

**REGULAR MEETING OF
BELMONT REDEVELOPMENT AGENCY
Tuesday, May 12, 2009 7:30 PM
CITY COUNCIL CHAMBERS, ONE TWIN PINES LANE**

CALL TO ORDER 7:53 P.M.

ROLL CALL

Directors Present: Dickenson, Feierbach, Lieberman, Wozniak, Braunstein

Directors Absent: None

Staff Present: Executive Director Crist, Finance Director Fil, Community Development Director de Melo, Agency Attorney Zafferano, City Treasurer Violet, Agency Secretary Cook

CONSENT CALENDAR

Chair Braunstein noted that since he was absent from the meeting of April 14, he would be abstaining from voting on those minutes.

Approval of Minutes of Regular Meeting of February 10, 2009 and April 14, 2009

ACTION: On a motion by Director Dickenson, seconded by Director Feierbach, the Consent agenda was approved by a show of hands (4-0, Braunstein abstain on minutes of April 14, 2009).

ADDITIONAL BUSINESS

Resolution Approving Tenant Selection Criteria for Low to Moderate Income Rental Units

Community Development Director de Melo stated that the Redevelopment Agency acquired the Oxford Way property in July of 2008, and subsequently acquired two condominium units on Davey Glen Road. The City's housing consultant, LSA Associates, developed criteria for tenant selection. Applications were received, and a comprehensive screening process ensued. The Agency is now being asked to approve the selection criteria, and the subsequent action would approve the rental agreements and the tenants.

Director Feierbach expressed a desire to include a no smoking clause in the lease agreement for the Oxford Way single-family home. Directors Dickenson and Wozniak concurred.

In response to Director Lieberman, Agency Attorney Zafferano clarified that it would be legal to prohibit smoking in this home. Director Lieberman expressed concern that the Redevelopment Agency would be treating a low-to-moderate single-family home differently from other single-family homes in Belmont. He concurred that a landlord can designate a property as non-smoking, but he is concerned that visitors who smoke would put the tenant in violation of the lease.

Director Dickenson noted that many rentals are non-smoking due to economic considerations.

Director Feierbach stated that the City has a financial responsibility to maintain its properties, and a no-smoking clause is an economic issue, not a philosophical one.

Director Wozniak expressed a desire to include Carlmont High School employees to those listed under the list established as Priority 1 tenants. Chair Braunstein concurred, and noted that private school employees should also be included.

Community Development Director de Melo clarified that pets are not allowed in the Davey Glen complex under the existing restrictions at that complex. Additional deposits are required if pets are to be kept at the Oxford Way property. He also clarified that the leases form was prepared by the Agency's special attorney.

Director Lieberman stated that there should be logical consistency between the permitting of pets and smoking. He stated that the prohibition of smoking is arbitrary and capricious.

Agency Attorney Zafferano stated that prohibiting pets is not arbitrary.

Director Dickenson stated that in his experience in the hospitality industry, smoking is an issue, but pets may not be.

ACTION: On a motion by Director Feierbach, seconded by Director Wozniak, Resolution 495 Approving Tenant Selection Criteria for Low to Moderate Income Rental Units was approved by a show of hands (4-1, Lieberman no), as amended to include a no-smoking clause for the single-family home on Oxford Way, and to include employees of all Belmont schools under Priority 1 tenants.

Resolution Approving a Standard Lease Agreement Form for Low to Moderate Income Rental Units

Community Development Director de Melo noted that this resolution would approve the two lease agreements for the rental units. He noted that the separate lease forms address the differences between the single-family home and the condominium units.

In response to Directors' questions, Community Development Director de Melo clarified that State fair housing laws provide that low-to-moderate income families should pay no more than 30 percent of their income on housing and utilities. It is standard to include utilities for certain units.

Director Dickenson expressed a desire to cap utility use to encourage conservation, and suggested deferring this item to address this issue.

Director Lieberman expressed concern about losing a month of rental income should this action be deferred.

Agency Attorney Zafferano stated that a clause could be added in the lease agreement that expresses the duty to use best efforts to conserve utility usage, which would prevent any further delay.

ACTION: Director Dickenson made a motion, seconded by Director Lieberman, to approve the resolution approving the standard lease form, to include a duty to use best efforts provision regarding utility usage.

Director Feierbach requested that the motion be amended to include a no-smoking clause for the Oxford Way property. Director Dickenson accepted the amendment. Director Lieberman withdrew his second on the motion.

ACTION: On a motion by Director Dickenson, seconded by Director Feierbach, and approved by a show of hands (4-1, Lieberman no) to adopt Resolution 496 Approving a Standard Lease Agreement Form for Low to Moderate Income Rental Units, said lease forms to include a clause expressing a duty to use best efforts in conserving utilities, and a no-smoking clause to be included in the lease form for the Oxford Way property.

Resolution Approving the Tenant Selection for Three Low to Moderate Income Residential Rental Units

Community Development Director de Melo stated that many rental applications were received, and three tenants were selected for the rental properties owned by the Redevelopment Agency.

Director Wozniak expressed concern that the Agency's earlier action amended the criteria to include all teachers in Belmont, but that tenants have already been selected.

Community Development Director de Melo noted that the criteria will be amended for future rentals, which would become applicable for future property acquisition, or if any of the three existing properties changes hands.

Chair Braunstein stated that this action is premature, and he expressed concern that the Agency just modified the criteria. He questioned whether or not the Agency directors should be involved in tenant selection.

ACTION: Director Dickenson made a motion, seconded by Director Feierbach, to approve the resolution as presented.

Director Dickenson stated that staff is being proactive in this matter.

Community Development Director de Melo clarified that there will be no need for further action by the Agency to approve subsequent tenants, now that the criteria and lease agreements have been established.

Agency Attorney Zafferano clarified that since the Redevelopment Agency is the landlord for these properties, future action may be required to delegate future tenant decisions to staff.

ACTION: On the previous motion, made by Director Dickenson, seconded by Director Feierbach, Resolution 497 was approved by a show of hands (4-1, Braunstein no).

Chair Braunstein stated that this resolution is premature.

Resolution Creating a Task Force to Facilitate the Beautiful Belmont Artway Project

Management Analyst Voelker stated that there are monuments at each of Belmont's four main entries into town. If there is a desire to make improvements at these entryways, the question remains as to whether this decision should be Council or community driven. She described options to facilitate this process, and outlined the potential make up of a task force to consider these options.

In response to Director Wozniak, Management Analyst Voelker clarified that an expert consultant was needed to facilitate this process.

Director Feierbach expressed her support for the concept, but is concerned about the cost. It would not be prudent to expend \$400,000 on such a project at this time. She also commented regarding the existing condition of the entryway at Alameda de las Pulgas.

Director Dickenson also expressed concern regarding the expenditure of funds. He recommended creating an ad hoc committee of staff and Planning and Park and Recreation Commissioners rather than a formal task force. He noted that the condition of existing entryways should be addressed.

Director Wozniak suggested seeking contributions in order to fund a beautification project. There is a need for consistency in signage and a need to develop a landscape theme. She expressed concern regarding the cost, and recommended a smaller committee. She noted that Belmont is an arts community, and free consulting services might be available.

Director Lieberman concurred that this may not be the best time to expend these funds, which are discretionary. He supports moving forward with plans if there is interest in the community.

Chair Braunstein also expressed support for the idea, but is concerned regarding the timing of the expenditure of funds. This project is an opportunity for community involvement, and this should not be decided by a small group.

Public Speaker (no identity provided), stated that the existing entryways should be cleaned up. She recommended including information about this matter in the City newsletter.

ACTION: Director Lieberman made a motion, seconded by Director Feierbach, to allocate up to \$5,000 to clean up existing entryways, and to have staff return to the Agency for approval of future expenditures in \$5,000 increments, if necessary.

Chair Braunstein questioned whether or not the allocation of funds was necessary, as staff has a responsibility to maintain these areas as part of their regular routine. Director Dickenson concurred, and recommended following that process before allocating additional funds.

ACTION: Director Lieberman amended his motion to remove the allocation of funds, to which Director Feierbach seconded. Motion unanimously passed by a show of hands.

ADJOURNMENT at this time, being 9:02 p.m.

Meeting audio-recorded and videotaped
Audio Recording 726

Terri Cook
Agency Secretary