

FINAL Meeting Minutes

PARK ACQUISITION CORPORATION

Regular Meeting

7:00 PM

Wednesday, July 2, 2014

Fireside Room, 100 Marin Valley Drive, Novato, CA

ATTENDEES:

- Board Members: Larry Cohen, Mike Hagerty, Tom Miller, Jay Shelfer, Desiree Storch
- 35 Non-Board Residents
- Recording Secretary: Susan Windman

A. CALL TO ORDER: 7:11 PM

B. APPROVAL OF FINAL AGENDA

Motion was made and seconded to approve the final agenda. Motion passed 5-0.

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

- Carole Gathman spoke about the pool. She mentioned that about two months ago she noticed the water tastes salty and the pool steps and floor seem slippery. She has seen other people slide on the steps, has received input from other residents that the water tastes salty, and she herself later slipped and landed on her tail bone. She has submitted resident input forms and letters but feels the issue is not being taken seriously. She believes it is a health/safety issue with high-liability potential to residents. The County's environmental inspector and Matt have been involved, but Carole mentioned she was very disappointed to find out it takes at least two months to begin to get it addressed and corrected.

Jay responded that PAC will actually address some of it during the maintenance and capital projects, because there has been some attention by Al Frei and the inspectors.

- Serena Fisher, head of MVEST, reviewed some of the issues MVEST has been getting calls about. One issue is that grass, after being cut, is being left on the property. Cut grass can become a fire hazard and should be collected, not left. Serena mentioned the issue is beyond the scope and resources of MVEST. Other calls being received focus on vegetation, such as juniper. Serena commented that this

topic is one that would be better addressed by PAC, City management and the fire department since it is a long term, bigger issue than what MVEST can take on. Serena also provided an update on MVEST activities. With the budget approved, MVEST is ready to purchase radios and a siren, and will start trainings in July and August. Additionally, the fire department has mandated an emergency evacuation drill at the Park in late August. Later in the year, MVEST would like to organize an emergency disaster preparedness fair, with lectures, demos, etc.

- Melisa Kuder spoke about the pool. After Melisa was diagnosed with a UTI, and learned of two others with the same infection, she decided to test the pool on her own with pool strips and has done so around eight times. The strips indicated unsafe water conditions. Melisa commented to the PAC Board that the pool should be tested three times a day – in the morning, around noon and in the early evening – and that if there is a problem, that information should be prominently displayed about it.
- Sandee Duncan spoke about the pool. She mentioned she supports Melisa’s comments about the pool. Sandee contracted a rash that her doctor attributed to the pool. Sandee mentioned she believes it is an issue that should be seriously addressed and that professional testing should be conducted.

Tom asked for residents having episodes with the pool to put together a diary with the following information – when it started, timing, the days when the medical conditions were noticed, and what the medical doctors said regarding the possibility of the connection between the two (infection and pool).

D. CONSENT CALENDAR

1. Receive approved minutes of April 23 meeting.
2. Receive approved minutes of May 7, 2014 meeting.
3. Approve minutes of June 7, 2014 meeting.

Motion made and seconded to receive the approved April 23 and May 7 minutes. Motion made and seconded to approve the June 7, 2014 minutes. Motions voted on and passed 5-0.

E. REPORTS

1. PAC Treasurer’s Report (Larry Cohen):

PAC Final Balance	\$5,308.42
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PAC Actual Balance	\$2,018.92
Humanitarian Fund Starting and Final Balance	\$3,289.50
Total Spent Current Fiscal Year	\$3,569.69

2. MVMCC Administration and Finance Report (Desiree Storch)

Desiree mentioned that in the management report, the Debt to Service ratio year-to-date is currently at 2.8, well above the required 2.

Tom had a question about the management report – probably a question for Al Frei. Tom mentioned that in the February report, Matt’s salary was indicated to be \$3,705. In the March report, it showed \$4,709. In April and May, the indicated salary was \$4,106. Tom would like to know why the numbers deviate. Desiree indicated she would look in to it.

3. Maintenance and Capital Projects (Jay Shelfer)

Jay provided the following updates:

- Generator balance to be carried forward -- \$25,000 was allocated for the generator. The generator was purchased and was presumably going to be installed this last calendar year (which ended on the 30th). However, it didn’t happen and only a portion -- \$12,000 -- was spent. The budget for the coming year has been changed by the City to include \$13,000 for finalization of the generator.
- Matt’s return to work -- Matt would typically be presenting the updates, but Matt is still out. Jay spoke with Matt just before the meeting and his condition is improving. Matt is meeting with his doctor on July 25 to review his progress. Al Frei indicated that Matt’s doctor has to sign off on Matt’s medical condition before Matt can return to work. Matt believes he will be returning to work by the 25th.
- Pool water issues -- Jay spoke briefly with Matt about the pool and he also spoke with Al Frei, Greg and Mark. Last week, Jay was with Greg when Greg retested the water. Greg performed two separate testings of the pH and chlorine content and found both to be in the acceptable range. The problems voiced by residents were brought to Al Frei’s attention and he has looked in to the situation and Matt made aware of the problems. What they are planning to do in the interim, until Mark or Greg can be certified to test the water, is to hire an outside contractor located at Hamilton to test the water.

Meanwhile, Mark has looked at the pool water along with the Health Department. It turns out the pool water has a lot of phosphate – an accumulation of many months of activity in the pool. The process to de-phosphate the pool takes around 36 hours. Next week the pool will be closed for a day so that a chemical can be added to precipitate out the phosphate.

Selene mentioned she understands the pool water hasn't been changed for six years. Jay responded he heard this, too. Jay commented that because there currently is a drought, a water change should wait until winter.

Mike mentioned he heard from several residents that it took a lot of time to get the attention of Park management.

Tom asked if keeping the pool open now is the right thing to do if there are unsafe pool conditions. He would like to get the City Attorney's opinion since the issue could open PAC up for legal action. Larry mentioned he believes Al asked the inspector who looked at the pool if he/Al should shut down the pool and the inspector said it was an extreme action given the conditions.

Public Comments:

A resident who uses the pool every day commented that some of the actions mentioned seem extreme if the inspector says the pool is ok for use. Another resident mentioned that users don't always wash before and after using the pool and that they are at higher risk of infection by not washing. A resident who uses the pool regularly indicated she doesn't slip in the pool. A resident commented about the high phosphate in the water and suggested that the pool be closed until the phosphate level is reduced. Jay responded that the phosphate is there because the water hasn't been changed for a long time and that the pH level can, meanwhile, be adjusted chemically until the phosphate is removed. The presence of the phosphate makes it difficult to maintain the pH. Nancy mentioned that HOL has already told residents that the pool will be open over the July 4th holiday.

- Fire Danger – Jay mentioned that because of the extreme drought situation in California, there is a lot of dry vegetation around. Park Management has instructed Leonardo to not only cut but also rake. Lynn Osgood, a member of the fire department, was at the Park a few days ago to assess the effect of the shrubbery around the residences and also the height of the tree branches hanging down. It is the fire department's position that the tree branches should be no lower than 10 feet above the ground (i.e., a clear space of 10 feet should exist below the tree branches), so that any potential grass fire would not flash up in to

the trees. Lynn Osgood commented there are a lot of coyote brush, juniper, spruce and palm trees around the houses that pose danger from grass fires and from fires in the nearby neighborhoods that have updrafts carrying lit embers in to the Park.

Jay mentioned these issues will be examined further to see how the Park can interface with the residents to try to deal with the situation, and to try to institute a shrubbery policy that makes it voluntary in some cases or voluntary with the help of the Park if a resident cannot afford to trim around the home. The idea is to remove those fire hazards from around the houses, and to reduce the potential for a domino effect of a fire starting at one house and then spreading to other houses. The first step going to be taken is for a landscape authority to review the shrubbery and trees around the Park and make a report. At the same time, there will be a topographical assessment in order to gauge where a fire draft could potentially travel.

Jay indicated to residents to email him if anyone has questions.

4. City of Novato (Jay Shelfer)

Jay provided the following report regarding the City of Novato:

- 2x2 meeting – There will be a 2x2 meeting, where Jay and Larry will meet with the City Attorney (Veronica) and Assistant City Manager (Cathy Capriola) and bring forward Park issues. If residents have pressing issues (issues that cannot be resolved by Park management), feel free to send Jay email or contact any of the members of the PAC Board. Jay will try to add that item to the 2x2 meeting agenda. The next 2x2 meeting should occur end of August/beginning of September.

5. Report on meeting with Pat Eklund, Novato City Council (Mike Hagerty, Desiree Storch)

Jay asked Desiree and Mike to describe their meeting with Pat Eklund (Novato City Council). Desiree mentioned that Pat provided an orientation about the City of Novato to Desiree and Mike. Mike mentioned that in three weeks there will also be an orientation with Cathy and Veronica.

6. Input for next 2x2 meeting (Jay Shelfer)

Jay reiterated that he will be seeking input for the next 2x2 meeting with the City of Novato. See agenda item E-4 (City of Novato report) for additional details.

7. Accounting for the downstairs upgrade (Jay Shelfer)

Jay had Tom speak on the topic, as Tom had requested it be put on the agenda.

Tom was concerned and wondering if the reduction in the generator carried forward and was related to the work going on downstairs. Jay responded that it was not. Tom also asked if an accounting was ever received that showed the amount spent doing the downstairs. Jay responded affirmatively and that the cost for upgrading the downstairs was approximately \$34,000. \$40,000 was the budgeted amount, which was in a general account.

8. Residents loaning their gym key to outsiders (Tom Miller)

Tom mentioned that a female resident who uses the gym early mornings approached Tom and Mark one day about the gym facilities. She noticed unfamiliar people using the women's shower room several times. When she approached them for their names, the people refused to give that information to her and seemed upset by the question. She wondered if the people were friends of a resident who has a key to the gym and/or if they were trying to use the gym when no one else would be there. Jay mentioned there are some old keys floating around, but the new keys say "not to copy." Jay continued that it is pretty difficult to police, but if it is noted that someone is abusing use of the keys, Matt should be contacted. If repeat offenders are noticed, their license plates should be jotted down.

F. GENERAL BUSINESS

1. PAC Board to delegate Jim Olson to continue as PAC Board Representative, or designate a Board member to assume that role, in order to finish the revised Tree and Shrub policy and the new Clubhouse Event policy. (Jay Shelfer)

Motion presented and seconded for the PAC Board to delegate Jim Olson to continue as the PAC Board Representative, working with HOL, MarVal, Management and City staff, to finish the process for the revised Tree and Shrub policy and the new Clubhouse Event policy, or designate a Board member to assume that role.

Desiree indicated she supports the idea of Jim Olson continuing. A resident mentioned he thought all residents should be involved in these policy decisions and that there are Park residents who do not agree with the policies. Serena mentioned there are concerns about the policies. If management has oversight and doesn't like Park decisions then management could veto them. A resident commented that s/he doesn't feel the process is being done democratically. Another resident thought both

policies should be tabled. Jay responded that the issue is if HOL approved policy over the objections of the majority of residents.

Tom asked Jim if notices of the various board meetings discussing the policies were posted. Jim responded he doesn't believe notices were posted, including in the Echo, especially since meetings occur regularly each Friday morning. Anyone wanting to provide input just shows up. A Board member mentioned he would have liked to have seen more public notification.

Jay reminded everyone that the motion is asking PAC for Jim to continue, not to approve the draft policy.

Jim Olson mentioned the process has taken around a year and indicated he would not be willing to continue if policy issues were reopened or continued. He is willing to complete the process – taking it to the City for approval, taking it to Management for implementation – for around two to three months.

Tom wondered about further resident input. Jim responded that additional input would be a problem due to the length of time for additional City review and approval. Jay continued that any changes to policies need to be approved by all three Park boards and the City – the entire approval process would need to start again from the beginning.

Motion voted on and passed 5-0.

2. Allow draft PAC Board Meeting Minutes to be emailed to Board member prior to next meetings and allow corrections to be submitted electronically, but corrections may not be approved until the public meeting (Tom Miller).

Tom mentioned that in order to shorten the meetings, the secretary sent out copies of the minutes with a statement to send corrections to him (Board secretary). Tom feels that corrections to minutes should be made in front of everyone at a PAC Board meeting. Jay mentioned he spoke with Cathy Capriola (Novato), who indicated that if minutes were circulated to PAC Board members, corrections could be made to the secretary and included in an Addendum to the minutes. At the regular meeting, the changes could be looked at by reading through the Addendum. Changes would be made/discussed at the open Board meeting.

Anila commented that the draft minutes are posted on the website. Jay mentioned that the draft minutes are not the approved minutes and should first be circulated among the PAC Board. Once changes have been accomplished and approved during

the open meeting, then it can be circulated to prevent misinformation going out and creating a problem.

Nancy voiced concern that by the time the minutes are approved and posted they would be two months behind, while currently she can see the agenda and minutes each month. Mike agreed with Nancy and Anila and mentioned he would like to see draft minutes available to anyone (i.e., posted). Jay mentioned that if that is to occur he would like to see a notice that says “these are draft minutes and they have not been approved and are subject to revision at the upcoming PAC meeting.” Al suggested including a watermark on the draft minutes that says “DRAFT” and Board members agreed with that suggestion.

3. PAC Board to approve the proposed Tree and Shrub policy, already approved by HOL, Management and City staff; authorize it to be given to the Novato City Council for approval; and then return it to Park Management for the process of inclusion in Park Rules and Regulations.

Motion made and seconded for the PAC Board to approve the proposed Tree and Shrub policy, to authorize it to be given to the Novato City Council for approval, and then to return it to Park Management for inclusion in Park Rules and Regulations.

Tom stated he is against approving the policies, which affect all the residents, without resident input. Tom feels the policies should be discussed further at a separate meeting rather than approved at tonight’s Board meeting. Mike asked for a show of hands from residents who are concerned about the policies and would like more input. 80% of the residents attending the meeting raised their hands.

Desiree asked Jim if residents indicated they felt heard. Jim responded that regarding the Tree policy he has openly and actively invited input, but that regarding the Clubhouse policy he hasn’t been as active towards inviting input because of involvement with the City.

Tom mentioned that it is important to note that the City is looking at the policies in terms of liability, while the Park is looking at this from a perspective of convenience and common sense. Tom then asked Jim what it would take to keep the three-month window open, to get it to and from the City Council, to have a special one-time meeting (on a Saturday or other convenient time) on both policies. Jim responded that the meeting is no problem, changes – any changes -- are the problem. Every change has to go by Veronica (City of Novato Attorney).

Jay mentioned that the tree definition clearly differentiates it from the shrubs. Trees – how to deal with them – are the meat of the document. Shrubs and bushes, a fire hazard concern, are the responsibility of the homeowner. Cathy indicated that the City is not involved with removal of shrubs and bushes. Jay feels the topic needs to be looked at further, aside from the tree policy, in terms of on how to deal with it. Jay thinks the discussion will evolve over the course of months. The tree policy has been vetted and the views of residents heard.

Jay mentioned that the process has been going on for a year and all people who wanted to be heard should have been able to provide input. Jim mentioned that both policies have been posted for about three months on the Clubhouse board.

Jay asked residents attending the Board meeting if any of them who have read through the Tree policy have not yet had a chance to offer input in to any of the three boards. A resident responded that she tries to keep up, but that she hasn't seen anything in the Echo asking for input. Nancy indicated she is not interested in going through this another year. Serena mentioned that some clarification would be helpful, for example a town hall meeting that goes through the policies. People are confused. The resident asked if Jim could be available to lead such a meeting. Judy indicated concern that the two policies are being looked at together rather than being kept separate.

Jay asked Jim if he would be willing to chair a meeting to discuss the issues with the residents. Jim said “yes.” Jay indicated he feels both policies have been pretty vetted at this point, but he understands the feeling from the residents that they would like to have input or understand what is going on. Jay doesn't feel the meetings have been held in private. He has known about them and attended them. He believes making an extra effort to notify the whole community of a meeting is worthwhile. Jay would entertain a motion to table both the tree and rental of the clubhouse and make them the subject of two meetings over the next month at a time the whole community could attend.

Motion made and seconded to table Board approval of the event and tree policies, subject to having a community meeting posted by Jim Olson and the community, to get further input and to explain the policies before PAC Board approval. Motion voted on and passed 5-0.

The policies will be on the website and also posted.

4. PAC Board to approve the proposed Clubhouse Events policy, already approved by MarVal, HOL, Management and City staff; authorize it to be given to the Novato City

Council for approval; and then return it to Park Management for the process of inclusion in Park Rules and Regulations.

NOTE: See agenda item F-3 for initial discussion on the policy, and for the Board motion and vote.

Peggy Hill spoke about Fireside Room usage and that the Clubhouse Event policy should be changed to allow the Room to be used for smaller events. Jay mentioned he spoke with Cathy Capriola and that the main Fireside Room issue seems to be that there is a TV in the room and people like to watch TV while there may be an event. Jay indicated the solution to this would be to have a TV downstairs, which will be resolved when the elevator is installed. The Fireside Room would then be able to be used for parties. Jay commented this would have to be vetted by the three boards, but a temporary policy while the TV is still in the Fireside Room may be able to be instigated.

Alan Gump mentioned he uses the Fireside room every other month for MVEST training and wondered if it would still be available. Jay responded “yes.”

5. Determination of next meeting date

The next meeting will be Wednesday, August 6, 2014 at 7:00 pm.

G. REPORTS FROM OTHER BOARDS

1. HOL

Nancy spoke for HOL and provided the following update:

- HOL has a new treasurer, Gwendolyn Morgan.
- Pool water issues were discussed previously so they won't be repeated here.
- The yearly campaign for HOL dues has started. Dues have been increased to \$15 (from \$10) in order to continue carrying out HOL activities.
- Nancy thanked Tony and Suzy for their help.

2. MAR VAL

No report.

3. MVSC

No news.

H. PAC BOARD MEMBER COMMENTS

No comments.

I. ADJOURNMENT

Motion made and seconded to adjourn the meeting. Motion passed 5-0. Meeting adjourned at 8:45 PM.

**ADDENDUM FOR FINAL VERSION OF
JULY 2, 2014 MINUTES**

Corrections for Final Version of July 2, 2014 made during August 6, 2014 meeting include the below. The comments have been incorporated in the final version of the July minutes.

- Tom mentioned that on page 3, third paragraph, the numbers are in tens of thousands but should be in thousands. These are monthly figures, not annual.
- Anila commented, via email to Jay, that on page 4 all instances of “Ray” should be changed to “Greg.”