

LOUISVILLE METRO HOUSING AUTHORITY  
MINUTES OF REGULAR MEETING  
DECEMBER 15, 2020

Roll Call:

The meeting of the Board of Commissioners was called to order by Mr. Manfred Reid Sr., at 3:36 p.m. Due to the COVID-19 Outbreak, participants were encouraged to call in by way of Zoom Conference Call. Members present were Mr. Bryan Cole, Rev. Geoffrey Ellis, Mr. Lance Gilbert, Ms. Gena Harris, Mr. Cary Hearn, Ms. Mary Elizabeth Miles, Ms. Lisa Nicholson and Ms. Mary Ellen Wiederwohl. Absent was Mr. Bryan Cole.

Others present were Ms. Lisa Osanka, Executive Director; Mr. Wavid Wray, Deputy Executive Director; Directors; Mr. Richard Nash, III, Attorney; Ms. Vickie Fields, Executive Secretary; LMHA Staff, Mr. Richard Baron, Ms. Laura Kinsell-Baer, and other individuals of the public.

On recommendation of LMPHW and the CDC guidelines on social distancing, LMHA is doing its part to prevent the spread of COVID-19 by using available technology to conduct the necessary and vital business of the agency. All public meetings will be held adhering to federal and state standards while maintaining the health and well-being of LMHA staff, residents and partners.

Announcements:

None.

Committee Reports:

Both the Finance Committee and the Safety Committee reported that resolutions have been submitted for review for today's Board Meeting.

Approval of Minutes:

Ms. Nicholson made a motion to approve the minutes of LMHA's regular meeting held on November 17, 2020. Ms. Harris seconded. Motion carried by unanimous vote.

Resolutions:

Ms. Nicholson made a motion to adopt Resolution 5a "Approval of Beecher Phase IV Predevelopment Budget". Mr. Gilbert seconded. Motion carried by unanimous vote.

RESOLUTION NO. 99-2020 (12/15/20)

WHEREAS, the Louisville Metro Housing Authority (LMHA) has received approval of the Beecher Russell Choice Neighborhood Initiatives (CNI) Grant in the amount of \$29,575,000; and also, an additional \$4MM CNI Supplemental Grant; and

WHEREAS, LMHA and the project Developer (McCormack Baron Salazar-MBS) are currently in the process of preparing for the fourth and fifth phases of the project development; and

WHEREAS, the Beecher Phase IV development project will consist of 20 Market Rate units, 47 Low Income Housing Tax Credit units, 42 Project Based Voucher/Tax Credit units, and 21 Rental Assistance Demonstration (RAD) units; for a combined total of 130 units; and

WHEREAS, the Beecher Phase IV development project is anticipated for project closing date of August 2021 or August 2022 contingent upon the actual funding sources for the phase; and

WHEREAS, there are specific predevelopment activities that are required in advance of the formal HUD approval and closing of the Beecher Russell Phase IV development proposal; and

WHEREAS, the attached Phase IV Predevelopment Budget represents both LMHA's and MBS' best estimate of the required predevelopment activities associated with the Beecher Phase IV implementation; and

WHEREAS, the Predevelopment Budget will be memorialized by a Predevelopment Loan Agreement to represent the obligations of both LMHA and MBS within the Phase IV predevelopment activities.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING BOARD OF COMMISSIONERS that the attached Beecher Russell Phase IV Predevelopment Budget in the total amount of \$1,651,165 is approved, subject to any required HUD approval.

BE IT FURTHER RESOLVED that LMHA's contribution to the Beecher Russell Phase IV Predevelopment Budget in the amount of \$1,337,965 is also approved.

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Mr. Gilbert made a motion to adopt Resolution 5b "Approval of Beecher Phase V Predevelopment Budget". Ms. Harris seconded. Motion carried by unanimous vote.

RESOLUTION NO. 100-2020 (12/15/20)

WHEREAS, the Louisville Metro Housing Authority (LMHA) has received approval of the Beecher Russell Choice Neighborhood Initiatives (CNI) Grant in the amount of \$29,575,000, and an additional \$4MM Supplemental CNI Grant; and

WHEREAS, LMHA and the project Developer (McCormack Baron Salazar-MBS) are currently in the process of preparing for the fourth and fifth phases of the project development; and

WHEREAS, the Beecher Phase V development project will consist of 20 Market Rate units, 30 Low Income Tax Credit units, and 30 Project Based Voucher/Tax Credit units, for a combined total of 80 units; and

WHEREAS, the Beecher Phase V development project is anticipated for project closing date of August 2021 or August 2022 contingent upon the actual funding sources for the phase; and

WHEREAS, there are specific predevelopment activities that are required in advance of the formal HUD approval and closing of the Beecher Russell Phase V development proposal; and

WHEREAS, the attached Phase V Predevelopment Budget represents both LMHA's and MBS' best estimate of the required predevelopment activities associated with the Beecher Phase V implementation; and

WHEREAS, the Predevelopment Budget will be memorialized by a Predevelopment Loan Agreement to represent the obligations of both LMHA and MBS within the Phase V predevelopment activities.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING BOARD OF COMMISSIONERS that the attached Beecher Russell Phase V Predevelopment Budget in the total amount of \$1,032,185 is approved, subject to any required HUD approval.

BE IT FURTHER RESOLVED that LMHA's contribution to the Beecher Russell Phase V Predevelopment Budget in the amount of \$833,485 is also approved.

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Ms. Miles made a motion to adopt Resolution 5c "Approval of Liberty Green Second Amended and Restated Development Agreement Extension". Mr. Hearn seconded. Motion carried by unanimous vote.

RESOLUTION NO. 101-2020 (12/15/20)

WHEREAS, the Louisville Metro Housing Authority (LMHA) and Downtown Edge, LLC (Edge) entered into the Liberty Green Second Amended and Restated Development Agreement (Agreement) on August 19, 2015; and

WHEREAS, in order to allow negotiation to modify certain terms of the Agreement, the Parties have extended the termination date with short-term extensions (30 or 60 days) which are currently due to expire on December 20, 2020; and

WHEREAS, as a result of negotiations with the Downtown Edge, LLC, a revised Liberty Green development build-out proposal has been developed that embraces the goals and objectives developed by the LMHA Board of Commissioners; and

WHEREAS, all Parties have agreed to extend the Agreement with the inclusion of an Addendum that reflects the attached revised Proposal requirements; and

WHEREAS, the revised Downtown Edge, LLC Proposal (Proposal) provides for the inclusion of a 58-unit affordable housing development; and

WHEREAS, the revised Proposal provides for the adoption of the established LMHA participation goals to include a monthly reporting reflecting the accomplished goals; and

WHEREAS, except as specifically modified by the development build-out Proposal, all the existing terms and conditions within the 2015 Second Amended and Restated Development Agreement remain in full force and effect.

NOW, THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Liberty Green Second Amended and Restated Development Agreement is amended to substitute the provisions of the revised Proposal for conflicting provisions of the existing Agreement and the term of the Agreement be treated as if Downtown Edge, LLC had exercised the extension option prior to the February 20, 2020 notification due date.

BE IT FURTHER RESOLVED that the Authority's Executive Director and Contracting Officer, Lisa Osanka, is authorized on behalf of the Louisville Metro Housing Authority to enter into such Agreements necessary to implement this Resolution.

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Ms. Miles made a motion to adopt Resolution 5d "Approval of Russell Choice Neighborhoods HUD & Miscellaneous Legal Consultant Services Contract". Ms. Harris seconded. Motion carried by unanimous vote.

RESOLUTION NO. 102-2020 (12/15/20)

WHEREAS, the U.S. Department of Housing and Urban Development provided the Louisville Metro Housing Authority (LMHA) Capital Funds to be utilized in conjunction with the Russell Choice Neighborhoods program for legal services; and

WHEREAS, LMHA staff prepared a Request for Proposals to acquire the needed Russell Choice Neighborhoods legal services and advertised the project in The Courier-Journal, The Louisville Defender, and the Housing Agency Marketplace and on September 29, 2020 proposals for providing the requisite services were received and evaluated; and

WHEREAS, the evaluation process determined that the proposal submitted by Stites & Harbison, PLLC (real estate consultation) is the most acceptable proposal for the work to be performed, and staff recommends award of the them.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to enter into the Russell Choice Neighborhoods Real Estate Legal Consultant Services Contracts with Stites & Harbison, PLLC for a fee not to exceed \$200,000.

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Mr. Gilbert made a motion to adopt Resolution 5e “Approval of Russell Choice Neighborhoods HUD & Miscellaneous Legal Consultant Services Contract”. Ms. Miles seconded. Motion carried by unanimous vote.

RESOLUTION NO. 103-2020 (12/15/20)

WHEREAS, the U.S. Department of Housing and Urban Development provided the Louisville Metro Housing Authority (LMHA) Capital Funds to be utilized in conjunction with the Russell Choice Neighborhoods program for HUD and miscellaneous legal services; and

WHEREAS, LMHA staff prepared a Request for Proposals to acquire the needed Russell Choice Neighborhoods legal services and advertised the project in The Courier-Journal, The Louisville Defender, and the Housing Agency Marketplace and on September 29, 2020 proposals for providing the requisite services were received and evaluated; and

WHEREAS, the evaluation process determined that the proposal submitted by Reno & Cavanaugh, PLLC is the most acceptable proposal for the work to be performed, and staff recommends award of contract to this firm.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to enter into the Russell Choice Neighborhoods HUD & Miscellaneous Legal Consultant Services Contract with Reno & Cavanaugh, PLLC for a fee not to exceed \$200,000.

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Ms. Harris made a motion to adopt Resolution 5f “Approval of Renewal of Litigation Legal Services Contract”. Rev. Ellis seconded. Motion carried by unanimous vote.

RESOLUTION NO. 104-2020 (12/15/20)

WHEREAS, the Louisville Metro Housing Authority has an ongoing need for general litigation legal services; and

WHEREAS, the Authority issued Request for Proposals on November 19, 2019 and received and publicly opened responses on December 10, 2019 from two (2) responders; and

WHEREAS, the Procurement Evaluation Committee determined that Phillips Parker Oberson & Arnett was the most responsive and responsible bid received; and

WHEREAS, the Contract for Litigation Legal Services with Phillips Parker Oberson & Arnett law firm will satisfactorily complete the initial period on January 22, 2021; with three remaining annual renewal options subject to the LMHA Board of Commissioners’ approval.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the renewal of the Contract for Litigation Legal Services with the Phillips Parker Oberson & Arnett law firm for the period of January 22, 2021 to January 22, 2022 is approved in an amount not to exceed \$150,000 per claim/lawsuit.

BE IT FURTHER RESOLVED, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to execute the Contract for Litigation Legal Services with Phillips Parker Oberson & Arnett.

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Ms. Nicholson made a motion to adopt Resolution 5g “Authorization to Renew Floor Covering Repair and Replacement Contract”. Mr. Gilbert seconded. Motion carried by unanimous vote.

RESOLUTION NO. 105-2020 (12/15/20)

WHEREAS, funds for floor covering repairs and replacements are contained in the 2021 Operating Budget; and

WHEREAS, staff developed a bid proposal for floor covering repairs and replacements at various LMHA sites; and

WHEREAS, on October 22, 2019 bids were received and tabulated; and

WHEREAS, the Procurement Committee reviewed the bids received and determined William Greenwell to be the most responsive and responsible bid received; and

WHEREAS, the Procurement Committee recommends award of this contract to William Greenwell for one (1) year, with four one-year renewal options; and

WHEREAS, the initial year contract has expired and William Greenwell and LMHA would like to exercise the first one-year renewal.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to enter into a contract with William Greenwell for floor covering repair and replacement services as needed for various LMHA sites, in an amount not to exceed \$160,000 annually.

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Ms. Harris made a motion to adopt Resolution 5h "Authorization for Renewal Construction Contract for Environmental Hazard Abatement". Rev. Ellis seconded. Motion carried by unanimous vote.

RESOLUTION NO. 106-2020 (12/15/20)

WHEREAS, the Louisville Metro Housing Authority has identified funds for a dumpster pick-up and disposal contract for all LMHA properties in the 2021 Operating Budget; and

WHEREAS, specifications were developed for these services and the contract advertised for bids on November 9, 2016; and

WHEREAS, staff reviewed the bids received and determined Waste Management to be the most responsive and responsible bid received at a monthly amount of \$14,456.10 and an annual price of \$173,473.20; and

WHEREAS, Waste Management was awarded the contract for one (1) year, with four (4) one-year renewal options; and

WHEREAS, the initial year, first one-year renewal and second one-year renewal has expired; and

WHEREAS, the third one-year renewal expires on December 31, 2020; and

WHEREAS, LMHA and Waste Management would like to exercise the fourth (final) one-year renewal option.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to enter into a one-year contract with Waste Management to provide dumpster pick-up and disposal services to all LMHA properties for an amount not to exceed \$173,473.20 (\$14,456.10 each month) beginning the month of January 2021.

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Mr. Gilbert made a motion to adopt Resolution 5i "Approval to Renew Construction Contract for Environmental Hazard Abatement". Ms. Harris seconded. Motion carried by unanimous vote.

RESOLUTION NO. 107-2020 (12/15/20)

WHEREAS, funds have been received from the U.S. Department of Housing and Urban Development under the Capital Funds Program for the abatement of hazardous materials at Louisville Metro Housing Authority (LMHA) properties; and

WHEREAS, LMHA staff, in accordance with LMHA procurement procedures, awarded a construction contract to Abatement Solutions Technologies (AST) to provide as-needed abatement of hazardous materials services for a period of one year; and

WHEREAS, the construction contract awarded to AST included an option provision whereby LMHA may renew the contract up to four additional years.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to exercise the third option to renew the construction contract with AST for the abatement of hazardous materials at Louisville Metro Housing Authority (LMHA) properties with an annual fee not to exceed \$300,000.

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Rev. Ellis made a motion to adopt Resolution 5j “Approval to Renew Computer Software Technical Support Contract”. Ms. Miles seconded. Motion carried by unanimous vote.

RESOLUTION NO. 108-2020 (12/15/20)

WHEREAS, the Louisville Metro Housing Authority has committed resources to providing technical support for its enterprise software system; and

WHEREAS, the upkeep of both hardware and software is essential to gain maximum benefit from the Authority’s investment; and

WHEREAS Emphasys Software has determined that in order to provide adequate technical support services for its clients, it is necessary to increase technical support fees by 5%; and

WHEREAS, support from Emphasys Software is required to keep up with the constantly changing needs and requirements of LMHA and HUD; and

WHEREAS, staff has determined that the required funds are available in the budget and all procurement requirements have been satisfied.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that Lisa Osanka, Executive Director, and Contracting Officer is hereby authorized to renew the contract with Emphasys Software for a fee not to exceed \$126,154.00 for Technical Support services. The contract period will be January 1, 2021 through December 31, 2021. The contract allows for a 30-day written cancellation.

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Mr. Gilbert made a motion to adopt Resolution 5k “Approval of Rate Increase for the Intergovernmental Agreement with the Louisville Metro Police Department for the Provision of the Housing Authority Liaison Officer (HALO) Program at Dosker Manor and Parkway Place”. Mr. Hearn seconded. Motion carried by unanimous vote.

RESOLUTION NO. 109-2020 (12/15/20)

WHEREAS, for the past several years and this year, funding has been made available in the Capital Budget to provide increased community policing services at Dosker Manor and Parkway Place; and

WHEREAS, there continues to be concern by LMHA staff, city officials, and residents regarding the safety and security at these locations, making it necessary that HALO officers are needed to provide ongoing police services; and

WHEREAS, the resolution to enter an Intergovernmental Agreement with the Louisville Metro Police Department for the provision of the Housing Authority Liaison Officer (HALO) program was approved on June 16<sup>th</sup>, 2020; and

WHEREAS, on November 12, 2020 or thereabouts the Louisville Metro Police Department requested a rate increase; and

WHEREAS, on November 12, 2020 or thereabouts the Louisville Metro Police Department notified the Louisville Metro Housing Authority that moving forward they were seeking a cost of living adjustment (COLA) at the rate of 3%; from the last rate increase in 2010. This rate increase adjustment increases the not to exceed rate of \$95,000 to \$131,447 annually; and

WHEREAS, the Board approved a one-year renewal of the Intergovernmental Agreement with Louisville Metro Police Department for the provision of the Housing Authority Liaison Officer (HALO) program and the Louisville Metro Housing Authority on June 16, 2020 for an amount not to exceed \$95,000 prior to request for rate increase.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to enter into an Intergovernmental Agreement with the Louisville Metro Police Department for the provision of the Housing Authority Liaison Officer (HALO) program during the month of January 2021 through the month of June 2021 for uniformed security services and uniformed armed security at Dosker Manor and Parkway Place not to exceed \$131,447 annually.

Discussions:

Ms. Osanka introduced Richard Baron and Laura Kinsell-Baer of McCormack, Baron and Salazar to give an update on MBS' commitments. Ms. Kinsell-Baer stated that MBS is exceeding LMHA's goals of minority goals and participation and that Phase III is projected to also be above the LMHA goal of 25%.

Mr. Gilbert thanked the Board and stated that it's been a great set of meetings over the past few month in regard to Strategic Planning and a lot of great input has been received. The Committee is finalizing a listing of objectives and goals to be presented to the Board in January. Also explained was the next steps in the Strategic Planning process.

Executive Session:

Mr. Gilbert motioned to go into Executive Session, seconded by Ms. Harris. Motion carried by unanimous vote. The Board retired to Executive Session at 5:32 p.m.

The Board returned to Open Session at 6:14 p.m.

Other Business:

There being no further business to come before the Board, Mr. Gilbert motioned to adjourn, seconded by Ms. Nicholson. Motion carried by unanimous vote.

The Board adjourned at 6:15 p.m.

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Vickie J. Fields, Executive Secretary

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Manfred Reid, Sr., Chairman