACTIONS, FOR THE BALBOA PARK  
STARLIGHT BOWL ADA FACILITY IMPROVEMENT  
PROJECT.

WHEREAS, the Congress made available "grants for the Economic Development Initiative (EDI) for the purposes of Community Project Funding/Congressionally Directed Spending" in the Consolidated Appropriations Act, 2022; and

WHEREAS, the Community Project Funding (CPF) awards are administered by the Department of Housing and Urban Development (HUD); and

WHEREAS, the HUD EDI/CPF grant (Grant) requires the applicants governing body to authorize submission of the application for Federal assistance and attest that it has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capacity to plan, manage, and complete the Balboa Park Starlight Bowl Americans with Disabilities Act (ADA) Facility Improvement Project (Project) ; and

WHEREAS, the Grant requires the applicant's governing body to certify it will administer the award in compliance with the requirements identified and contained in the application and in accordance with the requirements applicable to the Grant program; and

WHEREAS, the Grant requires the applicant's governing body to certify that no appropriated Federal funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress, in connection with this

application for Federal assistance or any award of funds resulting from submission of this application; and

WHEREAS, the Grant requires the applicant's governing body to affirm its awareness of the certifications and assurances contained in the CPF Grant guide, which is included in the backup material, are material representations of the facts upon which HUD will rely when making an award to the applicant; and

WHEREAS, the City wishes to receive \$500,000 in Grant funding for ADA improvements to the Balboa Park Starlight Bowl; and

WHEREAS, the City will provide \$100,000 in matching funds for the Project; and

WHEREAS, successful applicants will enter into a contract with the United States of America to complete the Project; 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 (Council), that the Mayor, or the Mayor's designee, is authorized to make an application to the Department of Housing and Urban Development Economic Development Initiative for the purposes of Community Project Funding (Grant Program) for an amount not to exceed \$500,000 for the Balboa Park Starlight Bowl ADA Improvement Project (Project).

BE IT FURTHER RESOLVED, that the Council certifies that the City understands the assurances and certification in the Project Application Package.

BE IT FURTHER RESOLVED, that the Council certifies the City has or will have available, prior to commencement of Project work utilizing specified grant funds, sufficient funds, including those provided by this grant, to complete the Project.

BE IT FURTHER RESOLVED, that the Council certifies the City has reviewed, understands, and agrees to the General Provisions contained in the Community Project Funding Grant guide.

BE IT FURTHER RESOLVED, that the Mayor, or the Mayor's designee, is authorized to conduct all negotiations, sign, and submit all documents, including, but not limited to, the Project Application Form, applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant's scope of work.

BE IT FURTHER RESOLVED, that the City agrees to comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and guidelines.

BE IT FURTHER RESOLVED, that the Mayor, or the Mayor's designee, is authorized to take all necessary actions to secure funding from the Department of Housing and Urban Development for the completion of the Project.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to add Capital Improve Project (CIP) S23009, Starlight Bowl Improvement Project to the Capital Improvements Program.

BE IT FURTHER RESOLVED, the Chief Financial Officer is authorized to increase the Budget in CIP S23009, Starlight Bowl Improvement, and to appropriate and expend an amount not to exceed \$500,000 in Grant Program funding from fund 600000 for the Project, contingent upon the receipt of a fully executed grant agreement, and contingent upon the Chief Financial Officer furnishing one or more certificates that funds are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to transfer appropriations of \$100,000 from General Fund 100000, 1714 Parks and Recreation, to Fund 400265, General Fund Contributions to the CIP.

BE IT FURTHER RESOLVED, the Chief Financial Officer is authorized to increase the CIP Budget CIP S23009, Starlight Bowl Improvement, and to appropriate and expend an amount not to exceed \$100,000 from Fund 400265, General Fund Contributions, for the Project for the purpose of funding Grant match requirements, contingent upon the receipt of a fully executed grant agreement, and contingent upon the Chief Financial Officer furnishing one or more certificates that funds are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that if any grant funding discussed above is secured, the Chief Financial Officer is authorized to establish a special interest-bearing account for such grant, if required.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jane M. Boardman  
Jane M. Boardman  
Deputy City Attorney

JMB:nja  
09/26/22  
Or. Dept: Park & Recreation Dept.  
Doc. No.: 3093992

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2022.

ELIZABETH S. MALAND  
City Clerk

By Krystell Medina  
Deputy City Clerk

Approved: 11/21/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

NOV 15 2022

Passed by the Council of The City of San Diego on \_\_\_\_\_, 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"/>
Chris Cate	<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"/>

NOV 28 2022

Date of final passage \_\_\_\_\_.

(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.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Jessie Medina*, Deputy

Office of the City Clerk, San Diego, California

314444

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