

FINAL Meeting Minutes

PARK ACQUISITION CORPORATION

Regular Meeting

7:00 PM

Wednesday, September 3, 2014

Fireside Room, 100 Marin Valley Drive, Novato, CA

ATTENDEES:

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

CALL TO ORDER: 7:06 PM

A. APPROVAL OF FINAL AGENDA

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

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

- Mike Hagerty and Karin Mortensen spoke about sunshades for the Clubhouse windows. They demonstrated the see-through shades, from a Sausalito company, that Karin has experience with. These shades cut glare and heat, but keep the view, and are very strong. Cost would be around \$350 per window (installed) and \$400 per door (installed). Karin asked residents attending the meeting if they liked them and the residents loudly clapped and said “yes.” Nancy Bingham (HOL) mentioned there is a line item in the budget for window coverings. Matt is proceeding to look further into it, including coverings for the upper windows that are the source of glare, which is especially noticeable during day presentations in the ballroom. Nancy also mentioned if the cost is greater than \$5000 a bid process would need to occur.
- Connie Marelich complimented Jay’s letter in the Echo and then commented about the part mentioning the Bank of Marin \$7.3 million bank loan used to finance the purchase of the Park. She continued that the funds were used to refinance (not finance) and that this part needs to be corrected. She also indicated she thought three bids for an outside pool shower was wonderful, but that if everyone waits for three bids, pool season will be over. And lastly, Connie mentioned that if the Board creates a Resident Dispute Panel, she is interested in volunteering for a resident-at-large position.

- John Feld provided an MVEST update. There will be a voluntary evacuation drill on Saturday, from 1:30pm to 2:30 pm, with the assistance of the Fire Department. John encourages residents to participate so more people will be prepared. He is looking for folks to help direct traffic out of the Park.

C. CONSENT CALENDAR

1. Receive approved minutes of July 2, 2014 meeting.

**Motion made and seconded to receive the approved July 2, 2014 minutes.
Motion voted on and passed 5-0.**

2. Approve minutes of August 6, 2014 meeting, with changes.

Comments:

- Jack Brandon mentioned that on page 4, item D-4, first bullet, the word “fiscal” should be added in the sentence that starts with “Nothing is set in stone,” so that it reads as follows: “Nothing is set in stone yet, but the first project is to put in an elevator this *fiscal* year.”
- Jack Brandon also mentioned that on page 6, item E-1, third bullet, third sentence in that bullet, “Cathy Capriola” should replace “the City,” so that the sentence reads as follows: “Jay responded that *Cathy Capriola* stated vegetation removal is the responsibility of the homeowner.”
- Spelling for two resident first names need to be corrected to read: “Erma” and “Santee.”
- Tom commented that on page 11, item F-6, second paragraph, the first sentence in that paragraph should be 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.)

Motion made and seconded to approve the August 6, 2014 minutes, with corrections. Motions voted on and passed 5-0.

D. REPORTS

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

PAC Final Balance	\$5,613.24
PAC Actual Balance	\$2,323.74
Humanitarian Fund Starting and Final Balance	\$3,289.50
Total Spent Current Fiscal Year	\$ 433.08

2. MVMCC Administration and Finance Report (Desiree Storch)

Desiree mentioned the following:

- According to the report for the first month of the first fiscal period, everything is currently under budget as far as expenditures go. The debt-to-service ratio is currently at 3.01. The ratio just exceeds the max but shouldn't be an ongoing problem.

3. Maintenance and Capital Projects (Jay Shelfer)

Jay provided the following updates:

- Matt's return to work – Matt is working part-time until he gets the release from the doctor.
- Generator – Placement of the generator has been delayed, but the HCD permit has finally been obtained. Can now proceed with the generator and tank installation.
- Pool -- A new chemical system is being installed for the pool, so the water in the pool and hot tub should be better balanced.
- Drought resistant plants – The Fire Department will be planting drought-resistant plants in one area as a demonstration. They are currently removing junipers from the right side of the Clubhouse and will be making a nice seating area and planting drought-resistant vegetation. Also, Park maintenance crew (Mark and Greg) are spending around two hours/day removing junipers and fire hazardous plants around the Park. The juniper in the area going up and all around Panorama has been partially cut down and the work will continue until all the juniper in the public managed areas is removed.
- Lighting around the pool and hot tub area – Renovation of the wiring in the pool area has started, so that there will be better lighting around the pool and hot tub.
- Retaining walls and slope stabilization – One of the problems being faced has to do with the engineering survey required by HCD for each particular area/lot/house. It is an expensive proposition. Matt has come up with a generic plan, to be approved by HCD, to be applied to the individual areas that need to be

done. There will be one plan for a concrete wall and one for a wooden wall. It will make the various projects less expensive and quicker to implement.

Tom asked if the generic plan concerning the retaining walls/slopes focuses on materials or design? Jay responded “both.” A resident asked if the focus is only on drought-resistant plant or also fire resistant? Tom answered “both.”

Jack Brandon asked about capital expenditures (re GAAP). Jack feels amortization for 10 years for the infrastructure improvements places an unjust burden on current residents. He believes it should instead be for the life of the project. He feels the Board or the 2x2 Committee should address this issue on future capital improvements so that they are amortized over the life expectancy of the improvements, and so that current residents aren't unfairly burdened. And that if opportunity presents itself, that the 2% rent increase agreed to for over the next ten years be amended.

Jay responded that the original infrastructure of the Park had a life expectancy of 30 years, of which 15 has been used up. In the coming 10 to 15 years, the infrastructure is projected to perhaps need renovation and/or replacement. Because of that, the PAC Board voted last year for the rent increase for this fiscal year to prepare for that need. In the 2x2 meeting, Jay will discuss when the funds should be brought forward and other options, such as being able to borrow from the Bank of Marin rather than having to rely on taxes/rent increase.

4. City of Novato (Jay Shelfer)

The 2x2 meeting hasn't happened yet and will probably be delayed a bit because of events in Napa. The earthquake showed the City of Novato the need to be prepared for this eventuality. The City has been occupied with this.

- Emergency food – Emergency food has been received from Grabowsky. Included are many 5-gallon buckets of beans, lentils, dried food. In the event of an emergency, the food would be made available to residents. Storage space is being prepared for it downstairs in the Clubhouse, where the temperature is more moderate/constant. A resident asked about the life expectancy of the emergency supply. John responded it supposedly has a life of 12 to 15 years.
- Clubhouse elevator -- Jay and HOL met the architect and engineer and received an update regarding where the elevator should go. They've come back with a plan – preliminary drawings -- for the elevator and have it positioned in the inside corner of the ballroom. There would be two stops – activity room and card room – so that no ramps would be needed. The structural engineer will be looking at the plans.

Jim Olson asked if the floor would be cut into and about asbestos. Jay responded that it will be looked at further by the engineers and architect.

Mike Krupp spoke about a family party he observed over the weekend and his concern about the kids he noticed playing at the top of the stairs. He would like to see a better way implemented of keeping children safe, rather than by just using a rope across the top of the stairs. Jay responded he will mention it to Matt and see what Matt can do.

- Shutting off Park Gas during emergencies – Jay mentioned other plans are coming forward from the City, MVEST and Management regarding shutting off the gas. Jay will report back about further discussions on this topic.

5. Tree and Shrub Implementation Committee (Mike Hagerty)

Mike indicated the committee is up and running and currently has nine experts involved who have over 50 years experience in landscaping and growing plants. There's an arborist and wildlife management specialist, and strong support from HOL, Matt and the Fire Marshall. The first goal is on removing the fire hazards, especially juniper. Matt is already involved with removing the juniper from public spaces.

Mike encourages residents to remove juniper from their home spaces, because it is such a fire danger. We are approaching the worst time of year for fire (October), and Mike also reminded everyone of the fire that occurred several months ago at Contempo and the fire across the freeway about a month ago.

Mike mentioned that the Fire Marshall indicated it is possible to get up to \$1500/household in matching funds to get rid of the juniper. (Mike later provided the following update/correction: The Fire Department each fiscal year, has six grants of \$500 per household, plus six grants of \$1500 each. This year, two community grants are left and the Committee is applying for those.)

The Committee is thinking about holding a Get Rid of Juniper Day.

A resident asked about deer-resistant plants. Mike said he would forward the question to the Committee. A resident also mentioned that animals/birds sometimes live around areas dense with juniper. Mike mentioned there could be exemptions for wildlife, but if the juniper is close to a house it is a danger.

Jack Brandon spoke about the damage from the fire at Contempo. He feels the City has an obligation towards removal of juniper and that the Park is currently like a

powder keg. Various residents indicated their concerns about how flammable juniper is and its close presence all around their residences.

6. Earthquake safety: Automatic gas cutoff valves, and earthquake tiedowns for the home (Mike Hagerty)

Mike indicated that earthquake safety items are a must for Park residences – earthquake tiedowns to keep homes from slipping of their foundations, and automatic gas cutoffs.

A comment was made to see John for information on how to get tie downs.

Jay mentioned that Matt gave him a brochure from Marin Housing indicating that homeowners can apply for funds (15-year repayment) for all varieties of repair. Desiree suggested putting copies of the brochure in the Echo, for all residents. Mike Krupp voiced concern about the disrupted water supply in Napa from the earthquake and was wondering about additional sources of water at the Park. Jay mentioned the swimming pool. Cheryl Rebischung mentioned that in other areas (Richmond, for example) when a home is sold is has to have an automatic gas shut-off.

E. OLD BUSINESS

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

Jay mentioned to send him questions for the next 2x2 meeting. Tom asked Jay if he could indicate what the preliminary agenda will be. Jay agreed he could post it on the website and on the bulletin board.

2. Tree Policy (Tom Miller)

In the agenda for this item, Tom indicates he is not sure if PAC clearly and effectively dealt with the new tree policy by officially voiding its predecessor. He follows that the policy of tree removal to preserve views is still out there and needs resolution as well. He says: “I presume it was a Park/PAC amendment to the former tree policy. I suggest PAC get these issues sorted out and clearly defined.”

Tom mentioned he has been asked questions by residents about the tree policy (policy for tree removal to preserve views) but couldn’t answer them. Jay responded there was a former policy that was never formally approved – just guidelines by the City.

Jim mentioned that the topic of preservation of views was avoided in the new policy and that if there’s a view problem, residents need to work out the problem. Ultimately, the decision is a management decision. Jim followed that he doubts the

new policy will be in effect until Spring and that it is not changing what is in effect now.

Tom indicated if there is legal action involving a lawsuit over the tree/view issue, the Park would have to pay for the defense of that action. Paying for the defense does not mean the Park automatically pays for the liability award, if any. The (insurance) carrier pays that amount. The Park would pay defense attorney fees.

A resident mentioned that s/he is not asking for a tree to be cut down, only trimmed, but that if the owner says no there is no recourse. Another resident responded that only the property owner has the rights.

3. Bids for outside pool shower (Tom Miller)

In the agenda for this item, Tom states: “Let’s try to get a PAC directive/request to Matt/Mark to get three bids for an outside shower for the pool area.”

Tom would like to get bids to say what it costs, if PAC agrees it’s a good idea in the first place – to get Matt to look into it. Jay responded that it would be best to put it on the wish list for next year. A resident mentioned s/he thought the topic had already been discussed and found to be too expensive.

F. NEW BUSINESS

1. MVMCC website improvements (Anila Manning)

Motion: The PAC Board authorizes Management to fund needed MVMCC website improvements, not to exceed \$100, at the discretion of the current website manager. It is recommended that this additional and unplanned expense be found in the same budget area from which the annual webpage expense is currently paid. Note that this is not a PAC business expense but is a park operating expense and that maintaining the MVMCC website is required in our Delegation Agreement.

Anila mentioned she phoned Marie Higgins and was told it would cost around \$80. Anila will write up a proposal, which would include a calendar tab (separate from the MVEST tab), a link to topics (instead of everything on the same page – the current situation) and other changes.

Above motion made, seconded and voted on. Motion passed 5-0.

2. Establishment of a Resident Dispute Mediation Panel whose members are the presidents of the three boards, Matt, and a resident-at-large. (Tom Miller)

Tom indicated the topic has been dropped from the agenda. He initially put it on the agenda for discussion. Subsequently, Tom looked at HOL bylaws and discovered HOL handles resident disputes. So Tom is dropping the topic.

A resident asked if HOL handles mediation between residents and management. Nancy (for HOL) answered that if more is needed, HOL will take it forward to PAC. A different resident mentioned that Novato and Marin County both have mediation panels.

3. Determination of next meeting date

The next meeting will be Wednesday, October 1, 2014 at 7:00 pm.

G. REPORTS FROM OTHER BOARDS

1. HOL (Nancy)

Nancy mentioned the next HOL meeting occurs on Wednesday in two weeks. She also mentioned she is sending out second notices for dues. So far, only 60% of homes have sent in dues. Nancy concluded by indicating she is available to help with mediation or other problems.

2. MAR VAL (Nancy)

There will be a Black Cat sale on October 25 and to donate used goods for the sale and/or to Goodwill.

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 8:38 PM.

**ADDENDUM:
CORRECTIONS MADE FOR THE FINAL DRAFT
OF THE SEPTEMBER 3, 2014 MINUTES:**

- Correction to Agenda item F-2 (New Business: Establishment of Resident Dispute Mediation Panel), first paragraph. No motion was made because the topic was taken off the agenda by Tom. (Brief discussion occurred by Tom and residents, but no motion was made because the topic was dropped by Tom.)
- Correction to agenda item F-2. The last word (“groups”) should be changed to “panels.”
- Correction to agenda item E-2 (Tree Policy), 4th paragraph in E-2, first sentence of the paragraph, which begins with “Tom indicated there is a liability issue...” -- Tom would like this sentence replaced with the following:

“Tom indicated if there is legal action involving a lawsuit over the tree/view issue, the Park would have to pay for the defense of that action. He continued that paying for the defense does not mean we automatically pay for the liability award, if any. The (insurance) carrier pays that amount. The Park would pay defense attorney fees.”

- Clarification and correction to statement by Mike Hagerty about grants mentioned in agenda item D-5 (Report: Tree and Shrub Implementation Committee), third paragraph. Mike indicated the Fire Department each fiscal year, has six grants of \$500 per household, plus six grants of \$1500 each. This year, two community grants are left and the Committee is applying for those.
- Comment/Correction regarding agenda item D-4 (Report: City of Novato), bullet two, second paragraph in the bullet. The paragraph starts with “A resident.” Jack Brandon would like “A resident” replaced with the name of the resident: Jim Olson.
- Typo correction pertaining to agenda item D-5 (Report: Tree and Shrub Implementation Committee), last paragraph, end of the second sentence in that paragraph. Jack Brandon pointed out that the word “power” should be “powder” (*powder* keg).