

HOUSING COMMISSION AGENDA

SAN DIEGO HOUSING COMMISSION
REGULAR MEETING AGENDA
MAY 15, 2009, 9:00 A.M.
SMART CORNER
4TH FLOOR CONFERENCE ROOM
1122 BROADWAY
SAN DIEGO, CALIFORNIA

Assistance for the Disabled: Agendas, reports and records are available in alternative formats upon request. Please call the Housing Commission Docket Coordinator at least five days prior to the meeting at **578-7552 (voice) or 398-2440 (TTY)**.

Questions Regarding Agenda Items: For specific questions regarding any item on the Housing Commission agenda, please contact **Bridgit Alexander at 578-7552**. Internet access to agendas and reports is available at <http://sdhc.net/CommissionAgenMinRpts.shtml>.

ITEMS

10 **CALL TO ORDER**

Commissioners Jennifer Adams-Brooks, Khadija Basir, Gary Gramling, Sam Guillen, Sal Salas and Allen Sims

20 **PUBLIC COMMENT**

At this time individuals may address the Commission on any subject in its area of responsibility on any matter not presently pending before the Commission. Communications are limited to three minutes. Pursuant to the Brown Act, the Commission can take no action. Please fill out a **SPEAKER REQUEST FORM** and submit it to the secretary prior to the meeting.

30 **COMMISSIONER COMMENTS**

40 **REPORT BY THE PRESIDENT AND CHIEF EXECUTIVE OFFICER**

50 **APPROVAL OF THE MINUTES**

Approval of the minutes of the February 20, 2009 regular meeting.

ADOPTION AGENDA – CONSENT

Members of the public may cause an item to be pulled from the Consent Agenda by submitting a Speaker Request Form prior to the meeting. The item will then be discussed separately and public testimony taken.

100 HCR09-047 Election of Housing Commission Board Officers and Standing Committees

Recommendations: That the Housing Commissioners select officers and committee members for all vacant positions for the remainder of the calendar year 2009.

101 HCR09-046 Award of Contract for Exterior Improvements at Various Housing Commission Sites (Districts 2 & 3)

Recommendations:

- 1) Recommend that the Housing Commission approve the award of a contract to Industrial Coating and Restoration Service, Inc., in the amount of \$128,500 for exterior improvements at various Housing Commission sites located in the City of San Diego.
- 2) Authorize the President & Chief Executive Officer or designee to execute the contract (Attachment 1) and expend up to a ten percent contingency (\$12,850) if necessary, for items not anticipated in the original scope of work.

102 HCR09-035 Revision to Statement of Procurement Policy (203.100)

Recommendations: That the Board of the Commission amend PO203.100 Statement of Procurement Policy

103 HCR09-045 Contract for Legal Services (General Counsel) (Citywide)

Recommendation 1: That the Housing Commission seek Housing Authority approval of a three-year legal services contract with the law firm of Christensen & Spath (Attachment 1). The contract includes an option to renew for up to two additional one-year periods.

Recommendation 2: That the Housing Commission seek Housing Authority authorization to modify the subject contract, for up to \$100,000 per incident, as needed to cover costs associated with non-routine litigation and special assignments undertaken at the direction of the Board. Upon approval by the Housing Authority, authorize the President and Chief Executive Officer to make such modifications as necessary and provide a report to the Board on a periodic basis. Modifications will be limited to the amount budgeted in legal reserves.

104 HCR09-044 Architectural Services for Design and Construction Monitoring at the Smart Corner (District 2)

Recommendations:

- 1) That the Housing Commission approves the A/E contract to Davis Davis Architects, Inc. in an amount not to exceed \$70,000 for the design and construction monitoring of the Economic Development Academy/Housing Help Here spaces at the Smart Corner.
- 2) Authorize that the President and Chief Executive Officer or designee be authorized to execute contract documents, in a form approved by General Counsel, and all necessary documents.

105 HCR09-033 Amendment and Additional Funding of Contracts to Provide Professional Services for the Commission's Development of Additional Affordable Housing (Citywide)

Recommendations: Approve additional funding to the following firms, in the amounts indicated, for the terms indicated, to enable the firms to continue providing previously contracted services to the Housing Commission and assist staff in the analysis and selection of additional affordable housing units under the Commission's Affordable Housing Development Program.

106 HCR09-032 Affordable Housing Fund Fiscal Year 2010 Annual Plan (Citywide)

Recommendations: That the Housing Commission receive public comments on the draft Annual Plan, make modifications as necessary, and recommend approval by the City Council.

107 HCR09-036 Proposed Fiscal Year 2010 Budget

Recommendations:

1. Housing Commission and Housing Authority adoption of the \$279.4 million FY10 Proposed Activity Based Budget (Attachment 1).
2. Housing Authority delegation to the Housing Commission to amend the FY10 Budget for amounts up to \$250,000 consistent with prior delegation of the Housing Authority and with adopted policies, programs and activities. NOTE: The exception to the \$250,000 level is Policy 300.103, Real Estate Acquisition Policy. On March 24, 2009 the Housing Authority delegated authority to the Housing Commission Board and the President and CEO to finance, acquire and create additional affordable housing units, subject to the Housing Authority review.

3. Housing Commission continued delegation of authority to the President & CEO to amend the FY10 Budget for amounts up to \$100,000 consistent with policies, programs and activities approved by the Housing Commission and Housing Authority.

CLOSED SESSION

It is anticipated that the San Diego Housing Commission will convene in closed session on Friday, May 15, 2009, at 9:00 a.m. with the following agenda:

- I. Announcement by Counsel of the Matters to be discussed in Closed Session and the basis upon which each will be discussed, as referenced within the Brown Act.
- II. Public Testimony and Comment, if any, concerning any matter on the Closed Session Agenda.
- III. Commissioner public comments, if any.
- IV. Commission will convene in closed session to consider the following agenda:
 - a. Conference with Legal Counsel-Existing Litigation pursuant to subdivision (c) of 54954.5 Government Code and subdivision (a) of Section 54956.9:

San Diego Housing Commission v. Mohamad Mahboodi
San Diego Superior Court, Case No. 37-2008-00078385-CU-OR-CTL

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the status of the litigation and confirm instructions to counsel.

In re Mohamad J. Mahboodi
United States Bankruptcy Court, Southern District of California
Bankruptcy Petition No. 09-04348-JM13

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the status of the litigation and confirm instructions to counsel.

- b. Conference with Legal Counsel-Anticipated Litigation pursuant to subdivision (c) of 54954.5 Government Code and subdivision (c) of Section 54956.9:

Anticipated litigation against the California Department of Transportation.

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the initiation of litigation against Cal Trans as a result of an anticipated denial of a Government Tort Claim damage claim filed by

the Commission against Cal Trans concerning Commission-owned apartment buildings, the Maya Apartments. The discussion will involve damages caused to the Commission by activities taken by the California Department of Transportation adjacent to the Commission property.

- c. Conference with Legal Counsel-Existing Litigation pursuant to subdivision (c) of 54954.5 Government Code and subdivision (a) of Section 54956.9:

Abdulali Ali v. San Diego Housing Commission
San Diego Superior Court, Case No. 37-2008-00096873-CU-WM-CTL

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the status of the litigation.

- d. Conference with Legal Counsel-Anticipated Litigation pursuant to subdivision (c) of 54954.5 Government Code and subdivision (c) of Section 54956.9:

Anticipated Litigation against EV, LLC, EV II, LLC, LB PPD LLC and/or PPD San Diego Project Owner I.

Counsel's Description of General Nature of Closed Session:

The Commission will discuss initiating an action declaring breach under the terms of an agreement to provide affordable housing under an SRO and Inclusionary Agreement in view of pending Notice of Default recorded against the property involved.

- e. Negotiation with Real Property Negotiator pursuant to subdivision (b) of 54954.5 Government Code and Section 54956.8:

Property: River Walk, 1194 Hollister Way, San Diego, California

Agency Negotiator: Rick Gentry, Carrol Vaughan, Steve Snyder and Larry Clemens, San Diego Housing Commission

Negotiating Parties: Affirmed Housing Group, Inc., a California corporation (Optionee), Otto Roppel, an individual (Owner) and the San Diego Housing Commission

Under Negotiation: Real Property Negotiator will seek direction from the Commission concerning price, terms of payment and directions to negotiator.

V. Announcement of Actions Taken in Closed Session.

VI. Adjournment.

INFORMATIONAL REPORTS

HCR09-037 Third Quarter FY09 Pending Litigation

HCR09-038 Third Quarter FY09 Loan Portfolio

HCR09-039 Third Quarter FY09 Investment Status