

FINAL Meeting Minutes

**PARK ACQUISITION CORPORATION**

Regular Meeting

7:00 PM

Wednesday, December 3, 2014

Fireside Room, 100 Marin Valley Drive, Novato, CA

ATTENDEES:

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

CALL TO ORDER: 7:09 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)

- (CPR at the Park) Jack Brandon described his East Coast family's Thanksgiving dinner, during which a family member passed out from failure of an implanted defibrillator. Only one person at the dinner had CPR training and was able to resuscitate the family member who had passed out. The paramedics arrived, took the man to the hospital, and mentioned the man would have died if nothing had been done.

Jack stressed the importance of CPR training at the Park, wondered about the number of Park employees trained to use the defibrillator, stated he thinks there should be an accelerated employee training on how to use it, and mentioned he thought it would be good to maybe get MVEST to accelerate a program on training residents on CPR.

Nancy Bingham (president, HOL) responded that twice a year HOL offers a CPR class at the Clubhouse. In the past, Al Frei would not let his employees touch the Clubhouse defibrillator due to liability concerns, so the use of the defibrillator becomes the responsibility of the residents. She mentioned that the Fire department regularly checks the Clubhouse defibrillator to make sure it is charged and

maintained. She also indicated that instructions are located inside the defibrillator unit lid on how to use it.

Jack disagreed with Al Frei's concerns and mentioned that California has the Good Samaritan law. Jay said he would look into it. Jay also said he would look further into the use of the defibrillator and training.

- (Clean energy at the Park) Erma Wheatley mentioned she understands Marin's Clean Energy Program allows businesses and residences to designate 50-100% of their utilities to be purchased from alternative energy. The City of Novato is already doing this and the City has looked into the Park doing it (Erma spoke with Matt about it). However, it seems to be going forward slowly. Erma wants to go on record to say she is interested in having 50% of Park utilities purchased through clean energy. She added that it doesn't amount to a lot of money (a little over \$1).

Tom responded that he has looked into it. The Park has a single meter operation. The price breakdown from Marin Clean Energy with their greatest savings (per kw/hour) is on their "commercial" rate. The Park is considered a "residential" single meter, with PG&E. The rates the Park is now paying with PG&E is around 8 cents per kw/hour (because of the PG&E Care Program benefits for some of the Park residents). PG&E's average rate, depending on usage and peak time, can run around 16 cents per kw/hour. Marin Clean Energy can run around 17 cents for the 100% "Deep Green" option. The Marin Clean Energy rate can be lowered to around 16 cents for commercial customers using the 25% "Light Green" option. PAC looked into it last year. Tom didn't speak with the City of Novato but is aware of their MCE program. Tom spoke directly with Marin Clean Energy about giving the Park a commercial rate (roll off the single meter, without the Care Package) and they said "no."

Jay indicated that PAC is having another meeting with the City mid-month and this has been a topic that will be brought up again.

Erma responded to Tom that it is actually 50% and that at the 50% level the rate is a little less than the PG&E rates. They also offer the Care Program. Additionally, residents get individual analyses of cost (purchases). Tom responded that the Park is a single meter with PG&E, the rates come in on this meter, and that Al Frei breaks it down. It doesn't have anything to do with energy savings. The staff read the individual meters and that's how they bill. He added that the residence rate is the cheapest rate, from any supplier.

C. CONSENT CALENDAR

1. Receive approved minutes of October 1, 2014 meeting.

Motion made and seconded to receive the approved October 1, 2014 minutes. Motion voted on and passed 5:0.

2. Approve minutes of November 4, 2014 meeting.

Motion made and seconded to approve the November 4, 2014 minutes.

Jack Brandon provided a handout of comments about the November 4<sup>th</sup> minutes and read from the handout, as follows:

“I would like to go on record expressing my appreciation for the accuracy in the minutes of the meeting of Nov. 4<sup>th</sup> 2014 in the presentation of my view concerning the FIRE DANGER-LIFE SAFETY ISSUES created by the preponderance of Juniper plants in our community. I was particularly touched by this accuracy in contrast to my experience in my two years as a Board Member where I frequently found my statements edited, censored and distorted from what I had stated to what was presented in the ‘Draft’ minutes.”

Motion voted on and passed 5:0.

D. REPORTS

1. PAC Treasurer’s Report for December 3, 2014 (Larry Cohen):

PAC Final Balance	\$5,477.32
PAC Actual Balance	\$2,187.82
Humanitarian Fund Starting and Final Balance	\$3,289.50
Total Spent Current Fiscal Year	\$1,107.23

## 2. MVMCC Administration and Finance Report (Desiree Storch)

Desiree indicated the financial statements are looking normal and should be posted on the Clubhouse board. The debt-to-service ratio is currently at 2.8, which is above what it needs to be.

Regarding the question Tom asked last month about the Frei Real Estate entry on the cash disbursements page, the Frei figure of \$4722.34 for web host reimbursement for two years is actually \$22.34 for the reimbursement and \$4700 for the monthly management fee. The details of the two are broken down in another report but shown together in this master report. It stands out again this month on an item where their monthly \$4700 is shown as rent increase mailer for \$4941 -- of which \$241 is for a rent increase mailer. For the master report, the accounting system appears to use what is first entered into the system as the title of the entry.

## 3. Maintenance and Capital Projects (Jay Shelfer)

Jay mentioned the update would normally be handled by Matt, but Matt is still working (medical) part-time. Jay indicated that Matt asked Jay to read the report.

Because of the interest in trees and removal of flammable items, work during the past month has focused on tree removal and trimming. Matt is keeping a \$5000 reserve for any future work, but is pretty much at the end of his current budget.

- Nine (9) sick/dying trees have been removed. Five (5) overgrown trees have been pruned.
- Fence replacement has been started to screen the new stand-by generator outside the Clubhouse.
- Two retaining walls have been completed at 39 Scenic and 120 Sunrise.
- Driveway repair has been completed at 1 Club View, 13 Fallen Leaf, 20 Meadow View. A permit request has been submitted for parking area repair at 108 Sunrise. Parking area repair also includes new concrete around the Fallen Leaf area.
- Construction of a French drain is in progress at 48 Club View. The French drain will route the water around the unit instead of the current situation of water traveling under the unit, which can undermine the support of the unit.
- A new patio cover has been designed and ordered for the northeast corner of the Clubhouse roof. The cover can be used to temporarily shade the patio from the sun during outside summer events and parties.
- New window coverings have been ordered for the Ballroom and Fireside room.

#### 4. City of Novato (Jay Shelfer)

There will be another 2x2 meeting with the City of Novato in about a week and a half. Jay indicated if there are issues that residents would like discussed, including those that can't be brought up with HOL, submit the issues to Jay or Larry, by phone or email.

- Tom asked if there is an agenda outline for the upcoming 2x2 meeting (on December 12). Jay indicated "no." Tom was wondering if there is a way for residents to review the agenda before the meeting. Jay responded that residents can contact him and that he will post the topics on the Clubhouse bulletin board. Tom feels the current process excludes residents from being able to add anything prior to the meeting.

Tom thinks that before the agenda is finalized and the meeting held, residents should be notified so that if anything needs to be added, changed or deleted, there is an opportunity for it. Jay mentioned that nothing has come forward to him yet. Another board member mentioned an Echo article. Tom commented the current process is adequate but is not the best they can do. Another board member asked Jay that when he posts the agenda items, would he (Jay) include an invitation that if residents want to add more items they should call or email him. Jay responded that he did that the last time.

- Gary Appleman was happy to see the ownership topic being considered by the City of Novato. Gary wondered what exact questions the City is considering.

Jay mentioned that the City Council delegated city staff -- Cathy Capriola (City Manager's office) and Veronica (City Attorney) -- to look into various ownership change possibilities (such as ownership by the residents or other mechanism) and approaches. Jay doesn't have exact numbers, but the Park is paying for this and the first phase of this is about \$30,000. The next phase, occurring when they come up with an idea the City Council feels is worthwhile, would involve around \$200,000 from the Park budget to better formulate it. What is going to happen at this point is that they are going to come to the PAC Board with their thoughts, and then PAC can discuss it with the residents and determine how to proceed.

Larry added that it is a four or five stage process. After each stage, PAC can decide to continue or not. The City is still involved in the first stage and it has been delayed three or four times before. Tom asked if PAC receives an update as to what is being discussed within the stage and how much it costs. Larry said "yes."

Nancy Bingham wondered about the money spent the last 8 years on lawyers, etc. Jay responded that everything that has come before is providing a foundation for going forward. Hopefully, some proposal acceptable to the residents will come out of it. He is waiting to see what the next step will be.

Tom wondered how this dovetails with the mission statement of the PAC Board, which states that this Board is expressly created to develop an organization to develop a plan for the transfer of ownership. Tom indicated it doesn't sound like the Board is developing it, but waiting for the City to develop it and there's no input from this Board. Jay responded that this has been going on, as Nancy pointed out, for eight years. And all the previous background is still available to the City and presumably being considered. He continued that PAC, at each stage, will be told what the City's thinking is at each stage and will be given the opportunity to provide input.

Gary indicated he is trying to understand what exactly the question is that the City is considering for stage one of the process. Do we know? Jay responded that the City has been looking at all the work that has come in the past and at the different aspects of ownership, including the 501C3 paid for by residents and by the City to take the title document for this. The question the City is wrestling with now is with the information they have to date, what is their best proposal for providing safety and financial security for the residents of this Park.

Tom had two comments/questions: How many people in the Park – percentage of residents in the Park – want resident ownership. What's the minimum percentage of residents that would be needed for the City to consider resident ownership. If 20 people want resident ownership and 300 do not, would it still be considered. As part of the PAC Board, Tom thinks those two questions would need to be asked. If you don't get that minimum percentage of residents who do want resident ownership, then it becomes a moot point (we don't want it, don't consider it, give us the money back). Tom added that if that's the case, the Park doesn't need to spend the money since the residents don't want it. He continued that before you go forward with something like this, at such a cost, you have to decide whether or not the answer you come up with is going to be approved and put in place. If it's not approved because the residents don't want it, then you are spinning your wheels. Jay responded that it's hypothetical until PAC hears from the City. Tom responded back that PAC is paying for this.

Tom wondered what would happen if 100 residents wanted resident ownership but 300 didn't want resident ownership but preferred ownership by the City of Novato to continue. Tom asked if it would be a sufficient number to stop the process or would the process go forward anyway.

Jack Brandon indicated that the City has never given the Park a progress report, but keeps taking money out of PAC funds. He feels it's inappropriate how they are taking money out of PAC funds. He feels they are taking advantage of Park finances. Desiree responded that the City owns the Park, that it's their money and that PAC can't tell them what to do with it.

Peggy Hill mentioned that there has been a lot of discussion on the topic, but that it isn't on the agenda and should not be discussed further because of the Brown Act.

#### 5. Tree and Shrub Implementation Committee (Mike Hagerty)

Mike provided the following update:

- Mike indicated there was a request for information about where they are regarding the budget, especially since there has been a lot of removal work done. Matt indicated to Mike that so far this year they've spent around \$9000 for removal of juniper and other pyrophytic plants from the common spaces. He expects that next year around \$10,000 will be budgeted and slightly more in future years (if ok by PAC).
- One of the issues raised by Tom and Jack is that some residents don't have the money to remove juniper from their property (the budget money is only for public space). The Committee is looking at long-term solutions for this.

The Committee is negotiating for grants from the County. The County first wants a long-term plan, involving every single Park unit, as to which Park plants are pyrophytic and which aren't. Matt has said he will look at funding it next year (the cost will be fairly expensive and needs to be included in a budget item, which can't be done this year). This is an issue residents/PAC will have input on. Mike thinks it is a good idea and that such a plan will help negotiate for grants with the City and County fire departments. Such a plan will tell residents how large of an issue there is.

- Mike encourages all residents who can to get rid of their juniper and noted that many residents have done so already.

Mike indicated the Committee is looking at other ways of helping resident remove juniper. Matt indicated to Mike that he would sponsor a dumpster for free if residents want to remove their juniper and deposit it in the dumpster. This was publicized in the Echo last month. Mike indicated that no one so far has taken up Matt's offer.

A resident responded that there are many residents who would love to get rid of their juniper but they are women in their 70s or 80s who don't have the money and/or the strength. She feels there would be a better response if there was someone who could cut it off and volunteers who could then drag it to the dumpster.

Jack mentioned that in San Rafael and Peacock Gap, there are chipper days when chippers come around the neighborhoods and clean up removed plants moved to the streets. Mike asked residents attending the meeting if they would be interested in having chippers come throughout the Park to pick up and chip plants that have been cut and dragged to the front of their lots. Three residents indicated they would be interested.

Jay wondered about the coordination of such efforts.

Mike Krupp thought it would be a good idea for one person or committee to be a contact point between the residents and everything else that's going on as far as juniper removal – to provide information regarding removal resources and coordinate efforts. Mike isn't volunteering for such a role but indicated he would help. Jay mentioned that perhaps he could get the ball rolling. Mike indicated this topic would be discussed further at the next Committee meeting held in a week (Wednesday night) at Mike Hagerty's. Mike invited residents to attend.

- Jay asked Mike (Krupp) to describe his brochure. Mike Krupp mentioned that he and Anila have been putting together a catalog of plants that are fire resistant, drought tolerant, suitable for being installed around any Park residence, and that will serve any of the functions that juniper serves now (such as privacy screening, topiary, etc.). It is around 100 pages long and includes around 30-40 plants, trees, shrubs.

To use the catalog, you first determine your need, such as wanting to create a hedge. The catalog has a list of plants that will serve very well as hedges. Pick a name of a plant, which takes you to a picture of the plant as installed to get an idea of what it will look like with other plants that serve the same function.

Mike Krupp indicated the catalog is installed on the Clubhouse library computer, in the MVMCC plant catalog folder. It is a PDF file.

A resident asked about plants that offer the same degree of coverage that juniper had for quail. Mike Krupp responded that quail habitat is one piece of information he couldn't find very reliably for wildlife habitat, though he has



information on plants that attract hummingbirds and butterflies (for example). A resident mentioned reading an article that mentions quail habitat and Mike Hagerty thought Bill Noble would be a good contact for further information. Mike Krupp mentioned he will follow up on it.

Mike Hagerty thanked Mike Krupp and Anila for creating the catalog. (Residents attending the meeting clapped.)

Jay asked Mike Krupp about residents who might have information applicable to quail. Residents can contact Mike Krupp via email or phone.

- Tom asked Mike Krupp about an overlay of the Park he and Anila also created that shows the position of every Park juniper, pampas grass, bamboo and some pine (only the pine touching houses). Tom wondered that when plants are removed, is the overlay updated? Mike Krupp mentioned that they haven't been informed what is removed and when, so they can't follow up on it.

Tom mentioned to everyone that Mike and Anila have done a great job.

Tom wondered if it would be good to have a Park map with the overlay up at the Clubhouse. Mike Krupp indicated reluctance to do so as he thought it would show each property owner's successes/failures in regard to juniper removal and he didn't want to direct that much publicity. Tom wondered whether such publicity might encourage the residents to do something about it.

Mike Hagerty said they can talk further with Matt about the suggestion. The Fire Department said the map is good but not good enough to get grants. They want a more detailed map.

#### Comments/Questions:

- Anila asked about the \$9000 budget used for tree removal in the common space and about the definition of "common space." She noted there have been some very big trees chopped down on the property of some residences, located not in the common spaces. Mike Hagerty added that some of the trees also were not pyrophytic. Mike Hagerty believes the funding for removal of the large trees came from a separate account. It was removal of the juniper, Italian cypress and others on the common areas that accounted for the \$9000. Anila asked about this separate tree budget used to remove pines trees, etc. Mike Hagerty believes it is about \$70,000 for the year. The Board Treasurer (Larry Cohen) checked and the figure is \$72,000. The account is called "Trees." Mike Hagerty believes the pyrophytics are not included in it.

- Mike Krupp commented that no attention has been paid, during clearing of the common lands, to habitat maintenance and restoration. The landscape has been scoured clean. Mike Krupp does not think the practice is a good idea. In some places it may be necessary because of a steep slope, but Mike Krupp would like to see a declared policy that wildlife habitat be preserved wherever possible. Jay responded that he thinks it is already in their mission statement. Mike Krupp answered that it may already be there but it doesn't seem to receive a lot of attention.
- Anila Manning mentioned that when she spoke with Matt, Matt indicated he had used his tree removal budget for the year. He had a few thousand dollars left and wanted to use it for replanting. She added that in terms of the Park map, juniper is in red and marked in puffy gold are where plants have been taken out. It is by no means completely accurate, along a plot line or updated. She does not know if it would be a good idea to put up. There are a lot of issues.

Anila also spoke about the Fire Department's idea of defensible space -- 30 feet out from the house, 6 inches off the ground (anything within the 30 feet can only be six inches high at maximum). Anila is concerned what such a policy would do to the Park. Mike Hagerty commented that he doesn't think anyone on the tree/shrub committee agrees with that policy. Anila indicated concern that the grants the Park is pursuing to fund plant removal will have similar defensible space requirements. She would like to see a grassroots way of making residents safe.

Jay responded that Matt said he still has \$5000 left in the tree/shrub budget at this point. The entire issue came up because at the beginning there was a very impending drought and a sense of urgency because of fire danger. The City's point of view is that the individuals are managing the vegetation around their homes. A lot of the juniper was put in at a time when people thought it was nice to have juniper.

- Tom mentioned he has a neighbor with an abundance of juniper near Tom's residence. The neighbor doesn't have time to take it out. Tom mentioned to Matt that he would do it. Tom has a chainsaw, but he knows that the Park just purchased a new pole saw (gas chainsaw) with a very good blade. Tom volunteers to cut out the juniper at the homes of the older residents mentioned earlier, but he would like to use the Park pole saw. Tom wondered if there would be a liability issue. There was further discussion about this, especially regarding the Park-owned pole saw and City of Novato liability vs. using a privately-owned saw (owned by Tom or by someone else). The topic will be looked into further.

E. OLD BUSINESS

1. Elect a member of the PAC Board to the Budget Advisory Panel

Jay mentioned that the Park budget is put forward by management and is presented to the City for approval. PAC has the opportunity to work with management to amend the budget to better reflect PAC/resident input. The Budget Advisory Panel is an opportunity for PAC, residents and other Park boards to come up with some ideas to work with management, and then discuss the ideas with the City, to be included in the budget process. It is a preliminary way of gathering information for items that could be included in this and future budgets.

Larry added that the Panel will discuss ideas and prioritize them. Desiree wondered how the Panel will be different from what occurred during last year's budget process. Jay responded that last year there wasn't a formal group of people to discuss things.

A motion was made and seconded to designate Desiree and Jay as co-chairs. The motion passed 5:0.

F. NEW BUSINESS

1. Determination of next meeting date

The next meeting will be: **Wednesday, January 7, 2015, 7 pm.**

G. REPORTS FROM OTHER BOARDS

1. HOL

Nancy indicated there won't be any HOL meetings this month. She wishes all residents Merry Christmas. She also said for everyone to come to the Christmas party (and bring one gift).

2. MAR VAL

No report.

3. MVSC

No report.

#### 4. Rent Differential Committee

Judy Vucci made an announcement on behalf of the Rent Differential Committee, which was authorized by the PAC Board some time ago to meet and discuss the inequity in some of the rents at the Park from resale before the City took over. Rents used to be raised each time the property turned over. The result is an odd assortment of rent basis at the Park. When the City took over, they decided it was not an appropriate way to raise the rent and they terminated the practice. However, nothing has been done about the existing rent differential.

Several residents have been interested in developing a proposal to submit to the PAC Board concerning the inequities of the rent. The Committee is again beginning to meet. Anyone interested is welcome to contact Judy Vucci. A brief notice will be in the Echo about meetings. The Committee has been meeting Tuesday evenings, every two weeks.

#### H. ADJOURNMENT

Motion was made and seconded to adjourn the meeting. Motion passed 5:0.

Meeting adjourned at 8:27 PM.