

MINUTES OF THE REGULAR MEETING
BOARD OF COMMISSIONERS
HOUSING AUTHORITY OF THE
CITY OF OAKLAND, CALIFORNIA
HELD MONDAY, OCTOBER 25, 2004

Closed Session

The Oakland Housing Authority Board of Commissioners convened in Closed Session at 1619 Harrison Street, Oakland, California on the above date. Chair Moses L. Mayne, Jr. presided and called the meeting to order at 6:05 p.m. regarding the following:

- Conference with Legal Counsel regarding one potential case anticipated to be brought by KPIX-TV and Steven Fyffe based on the Authority's refusal to release Section 8 addresses pursuant to a Public Records Act request.
- Conference with Labor Negotiators pursuant to California Government Code §54957.6.

Attendance

Commissioners present were Joe L. Brown, Alfred Lee, Ramon Terrazas, Richard E. Winnie and Chair Moses L. Mayne, Jr. Commissioners Robert J. Pittman, Jr. and Jacqueline Taylor were excused. The Closed Session was adjourned at 7:20 p.m. to a regular session.

Regular Session

The Oakland Housing Authority Board of Commissioners convened its Regular Meeting at 1619 Harrison Street, Oakland, California on the above date. Chair Moses L. Mayne, Jr. called the meeting to order at 7:27 p.m.

I. Pledge of Allegiance

II. Roll Call

Commissioners present were Joe L. Brown, Alfred Lee, Ramon Terrazas, Richard E. Winnie and Chair Moses L. Mayne, Jr. Commissioners Robert J. Pittman, Jr. and Jacqueline Taylor were excused.

III. Report from the Legal Counsel regarding final decisions made during Closed Session

Legal Counsel Jennifer Bell said there were no final decisions made during the Closed Session.

Mr. Sanjiv Handa of Oakland, representing East Bay News Service, addressed the Commission on Item III. Mr. Handa drew the attention of the Board to the request from KPIX-TV and made three points. The first point related to the Attorney General's appeal regarding the disclosure of addresses and other information that relates to senior citizens tax exemptions and the right of the general public to inspect actual documents that contain the applicants' names, home addresses, etc. The second point related to the California Public Records Act Section 6250 of the Government Code in which it provides specifically that only those items that are exempted from disclosure by the California Legislature may be properly withheld. The third point related to the California Public Records Act that provides that any member of the public may make a request during any regular business hours to actually inspect the documents.

- IV. Approval of Minutes: Regular Meeting of September 27, 2004
Special Meeting of October 7, 2004

The above minutes were unanimously approved as submitted.

- V. Modifications to the Agenda

There were none.

- VI. New Business

Before the discussion of the business items, Chair Mayne requested that the new commissioners, Mr. Joe L. Brown and Dr. Ramon Terrazas be introduced. The new commissioners provided a brief background of themselves. The Board and staff welcomed the new commissioners.

- A. Consideration and approval of the Amended and Restated Conditional Loan Commitment Letter on the Foothill Family Housing Project related to the Coliseum Gardens HOPE VI Off Site Project. (Tape Sides A & B: Queue 142 - 768)

Mr. Gresley called upon Mr. Phil Neville, Director of Development, to provide a brief summary. Mr. Neville described the project including the history and funding of the project. He said the proposed letter features a loan of \$2.4 million of HOPE VI funds to a new partnership, that would include Oakland Housing Initiatives, at Closing. Mr. Neville corrected the amount for the Tax Credit Equity on the Conditional Loan Commitment letter on page 6, paragraph 9.b. The correct amount is \$7,265,514. Mr. Neville outlined the history of previous letters of commitment that had been approved by the Housing Authority Commission. He described the several steps that need to be

accomplished in order to complete this transaction in a Closing anticipated in March 2005.

Mr. Neville noted the presence of Ms. Michelle Brewer, Legal Advisor, Ms. Peg Stone, Financial Advisor, Mr. Alex Pratt from CVE and also Ms. Zainab Al-Shamkhani, Project Manager from Simpson Housing Solutions, LLC.’

Discussion ensued. Mr. Alex Pratt, from CVE, said that CVE had a proposed Release with Helping Hands Community Center and the Wings of Love Church. He said that Helping Hands Community Center and the Wings of Love Church are still interested in having access to twenty parking places and wanted to know if the Board will have any way to allow them to continue using them. Chair Mayne asked if there are other issues to be resolved. Mr. Pratt said there are three other issues which are: (1) signing of the Release; (2) easement language that was added to the Release; and (3) settlement payment that CVE, as a former partner with the Community Center, needs to be make in order to complete the transaction.

Chair Mayne called on the next speaker, Ms. Donna Hayes, representing the Wings of Love and Helping Hands Community Center. Ms. Hayes would like consideration for them to continue using the 20 parking spaces. Ms. Hayes noted that they were in agreement with the easement rights for Helping Hands and Wings of Love Church. Ms. Hayes would like the amount of \$35,000 that CVE owes the Wings of Love and Helping Hands Community Center be part of the disbursement to be made at Closing. Commissioner Lee asked Ms. Hayes if there is any term limit for their use of the 20 parking spaces. Ms. Hayes said as long as the church is there. Mr. Neville called upon Ms. Michelle Brewer, Legal Advisor, for a brief explanation of the Release. Ms. Brewer provided an explanation. Chair Mayne asked if there would be any problem allowing Helping Hands Community Center and Wings of Love to park on the parking spaces. Ms. Brewer said it might not be a legal problem but Simpson Housing, as well as OHI has expressed concern.

The discussion went on. Commissioner Lee asked if Wings of Love and Helping Hands would be released from all loans under the existing agreement. Ms. Brewer said yes. Commissioner Lee asked if OHI is the replacement entity and if they have an important opinion on the matter. Ms. Brewer said that Simpson Housing would be the continuing limited partner and OHI will be the new general partner and together will own the development. OHI, Simpson Housing and the Housing Authority will have to agree on the Release. Commissioner Lee wanted to make sure that the Housing Authority does not have day-to-day responsibility of maintenance or any tenant issues. Ms. Brewer said it would be a partnership controlled by OHI and Simpson.

Chair Mayne asked if the \$35,000 has to be given to Wings of Love and Helping Hands at Closing. Mr. Pratt said that CVE sent a letter to Wings of Love and Helping Hands re-committing that the \$35,000 be paid at the closing of the project. Commissioner Winnie asked what the Board was being asked to approve at this meeting. Mr. Gresley said that the Board is being asked to approve the issuance of the letter of conditional commitment that would expire on March 31, 2005. Commissioner Winnie asked if it was an attachment to the resolution. Mr. Gresley said the resolution refers to the amended and restated conditional loan commitment letter.

Commissioner Winnie moved that the resolution be amended to refer to and incorporate the attachment as contained in the agenda. Commissioner Lee seconded. Chair Mayne proposed an amendment to the motion. He would like to include the fact that the issues be resolved with Wings of Love Church before going any further. Commissioner Winnie indicated that was the reason why he asked what was being asked of the Board to approve at this meeting. He said that if the issue is not reflected in the letter then the Board is not ready to act on this letter or they need to act on it without making accommodation for the Wings of Love Church. Mr. Neville made a clarification that the Board could approve the commitment letter tonight and leave this issue open for deliberation. He directed the Board to Section C.– Partnership Terms under Paragraph 2. – Church and Helping Hands Release on Page 8 of the commitment letter. He explained that they are simply trying to get release from the obligations that the Wings of Love Church and Helping Hands assumed when they were designated to be the non-profit involved in this partnership. Commissioner Winnie asked if, in order for this agreement to go into effect, CVE must deliver over to the parties a release from Wings of Love. Mr. Neville said yes. Commissioner Winnie asked again if the concerns expressed by Chair Mayne would be resolved and incorporated in the Release. Mr. Neville said no, they remain separate from the Release. Mr. Gresley said that in Section C.2, it refers to Exhibit A and he read the sentence. He noted that in the sentence it doesn't say that they are all resolved or if they might be subsequently changed, and he directed the Board to Item 9 of Attachment A and read it. He said it provides an overview on how the Authority would proceed and these things can come in all due course and be worked out. It does not preclude the Authority from finding some resolution of the parking.

Ms. Brewer explained that the Release is one provision and there are a number of other things that are to be determined and negotiated. Commissioner Winnie asked if Ms. Brewer is recommending that his motion or the resolution be amended to provide that prior to Closing, the matter of parking be resolved among all parties, and asked who the parties are. Ms. Brewer said the parties

are OHI, OHA, Simpson Housing, CVE, and Wings of Love. Until all the parties unanimously agree on the Release, there won't be a deal. Commissioner Winnie would like to accept that as part of the resolution and the letter would be amended prior to Closing, and the matter of parking is satisfactorily resolved among all parties. Ms. Brewer said it would be wise to amend C.2 on page 8 of the letter as it does say that Helping Hands is going to release all of its claims to the property. Chair Mayne asked if that was acceptable to Commissioner Lee who seconded the motion. Commissioner Lee asked if it was one deal point. Ms. Brewer said there are still other points. Commissioner Lee expressed that he does not want to have language that would hamper the negotiation, and there are other issues that are of concern to him. Ms. Brewer believes that the OHI Board may have to consider this issue separately, and does not think that the OHA Board is approving the parking. Commissioner Lee clarified that the Board is not approving but that this point is equal to all other points. Ms. Brewer said that is her understanding. Commissioner Lee then accepted it. The Board unanimously approved the resolution subject to the amendments to be incorporated.

B. Consideration and approval of recommendation to extend the contract for the Public Housing Physical Needs Assessment with Gutierrez/Associates and DLR Group to cover Phase II, adding 159 scattered sites with 1127 units for \$234,882 (Tape Side B: Queue 770 - 838)

Mr. Gresley said that this recommendation is to extend the contract for the Public Housing Physical Needs Assessment with Gutierrez /Associates and DLR Group to cover Phase II, which would add 159 scattered sites with 1127 units for a cost of \$234,882. He called upon Mr. Rod Roché, Director of Facilities Management, for additional background information. Mr. Roché gave background information on Phase I of the Physical Needs Assessment (PNA). He said that the consultant team has a satisfactory performance on Phase I. Mr. Roché recommended to the Board that they allow the consultant team to complete Phase II, and which would be funded from next year's MTW operating fund.

After a brief discussion, Commissioner Lee moved approval of the resolution. Commissioner Terrazas seconded and the Board voted unanimous approval.

C. Consideration and approval of Proposed Amendment to the Oakland Housing Authority Section 8 MTW plan for administration of the Section 8 Program to permit the acceptance of transfer vouchers by Properties with commitments of Project Based Section 8 from the Oakland Housing Authority. (Tape Side A: Queue 839 - 952)

Mr. Gresley said that Item C is a recommended change to Section 8 administrative plan or MTW plan that would allow properties that have project-based Section 8 commitments to accept not only applicants off of our waiting list, but also people who have transfer vouchers. He said that as an MTW housing authority, we have the flexibility to allow them to accept transfer vouchers. This would open up a lot more opportunity for them to market those units. Mr. Gresley recommended to the Board the approval of an amendment to the Authority's administrative MTW plan that would permit project-based properties to accept transfer vouchers.

A discussion followed. The Commissioners asked questions focusing on transfer vouchers from other housing authorities, the percentages of vouchers the Housing Authority would accept, and if this proposed amendment is intended to benefit the Mandela Gateway. Commissioner Lee expressed his disapproval of the recommendation because of some complaints he has gathered like lacking of bilingual speaking staff on Mandela Gateway, extensive waiting to get into the project, and non-familiarity of the process in order to get in. He recommended that BRIDGE Housing should do a better outreach to the community. Mr. Gresley responded; and Mr. Joseph Villarreal, Director of Leased Housing, gave a brief explanation of the acceptance of transfer vouchers. Commissioner Terrazas asked how the outreach would take place, and Mr. Villarreal responded. Commissioner Lee expressed his support on the program after some clarifications provided by Messrs. Gresley and Villarreal. After the discussion, Commissioner Terrazas moved approval of the resolution. Commissioner Brown seconded and the Board voted unanimous approval.

VII. Recognition of people wishing to address the Commission. **(Tape Side B: Queue 953 - 996)**

Chair Mayne called upon Mr. Sanjiv Handa, a resident of Oakland and representing East Bay News Service. Mr. Handa expressed dissatisfaction with BRIDGE Housing in terms of property management and provided his experience with BRIDGE Housing. Mr. Handa also brought to the attention of the Board the two types of awards presented by the California First Amendment Coalition during their Annual Conference held recently, the Beacon Award and the Darkness Award. The City of Oakland is the recipient of the Darkness Award.

VIII. Written Communications

Mr. Gresley noted about a copy of the letter that went to the Mayor and the City Council. He noted about the Holiday Splendor and invited the Commissioners. It will be held on Thursday, December 9, 2004 from 5:00 p.m. to 8:00 p.m. at the Garden Center at Lake Merritt. Mr. Gresley also noted about the article of Commissioner Lee

on the Section 8 Program that appeared in the September 2004 issue of the Rental Housing - Northern Alameda County magazine.

Commissioner Winnie asked about the email from Melissa Johnson regarding Admin. Fee Lawsuit Update. Mr. Gresley explained what it was about. Commissioner Lee thanked staff in presenting a well-informed process of handling evictions.

IX. Executive Director's report regarding matters of special interest to the Commission occurring since the last meeting of the Commission.

Mr. Gresley handed out to the Commissioners the schedule of Board meetings through June 2005. He said a workshop meeting is scheduled for November 12, 2004. Chair Mayne suggested that the scheduled regular meetings in November and December be consolidated into one month's meeting. Mr. Gresley will arrange to poll the Commissioners to determine a better date for the regular Board meeting.

X. Reports of Commission committees.

There were none.

XI. Announcements by Commissioners.

There were none.

XII. Adjournment.

Without any further business, the meeting was adjourned at 9:00 p.m.

Chair

Secretary