



Good Neighbors

San Diego
Housing Commission

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HOUSING COMMISSION AGENDA

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Questions Regarding Agenda Items: For specific questions regarding any item on the Housing Commission agenda, please contact **Bridgit Alexander at 619-578-7552**. Internet access to agendas and reports is available at <http://sdhc.net/CommissionAgenMinRpts.shtml>.

**SAN DIEGO HOUSING COMMISSION
REGULAR MEETING AGENDA
DECEMBER 15, 2006, 9:00 A.M.
COUNCIL CHAMBERS
202 C STREET, 12TH FLOOR
SAN DIEGO, CALIFORNIA**

ITEMS

10 CALL TO ORDER

Commissioners Jennifer Adams-Brooks, Todd Gloria, Sal Salas, Alice Tumminia and Tony Yip

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 October 6, 2006 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 HCR06-99 2007 Housing Commission Meeting Schedule

Recommendation: That the Housing Commission Board approve the 2007 meeting schedule that includes sixteen regularly scheduled meetings to be held at the City Administration Building (CAB) or the Housing Commission's office building.

101 HCR06-105 Contract for Consulting Services for Strategic Legal and Programmatic Services

Recommendations: That the Housing Commission authorize the CEO to negotiate and enter into a contract with Hawkins for consulting services. Contract terms are as follows:

- 1) The contract will provide for strategic, legal and related consulting services to support the agency's strategic planning, capital resource development, Section 8 and other programs, and other portfolio planning. These services will include, but not be limited to, advice and counsel on the current and proposed statutory requirements and environment including potential opportunities for the San Diego Housing Commission (SDHC) to create additional affordable housing units and are detailed in the Housing Commission's Three Year Business Plan for fiscal years 2006 through 2008.
- 2) Services are based on a contract period of twelve (12) months beginning February 1, 2007 with four (4) yearly options to renew, as determined by the Housing Commission.
- 3) The proposed expenditure for each twelve (12) month period shall not exceed \$100,000.

102 HCR06-101 Proposed Revisions to Policy 101.000 Conflict of Interest Code & Related Provisions and Policy 209.000 Mandatory Disclosure of Business Interests

Recommendation: That the Housing Commission Board approves Policy 101.000 “Conflict of Interest Code” and Policy 209.000 “Mandatory Disclosure of Business Interests” as revised by the Housing Commission’s General Counsel.

103 HCR06-102 Delegation of Authority for Internal Administrative Affairs to Housing Commission Board

Recommendations:

(1) That the Housing Authority delegate to the Housing Commission Board responsibility for certain internal administrative policies (listed below), subject to the opportunity afforded to the Housing Authority in the San Diego Municipal Code Section 98.0301(e) to review any delegated decisions at the Housing Authority’s discretion;

(2) That the Housing Commission delegate to the President & Chief Executive Officer (CEO) responsibility for specific program operation policies;

(3) That unnecessary, redundant policies be eliminated.

104 HCR06-98 Mobile Home Community Issues Committee Membership

Recommendations:

Appoint six new members and alternates to the Mobile Home Community Issues Committee (MHCIC) and reappoint current Committee members and alternates. Approve new language for Mobile Home Mediation / Communication Policy to:

(1) increase membership to four members and three alternates each for mobile home owners and the mobile park owners; and

(2) reflect administrative practice. See Attachment 1 for proposed Policy changes. Attachment 2 includes new member applications from: Steve Epstein, Park Owner; Russell McJunkin, Home Owner; John Shannon, Home Owner; Charles Gegan, Home Owner; Michael O’Neil; Home Owner; Veronica Montenegro, Neutral Member. Attachment 3 is the recommended slate of committee members.

105 HCR06-107 Proposed Fiscal Year 2007 Budget Revision (Citywide)

Recommendation: Approve the revision that will result in a net increase to the Fiscal Year 2007 budget of \$11,592,203 and recommend final approval by the Housing Authority.

106 HCR06-103 Request For Modification of Predevelopment Loan To Develop 88 Affordable Senior Apartments (Council District 7)

Recommendation: that the San Diego Housing Commission extend the term from June 30, 2006 to December 31, 2007 on the \$50,000 predevelopment loan to Housing Development Partners of San Diego for the property located at 52nd and El Cajon Boulevard. All other terms and conditions will remain in full force and effect.

107 HCR06-89 Smart Corner Leasing Arrangements

Recommendations:

(1) That the President & Chief Executive Officer (CEO) be authorized to execute lease documents between the Housing Commission and 7-Eleven, Inc. (Tenant). for retail space at the Smart Corner building located at 1122 Broadway, as approved by General Counsel to the Commission;

(2) That the Housing Authority delegate authority to the Housing Commission for future building lease arrangements at the Smart Corner building located at 1122 Broadway.

CLOSED SESSION

It is anticipated that the San Diego Housing Commission will convene in closed session on Friday, December 15, 2006, 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:

Wanda Bursey v. San Diego Housing Commission.
San Diego Superior Court, Case No. GIC852825
Court of Appeal for the State of California, Case No. D048025

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the progress of litigation and subsequent appeal initiated by Section 8 Housing Participant, Wanda Bursey. General Counsel will update the board regarding the progress of the defense of the action.

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

James Lihosit v. San Diego Housing Commission, et al.
United States District Court, Southern District of California
Case No. 06 CV 1149J (BLM)

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the progress of litigation initiated by Section 8 Housing Participant, James Lihosit. General Counsel will update the board regarding the progress of the defense of the action.

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

Kristina Blizzard v. San Diego Housing Commission
San Diego Superior Court, Case No. GIC 856447

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the progress of the litigation initiated by a former public housing participant, Ms. Kristina Blizzard, regarding the termination of her housing benefits. General Counsel will update the board regarding the progress of the defense of the action.

- d. 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. Simplon Ballpark LLC
Superior Court of the State of California, Case No. GIC866090

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the progress of the litigation initiated by the Commission regarding Defendant's failure to comply with Condo Conversion Ordinance and failure to pay relocation benefits to qualifying former tenants at 701 Island Avenue, San Diego, California 92101. General Counsel will update the board regarding the progress of the prosecution of the action.

- e. Conference with Legal Counsel-Existing Litigation pursuant to subdivision (c) of

54954.5 Government Code and subdivision (a) of Section 54956.9:

J&J Properties A, LLC v. San Diego Housing Commission, et al.
San Diego Superior Court Case No. GIC 858800

San Diego Housing Commission v. J&J Properties A, LLC
San Diego Superior Court, Case No. GIC 858807

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the progress of litigation concerning the Hotel Churchill initiated by J&J Properties A, LLC as well as the action filed by the Commission on the same matter. General Counsel update the board concerning the defense of the action initiated by J&J Properties A, LLC and the prosecution of the separate action filed by the Commission.

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

Kahn v. San Diego Housing Commission
Superior Court of the State of California, Case No. GIC875717

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the progress of the litigation initiated by Hassan Kahn against the Commission regarding Mr. Kahn's purchase of real property through a non-judicial foreclosure and whether the equity share provisions contained within the Deed of Trust that the Commission recorded against the Property are enforceable. General Counsel will update the board regarding the progress of the defense of the action.

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

One matter – *Anticipated Litigation against Akins 9, LLC*

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the status of the claim against Akins 9, LLC based upon its failure to satisfy density bonus requirements. General Counsel will seek direction regarding potential settlement of the claim.

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

One matter – *Anticipated Litigation against Mr. and Mrs. Agostino Romagnoli*

Counsel's Description of General Nature of Closed Session:

The Commission will discuss the status of the claim against Mr. and Mrs. Agostino Romagnoli for the equity share under the First Time Home Buyer

Program. General Counsel will discuss the potential settlement of the matter and will seek approval of a proposed settlement.

V. Announcement of Actions Taken in Closed Session.

VI. Adjournment

**INFORMATIONAL REPORTS ISSUED SINCE THE LAST
HOUSING COMMISSION MEETING ON NOVEMBER 17, 2006**

HCR06-74 Affordable Housing Fund FY06 Annual Report (Citywide)

HCR06-97 Proposition 46 - Summary of Activity

HCR06-100 Activity Performance Report – First Quarter FY 2007 (Citywide)

HCR06-104 Status of Loan Portfolio - First Quarter Fiscal Year 2007