

**EMERY BAY VILLAGE HOMEOWNERS ASSOCIATION  
MINUTES OF 10/25/17 REGULAR MEETING OF BOARD OF DIRECTORS**

A regular meeting of the Board of Directors of the Emery Bay Village (EBV) Homeowners Association was called to order on Wednesday, October 25, 2017, at 7:00 p.m., in the EBV Clubhouse. Present were Eric Stilan, Vice President; Matt Johnson, Treasurer; Michelle Siegel, Secretary; Elle Lathrop, Member-at-Large, and Michelle New, Property Manager (Walsh PM).

Homeowners present: Stephanie Barbour, Nanette Gee, Dusty Barnard, Della Grant, Sue Adler, Ellen Naghavi.

1. Open Forum (please limit to 2 minutes)

- What's planned for repainting the disabled parking spot? Discussion about police ticketing for violations. Michelle New proposed to contact Ramiro to see if he can do striping.
- Unit 143 issues. Cannot open front door. Ramiro coming on Monday. They cannot get through the front door in an emergency (discussed further as an agenda item).
- Unit 118 expressed concerns about soil settlement issues impacting her unit. Board discussed planned mitigation efforts (also discussed further as an agenda item).

2. Approval of Minutes and Out of Meeting Consents:

A motion was made, seconded and passed:

RESOLVED to approve the September 27, 2017 regular and executive minutes of the Board.

A motion was made, seconded and passed:

RESOLVED to approve the October 1, 2017; and October 14, 2017 budget meeting minutes.

3. Financial Report:

A. Statement Review/Treasurer Report

- i. Certificate of Deposit (CD) matured October 20, 2017. Matt had directed Michelle New to renew it with another CD with a one-year term.
- ii. Discussed invoices for clearing wasps nests by Jensen Landscape. Jensen provided two separate trips out, and mitigated four or five locations.

B. 2018 Budget

- i. There are three options for the 2018 budget as presented in public budget meetings by the Budget and Finance Committee:

Option 1: A fully-funded budget, including clubhouse renovations.

This option will fully fund the reserves. It will pay for the clubhouse renovation out of 2018 income.

Doing this will require a special assessment. The special assessment would be \$817,290.00 in total, which is \$7,297.23 for each of the 112 units.

Option 2: A budget including costs for the clubhouse renovations.

This option does not fully fund the reserves. It is to pay for clubhouse renovation in the current year. This option requires a special assessment. The special assessment would be \$300,000.00 in total, which is \$2,678.57 for each of the 112 units.

Option 3: A budget that pays for the clubhouse renovations out of existing reserves.

This option does not fully fund the reserves. It pays for clubhouse renovation out of existing allocated reserves. This option does not require a special assessment. The reserve fund would be reduced by about half in this option if fully implemented. The reserve fund will have to be replenished over the next few years by continuing to raise the monthly dues.

Recommendation:

The Budget Committee recommends Option 3. This will allow completion of the clubhouse renovation in 2018. However, it will deplete the reserves by about half. Option two was also given careful consideration.

A motion was made, seconded and passed:

RESOLVED to approve Option 3, as presented by the Budget Committee; additionally, this will only be implemented with careful consideration and planning of the scope and amount of spending to be done in 2018 on the Clubhouse Renovation project, to avoid depleting the reserves by 50%.

### C. Collections

- i. There was no new report from Allied Collections.
- ii. One account in collections: 76088. Allied was to have a payment plan this month, but they do not. We will revisit this at December 6, 2017 meeting.
- iii. 76107—homeowner is current in regular assessments and is paying off the special assessment. Walsh PM asked the homeowners if they were willing to do a balloon payment. They are not willing to do a balloon payment.

## 4. Committee Reports

### A. Architectural

- i. Storage Closet Doors – 2017 Project. Committee has compiled a list of this year’s 20 doors that will be installed in 2017. Work pending scheduling. Likely to occur in November.
- ii. Architectural Violation (See 10. Hearings)

### B. Landscape

- i. Trees & Landscape Proposals
  - a. Paver repairs for unit 93/95 were worked on but not completed to satisfaction. Pending. Meeting planned with Jensen first Tuesday in November (November 7, 2017).
  - b. Landscape Committee stated at last meeting they were to walk property with Jensen to clarify the recommendations they are making and plan for work in 2018. Irrigation walkthrough is pending.
  - c. 2018 Tree Trimming. Traverso Tree service provided a bid dated August 9, 2017. The bid is very low and doesn’t include much work. Four redwoods were previously bid on in March 2017—approx \$11,600 each plus about \$600 per tree for Jensen to remove the stumps. Conclusive details to follow. Landscape Committee meeting with Traverso again to get more information and clarification. Landscape Committee received the bid. It totals \$33,530, but some estimates are informational only, and do not apply to trees to be addressed in 2018. Landscape Committee has highlighted trees needing most work, and would like to approve the bid at an amount not to exceed \$23,000.

[A motion was made, seconded and passed:](#)

[RESOLVED to approve Traverso Tree Services, Inc. bid for work to be done in 2018 and costs to be paid in 2018 at an amount not to exceed \\$23,000, and as directed by the Landscape Committee.](#)

- d. Concrete impacted by trees was discussed (inspection and tree listing for quotes). Concrete work for parking spaces needs to be coordinated with tree service needs. Trees not impacting concrete must be inspected. Staging would be: concrete out/Traverso inspects and cuts (or another tree company cuts)/new concrete goes in. Replanting would occur based upon recommendation by landscape company and/or Traverso. Landscape Committee to provide list of trees to be removed—so vendors can provide bids; map of locations; recommended replacement trees and or/shrubs, and when during the year the best time to replant would be.
- ii. Drainage Repair Swale– Jensen Landscape Service (Buildings 3 through 6)
  - a. Jensen gave us an updated proposal for installation of the swale due to the tree issues and due to the extended length of the swale. Swale is to mitigate flooding issues at this area. Walsh PM provided Jensen with Aragon’s report. Board had questions on their determination of pricing for this work. Landscape Committee and Matt walked the area with Jensen to discuss scope and costs. Jensen provided a clear explanation of the higher cost. EBV Needs to verify that storm drain is clear (storm drain is County of Alameda property) before work on the swale proceeds.
- iii. Drainage Clearing and Map – Aragon Commercial Landscaping
  - a. We received their report and documentation from Aragon. We asked them for their suggestions for removing the roots. They declined to do the work, and recommended talking with a plumbing service.
  - b. Jensen reported that the partially clogged pipe behind building 2 (94-96 EBD) cannot be cleared and must be replaced. They will provide us with a bid to replace the pipe.
  - c. Jensen said that the partially clogged pipe behind building 16 (10-16 EBD) was probably not clogged by roots, but was not laid properly. Jensen recommended leaving it until problems with that section become more evident. We do not want to move ahead with hand rotarying; that is not an option in either location. The only option is to remove and replace the pipe.
- iv. Unauthorized Tree Plantings. Observed and reported behind building 34 (units 118/120). Jensen to remove the trees.
- v. ECCL Redwoods behind Clubhouse nearest 53<sup>rd</sup> Street. The Landscape Committee contacted ECCL and City regarding their redwoods and the dry areas in the corner behind the Clubhouse on ECCL property.

The irrigation on ECCL's side is no longer working. Traverso noted those trees are all right for now. Landscape Committee is concerned about these trees dying and falling onto our property. Michelle New contacted the City of Emeryville. She missed their call on September 27, 2017, and said she would call them back. She said currently, she is playing phone tag with City Works, Assistant City Manager. Will follow up.

- vi. Landscape fabric installation request on fence behind Clubhouse. Pending quote from Jensen, since December 2016. Walsh PM asked Ramiro for a quote. If we buy the material Ramiro will install it. The Board directs Michelle Siegel to purchase landscape fabric and fasteners for privacy screening on fence behind clubhouse at an amount not to exceed \$300.
- vii. Guava tree trimming proposal. There are 11 guava trees. Jensen provided a proposal dated August 27, 2016 that is still valid.

A motion was made, seconded and passed:

RESOLVED to approve Jensen Landscape proposal dated August 27, 2016 to trim the 11 guava trees to a height of 6 feet at a cost not to exceed \$1,430.

- viii. Jensen provided a proposal for a shrub change-out at Units 46 through 52 on August 20, 2017.

A motion was made, seconded and passed:

RESOLVED to approve Jensen Landscape proposal dated August 20, 2017 to change out plants at fronts of Units 46 through 52 at a cost not to exceed \$1,527.

- ix. Jensen provided a proposal dated September 19, 2017 for renovation in front of Units 105 through 111 and to replace existing plantings with more suitable plantings, at a cost not to exceed \$3,178.

A motion was made, seconded and passed:

RESOLVED to approve Jensen Landscape proposal dated September 19, 2017 for renovation in front of Units 105 through 111 and to replace those plantings with more suitable plantings, at a cost not to exceed \$3,178.

#### C. Security / Communications

##### i. Updates, Requests and Proposals

- a. Elle is working on updating the Homeowner Handbook. Michelle S. to look for the document in Word or find a PDF to convert. Eric is to work on drafting a flyer or multiple flyers on a few topics for distribution at each unit's front door on recycle center use, etc., basic things to know in HOA community.
- b. Discussion of draft policy to have owners notify management of new renters, and notify renters of CC&Rs, etc., or be fined. Board needs to advise Michelle New after reviewing recommendations Walsh PM made in their management report in September 2017 Board meeting.
- c. Eric found better solution to our existing mailbox flyer holders. He will email board with the ideas.

#### D. Electric Vehicle (EV) Committee

##### i. Updates, Requests and Proposals

- a. Getting a second quote on cost to run the electrical conduit.
- b. Station comes with orange, or we can have it custom printed and have a green color so it doesn't stand out so much. The Board agreed the green color is preferable on the EV station.

#### E. Bicycle Storage Committee

- i. Guest rack locations/installation quotes, and cement pad installations were previously approved. Need to schedule work. Michelle New says Ramiro can assist with marking cement pad areas.

#### F. Clubhouse Interior Committee

- i. Progress update. Measurements confirmed and match our existing drawings. Acoustic engineer came in today and met with Stephanie Barbour. There are different options. The earlier in 2018 we start the work, the less expensive it will be. It can increase costs by 20% to break it into smaller pieces. It can decrease costs by 20% to do as one big project, early in the year. Brad Gunkel recommends the large room portion of the Clubhouse as the part to do all at once, if we must break into smaller parts.

### 5. Unfinished Business

#### A. Open and tabled items (informational/underway projects)

- i. Mailboxes
  - a. We had a broken P2 parcel box and a broken P1 parcel box on the mailboxes by 81 Emery Bay Drive. One had a broken spring so the door would not stay closed when it was unlocked. The other had a latch that did not close. Board authorized W. Roberts Enterprises at the July meeting. Willie Mailbox met with the carrier and confirmed that the repairs were completed as of 8/30/17. However, it wasn't completed, since the spring was still broken. Walsh PM sent correspondence back to W. Roberts Enterprises and was awaiting his reply. Expected to hear back from him on Tuesday, October 3. Willie Mailbox got back to Walsh, and has ordered the spring for the parcel box at mailboxes near 81 Emery Bay Drive. Michelle New will ask him to fix the P1 parcel box on Temescal Circle as well. Directive to Stephanie Barbour to get appropriate label making tape to make instructions on mailboxes for how to use the keys and locks.
- ii. Structural Issues Buildings 34/41 - ongoing
  - a. Alameda County Flood Control Findings. Info on City storm drains. Alameda County Flood Control finished the inspection of underground culvert. They found no offsets or damage within the underground culvert that runs the length of the property. They report that this is an inspection done every 5 to 7 years and that they also will need the landscapers to leave the area at the far corner (53<sup>rd</sup> Street), at the rear, left corner of the Clubhouse area, accessible. With this question being answered, we at least can rule out if the soil issues are being caused by damages of the underground area. We are still awaiting letter and/or report summarizing.
  - b. Soils engineer proposal by Joe Gray for services in 2018 to begin improving drainage issues at areas impacted by structural issues was approved in September. Michelle New is to reach out to him to do a bid to remeasure the interior slope at units at Buildings 40 and 41, and Building 14.
  - c. Interior repair reimbursement policy. The Board needs to look at the threshold for reimbursements for interior repairs caused by soil issues. Board to look at interior repairs after mitigating improvements put in place.
  - d. Report from homeowner at 143 Temescal Circle regarding additional cracks and great difficulty opening front door. The Association is paying to have Ramiro shave or sand the door. If the homeowner does not accept this they can pay for reinstalling the door with the Association's contractor. Ramiro to work on the door on Monday, October 30.
- iv. Clubhouse Repair Project
  - a. The structural repair is complete. Matt Johnson is putting together a report on the project.
- v. Lateral Line Inspections – work in progress. Approved, pending schedule.
  - a. Background: EBMUD met with Wash Property Management earlier in 2017. We had submitted the developer plans for the sewer lateral lines. We have all the information on drains. We are waiting for measurement of lineal feet on maps from EBMUD, in order to determine if we qualify for the extension or not. The chosen company to do the work quoted on all camera inspections and final filings and will complete the process start to finish.
  - b. Michelle New is waiting for news about the extension for filing from EBMUD.
  - c. Walsh PM waiting for schedule for work from Above All, the company we chose based on the bid process.
- vi. LED Light Conversion
  - a. 90% complete. New bulbs arrived in August 2017 to replace bulbs broken in shipping so we could complete the project. Walsh PM still to schedule with Ramiro to install and notify units whose carports will be impacted. Was to be completed by mid-September, delayed. Delayed again in October. Pending schedule. Board discussed displeasure with delay with Michelle New.
- vii. Carport Repairs
  - a. Waiting still for GB to schedule the work. Will take a lot of notification to residents to move cars on specific dates.
  - b. It is 4 to 6 weeks out for completing.
- viii. Proposed Project Forms and RFP Outlines
  - a. We have an outline. We also have a draft events form.
- ix. Recycle Center Door Repair
  - a. Walsh PM had contacted ACME Security in late September to address the issue, and they were to be at EBV shortly to adjust the door spring and tighten bolts. Screws still not tightened, and spring still not adjusted. We have been waiting for this to be fixed correctly. Technician will come back.
- x. Concrete Repairs (parking area/walkway hazards)--pending
  - a. PCC provided a quote. They delineated what they could and couldn't fix.
  - b. Board walked through and noted trees that need to be removed. Landscape Committee is putting together notes.
  - c. Landscape Committee to get bids on tree removal and recommendations on suitable replacements as a first step before concrete work can begin.

- d. Bids vary in presentation of quotes. Need to remove/replace the concrete first; then, after that, get PCC to come through and fix the remaining issues. All work is pending getting trees removed.
- xi. Paving Options (2018 tentative)
  - a. Tabling asphalt work until 2018—unless can get tree removal project done before rains start. Pending.
- xii. Power Washing
  - a. To address the bird guano. Ramiro, our association handyman, was to power wash the streets and sidewalks that have excessive bird droppings. Areas were missed on Emery Bay Drive in area where cars are parked. On Monday, October 30, he'll identify remaining locations and have people move cars so he can complete the work.
- xiii. Requested Removal of Shopping Cart from EBV Property
  - a. Monday, October 30 Ramiro will be here on the property and will take the shopping cart with him.
- xiv. Gutter Cleaning November 6 to 11, 2017
  - a. Need to email HOA residents/owners, and hang flyers. Eric to email.

8. New Business

A. Earthquake Insurance

- i. October 5 bid provided by Brady Insurance.

A motion was made, seconded and passed:

RESOLVED to approve earthquake insurance renewal from Brady Insurance in the amount of \$68,597 as one payment; we are declining the terrorism insurance coverage offering.

B. Building 1 – Concrete Damage at Entry Steps

- i. Unit 100 Emery Bay Drive has damage on the entry steps. Michelle New will get a bid for re-cementing the steps. Two options: concrete patch; or completely rip out and re-do. Patch is very economical. Michelle New will ask Ramiro if he is able to do the work.

C. Board Vacancy

- i. Ellen Naghavi has resigned as President of the HOA Board, and would like to serve as an Officer of the Board.

A motion was made, seconded and passed:

RESOLVED to rescind Sandra Norris' appointment as a Board Officer, and to appoint Ellen Naghavi as a Board Officer.

9. Management Report

- A. Discussion of rental requirements policy. Board to review and discuss further in November.

- B. Gatherings in clubhouses and common areas: new law in 2018. Walsh PM attending seminar on the new law in late January and will advise the Board.

10. Hearings (One held in Executive Session, one held in Regular Meeting with approval of homeowner.)

A hearing for Nanette Gee of Unit 94 was held in the main clubhouse with residents Stephanie Barbour, Dusty Bernard, Della Grant, and Sue Adler. The homeowner agreed with doing their violation in public. The Board expressed that this is not the norm. This hearing started at 7:12 PM and ended at 7:23 PM.

- Disabled ramp issue/architectural violation – non-compliance with agreement for installation, non-compliance with the landscape condition.
  - We received \$680 bid from Jensen to be able to address the landscape-related work that has to be done so we can then bill the owner for that cost, in order to close this out.
  - Owner says check has been sent to pay for this.
- Installed a wire fence; has also put storage in common areas; and, is letting their dog out without a leash.
  - They have removed the storage and the wire fence. They plan to haul away a recliner chair that is on their patio currently. The board explained that furniture designed for indoor use is not allowed on the patio. Homeowner is in process of correcting the issues.

The meeting adjourned at 9:45 p.m.

11. Adjournment to Executive Session (Litigation/Contracts/Disciplinary/Personnel Matters/Delinquent Accounts)

APPROVED

December 6, 2017

*Signed by Michelle Siegel*

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Michelle Siegel, Secretary