

"APPROVED" WCA BOARD OF DIRECTORS MEETING MINUTES

April 22, 2013

- I. **Call to Order.** President Robert C. Blain called the meeting to order at 7:00 p.m. Directors present were Ron Dempster, Doug Flock, Tom Knight, Lubor Mrazek, Albert Repola and Neil Straus. Also present were General Manager Tim Sutherland, Controller Lisa Trabert, Assistant General Manager Jeff Kiel, and five residents.
- II. **Reports/Announcements.**
- **Secretary's Report.** Secretary Straus reported on action taken by the Board of Directors since the March 18, 2013 regular session board meeting:
 - In an open meeting conducted April 8, 2013, the Board of Directors, Finance Committee and WCA management reviewed the corporate replacement budget proposal for 2013/2014.
 - Prior to the April 22, 2013 regular session board meeting, the Board of Directors **voted to authorize a Notice of Default and Election to Sell for APN 049-1529-179**, and the Board of Directors **voted to authorize Special Individual Assessments for expenses incurred by the WCA for the following units and amounts:**

A460 - fire sprinkler installation access on 10/16/12	\$ 30.13
B422 - fire alarm testing access on 10/17/12	\$ 18.54
B425 - fire alarm testing access on 10/17/12	\$ 18.54
B428 - fire alarm testing access on 10/17/12	\$ 18.54
B445 - fire alarm testing access on 10/17/12	\$ 18.54
B454 - fire alarm testing access on 10/17/12	\$ 18.54
B458 - fire alarm testing access on 10/17/12	\$ 18.54
C359 - fire sprinkler installation access on 10/18/12	\$ 143.00
and again on 11/19/12	\$ 88.00
D403 - fire alarm testing access on 10/18/12	\$ 16.46
D412 - fire alarm testing access on 10/18/12	\$ 16.46
D423 - fire alarm testing access on 10/18/12	\$ 16.46
D430 - fire alarm testing access on 10/18/12	\$ 16.46
D440 - fire alarm testing access on 10/18/12	\$ 16.46
D476 - fire alarm testing access on 10/18/12	\$ 16.46
E405 - fire sprinkler installation access on 9/13/12	\$ 71.50
 - **Treasurer's Report.** Treasurer Repola reported a favorable operating budget variance of \$230,548 through 3/31/2013. Repola also reported an operating fund balance of \$338,825, and a replacement fund balance of \$6,787,328. The full report is available at the WCA office and watergatehoa.com.
 - **Manager's Report.** General Manager Sutherland provided an assessment analysis of other similar style condominium complexes in Northern California. That analysis shows that Watergate's operating costs at about \$300 per unit per month is in line with other similar style large-scale complexes in the Bay Area. The study also shows that Watergate puts more money into the replacement fund than other complexes to make necessary major repairs.
- III. **Statements and Requests.** An owner spoke in support of the proposed 2% annual assessment increase.

IV. Consent Calendar.

- **Approved by unanimous general consent:**

- **March 18, 2013 Regular Session Minutes**

V. New Business.

- **Board Resolution to Record Two Notices of Delinquent Assessments.** Secretary Straus read the following resolution:

“Resolved, the Board of Directors (“Board”) for Watergate Community Association authorizes and instructs Allied Trustee Services to Record One Notice of Delinquent Assessment (“Lien”) in the full amount of unpaid assessments, late charges, interest and collection fees and costs against the property bearing Assessor’s Parcel Number 049-1529-005 and 049-1529-120 as authorized by Civil Code Sections 1367.1 and 1367.4 if such accounts have not been reinstated by the Notice of Intent to Lien expiration date.” Straus moved, and Knight seconded, to approve the aforementioned Two Notices of Delinquent Assessments. The motion was unanimously approved.

- **Board Resolution to Amend Governing Documents.** Secretary Straus read the following resolution:

“WHEREAS, there has been presented to the Board of Directors of the Watergate Community Association (“Corporation”) the attached First Amendment to Second Amended and Restated Declaration of Covenants, Conditions and Restrictions Regarding a Plan of Condominium Ownership for Watergate Community Association (“CC&R Amendment”) and First Amendment to Second Amended By-Laws (“Bylaw Amendment”) to update references to various sections of the Davis Stirling Common Interest Development Act in order to comply with current law; and

WHEREAS, it is deemed in the best interests of the Corporation to have its Board of Directors vote to amend the governing documents to refer to the new code sections without a membership vote, as authorized under California Civil Code Section 4235.

NOW, THEREFORE, BE IT RESOLVED, that the following resolution is hereby consented to, approved, and adopted by all seven (7) Directors of the Corporation.

RESOLVED, that the Board will execute and record the CC&R Amendment and will execute the Bylaw Amendment.

RESOLVED FURTHER, that the Secretary be, and hereby is, authorized and directed to insert the recorded CC&R Amendment and certified Bylaw Amendment in the Minute Book of the Corporation, and to see that copies of the originally recorded CC&R Amendment and certified Bylaw Amendment be kept at the principal executive office of this Corporation in accordance with California Corporations Code Section 7160.

IN WITNESS WHEREOF, the CC&R Amendment shall be effective upon the date of recordation and the Bylaw Amendment shall be effective upon the date of certification. After this effective date, copies of the recorded CC&R Amendment and certified Bylaw Amendment shall be mailed to the Members.” Straus moved, and Knight seconded, to approve the aforementioned Board Resolution to Amend Governing Documents. The motion was unanimously approved.

- ❑ **Post Tension Cable Replacement – 2 Admiral Drive.** The Board received competing bids for the post tension cable repair at 2 Admiral Drive. **Straus moved, and Knight seconded, to enter into an agreement with the low bidder All Star PT for a contract amount of \$7,380.00, and an overall project budget of \$12,857.00 to be paid for out of the replacement fund. The motion was unanimously approved.**
- ❑ **Cap Slab Deck Replacement Outside of B213.** The Board reviewed the proposal from Alpha Restorations to repair the patio cap slab outside of unit B213. **Straus moved, and Knight seconded, to enter into an agreement with the Alpha Restorations in the amount of \$7,380 and an overall project budget of \$14,800 to be paid for out of the replacement fund. The motion was unanimously approved.**
- ❑ **2013/2014 Pro Forma Budget and Disclosures.** Straus moved that the Board of Directors approve the 2013/2014 Pro Forma Budget with a regular assessment level of \$6,574,859, which equates to a 2.0% increase. Allocation to the replacement fund will be \$2,090,320, and the balance of \$4,484,539 goes to the operating fund. Straus further moved that the Board of Directors approve the 2013/2014 Collection Enforcement Policy, Schedule of Fines and Fees and Internal Dispute Resolution, and continue the use of the five-year financial funding planning and analysis tool as a standard operating policy for the Association. Knight seconded the motion. Straus, Knight, Dempster Repola and Mrazek voted for the motion with Flock voting against. The motion was approved.

VI. WCA Committees.

- ❑ **Architectural Control.** Assistant General Manager Jeff Kiel presented the following committee recommendations:
 - **7 Commodore Drive, A454: 1 Bedroom** - The owner wishes to replace the bathtub and tile surround with a walk-in shower. The committee recommends approval of the bathtub replacement with proper City of Emeryville building permits. **Straus moved, and Knight seconded, to approve the modifications to unit A454 pending receipt of all necessary building permits. The motion was unanimously approved.**
 - **1 Captain Drive, D252: 1 Bedroom** - The owner wishes to remove and replace the bathtub and tiled tub surround in favor of a walk-in shower. The committee recommends approval of this item with proper City of Emeryville building permits. **Straus moved, and Knight seconded, to approve the modifications to unit D252 pending receipt of all necessary building permits. The motion was unanimously approved.**
 - **1 Captain Drive, D368: 1 Bedroom** - The owner wishes to widen her unit's bathroom door for proper wheelchair access. The committee recommends approval of these items with proper City of Emeryville building permits as the application included a structural engineer report. **Straus moved, and Knight seconded, to approve the modifications to unit D368 pending receipt of all necessary building permits. The motion was unanimously approved.**
 - **6 Captain Drive, E232: Studio** - The owner wishes to replace his original particle board kitchen cabinets with real wood cabinets that are slightly deeper to accommodate 10" plates and to replace the bathtub and tile surround. The committee recommends approval of these items with proper City of Emeryville building permits. **Straus moved, and Knight seconded, to approve the modifications to unit E232 pending receipt of all necessary building permits. The motion was unanimously approved.**

- **2 Admiral Drive, F377: Studio** - The owners wish to replace their leaking/poorly installed shower pan and tiled surround. The committee recommends approval of these items with proper City of Emeryville building permits. **Straus moved, and Knight seconded, to approve the modifications to unit F377 pending receipt of all necessary building permits. The motion was unanimously approved.**

- **Landscape.** Chair Sam Foushee explained that the committee continues working on a long-term vision and guiding principles for the future of the existing mature landscaping, and will continue working with Robert Murphy on planning and scoping of all existing landscaping for improvements. The committee has come to a consensus that creating a “Master Plan” to detail how the landscaping would look in 5, 10 or 20 years out would not be worth the time and energy as it probably would be too static, and would freeze in time something that is ever changing and evolving.

- The Landscape Committee again recommends removing tree # 84 near the D building pool. This tree has sunk well below grade due to drainage and ground soil settlement. **Straus moved, and Knight seconded, to agree to the second request and reading for removal of pine tree #84. The motion to remove the tree was unanimously approved.**

VII. Upcoming Meetings.

- Regular and Executive Session – May 20, 2013

VIII. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

/s/ Neil Straus, Secretary