

# MINUTES

**SAN DIEGO HOUSING COMMISSION  
MINUTES OF THE SPECIAL MEETING  
DECEMBER 2, 2009, 9:00 AM  
SMART CORNER  
4<sup>th</sup> FLOOR CONFERENCE ROOM  
1122 BROADWAY  
SAN DIEGO, CALIFORNIA**

## ATTENDANCE

Present were Chair Salas and Commissioners Gary Gramling, Sam Guillen, Allen Sims and Jim Waring. Also present were Chuck Christensen, General Counsel and President and CEO Richard Gentry.

## CLOSED SESSION

The San Diego Housing Commission convened in closed session.

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

*Property: Stella Project, 2015 Hancock Street, San Diego, California, APN: 450-613-08-00*

Agency Negotiator: Rick Gentry, Carrol Vaughan, Larry Clemens, Marco Vakili and Debbie Ruane of the San Diego Housing Commission

Negotiating Parties: David J. Pasternak, Court Appointed Receiver; R. Simonson, Comerica Bank and the San Diego Housing Commission

Under Negotiation: Real Property Negotiator(s) will seek direction from the Commission concerning price and terms of payment.

DIRECTIONS GIVEN TO THE CEO CONCERNING BID INSTRUCTIONS FOR THE POTENTIAL ACQUISITION OF THE REAL PROPERTY WITH A VOTE OF 5-0 WITH COMMISSIONERS ADAMS-BROOKS AND BASIR ABSENT.

## **10**    CALL TO ORDER

Chair Salas called the meeting to order at 10:11 a.m.

## **30**    COMMISSIONER COMMENT

None

**40 REPORT BY PRESIDENT & CHIEF EXECUTIVE OFFICER**

None

**ACTION AGENDA**

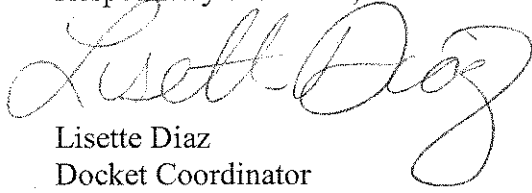
**100 HCR09-125 Stella Condominium Development - Property Acquisition**

MOTION BY WARING TO APPROVE THE FOLLOWING RECOMMENDATIONS: (1) AUTHORIZE THE CEO OR DESIGNEE, UPON THE ADVICE OF GENERAL COUNSEL, TO SUBMIT A BID TO ACQUIRE THE REAL PROPERTY DESCRIBED ABOVE, PURUANT TO THE BID INSTRUCTIONS CONTAINED IN THE "COURT ORDERED SALE OF NEWLY-CONSTRUCTED 85-RESIDENTIAL UNIT SAN DIEGO PROPERTY" EMAIL OF NOVEMBER 24, 2009, DAVID J. PASTERNAK, THE COURT-APPOINTED RECEIVER, AND SUBJECT TO THE LIMITATION GIVEN TO THE CEO IN CLOSED SESSION, PROVIDED IN NO EVENT SHALL ANY BID AND OR ACQUISITION VIOLATE ANY TERMS OR CONDITIONS OF THE HOUSING AUTHORITY APPROVED ACQUISITION POLICY. (2) APPROVE, SUBJECT TO THE HOUSING COMMISSION'S BID BEING ACCEPTED BY THE RECEIVER, THE EXPENDITURE OF FUNDS FOR DUE DILIGENCE, FOR OPENING ESCROW AND FOR THE ESCROW DEPOSIT BECOMING NON-REFUNDABLE, AS PER THE INSTRUCTIONS FROM THE COURT-APPOINTED RECEIVER. (3) APPROVE, SUBJECT TO CLOSING OF ESCROW FOLLOWING SATISFACTION OF ALL DUE DILIGENCE AS PER THE INSTRUCTIONS FROM THE COURT-APPOINTED RECEIVER, AND AUTHORIZE THE CEO, UPON ADVICE OF GENERAL COUNSEL, TO EXECUTE ANY AND ALL DOCUMENTS AND TO PERFORM ALL ACTIONS NECESSARY AND/OR CONVENIENT TO ACQUIRE THE PROPERTY IN ACCORDANCE WITH THE ACQUISITION POLICY. (4) APPROVE, AFTER CLOSING OF ESCROW, THE RECORDATION OF A 55 YEAR AFFORDABILITY FOR ALL UNITS BY RECORDED RESTRICTION AND AT RENT LEVELS CONSISTENT WITH THE HUD APPROVED DISPOSITION OF PUBLIC HOUSING. (5) AUTHORIZE EXPENDITURE OF CLOSING COSTS, FINDERS FEE, AND DUE DILIGENCE COSTS UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) IN CONNECTION WITH THE PURCHASE AND SALE OF THE PROPERTY. SECONDED BY GRAMLING AND CARRIED BY A VOTE OF 5-0 WITH COMMISSIONERS ADAMS-BROOKS AND BASIR ABSENT.

**ADJOURNMENT**

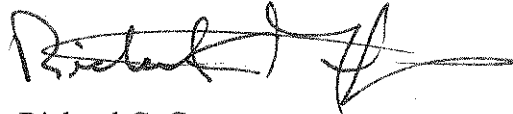
Chair Salas adjourned the special meeting at 10:12 a.m.

Respectfully submitted,



Lisette Diaz  
Docket Coordinator

Approved by,



Richard C. Gentry  
President and CEO