

**Watergate Community Association  
Board of Directors  
April 20, 2009  
Regular Session  
"Approved"**

- I. **Call to Order.** President Robert C. Blain called the meeting to order at 7:02 p.m. Directors present were Mike Cartmell, Judith Choate, Murray Kane, Neil Straus, Max Weintraub and Ariane Zand. Also present were General Manager Tim Sutherland, Controller Lisa Trabert, Assistant General Manager Jeff Kiel and 18 residents.
  
- II. **Approval of Minutes. Zand moved, and Straus seconded, to approve the March 23, 2009 Regular Session minutes. The motion to approve was unanimous.**
  
- III. **Secretary's Report.** Secretary Straus reported the following business of the Board conducted since the March 23, 2009 Regular Session:
  - ❑ The Board authorized a resolution to record a notice of default and election to sell on APN #049-1528-141 and APN #049-1529-596.
  
  - ❑ The Board met in a second Budget Session with the Finance Committee and staff on April 17, 2009 at 6:00 p.m.
  
  - ❑ The Board met in a closed Executive Session on April 20, 2009 at 6:30 p.m. to conduct a rules violation hearing for units B361 and D261. **The Board fined the owner of B361 \$100 for multiple balcony violations, and fined the owner of D261 \$200 for repeated noise violations. The Board also approved a resolution to record a notice of default and election to sell for APN #049-1529-489.**
  
- IV. **Treasurer's Report.** Treasurer Kane reported a favorable operating budget variance of \$169,810 through 3/31/2009. Kane also reported an operating fund balance of \$130,561 and replacement fund balance of \$2,790,081. The full report is available at the WCA office and website.
  
- V. **Manager's Report.** General Manager Sutherland reported on the following:
  - ❑ **Utilities** - Water, natural gas, and electric usage are slightly lower than comparative nine-month period last year.
  
  - ❑ **Communications** - Residents can now sign up at the Watergate website for email updates on meetings, major maintenance projects, tree removals and other community related items.
  
- VI. **Old Business.**
  - ❑ **Emergency Preparedness Committee.** Reggie Saaverda, Neil and Leslie Straus, Tom Knight and Judith Choate have volunteered to serve on the Emergency Preparedness Committee for 2009.

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**Straus moved, and Kane seconded, to approve the reformation of the Emergency Preparedness Committee and the volunteer list as submitted. The motion to approve was unanimous.**

**VII. New Business.**

General Manager Sutherland requested Board approval of the following:

- ❑ **Boardwalk Railing System Selection.** Staff collected feedback from residents since December 2008 on the ten railing system design mock-ups displayed near the WCA office. An overwhelming majority chose the wrought iron system over the other nine options. **Straus moved, and Zand seconded, to approve option #10, which is the wrought iron style fence similar to the Powell and Clipper Club pool fence. The motion to approve was unanimous.**
  
- ❑ **Anchor Drive Repaving.** Construction Manger Jim Ellis presented a detailed project budget for the repaving of Anchor Drive. **Straus moved, and Zand seconded, to award the contract to low bidder Dryco Construction in the amount of \$41,135 and an overall paving project budget of \$50,000 to be funded from the replacement fund. The motion to approve was unanimous.**
  
- ❑ **Gym Equipment Replacement.** Funds are needed for new elliptical fitness trainer for the Clipper Club gym. **Straus moved, and Kane seconded, to approve an Opti-Fit gym equipment for \$3603.73 to be funded from the replacement fund. The motion to approve was unanimous.**
  
- ❑ **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 a Notice of Delinquent Assessment in the full amount of unpaid assessments, late charges, interest and collection fees and costs against the following two properties bearing Assessors Parcel Numbers 049-1528-239, 049-1528-398 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 Kane seconded, to approve the aforementioned two Notices of Delinquent Assessments. The motion to approve was unanimous.**

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- **2009/2010 Budget and Delinquent Assessment Collection Enforcement Policy.** Each Board member discussed the pros and cons of 1%, 2% and a 3% dues increase. Kane and Weintraub supported a 1% increase with Choate in support of no more than a 2% increase. Straus, Zand and Blain spoke in support of the 3% increase. **Straus moved that the Board approve the 2009/2010 Pro Forma Budget with regular assessment levels of \$6,195,005, which equates to a 3.0% increase. Allocation to the replacement fund will be \$2,039,524 and the balance of \$4,155,481 goes to the operating fund. Straus also moved that the Board approve for the 2009/2010 fiscal year operating budget expenditure level of \$4,558,550 and a replacement budget expenditure level of \$1,333,117, and further moved that the Board approve the 2009/2010 Collection Enforcement Policy and continue the use of the five-year financial funding planning and analysis tool as a standard operating policy for the Association. Cartmell seconded the motion. Straus, Cartmell, Zand and Blain voted to approve the motion including the 3% increased with Kane, Choate and Weintraub opposed. The motion was approved.**

**VIII. WCA Committees.**

- **Architectural Control Committee.** Chair Judi Oser reported four unit modifications for April 2009.
  - **F397** - Work requiring Board approval includes replacing countertops in kitchen and bathroom, adding a microwave, lighting, new heater and tub surround. Applicant wants to reframe pony wall in kitchen, move wall and remove post. The engineer's report is now included. **Straus moved, and Zand seconded, to approve the modification to unit F397 pending receipt of a necessary building permits. The motion to approve was unanimous.**
  - **D305** - Work requiring Board approval includes repair and or possible replacement of the bathroom fan. If an upgrade is needed, will need building permit. **Straus moved, and Zand seconded, to approve the modification to unit D305 pending receipt of all required permits. The motion to approve was unanimous.**
  - **C233** - Work requiring Board approval includes the installation of a privacy railing fence in common area. **Straus moved, and Zand seconded, to deny the modification to the common area outside of unit C233. Straus, Zand, Cartmell and Weintraub voted to not approve the modification to the common area with Choate against the declination and Kane abstaining. The motion to deny the modification was approved.**

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- **C362** - Work requiring Board approval includes replacing microwave and bathroom fan, tub and tile surround, and the installation of recessed lighting and the removal of the kitchen post and attached counter. Structural report is included in application. **Straus moved, and Zand seconded, to approve the modification to unit C362 pending receipt of all required permits. The motion to approve was unanimous.**

- ❑ **Landscape Committee.** Chair Sam Foushee reported that the committee recommends the removal of a hazardous acacia tree (#394) immediately south of 6 Admiral Drive garage entrance. The tree is leaning at a precarious angle away from the building. **Straus moved, and Cartmell seconded, to authorize removal of tree #394 as per horticulturalist Heebner's recommendation. The motion to approve was unanimous.**
- ❑ **Common Area Renovations and Signs.** Co-Chair Jean Goldman offered a reminder of the upcoming joint meeting of CARS and the Board of Directors to be held on Tuesday, April 28, 2009 at 6:00 p.m. at the Clipper Club. The purpose of the meeting is to view the preliminary design concepts. Jean Goldman also announced that the presentations will be available for viewing by the community at the Clipper Club and Watergate website from May 1 -17, 2009.
- ❑ **Renewable Energy Committee.** Secretary Straus announced that committee would meet in May to discuss passive solar systems.

**IX. Statements and Requests.** Four owners spoke in opposition to a dues increase. The Board also heard from two owners who spoke in favor of the 3% increase. Another owner spoke at length about the free shuttle bus for seniors 55 and older run by the Emeryville Senior Center.

**X. Upcoming Meetings**

- ❑ Design Competition - April 28, 2009
- ❑ Executive and Regular Session - May 18, 2009

**XI.** The meeting adjourned at 8:50 p.m.

Respectfully submitted,

/s/ Neil Straus, Secretary