

MVMCC - City of Novato

Trust For Public Land Acquisition

The City of Novato paid **\$500,000** for the 91 acres of land purchased from the Trust for Public Land (TPL) in 2013. This acquisition was specifically intended to expand the city's holdings at Hamilton Field.

Transaction Breakdown

- **Total Purchase Price:** The acquisition was authorized at **\$500,000**.
- **Funding Source:** A grant from the Transportation Authority of Marin (TAM).
- **Match Requirement:** There was 1:1 match
- **City Contribution:** While the grant covered the immediate purchase price, the city was responsible for matching the \$500,000 value through cash or in-kind services, such as long-term maintenance and park development.
- **Site Context:** The land is located near the former Hamilton Army Airfield. It specifically involves areas around the former ammunition bunker and landfill (Landfill 26). Much of this area has been integrated into the Hamilton Community Park or designated as managed open space.

June 25, 2013-Staff Report- The City of Novato authorized the City Manager to apply for a \$500,000 grant from the Transportation Authority of Marin (TAM) to purchase 91 acres of land from the Trust for Public Lands (TPL). The subsequent City of Novato Resolution stated:

"WHEREAS, the City of Novato is pursuing and applying for a \$500,000 Transportation Authority of Marin grant to purchase 91 acres of land surrounding the Marin Valley Mobile Country Club (APN #s 155-400-01, 155-400-02, 155-400-04, 155-400-06 and 155-400-07) and preserve the same as open space in perpetuity. As this grant requires a 1:1 match, there is an associate cost of \$500,000....". See attached ["Staff Report & City Council of the City of Novato Resolution"](#)

December 9, 2013 - Special City Council Meeting at MVMCC - City Manager Michael Frank and Director of Hamilton Base Reuse Scott Ward informed residents of the opportunity to purchase land surrounding MVMCC for a negotiated price of \$500,000 (92% below market value) from the Trust for Public Land (TPL). A map of the parcels was presented to show that the TPL property surrounded the MVMCC community. Residents were told that TPL would sell the property to a private party if the City did not move forward with acquisition. Director Ward went on to explain that the \$500,000 for the purchase would be comprised of \$250,000 from MVMCC general capital reserves and \$250,000 from either the City's General Fund or Measure F funds.

In response to questions raised by residents during the Public Comment with regards ownership of the TPL land and "...if the Park would be responsible for its upkeep", City Manager Frank stated **"The property would be owned and maintained by the City.** Once city made the purchase, it would be within the City's control". The motion to approve the funding sources was carried 3-0-1-1. Mayor Pro Tern Lucan recused himself from consideration of this item due to his wife's employment with TPL and left the meeting room prior to the discussion. See attached ["Minutes of Special City Council Meeting, Monday December 9, 2013"](#)

Residents were NOT informed about the \$500,000 grant application submitted by the City in June 2013. The \$250,000 taken from MVMCC reserves was eventually booked as "Administrative Expenses"

STAFF REPORT

F-5



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MEETING
 DATE: June 25, 2013
 TO: City Council
 FROM: Michael Frank, City Manager
 PRESENTER: Michael Frank, City Manager
 SUBJECT: **PRIORITY CONSERVATION AREA GRANT**

REQUEST

Consider adopting a resolution to authorize the City Manager to apply for a \$500,000 grant from the Transportation Authority of Marin (TAM) to purchase 91 acres of land from the Trust for Public Lands (TPL).

RECOMMENDATION

Adopt resolution.

DISCUSSION

The Priority Conservation Area (PCA) grant under consideration has the goal of supporting "...Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands for residents and businesses, including globally unique ecosystems, productive agricultural lands, recreational opportunities, healthy fisheries, and climate protection (mitigation and adaptation), among others."

Grant funds, in combination with matching funds from the City of Novato, would be used to purchase 91 acres of land (APN #s 155-400-01, 155-400-02, 155-400-04, 155-400-06 and 155-400-07) surrounding the Marin Valley Mobile Country Club (MVMCC) from the Trust for Public Lands (TPL). These properties, which contain several designated wetlands but are currently zoned for low-density residential, would then be protected via deed covenants or similar instruments such that they will remain as open space in perpetuity.

FISCAL IMPACT

If granted and accepted, this grant requires a 1:1 match. There would be an associated cost of \$500,000, the source of funding to be determined.

ATTACHMENTS

1. Resolution
2. Map

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CITY COUNCIL OF THE CITY OF NOVATO

1.

RESOLUTION NO. _____

RESOLUTION CONDITIONALLY AMENDING THE
FY 2013/14 BUDGET RESOLUTION TO REVISE
REVENUES AND APPROPRIATIONS UPON THE
AWARD OF A \$500,000 TRANSPORTATION
AUTHORITY OF MARIN GRANT TO PURCHASE
LAND

WHEREAS, the City Council of the City of Novato will adopt a final budget for Fiscal Year 2013/2014; and

WHEREAS, the City of Novato is pursuing and applying for a \$500,000 Transportation Authority of Marin grant to purchase 91 acres of land surrounding the Marin Valley Mobile Country Club (APN #s 155-400-01, 155-400-02, 155-400-04, 155-400-06 and 155-400-07) and preserve the same as open space in perpetuity. As this grant requires a 1:1 match, there is an associate cost of \$500,000.

WHEREAS, it is necessary to amend the FY 2013/14 Budget Resolution; and

NOW, Therefore, be it resolved that the City Council of the City of Novato hereby authorizes the City Manager or his designee to submit the \$500,000 grant to TAM and, if awarded, authorizes the amendment to the FY 2013/14 final budget to increase revenues and appropriations accordingly.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the ____ day of _____, by the following vote, to wit:

- AYES: Councilmembers
- NOES: Councilmembers
- ABSTAIN: Councilmembers
- ABSENT: Councilmembers

Sheri Hartz, City Clerk

Approved as to form:

City Attorney of the City of Novato



CITY OF NOVATO

90-ACRES

GENERAL PLAN LAND USE DESIGNATION – LOW DENSITY RESIDENTIAL (R1)
DEVELOPMENT DENSITY 1.1 TO 5.0 UNITS PER ACRE

F-5

2.

MINUTES OF SPECIAL CITY COUNCIL MEETING
MARIN VALLEY MOBILE COUNTRY CLUB
100 MARIN VALLEY DRIVE
MONDAY, DECEMBER 9, 2013 -7:00 P.M.

A. CALL TO ORDER

ROLL CALL

Present: Mayor Eklund
Mayor Pro Tern Lucan
Councilmember Kellner
Councilmember MacLeamy

Absent: Councilmember Athas

Also Present: City Manager Michael Frank, Assistant City Manager Cathy Capriola, Engineering Manager Julian Skinner, Finance Manager Brian Cochran, and Director of Hamilton Base Reuse Scott Ward, Assistant City Attorney Veronica Nebb and City Clerk Sheri Hartz.

B. APPROVAL OF FINAL AGENDA

Councilmember Kellner moved, Seconded by Councilmember MacLeamy, to approve the Final Agenda. The motion carried 4-0-1, with Councilmember Athas being absent.

C. PUBLIC COMMENTS

None

D. CONSENT CALENDAR

1. RECEIVE APPROVED MINUTES OF JUNE 3, 2013
2. MONTHLY FINANCIAL ANALYSIS - MAY 2013 THROUGH OCTOBER 2013, YEAR END FY 12/13

Councilmember MacLeamy moved, Seconded by Mayor Pro Tem Lucan, to approve the Consent Calendar. The motion carried 4-0-1, with Councilmember Athas being absent.

E. GENERAL BUSINESS

3. TRUST FOR PUBLIC LAND (TPL) PROPERTY ACQUISITION OPPORTUNITY

Provide information to the residents regarding negotiations and proposed funding.

Mayor Pro Tern Lucan recused himself from consideration of this item due to his wife's employment with TPL and left the meeting room.

City Manager Frank opened the item and introduced Scott Ward, Director of Hamilton Reuse, who gave the staff report. Director Ward displayed a PowerPoint presentation regarding the opportunity to purchase land surrounding the MVMCC at a steeply discounted price. He explained that he had been leading the negotiation with the Trust which was interested for a limited amount of time. He displayed a map of the parcels, stating that they surrounded the MVMCC community. He said they were a gift to TPL intended to generate revenue to support charitable activities. He further stated that TPL would sell the property to a private party if the City did not move forward with acquisition. He concluded by stating that the land is zoned for low density residential, that the deadline was early the following year and that the likely buyer would be developer.

Director Ward explained the benefits of acquisition as follows:

- ï Negotiated price of \$500,000 was 92% below market value
- ï Acquisition by the City would prevent a third party from purchasing the property
- ï Provides the option to create trails and open space
- ï Assists with managing slope instability
- ï Purchased land could potentially be part of an exchange that would lift Federal encumbrances from Hamilton properties and shift them to these parcels, protecting property as open space and facilitating the rehabilitation of the Hamilton properties.

He went on to explain that the funding would be comprised of MVMCC general capital reserves in the amount of \$250,000 and either the City's General Fund or Measure F funds for the remaining \$250,000.

COUNCILMEMBER QUESTIONS:

To a question from Councilmember MacLeamy, Assistant City Manager Capriola responded that there was \$1.25 M in the capital reserve fund which was separate from the long term infrastructure reserve. Mayor Eklund, referring to the staff report, asked for confirmation of how many residences could be built on the property. Mr. Ward responded that the hillside development rights would be moved to the flats and that was what would be developable. Assistant City Attorney Nebb added that the zoning, R1, was single family residential and that the Park was zoned Planned District, so some adjustments would be required for anything other than single family.

PUBLIC COMMENTS:

1. John Shelfer asked if, in this exchange of zoning with Hamilton, would all of the 90 acres be involved or, if less, will wetlands be kept out. He also inquired whether, since MVMCC was being asked to participate financially, would the PAC board be advised of any zoning changes or land uses.
2. Larry Cohen stated that the planned purchase was a good idea, but was concerned about Park finances. He said he would like to see a long term financial plan and cautioned that if there was an emergency, there would not be enough in reserves.
3. Martina Koeckritz suggested exploring the idea of placing mobile home units on the property, stating that might make for a good return on investment.
4. Jim Olson said that he saw mutual benefit to the transaction, but asked if there were guarantees that the property would remain undeveloped.
5. Gary Appleman asked whether the gift deed documented what the property could be used for.
6. Henry Fremmer asked for clarification on whether, if the land was purchased, it would become part of MVMCC land, and if the Park would be responsible for its upkeep.
7. Julie Manson said that it would be great for MVMCC to own and become stewards of the marshland, removing invasive plants, and asked how this cooperative venture would affect the deed from the Park and who would own the land.
8. Bill Noble strongly supported the idea and asked for more information about what the transfer to Hamilton would look like.
9. Sandy Figone asked for clarification on whether the land would belong to the Park and asked what was in it for them.

City Manager Frank responded to questions raised during Public Comment, stating that the last question could be summed up as follows: The property would be owned and maintained by the City. Once city made the purchase, it would be within the City's control. There would be no surprises; with the land ideally being acquired as open space, and that they hoped to move the Lands to Parks restrictions onto this site. He said it was possible that development might occur but would involve an extensive public process and that there were many restrictions on development already in place. He stated that it was important to remember that, with this transaction, the property would go from being in someone else's control to being in the Council's control. He added that there would be no guarantee that it would stay undeveloped until there was a deed. Regarding the long term financial plan of the Park, he stated that in the last four years, the long term infrastructure needs of the Park have been analyzed, that funds have been set aside funds for those needs and that nothing about this plan would impact the future viability of the Park.

Director Ward stated, in response to Mr. Shelfer, that all of the parcels would likely be utilized in the LTP exchange and the City has not investigated the possibility of a partial exchange thus far.

Ms. Nebb confirmed that the City held regularly scheduled meetings with the PAC Board and that, ultimately, there would be a public process. She added that currently the City maintained some of the affects from the TPL land such as slope stability, and that there would be more flexibility if the City owned the land, making it easier to protect the Park.

Regarding the gift deed/exception letter, Mr. Frank stated that it could be requested from TPL. Ms. Nebb added, however that she did not expect it would shed much light and felt it was probably just a straight deed. In response to a last question, she stated that this transaction would have no bearing on the ownership decision.

Councilmember MacLeamy moved, Seconded by Mayor Eklund, to conceptually approve the funding sources should the TPL property acquisition move forward to be \$250,000 from city Funds and \$250,000 from City MVMCC Capital Reserves. The motion carried 3-0-1-1, with Mayor Pro Tem Lucan recusing himself and Councilmember Athas being absent.

At 7:46 p.m., Mayor Pro Tern Lucan rejoined the meeting.

4. CLUB HOUSE ADA IMPROVEMENTS - CAPITAL PROJECT STATUS
UPDATE

Consider receiving update on Club House ADA Improvements project.

Engineering Manager Julian Skinner gave the staff presentation, reporting that the analysis of ADA improvements needed for the clubhouse arose from the condition survey completed during the previous year. He said the consultant had developed the report itemizing portions of the building that did not meet code and had arrived at a cost for improvements of \$225,000. He said that, adding design costs and going to bid, etc. would increase that amount to approximately \$300,000. He stated that there was not an immediate need to make the improvements, which would typically be triggered by other work and that, since it was a public building, a transition plan would need to be designed to address the various items. He reported that, in developing the CIP for Park the previous year, \$105,000 had been allocated so as not to take a significant hit all in one year. Conversely, he added, dividing the work into many small projects would result in added costs. He said that the first year, projects would address items which would benefit the park as well as doing the ADA improvements such as the elevator but that there was no definite plan at this point. He stated that the architect would evaluate the deficiency report in the new year and that workshops and PAC meetings would be held to deterrrline early needs. He concluded by outlining a tentative schedule, anticipating hiring an architect by February or March, holding workshops to show options and get resident feedback and then, developing project documents and putting the work out to bid by summer in order to start construction in the fall of 2014.

COUNCILMEMBER QUESTIONS:

In response to a question from Councilmember Kellner, Mr. Skinner stated that input on building improvements would be sought from all users through an informal workshop conducted after getting input from the architect. Mayor Eklund asked whether residents had been able to view the report and provide input on priorities. In response, Mr. Skinner stated that the report had been made available and that the improvements naturally fell into three compatible sections that had different levels of importance in addressing the ADA requirements. Assistant City Manager Capriola added that the PAC was being kept informed and that a PAC subcommittee would be providing Mr. Skinner with a report on priorities.

Councilmember MacLeamy asked whether structural work on the building would be involved with this effort and if it would trigger ADA compliance to which Mr. Skinner responded that the architect would bundle the work in a way that made sense for both efficiency and cost effectiveness.

PUBLIC COMMENTS:

10. Jim Olson asked whether HCD affected this process.

Engineering Manager Skinner responded that it doesn't change much regarding whom the agency is that permits the work and that it would be state's call whether the improvement addresses the issues.

F. REGULAR REPORTS

5. INTRODUCTION OF MATT GREENBERG TO COUNCIL

Al Frei was present to introduce Matt Greenberg, the new Park onsite manager. He stated that his motivation had been to improve professionalism and add someone with construction and project management expertise. Mr. Greenberg came forward to provide the park update.

6. PARK MANAGEMENT UPDATE: AL FREI AND MATT GREENBERG, FREIREALTY

Mr. Greenberg stated that he had started in September of 2012, with the goal of developing a better and more efficient maintenance schedule and dealing with deferred maintenance issues. He reported that a lot had been accomplished, with a focus on retaining walls, drainage and sump pumps, driveway repaving, pond filtration, sprinkler system upgrades and new laundry appliances.

The Councilmember welcomed Mr. Greenberg, thanking him for his work and sought assurance that the word was getting out to residents about the progress he was making.

PUBLIC COMMENTS:

11. John Feld stated that Mr. Greenberg had made a difference on daily basis, and that he was a wonderful addition.
12. Jack Brandon also spoke in support of the addition of Mr. Greenberg to the staff.

7. UPDATE FROM PAC: JIM OLSON

Jim Olson gave the PAC Board update and thanked Council for holding its meeting at the Park. He reported that new stop signs and street markings had been installed and that police enforcement could begin as soon as one last 20 mph sign was erected.

He stated that the PAC had initiated an internal process to restructure the Park's insurance portfolio in hopes of achieving more effective cooperation between the various entities. He reported that safety events are being offered for residents and that the PAC Board now had a professional recording secretary to produce better minutes. He also stated that there was a new sense of confidence in the safety of the park now that onsite management was in place.

He concluded by stating that there were concerns over added expenditures such as payroll, and the newly approved TPL expense, and felt that the next budgeting process would be very important.

Councilmember MacLeamy pointed out that compensation for Mr. Greenberg was not a totally new expense since there had management before and Mr. Olson conceded that there was a payback due to Mr. Greenberg's added efficiency.

PUBLIC COMMENTS:

None

G. BOARD/STAFF COMMENTS

8. NEXT MEETING DATE

Ms. Capriola stated that the next meeting would be sometime in March or April and that she would inform the PAC Board when a date was confirmed.

H. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Novato City Council.

Sheri Hartz, City Clerk