

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)
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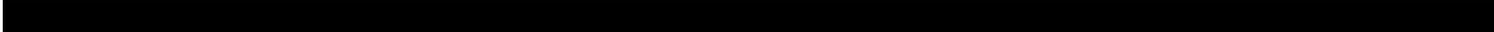
TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Development Services Department	DATE: 12/27/2012
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SUBJECT: Agreement to Terminate Refinancing Agreement with the San Diego Lesbian Gay Bisexual and Transgender Community Center (formerly Center for Social Services)

PRIMARY CONTACT (NAME, PHONE): Lydia Goularte, 619-236-6393, MS 56D	SECONDARY CONTACT (NAME, PHONE): Amy Gowen, 619-236-6421, MS 56D
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COMPLETE FOR ACCOUNTING PURPOSES

FUND					
DEPT / FUNCTIONAL AREA					
ORG / COST CENTER					
OBJECT / GENERAL LEDGER ACCT					
JOB / WBS OR INTERNAL ORDER					
C.I.P./CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00



FUND					
DEPT / FUNCTIONAL AREA					
ORG / COST CENTER					
OBJECT / GENERAL LEDGER ACCT					
JOB / WBS OR INTERNAL ORDER					
C.I.P./CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE):

ROUTING AND APPROVALS

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Environmental Analysis	ORIG DEPT.	Westlake, Mike	1/29/2013
Equal Opportunity Contracting	CFO		
Liaison Office	DEPUTY CHIEF		
	COO		
	CITY ATTORNEY		
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

Authorize the Mayor or his designee 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 1999 renovation of the facility located at 3909 Centre Street.	
STAFF RECOMMENDATIONS: Approve the requested action.	
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)	
COUNCIL DISTRICT(S):	3
COMMUNITY AREA(S):	Hillcrest
ENVIRONMENTAL IMPACT:	This activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2).
CITY CLERK INSTRUCTIONS:	

COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE: 12/27/2012

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Agreement to Terminate Refinancing Agreement with the San Diego Lesbian Gay Bisexual and Transgender Community Center (formerly Center for Social Services)

COUNCIL DISTRICT(S): 3

CONTACT/PHONE NUMBER: Lydia Goularte/619-236-6393, MS 56D

DESCRIPTIVE SUMMARY OF ITEM:

Execute an agreement with the San Diego Lesbian Gay Bisexual and Transgender Community Center to terminate the Refinancing Agreement associated with the 1999 renovation of the facility located at 3909 Centre Street.

STAFF RECOMMENDATION:

Approve the requested action.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

In September 1999, the City of San Diego awarded the Center for Social Services, now doing business as the San Diego Lesbian Gay Bisexual and Transgender Community Center (SDLGBT Center), \$600,000 in Community Development Block (CDBG) funds for tenant improvements to its facility located at 3909 Centre Street. In addition to a funding contract, the City and SDLGBT Center entered into a Refinancing Agreement that was recorded on the property, which restricted the transfer or refinance of the property without the prior written consent of the City.

SDLGBT has recently approached the City requesting to refinance the property. The City approved the refinance request, however; it was realized that the Agreement is no longer necessary and has outlived its intended purpose.

According to U.S. Department of Housing and Urban Development (HUD) guidelines, CDBG funded projects must remain in use for the purposes for which the funding was provided for a period of five years after completion of the project. Since over 5 years has lapsed, and the obligations under the initial funding contract have been met, there is no longer a reason to hold a lien on this property. Since the Agreement does not provide authorization for administrative termination, it is necessary to enter into an Agreement to Terminate the Refinancing Agreement in order to release the City's lien on the property.

Once the Agreement is terminated, the City has no further obligation related to this property. The facility continues to be used to provide services that meet HUD's national objective of providing benefits to low and moderate income persons.

FISCAL CONSIDERATIONS:

No fiscal impact with this action.

EQUAL OPPORTUNITY CONTRACTING INFORMATION:

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 27, 1999, the City Council approved the Refinancing Agreement with the Center for Social Services (now doing business as the San Diego Lesbian Gay Bisexual and Transgender Community Center)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None required with this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low- and moderate-income communities and the San Diego Lesbian Gay Bisexual and Transgender Community Center.

Westlake, Mike

Originating Department

Deputy Chief/Chief Operating Officer

**AGREEMENT TO TERMINATE
REFINANCING AGREEMENT BETWEEN
THE CITY OF SAN DIEGO
AND
SAN DIEGO LESBIAN GAY BISEXUAL AND TRANSGENDER COMMUNITY
CENTER (FORMERLY KNOWN AS "CENTER FOR SOCIAL SERVICES")**

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 Center 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 provide services that meet HUD's national objective 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);

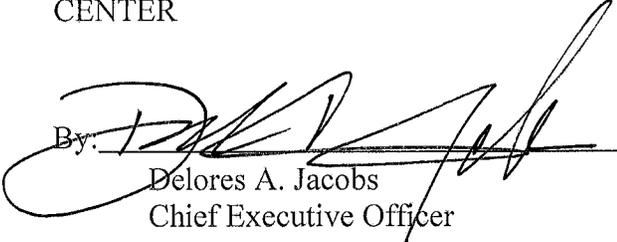
NOW, THEREFORE, the City and Agency hereby agree to terminate the Refinancing Agreement effective as of the date of execution by all of the parties to this Termination Agreement including the Office of the City Attorney.

IN WITNESS WHEREOF, this Termination Agreement is executed by the City of San Diego, acting by and through its Mayor or his designee, pursuant to San Diego City Charter section 265 authorizing such execution, and by the Agency.

I HEREBY CERTIFY that I can legally bind the San Diego Lesbian Gay Bisexual and Transgender Community Center and that I have read and understand all of this Termination Agreement this _____ day of _____, 20__.

SAN DIEGO LESBIAN GAY BISEXUAL
AND TRANSGENDER COMMUNITY
CENTER

CITY OF SAN DIEGO

By: 
Delores A. Jacobs
Chief Executive Officer

By: _____
Ed Plank
Director of Purchasing & Contracting

Date: 12-14-12

Date: _____

I HEREBY APPROVE the form and legality of this Termination Agreement this _____ day of _____, 2013.

JAN I. GOLDSMITH, City Attorney

By _____
Kenneth R. So
Deputy City Attorney

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

DATE:

EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

February 11, 2013

SUBJECT: Agreement to Terminate Refinancing Agreement with the San Diego Lesbian Gay Bisexual and Transgender Community Center (formerly Center for Social Services) - (1472)

GENERAL CONTRACTOR INFORMATION

Recommended Contractor: San Diego Lesbian Gay Bisexual and Transgender Community Center
(formerly Center for Social Services)

Action Amount: **\$ 0 (no fiscal impact with this action)**

Funding Source: City of San Diego

Goals: N/A

SUBCONTRACTOR PARTICIPATION

There is no subcontractor activity associated with this action.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity Required.

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)

ADDITIONAL COMMENTS

This action is to authorize the Mayor or his designee 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 1999 renovation of the facility located at 3909 Centre Street.

RLL