

FINAL Meeting Minutes

PARK ACQUISITION CORPORATION

Regular Meeting

7:00 PM

Wednesday, August 6, 2014

Fireside Room, 100 Marin Valley Drive, Novato, CA

ATTENDEES:

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

CALL TO ORDER: 7:01 PM

A. APPROVAL OF FINAL AGENDA

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

Later in the meeting, Anila commented that in agenda item F-2 (soap dispensers), a word is missing in the second sentence. The second sentence now reads: “Soap shall not be anti-bacterial and shall not contain triclosan, perfume, or fragrance. (The word “not” has been added between “shall” and “contain.”)

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

- Owen Haxton spoke about the sign board constructed on the hill. Permanent signs seem to be taking up space and there doesn't seem room to put up signs. Owen wanted to put up a sign about a bingo event, was given the OK but there was no space on the board.
- Bill Davis spoke about rooftop antennas, especially the sled antennas, and voiced concern about their safety and their visual impact to the entire community. He's especially concerned that they could easily be dislodged during a wind and become a dangerous hazard. The antennas also exceed the 15 foot limit in the Park and are not inspected. He would like to see proper management of the antennas, as proposed by HOL. (See agenda item F-4.)

- Jay read an email he received from Erma Wheatley regarding The Echo. With the new Echo, a lot of the new suppliers are not getting their ads in. She wanted to be sure that the previous advertisers in the Echo had an opportunity to advertise
- Jay read an email he received from Judy Vucci and Ray Schneider. They were unable to attend the meeting but wanted to let it be known they are in favor of using the Fireside Room for the residents to be able to reserve the room under certain circumstances.
- Susan Meyer asked a question regarding homeless people camping and making fires in the open space.

Jay mentioned the following, in response to the public comments:

- Sign board – The sign board will be under the perusal and use of the Park’s Boards for various notices. When Matt gets back, he’ll be in better control of the situation. Jay commented that having an advertisement for the MVMCC website probably isn’t necessarily the best use of the sign board. Jay thought there should be at least three open spots available for notices.
- Satellite dishes – Jay thanked Bill Davis for his comments and also mentioned that the topic will be discussed later in the meeting.
- Police and homeless – Jay mentioned the police have been notified about the possibility that people are using the Clubhouse unauthorized. The police have put onto their patrol list that they should stop by the Clubhouse several times during the night. If they come across problems, they are going to notify Mark or Greg to find out if the people are residents, or not. Regarding fires, Jay mentioned this is the first time he’s heard about it and he asked Susan Meyer to speak with him after the meeting.

C. CONSENT CALENDAR

1. Receive approved minutes of June 7, 2014 meeting.

**Motion made and seconded to receive the approved June 7, 2014 minutes.
Motion voted on and passed 5-0.**

2. Approve minutes of July 2, 2014 meeting.

Comments:

- 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.”

Motion made and seconded to approve the July 2, 2014 minutes, with corrections. Motions voted on and passed 5-0.

D. REPORTS

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

PAC Final Balance	\$5,864.88
PAC Actual Balance	\$2,575.38
Humanitarian Fund Starting and Final Balance	\$3,289.50
Total Spent Current Fiscal Year	\$ 181.74

2. MVMCC Administration and Finance Report (Desiree Storch)

Desiree mentioned the following:

- The debt-to-service ratio is currently at 2.81. The ratio needs to be higher than 2.
- Gross income to date is a little over \$3 million. Net actual income of \$784,000 got rolled over in to the long term fund for infrastructure, maintenance, etc.
- The monthly financial statement report from Al Frei is available at the front desk. The June report is cumulative for the year.

3. Maintenance and Capital Projects (Jay Shelfer)

Jay provided the following updates:

- Matt's return to work – Matt is still absent but should be back sometime this month – starting part-time in a week. He has been coming in, picking up the resident's input forms and dealing with them at home and also The Echo.
- The retaining walls have been started. (This topic will be covered further in agenda topic D-4.)
- Pool – The City and the Park have been working diligently on bringing the pool up to high standards. Jay hasn't heard of any problems involving the pool in the last month. Al Frei is very much involved and a professional pool company is also involved to help maintain the chemicals.

4. City of Novato (Jay Shelfer)

- Clubhouse -- Jay attended a meeting with the City engineer and the architect brought in to look at the ADA work for the Clubhouse. Larry and Jay sat in on the meeting. They were able to outline what the project would entail regarding the elevator, the building, and the use of the building. Nothing is set in stone yet, but the first project is to put in an elevator this fiscal year. The architect is

currently looking at feasibility. The elevator would be outside the existing structure and would allow access to both the card room and exercise room via two stops instead of one stop. It would enable access to the rooms without having ramps built (expensive and difficult).

- Jay mentioned that the engineer, Tony Williams, has been hired as an aide to Julian and has been given the job of overseeing all the ADA work and all the work at the Park.
- City is overseeing the Park hillside slope analysis, currently involving erosion at the most egregious sites (3 Wild Oak, 17 Marin Valley, and 99 Panorama). They are looking at the adjacent slopes and if remedial work needs to happen.
- City is also working with a local engineering consultant to develop remedial repairs to the sewage pumping stations – which will need upgrading in the next five to ten years. The City will give a better idea of when that’s going to have to happen.
- Sally Swanson is the architecture firm (San Francisco) selected by Novato to work on the Park project. The firm has worked with many municipalities in Marin.

5. Clarification of the 15% contingency item in the budget (Tom Miller)

Tom mentioned that several months ago he questioned the carrying forward of 15%. It is due to an accounting procedure. When Tom looked further in to it, he concluded everything being done is legitimate. Tom mentioned that previously he hadn’t read the loan agreement. Tom apologized.

6. Deterring recent vandalism with video surveillance (Mike Hagerty)

Mike spoke about recent car vandalism at the Park and about video surveillance as a possible response. Mike contacted the police but he was told they’ve disbanded their crime prevention unit. He outlined various video surveillance methods. Mike mentioned there’s even a budget item available to purchase video surveillance equipment, but he also recognizes the privacy issues and that usage policies should also exist. He indicated that many people have mentioned placing a camera at the entrance to the Park. He asked for a show of hands of meeting attendees who are interested in having PAC pursue getting an estimate for video surveillance. Out of 23 meeting attendees, 20 said “yes” and 3 said “no.” Mike indicated he plans to have a meeting to discuss the topic further.

Tom suggested hiring a security company. Jay indicated he spoke with Matt about security. Matt indicated Al Frei asked him to look for good cameras for the area. The police are researching having a private company come occasionally to check on the pool area and the Park.

Resident comments –

- Karen Mortensen mentioned she is not in favor of a police response. Regarding the vandalism, she indicated it is a repeat vandalism of one target, but that it is a subject taken very seriously by the residents.
- David Krasnor wondered if the recent vandalism event involved breaking and entering. Mike responded “yes.”
- Henry Frummer suggested creating a Citizen Watch. Mike responded he will bring it up with the police department.
- Mike York indicated he had reservations about video surveillance – that sometimes it presents unforeseeable consequences. He also mentioned that two days ago, he was unaware of the cameras in the Clubhouse. He doesn’t think Clubhouse cameras are needed but likes the idea of cameras at the Park entrance. He indicated camera use should only be for a specific need but should not be general policy.
- Janeen Thomas mentioned that cameras don’t do anything by themselves and wondered what the policy would be for reviewing videos from the cameras and retaining them. Mike responded that at other homeowner leagues, management does it.

E. OLD BUSINESS

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

Jay mentioned the City notified him they will meet with the PAC representatives towards the end of the month.

Jay asked for topics for the meeting:

- Judy Lane wondered where it stands with the Park moving in to the Novato Sanitary District.
- Mike would like advice regarding surveillance, police, vandalism and the homeless.
- Susan Meyer asked about the 2% rent increase and how serious the City is about that and also asked about the vegetation policy. Desiree responded that the rent increase goes in to effect on January 1. Jay responded that the Cathy Capriola stated vegetation removal is the responsibility of the homeowner.

Jay mentioned to contact him for ideas of topics for the next 2x2 meeting.

2. PAC Board to approve the proposed Clubhouse Events Policy, authorize it to be given to the Novato City Council for approval, then return to Park Management for inclusion in Park Rules and Regulations. (Jim Olson)

Motion: PAC Board to approve the proposed Clubhouse Events Policy, already approved by MarVal, HOL, Management and City Staff, and authorize it to be given to the Novato City Council for approval, then returned to Park Management for the process of inclusion in Park Rules and Regulations. In the event that the Park Board chooses not to approve this policy, the Board will appoint a current Board member to continue the development of this item.

The above motion was made and seconded.

Discussion:

- Larry feels the Fireside Room should be available for use by residents.
- Tom mentioned that Judy Vucci was unable to attend the Board meeting and asked Tom to read a statement. Jay asked Tom not to read the statement; that the statement should instead be entered in the minutes (see below).

Written statement by Judy Vicci (letter to Tom Miller, sent via email, August 6, 2014):

“I wish to state my opposition to the idea of closing the Fireside Room to reservations for semi-private events.

I understand that a few people are concerned about the Fireside Room getting dirty from use, but no one has presented any previous negative experiences to support that concern. A hefty deposit should take care of any additional cleaning that might be required.

The usual resident use, other than Park initiated events, involves a few residents who come by to watch sports or a video on the TV. I think they could be accommodated just as easily in the downstairs room but I do not believe the downstairs room is adequate for a family gathering or something of that nature, even with minor improvements. In any case, other residents are always welcome to come into the Fireside Room now, even when it has been reserved.

I do not believe the big Hall is at all appropriate for a small family group either. It is too large, and sitting on folding chairs can't begin to compare to the appealing Living Room ambiance of the Fireside Room.

I live in a single-wide mobile home, so it is particularly important for me to have an inviting place to gather with my bigger family once in a while. The general facilities such as the public rooms at MVMCC add much to the value of living where we do. It is a drawing card for people who consider moving here.

Reservations could be limited in number per month if the Board feels that too many people are reserving the Fireplace Room, but denying residents completely from semi-private use seems unnecessarily harsh.

Respectfully submitted, Judy Vucci”

- Judy Lane asked about the deposit for reserving the ballroom – If the check is held onto and returned after if there's no need for it, or if the check is immediately cashed. She thinks there should be a policy about this. Jay responded that cleaning and damage is covered in the rental of the room. Sandra Figone mentioned that years ago everyone could just use the building. She doesn't think money should be withheld. The Clubhouse belongs to everyone. Jim responded that no money is taken for just the facility – all the money is returned after the

event, unless there's a problem, and that maintenance of the Clubhouse is covered.

- Peggy Hill mentioned she is also speaking for Judy (B.) when she states that the Fireside Room is perfect for certain size parties and should be available for a few private parties per year.
- Nancy Bingham mentioned that private parties can occur if a deposit is paid. Also, if you have a party in the Fireside Room and some other resident decides to join, it's ok. She added that the topic should be discussed further after the elevator is installed. Jim responded that the Fireside Room would remain available for parties until the elevator goes in.
- Tom indicated he thinks the issue of Fireside Room use needs to be addressed and doesn't think the use should be changed when the elevator goes in. Jay agreed with Tom.
- Michael York asked about insurance. Jay responded there's a general insurance policy (covering liability and alcohol use) for residents only. If outsiders attend, additional insurance would be needed.
- Sandee Duncan added that the required insurance is general liability in the amount of around \$1 million and that a one-time policy can be obtained by going to the City of Novato. She wondered if this should be included in the Clubhouse plan.

Jay called for a vote to accept the Clubhouse Use Policy, as is. Mike asked for an amendment to be included – to vote on the policy as is and request the exception that PAC also allow the Clubhouse to be used. Jay responded that the amendment would require a change. The vote is for or against the existing policy. Then, since Jim won't be carrying it forward, someone else will need to be appointed to amend the policy and get whatever approvals are needed. Tom asked about the timeframe if the motion is approved. Jay responded that the timeframe could be included in the policy, but it isn't included now. Tom recommended adding something to allow, on an annual basis, leverage to change the policy if it turns out not to be working.

Motion voted on. Motion failed 0-5.

Jay mentioned the need to appoint a current Board member to continue the Clubhouse Events Policy item forward. Motion made and seconded to have Desiree Storch continue the item forward.

Motion voted on and passed 5-0.

3. PAC Board to approve the proposed Tree and Shrub Policy, and authorize it to be given to the Novato City Council for approval, then returned to Park Management for inclusion in Park Rules and Regulations. (Jim Olson)

Motion: PAC Board to approve the proposed Tree and Shrub Policy, already approved by HOL, Management and City Staff, and authorize it to be given to the Novato City Council for approval, then returned to Park Management for the process of inclusion in Park Rules and Regulations. In the event that the Park Board chooses not to approve this policy, the Board will appoint a current Board member to continue the development of this item.

The above motion was made and seconded.

Discussion:

Mike feels the policy seems to contradict the previous policy (October 5, 2011) that trees/shrubs can be trimmed to preserve views. Desiree concurred there appears to be a conflict. Jay mentioned he understands the proposed policy evolves what has existed, and that it also focuses on trees and shrubs around homes that the City says are owned by the homeowners.

Tom mentioned the proposal indicates there should be a separate implementation policy, and that the last implementation item says any contractor used should be bonded (with no insurance requirement). Tom would like a statement included that contractors should be required to have a State of California Contractors License.

Jim reiterated that changes to the proposed policy would have to go through the City again. Jay spoke further about “contractor” vs. “licensed contractor.”

Serena Fisher, also speaking for Bill Davis, mentioned when they bought their houses they were given a document about trimming bushes and preserving the view. She feels the proposed policy should continue this. Peggy Hill concurred and continued that a neighbor’s pine tree is now taking away her view and that the neighbor refuses to trim the tree. Peggy is losing her view and the proposed policy would not support views.

Mike Krupp spoke about the need to get rid of downed deadwood in the Park. He urges management to remove it.

Carol-Joy Harris indicated six to seven neighbors currently have views impacted by one tree. Doesn’t feel it’s correct. Gary Appleman mentioned that view ordinances exist throughout Marin. They could be used to create a policy for the Park. Karin Mortensen indicated it’s not always about views, it’s also about trees. The tree was there before you.

Mike mentioned there’s an existing policy that he doesn’t believe was approved by the City that was approved by PAC and distributed to homeowners buying their homes.

Jay asked Jim – If a party wants to have a tree removed and the homeowner with the tree agrees, then management can agree or disagree to have it removed. If the property owner does not want it trimmed, the policy is that nothing will happen. Jim responded “yes.”

Judy Lane mentioned that part of the issue of keeping the existing 2011 policy is that it makes the financial burden of removing the trees the Park responsibility. It is a problem. However, approving the new policy has other problems. There probably needs to be a meeting rather than just a review, however painful it may be.

Anila Manning asked Nancy and Jim what their thoughts are regarding how adequate the City feels about the policy. Jim responded that they would be concerned if there's a large consensus against the policy.

Jay called for a vote to accept the Tree and Shrub Policy, with the reminder that it can be modified later.

Motion voted on and passed 3-2: 3 ayes (Larry Cohen, Jay Shelfer, Desiree Storch), 2 nos (Mike Hagerty, Tom Miller).

F. NEW BUSINESS

1. New signs at the pool (HOL)

Motion by HOL: New sign or signs will be placed at the pool by Park management that state the rules pertaining to the use of the pool and its facilities, especially to shower before using the pool to keep the pool clean.

Jay indicated that new signs have been installed. Nancy thanked Bill Davis for getting all the signs up.

Tom was wondering if there could be outside showers. Jay mentioned to make it a 2x2 topic. A resident responded it would be expensive to add another shower, especially since there are already four. Another resident mentioned there are notices telling everyone to shower before going in to the pool, but almost everyone doesn't take a shower. Another resident added she feels that an outside shower would encourage taking a shower.

2. Liquid soap dispensers in shower stalls (HOL)

Motion by HOL: Liquid soap dispensers will be placed and maintained in all shower stalls by Park management. Soap shall not be anti-bacterial and shall not contain triclosan, perfume or fragrance.

The soap dispensers have been installed in the shower stalls.

3. PAC shall create a Vegetation Committee that complements the Tree and Shrub policy (HOL and Mike Hagerty).

Motion by HOL and Mike Hagerty: PAC shall create a Vegetation committee that complements the Tree and Shrub policy to recommend a plan to remove Juniper and other fire hazards from the Park, to plant replacements that reduce the risk

of mudslides and that create the best habitat for wildlife. We have residents in each area that are willing to serve, and they would work with management and the City.

Mike requests that a committee be formed involving several residents. Jim suggested having the committee name match that of the policy.

Jay made a motion, which was seconded, to form the Tree/Shrub Implementation Policy Committee. The motion was voted on and passed 5-0.

4. Placement of Rooftop TV dishes or antennas (HOL)

Motion: The placement of rooftop TV dishes or antennas is prohibited. They must be affixed to the side of the unit or on the ground. The placement of these antennas must not obstruct the existing view of any neighbor. Any installation must have prior written approval by management.

Bill Davis spoke earlier (during Public Comments) about the topic. The motion would replace the current policy. Gary Appleman mentioned the motion goes against federal regulations (FCC).

5. PAC public awareness avenues for announcing meetings and issues (Tom)

Motion: PAC shall utilize all of the public awareness avenues at its disposal to alert residents of any and all meetings and issues, including ECHO, web and bulletin board.

Tom mentioned the motion is a reaction to comments by residents at a previous meeting.

A resident mentioned finding the website difficult to navigate.

6. Adoption of a written fiscal and financial planning policy (Tom)

Motion: PAC adopt a written fiscal and financial planning policy that is based on certain priorities established by the board and/or an all inclusive committee made up of all boards as well as residents. To give PAC more leverage when negotiating with the city for budgets.

Tom mentioned that there's a conflict of goals to keep the Park affordable and maintain it for residents, while also being unable to manage administrative costs.

Add the topic to the 2x2 list and establish committee for the 2x2 meeting to look at priorities.

Jay responded that since the City owns the Park, PAC's leverage is minimal. Mike suggested tabling the topic until January when the budget discussions begin. Desiree mentioned she is not sure what Tom means by "written policy." Jay commented that PAC does have input in to creation of the budget.

Jay mentioned he will ask Tom to prepare a written policy for the August 24 meeting.

7. Determination of next meeting date

The next meeting will be Wednesday, September 3, 2014 at 7:00 pm.

G. REPORTS FROM OTHER BOARDS

1. HOL

No additional comments.

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 9:08 PM.

**ADDENDUM:
CORRECTIONS MADE FOR THE FINAL DRAFT
OF THE AUGUST 6, 2014 MINUTES:**

- On page 4, item D-4, first bullet -- The word “fiscal” is added in the sentence that starts with “Nothing is set in stone,” so that the sentence reads as follows: “Nothing is set in stone yet, but the first project is to put in an elevator this *fiscal* year.”
- On page 6, item E-1, third bullet, third sentence in that bullet -- “Cathy Capriola” replaces “the City,” so that the sentence reads as follows: “Jay responded that *Cathy Capriola* stated vegetation removal is the responsibility of the homeowner.”
- Spelling is corrected for two resident first names: names corrected to “Erma” and “Santee.”
- On page 11, item F-6, second paragraph -- The first sentence in that paragraph is changed to read as follows: “Tom mentioned that *there’s* a conflict of goals to keep the Park affordable and maintain it for residents, while also *being unable to manage* administrative costs. (Note: Changes are reflected in italics.)