

October 21, 2010

The Board Meeting of the Philadelphia Housing Authority Board of Commissioners for October was held on Thursday, October 21, 2010, 3:00 pm, at the Philadelphia Housing Authority, Multipurpose Room, 12 S. 23rd Street, Philadelphia, Pennsylvania.

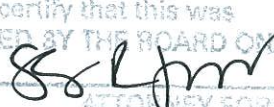
A quorum being present, Commissioner John F. Street, Chairman, called the meeting to order. Upon roll call, those present were as follows:

Present: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman, called the meeting to order. With that he asked for remarks from Assistant Executive Director, Shelley R. James, Esq. Mrs. James, advised the Commissioners that PHA was presenting six (6) Resolutions to be considered as PHA reached a consensus with the residents at the traditional Pre-Board Meeting.

The next order of business was the approval of the reconvened meeting held on May 25, 2010 and the regular meetings held on July 28, 2010, September 9, 2010 and September 23, 2010, Commissioner Reynolds moved for the adoption of the minutes, for which Commissioner Eiding seconded. The minutes were unanimously adopted. With that, Commissioner John F. Street, Chairman, presided over the remaining agenda.

I hereby certify that this was
APPROVED BY THE BOARD ON 11/18/10

ATTORNEY FOR PHA

Commissioner Reynolds moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Eiding;

RESOLUTION NO. 11405

RESOLUTION APPROVING MINUTES OF THE RECONVENED BOARD OF COMMISSIONERS MEETING HELD ON MAY 25, 2010 AND THE REGULAR BOARD OF COMMISSIONERS MEETINGS HELD ON JULY 28, 2010, SEPTEMBER 9, 2010 AND SEPTEMBER 23, 2010

BE IT RESOLVED, that the minutes of the Board Meeting of the Philadelphia Housing Authority Meetings held on May 25, 2010, July 28, 2010, September 9, 2010 and September 23, 2010 copies of which have already been provided to the members, be the same are hereby ratified, confirmed and approved.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Present: Commissioner John F. Street, Chairman
 Commissioner/Councilwoman Jannie L. Blackwell
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Also Present: Shelley R. James, Esq., Assistant Executive Director

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner/Councilwoman Blackwell moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Eiding;

RESOLUTION NO. 11406

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS AUTHORIZED DESIGNEE TO TAKE ALL NECESSARY STEPS TO (1) SUBMIT A DEMOLITION/DISPOSITION APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A PORTION OF THE QUEEN LANE APARTMENTS DEVELOPMENT; AND (2) SECURE FUNDING AND AUTHORIZE OTHER NECESSARY OR DESIRABLE DEMOLITION, DISPOSITION AND RELATED DEVELOPMENT ACTIVITIES IN CONNECTION THEREWITH

WHEREAS, In furtherance of the Queen Lane Apartments development initiative, PHA is proposing the demolition and disposition of 119 units of residential housing and one (1) non-dwelling unit in the 16-story high rise building which contains a total of 120 units (the "Development"); and

WHEREAS, PHA has determined that the Development is obsolete as to its physical condition and other factors, making it unsuitable for its intended purpose; and that no reasonable program of modification is cost effective to return or restore the Development to its useful life; and

WHEREAS, PHA is seeking an award of low income housing tax credits ("LIHTC") to construct 55 affordable rental units on the site of the Development once demolished; and

WHEREAS, in order to demolish and transfer the New Development Site to a limited partnership affiliated with PHA (the "Affiliated Partnership"), PHA must comply with certain provisions of the Housing Act of 1937, the Quality Housing and Work Responsibility Act of 1998, 24 CFR Part 970 (Public Housing Program - Demolition and/or Disposition of Public Housing Projects), the National Environmental Policy Act of 1969 (42 U.S.C. 4321), and the National Historic Preservation Act of 1966 (16 U.S.C. 469) and related laws, as stated in 24 CFR Part 50; as such laws and regulations are amended; and

WHEREAS, by submitting a Demolition/Disposition Application to HUD and obtaining the necessary approvals, PHA will comply with federal laws and regulations, and other applicable laws governing the demolition, and disposition of real property by a public housing authority.

NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Housing Authority Board of Commissioners hereby authorizes PHA through its authorized designee to submit a Demolition/Disposition Application to HUD for the demolition of the Development site and the disposition thereof to an Affiliated Partnership, subject to and in compliance with applicable statutes, laws and regulations; and

BE IT FURTHER RESOLVED, that the PHA, through its authorized designee, is further authorized to secure all necessary funding for the activities set forth herein and undertake such additional activities, including predevelopment activities, as necessary to accomplish the resolution set forth herein.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes Commissioner John F. Street, Chairman
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Nays: Commissioner/Councilwoman Jannie L. Blackwell

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Brady moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11407

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS DESIGNEE, ON BEHALF OF THE PHILADELPHIA HOUSING AUTHORITY, TO SUBMIT A DEMOLITION APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE DEMOLITION OF 1008, 1010 AND 1012 SOUTH 20TH STREET AND 2110 CHRISTIAN STREET

WHEREAS, PHA has determined based on a structural report issued by Hunter Roberts (the "Report") that the PHA properties located at 1008, 1010 and 1012 South 20th Street and 2110 Christian Street (the "Properties") are structurally unsafe and have recommended demolition of the Properties; and

WHEREAS, based upon the Report, PHA has further determined that the Properties are obsolete as to their physical condition and other factors, making them unsuitable for their intended purposes; and that no reasonable program of modifications is cost-effective to return or restore the Properties to their useful life; and

WHEREAS, PHA is required to submit a Demolition Application to the United States Department of Housing and Urban Development ("HUD") pursuant to Section 18 of the Housing Act for approval prior to undertaking the demolition of its public housing structures; and

WHEREAS, PHA has determined that a Demolition Application is required in order to demolish the Properties and

WHEREAS, upon PHA's receipt of HUD's approval of the Demolition Application for the Properties, PHA will proceed with the demolition of the Properties; and

WHEREAS, in connection with its demolition activities, the Philadelphia Housing Authority ("PHA") must comply with certain provisions of the Housing Act of 1937 (the "Housing Act"), the Quality Housing and Work Responsibility Act of 1998, and 24 CFR Part 970 (Public Housing Program—Demolition or Disposition of Public Housing Projects), the National Environmental Policy Act of 1969 (42 U.S.C. 4321), the National Historic Preservation Act of 1966 (16 U.S.C. 469) and related laws, as stated in 24 CFR Part 50.

NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Housing Authority through its authorized designee is hereby authorized to submit a Demolition Application to and obtain approvals from HUD to demolish the Properties, and to take all necessary actions to carry out the provisions of this resolution, subject to and in compliance with applicable statutes, laws and regulations.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes Commissioner John F. Street, Chairman
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Nays: Commissioner/Councilwoman Jannie L. Blackwell

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Eiding moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Brady;

RESOLUTION NO. 11408

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY OR ITS AUTHORIZED DESIGNEE, ON BEHALF OF THE PHILADELPHIA HOUSING AUTHORITY, TO SUBMIT APPROPRIATE APPLICATIONS TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO DEMOLISH PROPERTIES CITED AS “IMMINENTLY DANGEROUS” BY THE CITY OF PHILADELPHIA DEPARTMENT OF LICENSES AND INSPECTIONS, OR AS DETERMINED TO BE DANGEROUSLY UNSAFE BY STRUCTURAL ENGINEERING PROFESSIONALS

WHEREAS, the City of Philadelphia Department of Licenses and Inspections (“L & I”), through its Police Power, is authorized to cite hazardous properties as “Imminently Dangerous”, to protect the health and safety of the general public; and

WHEREAS, L & I has determined that certain PHA properties are “Imminently Dangerous”, and as such, these properties require emergency demolition; and

WHEREAS, in conducting inspections, PHA may conclude that certain properties are dangerously unsafe as determined by its structural engineering professionals; and

WHEREAS, prior to the demolition of dangerously unsafe properties or upon the notification of the condemnation of properties by L & I, PHA must obtain approval from the U. S. Department of Housing and Urban Development (“HUD”) in order to demolish the properties; and

WHEREAS, in each of the above-referenced instances, due to the emergency circumstances and the need to expedite the required demolition, there would be insufficient time to seek approval from PHA’s Board of Commissioners to submit an appropriate demolition application to HUD; and

WHEREAS, HUD has concurred with the expedited approval method evidenced by this resolution; and

WHEREAS, pursuant to Resolution number 10637 of March 15, 2001, PHA previously received the authority from its Board of Commissioners for an expedited emergency demolition process for properties cited by L & I as “Imminently Dangerous”; and

WHEREAS, PHA is hereby updating that authority to provide that the authorization provided hereunder for an expedited emergency demolition can be based on a determination made by structural engineering professionals employed or engaged by PHA or a determinations made by or on behalf of L&I; and

WHEREAS, in connection with all demolition activities the Philadelphia Housing Authority (“PHA”) must comply with certain provisions of the Housing Act of 1937, the Quality Housing and Work Responsibility Act of 1998, 24 CFR Part 970 (Public Housing Program - Demolition and/or Disposition of Public Housing Projects), the National Environmental Policy Act of 1969 (42 U.S.C. 4321), and the National Historic Preservation Act of 1966 (16 U.S.C. 469) and related laws, as stated in 24 CFR Part 50.

NOW, THEREFORE BE IT RESOLVED, that the Philadelphia Housing Authority or its authorized designee, is hereby authorized to submit appropriate demolition applications and obtain approvals from HUD for the emergency demolition of properties which have been cited as “Imminently Dangerous” by L & I. or determined to be dangerously unsafe by PHA structural engineering professionals, and to take all necessary actions to carry out the provisions of this resolution, subject to and in compliance with applicable statutes, laws and regulations.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes Commissioner John F. Street, Chairman
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Nays: Commissioner/Councilwoman Jannie L. Blackwell

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Brady moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11409

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS AUTHORIZED DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT WITH EACH OF BALLARD SPAHR LLP, DUANE MORRIS LLP, FOX ROTHSCHILD LLP, SCHNADER HARRISON SEGAL AND LEWIS LLP AND FINEMAN KREKSTEIN & HARRIS, P.C. FOR THE PROVISION OF REAL ESTATE DEVELOPMENT LEGAL COUNSEL SERVICES (SOLICITATION NO. P-003939)

WHEREAS, the Philadelphia Housing Authority (“PHA”) identified a need for a Real Estate Development Legal Counsel Services; and

WHEREAS, Solicitation No. P-003939 (the “Solicitation”) was developed according to established procedures, and was properly advertised in the Philadelphia Inquirer and several community newspapers; and

WHEREAS, the Solicitation was mailed to appropriate companies on the PHA Bidders’ List, and distributed to those who responded to the invitation through the publications; and

WHEREAS, six (6) companies responded to the Solicitation by submitting proposals as follows:

Ballard Spahr LLP
Duane Morris LLP
Fox Rothschild, LLP
Schnader Harrison Segal & Lewis LLP
Fineman Krekstein & Harris, P.C.
High Swartz LLP; and

WHEREAS, the proposals were reviewed and evaluated by the review committee and legal counsel and the supporting documents were reviewed by the Contracting Officer; and

WHEREAS, pursuant to the terms of the solicitation, PHA has the right to make multiple awards under the solicitation; and

WHEREAS, based upon evaluation, it is recommended that a contract be awarded to each of Ballard Spahr LLP, Duane Morris LLP, Fox Rothschild LLP, Schnader Harrison Segal and Lewis LLP and Fineman Krekstein & Harris, P.C.; and

WHEREAS, it is further recommended that the contracts to be awarded to each of Ballard Spahr LLP, Duane Morris LLP, Fox Rothschild LLP, Schnader Harrison Segal and Lewis LLP and Fineman Krekstein & Harris, P.C. shall each be for a two year (2) base period in an amount not to exceed **TWO MILLION DOLLARS (\$2,000,000.00)**; provided that PHA shall have an initial option to add an additional funding amount not to exceed **ONE MILLION DOLLARS (\$1,000,000.00)**, to be exercised upon approval by the Board of Commissioners in PHA’s sole discretion; and provided further that PHA shall have a second option to add an additional funding amount not to exceed **ONE MILLION DOLLARS (\$1,000,000.00)**, to be exercised upon approval by the Board of Commissioners in PHA’s sole discretion; and provided further that PHA shall have a third option to add an additional funding amount not to exceed **ONE MILLION DOLLARS (\$1,000,000.00)**, for a total amount, if all funding options are exercised and approved by the Board of Commissioners, of **FIVE MILLION DOLLARS (\$5,000,000.00)** per contract.

BE IT RESOLVED, by and for the Philadelphia Housing Authority through its authorized designee, is hereby authorized to conclude and to execute a contract with each of Ballard Spahr LLP, Duane Morris LLP, Fox Rothschild LLP, Schnader Harrison Segal and Lewis LLP and Fineman Krekstein & Harris, P.C. for the provision of Real Estate Development Legal Counsel Services; and

BE IT FURTHER RESOLVED, that (1) PHA shall require that the recommended contractors comply with all terms required by the Solicitation; (2) the contracts are subject to funding availability; (3) no contract shall exist until signed by the Philadelphia Housing Authority or its authorized designee; and (4) if PHA and any recommended contractor have not mutually agreed on the terms of a contract within forty-five (45) days following the next regularly scheduled Board meeting, then this resolution shall be null and void and the authority of the Philadelphia Housing Authority or its authorized designee, shall cease with respect to such contractor; and

BE IT FURTHER RESOLVED, that PHA is hereby authorized to continue to evaluate and conduct negotiations with one or more of the other proposers who submitted a proposal in response to the Solicitation but are not included in this authorization of award, and, in PHA's discretion and subject to the approval of the Philadelphia Housing Authority through its authorized designee, may award a contract to one or more of those proposers in the future.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes Commissioner John F. Street, Chairman
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Nays: Commissioner/Councilwoman Jannie L. Blackwell

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner Reynolds moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner/Councilwoman Blackwell;

RESOLUTION NO. 11410

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS AUTHORIZED DESIGNEE TO TAKE ALL NECESSARY STEPS TO COMPLETE THE RECONFIGURATION OF UNITS 501 AND 901 OF THE EMLÉN ARMS DEVELOPMENT BY SUBMITTING TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) NOTIFICATION OF THE UNIT RECONFIGURATION AND ANY OTHER NECESSARY OR DESIRABLE RELATED ACTIVITIES IN CONNECTION THEREWITH

WHEREAS, Emlen Arms is a 175-unit senior development (the “Development”); and

WHEREAS, PHA is proposing to modify two (2) efficiency units on the fifth and ninth floors of the Development – units 501 and 901 – into additional laundry facilities for the Development; and

WHEREAS, the reconfiguration plan (the “Plan”) involves the removal of two public housing units and replacing those dwelling units with non-dwelling laundry facilities, and relocating the residents as necessary and as required by law into other units of the Development; and

WHEREAS, the proposed laundry facilities will reduce congestion in the existing first floor laundry facilities; and will provide easier access to the laundry facilities by residents on the upper levels of the Development; and

WHEREAS, the new laundry facilities will be fully accessible and will include new washers, dryers, air conditioning, lighting, counter space and an accessible restroom;

WHEREAS, PHA is required to submit notice of the Plan to HUD to commence the reconfiguration process at the Site; and

WHEREAS, by submitting the required notification of the Plan to HUD, PHA will comply with federal laws, regulations, guidance governing the reconfiguration of public housing dwelling units, and all other applicable laws.

NOW THEREFORE BE IT RESOLVED, that the Philadelphia Housing Authority Board of Commissioners hereby authorizes PHA’s authorized designee, to submit the required notification to HUD in connection with the Plan and any other ancillary documents or information necessary or desirable to complete the HUD notification process; and

BE IT FURTHER RESOLVED, that the PHA authorized designee is approved to negotiate and to execute documents and agreements necessary or desirable for implementation of the Plan; and take any and all actions necessary to complete the Plan; and

BE IT FURTHER RESOLVED, that any and all actions previously taken by PHA or any authorized officer of PHA in connection with the resolutions set forth herein, are hereby ratified.

A vote being taken thereon, the "Ayes" and the "Nays" were as follows:

Ayes Commissioner John F. Street, Chairman
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Nays: Commissioner/Councilwoman Jannie L. Blackwell

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

Commissioner/Councilwoman Blackwell moved for the adoption of the following Resolution, which motion was duly seconded by Commissioner Eiding;

RESOLUTION NO. 11411

RESOLUTION AUTHORIZING THE PHILADELPHIA HOUSING AUTHORITY THROUGH ITS AUTHORIZED DESIGNEE TO TAKE ALL NECESSARY STEPS TO SUBMIT AND IMPLEMENT A CHOICE NEIGHBORHOOD PLANNING GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN CONNECTION WITH THE PLAN FOR THE REVITALIZATION (“REVITALIZATION”) OF THE POINT BREEZE/GRAYS FERRY COMMUNITIES

WHEREAS, THE HUD Appropriations ACT approved as part of the Consolidated Appropriations Act (Public Law 111-117), and Section 24 of the United States Housing Act of 1937, as amended, (42 U.S.C. § 1437 *et seq*) authorizes the Department of Housing and Urban Development (“HUD”) to award Choice Neighborhood Planning Grants; and

WHEREAS, the Philadelphia Housing Authority (“PHA”) must comply with the Notice of Funding Availability for Choice Neighborhood Planning Grants Fiscal Year 2010, published on August 26, 2010, (“NOFA”) in its submission of a Choice Neighborhood Planning Grant Application; and

WHEREAS, the PHA proposes the submission of a Choice Neighborhood Planning Grant Application for the Point Breeze/Grays Ferry Communities, which meet the grant eligibility criteria and will include planning for the coordinated development of housing, education, health, and transportation services; and

WHEREAS, the community of the proposed planning is primarily bordered by the Schuylkill Expressway to the West, Washington Avenue to the North, Moore Street to the East, and Broad Street to the South.

NOW THEREFORE, BE IT RESOLVED, that the Philadelphia Housing Authority’s Board of Commissioners hereby authorizes the Philadelphia Housing Authority through its authorized designee to submit to HUD a Choice Neighborhood Planning Grant Application for amounts up to \$250,000 in connection with the Point Breeze/Grays Ferry Communities; and

BE IT FURTHER RESOLVED, that PHA is authorized to enter into a Memorandum of Understanding with Universal Community Homes that clarifies the roles and responsibilities of each party in the event that the application is successful; and

BE IT FURTHER RESOLVED, that the Philadelphia Housing Authority through its authorized designee is authorized to take all necessary actions to submit and implement the aforementioned application to HUD.

A vote being taken thereon, the “Ayes” and the “Nays” were as follows:

Ayes Commissioner John F. Street, Chairman
 Commissioner Nellie W. Reynolds, Vice Chairman
 Commissioner Patrick J. Eiding
 Commissioner Debra L. Brady

Nays: Commissioner/Councilwoman Jannie L. Blackwell

Commissioner John F. Street, Chairman thereupon declared the Resolution unanimously adopted.

The resolutions were adopted. With that, Commissioner John F. Street, Chairman opened the meeting for public comments. With no other public comments being heard, Commissioner John F. Street, Chairman adjourned the meeting. (Copies of the actual transcript will be provided upon written request).