

FINAL Meeting Minutes

PARK ACQUISITION CORPORATION

Regular Meeting

7:00 PM

Wednesday, April 6, 2016

Fireside Room, 100 Marin Valley Drive, Novato, CA

ATTENDEES:

- Board Members: Larry Cohen, Mike Hagerty, Peggy Hill, Jim Olson, Jay Shelfer.
- 17 Non-Board Residents
- Park General Manager: Matt Greenberg
- Recording Secretary: Susan Windman

CALL TO ORDER: 7:03 PM

A. APPROVAL OF FINAL AGENDA

Jim had the following agenda changes:

- Agenda item D-5 (Report on meeting with City on residents' concerns) -- Jim asked that the second sentence -- "The City's interpretation... Delegation and Management agreements." -- be removed from the agenda item description.
- Agenda item D-8 (Report on MVEST) -- Jim asked that that entire agenda item be removed from the agenda.

Jay noted the following agenda change:

- Agenda item D-1 (Update on MVMCC Preliminary Landscape Plan) -- This agenda item is cancelled. The update to the Plan will occur in May instead of tonight.

Motion was made and seconded to approve the final agenda, with changes. Motion was voted on and passed: 5 ayes, 0 nos.

B. PUBLIC COMMENTS (for issues not on the agenda)

- Serena Fisher commented she supports moving to a chlorine-free pool. She brought a report about pool water alternatives and left a copy with Jay. Jay indicated the City has agreed to do a salt water pool. He also mentioned any information regarding pool water alternatives is welcome and should be passed on to Matt.

C. CONSENT CALENDAR

1. Receive approved minutes of February 3, 2016 meeting.

Motion made and seconded to receive the approved February 3, 2016 minutes.
Motion voted on and passed 5-0.

2. Approve minutes of March 2, 2016.

Motion made and seconded to approve the March 2, 2016 minutes. Motion voted on and passed 5-0.

D. REPORTS

1. Update on MVMCC Preliminary Landscape Plan (Gretchen McCann, Tony Williams)

The landscape plan update is moved to May.

2. PAC Treasurer's Report (Larry Cohen)

Larry presented the following PAC Treasurer's report:

PAC Final Balance	\$6,102.62
PAC Actual Balance	\$2,135.12
Humanitarian Fund Starting and Final Balance	\$3,967.50
Total Spent Current Fiscal Year	\$2,536.99

3. MVMCC Administration and Finance Report (Peggy Hill)

Peggy looked at the monthly management report for February. Debt-to-service ratio is 2.84, which is a very good figure. Everything in the report looks ordinary. Peggy noted the following:

- Peggy noted \$18,900 (at \$100/hour) was spent on the audit of the mobile home rent control ordinance. Peggy thought it looked like an excessive cost. David King mentioned it is charged every year. Jay's understanding is that the fee is a percentage based on the City statute for maintaining the rent control for all units. Jay will ask again about the fee at the next 2-by-2 meeting.
- \$15,000 is set aside annually for legal fees. \$8,400 of it hasn't been used yet and it is close to the end of the fiscal year. There is money to look further into the legal issues involving rules/regulations, too many cars, etc. Larry mentioned he

thinks the money is for Al Frei's lawyer. Jim noted he thinks it is for when the Park has to go to court for evictions, etc.

Peggy mentioned at the March meeting she would look into who "Bob" is in regard to \$150,000 shown sent to the City of Novato by a "BOB" domestic wire. Peggy spoke with Brian Cochrane and learned that "Bob" is actually "Business Online Banking." The money was taken out of the Park's account and put in long term reserves because it was excess and it could receive better interest in the City of Novato account.

4. Maintenance and Capital Projects (and when will work begin on PG&E path) (Matt Greenberg)

Matt noted that because it is the end of the budget year and funds are pretty limited, Matt is trying to focus on the most necessary items or those that can be billed later.

Matt provided the following project report:

- PG&E – Matt's understanding is the City Attorney needs to propose to City Council the work and cleanup to be done along the path by PG&E, City Council then approves, and PG&E gives 30 day notice that they'll commence with the work. Matt wasn't sure where the City Council meeting about this would occur. Jay indicated City staff mentioned the meeting would occur at the Park in June. Peggy wondered why the City Attorney was involved with this. Jay responded that Cathy asked Veronica because Cathy's sudden increase in workload (with departure of City Manager) isn't providing her with adequate time. Peggy is hoping the work could be done sooner. Matt will check with PG&E as to when PG&E is aiming to complete their work.
- Fixed severe water problem at 2 Fallen Leaf.
- All trees in the Park leaning over the roofs of residences are being pruned.
- Pool circulation pipes – Pipes that were broken and causing leaks in the pool have been replaced.
- Other pool -- Pool is being drained and will be re-plastered starting tomorrow (work should take 4-6 weeks, or maybe less). The coping, tile and all equipment will be replaced.
- Money left over from Roto Rooter drain cleaning is being used towards repairing two main drain inlets undermined with gopher holes and thus pretty seriously receiving water from the V ditches, at 106 Panorama and 33 Marin View Drive.

Matt confirmed the pool is being converted to salt water. Matt is discussing with Environmental Health the size of the UV water filtering system to be used.

The hot tub won't be salt water because of the temperature and will still be chlorinated. The UV system will be used for both.

5. Report on meeting with City on residents' concerns. (Jim, Jay)

Jay mentioned he and Jim met with City staff about concerns voiced at the last meeting. Jim read from a meeting summary he put together about the meeting:

Met with Cathy, Veronica and Brian. It was a very difficult meeting lasting around 2-½ hours. City Staff were very upset at our complaints. They sincerely felt that they had been doing the best work possible on our behalf and that we were compromising a long-time working and personal relationship which was important to them, too. Most, and maybe all, of our issues were explained in detail and pretty much justified. Some new procedures and solutions were discussed and, hopefully, will be implemented. Problems with communication, miss-information, outcome expectations and role expectations need work.

Some take-a-ways:

- The billing document we were given was incomplete and labels were incorrect and incomplete. It was not a finished document. This was an admitted mistake. The catch-up billing was admitted as a mistake and a new process was promised to eliminate this in the future.
- As the Owner, the City has several layers of legal obligations to fulfill. It is Owner, also a Municipality and this is a Mobile Home Park with yet another layer of laws and regulations. Nothing will ever be as simple or easy as if this were just a business. Many issues that seem simple at first tend to develop layers of complexity once begun. The PG&E business had five legal projects, several easements and multiple conflicting resident wishes.
- Need to define roles/expectations for all parties. A meeting to do this is planned.
- The \$25K budgeted has been the figure for City expenses for years. So we get billed for the additional higher expenses. A higher figure will be budgeted this cycle. We have been using less of Al Frei's attorney services but the City's attorney has been doing more of that work. Al Frei's attorney bills \$80 MORE per hour than Veronica.
- The PAC Board has not been involved in the meetings with MVEST. The City feels that there is some miss-communication here and wants to schedule a meeting with MVEST to resolve that.
- The City has to hire an ADA consultant because the law is constantly changing. If we were a business we would have to do the same thing.

- Dollar amounts in the Agreement that specify who takes the “lead” for projects are specified by law. That said; we need to find ways to let Matt do more and the City less. Originate more projects from within the Park and when that cannot be done involve Matt and residents as early and as much as possible.
- We were told that we are on track to pay off the loan on time and that these expenses do not affect our ability to save enough for the infrastructure work.
- Rules and Regulations need to be aligned with State Laws and so must be drafted by a lawyer. We cannot change them from inside the Park any more. Same for the New Resident Packet. Both are way out of compliance and need to be redone.

Some conclusions:

We have pushed the limits of our relationship with this action. Professionally and personally, the City does still care about our future. Our message was heard and there will be some changes as a result. We have probably done as much as we can to communicate our issues and the City seems to be listening. Projected changes will allow us to continue our good, even friendly, relationship with the City and City Staff. We need to understand what they can and cannot do within the constraints of their full responsibilities and adjust our expectations to what can actually be done.

We might see this event as a development in the relationship between the Park, the residents and the City. When the current Delegation and Management Agreements were developed these big projects and legal ramifications were not foreseen as impending and we pretty much continued to do what we had been. Also, we had not yet arranged to have an on-site manager such as Matt. Our arrangement, contractual and otherwise, actually worked pretty well. Now we are entering a new era where these major new elements are coming into play. It is not unreasonable to expect some growing pains and the development of new roles, parameters and expectations. Perhaps this event was a major step in that direction and it will allow the Park and the City to move into an appropriately modified relationship for what we need to do in the future.

Jay added that the \$25,000 management fee has never really been broached, but the additional consultant and legal costs, billed separately, are budgeted separately and aren't seen initially by PAC. In future budgets, these additional, unexpected charges should be included. The consultants will need approval by the City Council for the bills to be paid. Jay also mentioned City staff is interested in better defining the roles between PAC and management and the City, and a meeting will be held with MVEST.

Peggy wondered if it might be better to get an attorney specializing in mobile home parks. It isn't Veronica's area of expertise (Veronica=City of Novato Attorney).

A resident asked if the City would be billing for the meeting and for the MVEST meeting. PAC Board members responded “yes.” The resident was perplexed as to why the City would bill for the MVEST meeting as the City was to one to benefit from MVEST’s input to them and that the Park should not be billed.

Jim mentioned the unexpected charges related to MVEST were discussed. The decision was to have MVEST and the City resolve their interests directly. PAC hasn’t been involved in the process involving MVEST. The City feels there has been miscommunication between the City and MVEST. A resident thought it would be good for PAC representation at the City-MVEST meeting. Jim responded he thought it would be a good idea. A resident mentioned that since MVEST is now under PAC, there should be coordination between the two.

Jim summarized that he/Jay strongly argued their case and the issues during the meeting, and the City heard them. Jim does not feel PAC still needs to write a letter to the City Council and that perhaps at the next meeting it can be addressed. Larry indicated he will make a motion about it at the next PAC meeting. Jay added the City heard the concerns and indicated they will be making efforts to respond.

A resident/MVEST member indicated Serena and the resident participated in a 1-1/2 hour meeting with the San Rafael fire chief and he didn’t charge. The resident indicated something needs to change regarding Novato. Jay responded that issue should be brought up at their (MVEST) meeting with Novato, especially as MVEST is a volunteer organization in Novato. Another resident indicated Bill Tyler (Novato fire department) also didn’t charge.

6. Report on 2x2 meeting with City (Jay, Larry)

It was a short meeting and it was held with Brian. The following topics were discussed:

- Landscaping plan – The City is still working on it. City also indicated the salt water pool would have to be paid for, which Larry mentioned is a big thing.
- Property at 171 Marin Valley Drive – Matt has researched what type of house will go in there. Any profit made on the sale of it will go into Park funds, not City funds. Brian will expedite the process in getting the City Council involved in time for the May meeting.
- Rent Differential Committee – The City is still planning on coming to the Park to discuss the topic. However, the City didn’t provide a date.

Jay added that the City is supportive of having funds for air conditioning in the Clubhouse ballroom (residents clapped). City will also go along with the pool filtration/salt water pool proposal.

Jay asked Larry (resident attendee) about the memorial bench, currently stored in the shed. Jay mentioned to give Matt the name and model number (and also any specifications) of the bench so the ADA consultant can approve it.

7. Report on Wish List (Jay)

Jay mentioned PAC won't hear about it until the meeting with the City. There are enough funds for all the requests. MarVal asked additionally for two rolling carts and Jay doesn't see problems including them.

8. Report on MVEST (Jay)

NOTE: This agenda item has been removed from the agenda (see agenda item A).

E. OLD BUSINESS

1. Continued misuse of public parking spaces, including letter from Pauline Hawkins (Peggy)

Peggy provided thoughts regarding parking in the Park. Most mobile home parks are more strictly regulated than MVMCC. Residents when they move in to MVMCC sign the Park rules and regulations. Marin Valley Drive is supposedly a public street, while the others in the Park aren't. Peggy wonders if street parking spaces are also "public." She feels when a resident stores a car long term in one of these spaces they should be getting written up and should receive a letter (a copy kept in a Park file) stating they shouldn't be doing it. Peggy indicated that when walking to the Clubhouse just now from Sunrise, she counted four cars with expired registration stickers.

A resident, Pauline Hawkin, indicated parking in the lot across from where she lives is a big problem. There are 12 spaces in the lower lot on Marin Valley. Right now, there are ten cars that have not moved in months or years, some with registration, some not, some with permits, some not. One car's alarm goes off at various times and stays on for quite a while. She went into the RV parking area today and documented a similar situation. Pauline indicated the parking problem has been an issue for years. When is it going to be addressed?

Peggy hopes Veronica can start working on the rules/regulations earlier than 2017. Maybe at a 2x2 meeting Veronica can be encouraged to start earlier than that.

Mike Hagerty indicated if there are cars with no license plates or no current registration stickers, they should be towed.

Jay mentioned the parking issue has been brought to the attention of the City. Need to find a legal way to better control the situation.

Jim mentioned that court order is another avenue. It would involve taking the resident to court for not following the rules that they signed. Then they get a court order stating they need to follow the rules. And then they are in contempt of court if they don't comply. It is very expensive and time consuming. Regarding the lower Marin Valley parking lot, Jim wonders if the unregistered cars could be ticketed by the police as not conforming to the Vehicle Code.

A resident indicated that some of the cars do have parking permits, but there are no other spaces for them to park. Perhaps the number of parking permits given out should be limited.

Jay asked Matt if there are restrictions on the number of cars a resident may have. Matt indicated no. Matt clarified that the permits are not parking permits but storage permits.

Residents offered various suggestions, such as having some parking lots assigned to certain residents, and investigating if parking is going on by non-Park residents (for example, by people from neighboring areas). Erma Wheatley suggested putting up signs indicating specific spaces are not for storage.

A resident, Warren Edgar, spoke out about how he is following the rules and has been obtaining/paying for a permit for a vehicle for regular visits by family members, but now he is being told he can no longer do this. He is happy to pay the extra fee but unhappy with what he is hearing.

Jim Olson seems to remember that the regulations require parked vehicles to be registered and operational. Matt will check on it.

2. Report on PAC Election in May (Larry)

Information about the election is in the Echo. Nomination period May 15 to 21. If there needs to be an election, ballots will be mailed May 23, with "Meet The

Candidates” night on May 24, voting May 25 through June 3, and results announced at the Saturday, June 4 PAC meeting at 11 am.

Peggy indicated she has to leave the June 4 meeting early (around 12:30 pm).

F. NEW BUSINESS

1. Establish an Ad Hoc PAC subcommittee to meet with City staff and Al Frei’s group to consider 2016/2017 budget. Note budget for Al Frei’s group lawyer.

Jay would like to form an Ad Hoc PAC subcommittee to meet with City staff and Al Frei’s group to go over the 2016/2017 budget, and also to meet with City staff to look at the budget amount set aside for Al Frei’s lawyer.

Jay indicated two PAC members are needed and they will negotiate for residents at this budget meeting. Jay would like to be there.

Jay and Larry are nominated. The motion is seconded and voted on. The motion passes 5-0.

Larry mentioned that since David King is part of the Finance Committee, Brian (City of Novato) agreed that David King can attend the meeting.

2. Determination of next meeting date

The next meeting will be: **Wednesday, May 4 2016, 7 pm.**

G. REPORTS FROM OTHER BOARDS

1. HOL

Nothing new to report.

2. MAR VAL

The Appreciation dinner will be held April 16.

3. MVEST

On Saturday, April 30, a Novato Fire District representative will be speaking about “Vial of Life” (compilation of important medical information that each person should have easily available in case of emergency).

H. ADJOURNMENT

Meeting adjourned at 8:25 PM.