

# HILLER HIGHLANDS PHASE ONE ASSOCIATION

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## MINUTES OF THE BOARD MEETING, DECEMBER 15, 1992

### **NEXT MEETING: JANUARY 12, 1993 at 7:00 p.m.**

Call to order: 7:15 p.m. Present: All Board members except Tom and Mark, residents Doreen Douglas and Fred Booker, Christine of Dahlin Group.

**Fees for owner upgrades**--Ned reported that Butler will not be adding an additional 10% general conditions fee to owner upgrade charges. In addition, they have offered to reduce their overhead to 15% for owner upgrades.

We still need to see the schedule Mike Raynor was to prepare which would help HO's to decide whether upgrades are affordable or not.

**Roof colors**--Christine brought a board showing the ELS-recommended color schemes topped by 3 roofing samples from the 6 or 7 we viewed last week. After discussion, it was decided that Board members wanted to see a wider variety of roof colors before a final selection of roof color choices can be made.

Christine will have delivered to the trailer on Spyglass roofing samples from the manufacturer which had the widest choice of colors (if the manufacturer is acceptable to W.L. Butler). Board members will view these colors and pick the 4 most acceptable ones for the HO's to choose from. Discussion of house colors will take place at another time.

**Landscaping**--Bradini agreed to provide a breakdown of his billing. Chris and Mary Flanders will decide who will approve the bills and notify Alice.

Bradini will make a presentation at the next meeting. He will also give an estimate for a base plan.

Meeting adjourned at 8:50 p.m.

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## MINUTES OF THE BOARD MEETING, JANUARY 12, 1993

Call to order: 7:15 p.m. Present, Board members Ned, Jim, and Karen (no quorum); residents Ann Schiff, Doreen Douglas, Mary Flanders; Mike Raynor of W.L. Butler, Inc.; Christine Gregory, Chip Pierson, Jeff Finsand of Dahlin Group; Jim Bradanini of Bradanini & Associates, landscape architects.

**Dahlin Contract**--In reviewing the 12/8 minutes, Ned discovered that the Board had not acted to approve or disapprove the expanded contract with Dahlin Group presented at that meeting. This contract itemizes and explains the scope of work during the construction phase. Ned, Jim, Karen and Chris (by proxy) voted in favor. Ned will contact other Board members to obtain necessary votes. He will sign contract if he obtains Board approval.

**Landscaping**--Jim Bradanini presented his schedule for the duration of his contract with us. He is now involved in the three steps of the working schedule: mobilization, schematic design and design development.

The fourth step that he will be involved in is to do the actual working drawings; the fifth is bidding and negotiation with the landscape contractor and the sixth is construction observation.

Two to three weeks from now he can finalize the landscape master plan. It will be two to two and one-half months before there will be a complete package ready to be put out to bid.

Jim Bradanini, Board members and residents all felt it was extremely important to get input from HO's. Jim and Mary Flanders (chairman of the landscaping committee) will compose a letter to send to all HO's soliciting specific written comments on their ideas, concerns and desires. There will be a deadline for these responses. At a later date, there will be a general meeting to present the plan as drawn.

Preliminary estimate of costs for landscaping coverage with a good visual impact is \$1.50 to 2.00 per sq. ft. The cost for an adequate irrigation system would also be about the same per s.f., but this will be covered by insurance.

**Reconstruction**--George Wilcox has been ill and must be given time to recover. Christine Gregory has therefore been hired by W.L. Butler, Inc. to work full-time on our project as coordinator of all interior finishes. She is leaving Dahlin Group for the duration of our project. Jeff Finsand, a Dahlin Group architect, is familiar with our project and will be working almost full-time at Dahlin to complete the architectural tasks.

Mike and Christine will re-do Christine's December mailing detailing various contacts for specific HO concerns.

Christine will contact HO's in a prioritized order to make sure she has their choices when they're needed.

**Colors**--Christine presented color wheels she had constructed using coordinating trim, siding and roof colors. The consensus of Board members and residents at the meeting was to approve 11 exterior colors, with coordinating trim colors.

The meeting was adjourned at 9:25 p.m.

(Note: New information received after the meeting resulted in reduction of the number of approved wheels to 9 and the addition of the ELS palette to the list of approved exterior colors.)

**Hiller Highlands Phase 1  
HOMEOWNERS INFORMATION PACKAGE**

**February 8, 1993**

The following material supersedes prior information provided. The intent is to simplify the process of constructing your homes, and insuring that your homes will be built according to your specifications. This task will require a great deal more footwork on your part than previously requested.

The following is a list of items that require your preferences. Some of these items may not be pertinent to your home; go on to the next item. The selection completion deadline is the date at which you must have completed your selection process. You may need to research items prior to the meeting dates.

There have been numerous questions relating to the Credit/Debit status. A credit is an amount of money that is credited on worksheets when you choose to delete an item from your home that was existing in your home before the fire. A debit is a charge you incur when you upgrade from pre-fire conditions or add items to your home that were not there previously. No Credits will be given for selections that are below standards. Standards are depicted on the attached Exhibit "A". Funds will not be issued to the homeowner if they choose to delete items in their new homes.

- a) If you choose to eliminate an item or pre-fire quality from your home please bring an estimate of the cost of this item to your meeting with Meredith Design. Design time with Meredith Design should be utilized in selecting the furnishings for your home.
- b) Should you desire to upgrade or choose additional items to your home, you will be required to pay for these items prior to ordering and installation. W. L. Butler will discuss this with you. The selections will be made however with Meredith Designs.
- c) Each Homeowner should have backup information: this can be photographs, bills, invoices, shop drawings, etc. This may be requested by Truck Insurance to substantiate your claim.

W. L. Butler has set up an additional trailer at the job site to provide a more accommodating environment for meetings. We are pulling together reference materials for your use. These materials may not cover all your requests. Please call if you have unusual needs, prior to stopping by, so we have time to get specific information for your perusal. Selections you will choose with W. L. Butler are:

1. Appliances - "Standard Appliances" will be installed unless you had a specific model that you want replaced.
2. Shingle Color - Brochure was mailed to you requesting your selection.
3. Exterior Color - Refer to the enclosed color brochure. This brochure provides popular color schemes. If you feel the color you would like is not shown, the are additional color wheels, showing a broader color palette at the job site.

Many homeowners have asked if they may purchase items from stores and bring them to the site for installation. While we do want to accommodate your selections, it is important that we purchase your selections from our subcontractors. This is the only way we can insure proper installation, and payment. There are also scheduling concerns, as well as very limited on-site storage. Most of your selections can be provided through us.

You will share your selection choices at the following meetings:

**Meredith Design**      3 meetings to cover interior selections

**W. L. Butler**      1. Rough Frame Walk through. You will review, prior to drywall, your home. We will look at electrical locations, your floor plan, plumbing, windows, etc.

2.

3.

**Galaxy Lighting**      For all decorative lighting fixtures.

These meetings will require your

## MEMORANDUM

**Date:** January 28, 1993

**To:** Mike Raynor

**From:** Lynn Arneson

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**Subject:** Water Service

An investigation of the previous water system reveals an undesirable condition. An underground location survey indicates that the units were served from the rear, but the exact locations are not clear. I have consequently been inquiring on the feasibility and costs of providing a more conventional more convenient and less costly plan.

Bill Black of Marina Plumbing has walked the site and provided me with desirable locations for new water services at each unit.

Ken Briggs of E.B.M.U.D. informed me that if we want to tap into their existing main on Spyglass, there would be an application and installation fee of \$2,080.00 for individual meters.

If we want to run individual services from the existing two meters, there is no E.B.M.U.D. involvement. Only the City Building Inspector will check construction for proper sizing.

The following are the alternatives:

- 1) Try to find old lines and reconstruct in original configuration.
- 2) Construct new services from front of units.
  - 2a) Install individual private meters. (Approximately \$500.00 ea.)
- 3) Have E.B.M.U.D. tap into main and install new meters at curb. We construct services from meters to buildings.

An R.F.P. was submitted to Oberkamper on January 25 to give a cost for design of alt. # 2.

**OBERKAMPER & ASSOCIATES**  
**CIVIL ENGINEERS, INC.**

**10 PAUL DRIVE • SAN RAFAEL, CA 94903 • (415) 479-8462 • FAX: (415) 479-1807**

February 9, 1993  
Job No. 110-92

FAX (510) 841-4725  
W.L. Butler, Inc.  
9 Spyglass Hill  
Oakland, CA 94602

ATTN: Mr. Lynn Arneson

RE: Hiller Highlands  
Domestic Water System

Gentlemen:

In accordance with your request, we have investigated the situation regarding the domestic water system.

East Bay Municipal Utilities District has a 12-inch main which extends the entire length of Spyglass Hill Drive from street to street. This main feeds the fire hydrants and has a four-inch tap which serves the existing private domestic system through a 2-inch meter and a 3-inch meter.

The exact location, condition, and design of the existing system are unknown. If the existing system was to be reused, it would be necessary to determine the location, sizes, material and condition of the existing system and, assuming that the system is adequate and in good condition, it would be necessary to replace the services.

The system apparently runs to the rear of the units, which would make both reconstruction and maintenance difficult and expensive since a lot of hand work would be involved.

I can see a cost of \$10,000 to \$15,000 to determine location, condition and design of the system with unknown cost to rehabilitate and reconnect to the system.

Construction of a new system in the street area in front of the homes with individual submeters with shutoffs would be a preferable alternative to reuse of the existing system. Materials would be new and access for maintenance would be good.

I estimate that the cost for construction of such a system would be \$40,000 to \$50,000.

Design of a new system would be in accordance with the requirements of the Uniform Plumbing Code and would be checked by the Building Department.

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## MINUTES OF THE BOARD MEETING, JANUARY 26, 1993

Call to order: 7:45 p.m. Present: Board members Ned, Karen, Chris, Blythe, Alice, Tom, Ann; residents Doreen Douglas and Mary Flanders; Bill and Christine of W.L. Butler; Jeff of Dahlin Group; Nancy Meredith of Meredith Designs.

**Minutes**--Minutes of the January 5 and January 12 meetings were distributed, but have not yet been approved.

**Annual Meeting**--Ned appointed Mac Cantin to make arrangements for the Annual Meeting and he will ask Lyle Byers for assistance. The meeting, originally slated for February 25, has been changed to March 24.

**Dahlin contract**--Tom approves of the expanded contract and Ned will sign it.

**Questions**--Ned distributed a sheet of questions he had faxed to W.L. Butler, Inc. (see attached). Answers are as follows:

2. Each HO will receive a folder at his/her second meeting with Meredith Designs which shows their kitchen as planned. If there are simple changes they can be made then and signed by the HO. If the changes are more complicated, the kitchen design will be re-drawn. The HO should keep a signed copy of the completed kitchen design. The kitchen cabinets will be ordered after the final design is agreed upon.

2. HO's can go to Emeryville Galaxy. Bob Neuman, the electrician for the project, has provided a catalog for recessed lighting choices. They will be made at a separate meeting in the trailer, not through Galaxy. Butler will call HO's to arrange these meetings if they have indicated they want recessed lighting.

5. Meeting with Hank Korn was re-set for February 3, with the funds then to be released on Feb. 10. - *not released yet (2/9)*

6. Christine has critical paths for each unit.

7. There have been 23 days lost to rain, holidays or wind. Completion of project is still projected to be the end of July.

1. The new contract with Meredith Designs depends on how much time she can be directed to give to documenting items lost in the fire. The Board decided that HO's should be responsible for researching and documenting the cost of unusual items that are NOT being replaced. If Meredith can readily price an item which is not being replaced, she will do so. If not, she will inform the HO's that they need to price the item themselves. HO's who object to the appraised value of an item should bring their complaint before the Board.



The burden of proof rests on the HO.

Upgrades are the difference between a finish detail a HO wants and the price of the standard item (i.e.: all kitchen countertops will be a standard tile, even if the HO had formica before; if an HO wants Corian, s/he pays the difference between the cost of the standard tile and the cost of the Corian.)

April 8 is the deadline for making interior selections in the final unit to be built. Other unit owners will need to make final selections prior to that date.

**FEMA Contract**--Tom Skelly has a draft of a proposed contract from the City of Oakland re the FEMA grant for street and lighting repairs. He has serious reservations about some aspects of the contract, as do the other HO Associations. It was m.s.p. to become involved with the other HOA's to have an attorney review the contract and to pay our share of attorney's fees.

**Carport lighting**--Carport lighting, even those carports that will now have doors, is paid for by the HOA. Lighting should be low-power and energy-efficient.

**Water meters**--Separately metering each unit with public meters would cost \$2200/unit. For a much lower cost, water use from each unit could be tracked with private meters, but the HOA would still pay for everyone's water.

**Next meeting: February 9 at 7:00 p.m.**

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## MINUTES OF THE BOARD MEETING, JANUARY 5, 1993

Call to order: 7:05 p.m. Present: Board members Ned, Chris, Karen, Tom, Jim, Ann; resident Doreen Douglas; Mike and Mark of W.L. Butler; Christine of Dahlin Group.

**Minutes**--m.s.p. to approve the minutes of the Dec. 8 and Dec. 15 meetings, with the proviso that the spelling of Bradanini's name is corrected in the Dec. 8 minutes.

**Colors**--The three roof color choices available to residents are shakewood blend, weathered wood and slate blend.

The Board discussed the palette of exterior colors provided by Christine and reached the following conclusions: 1. The Board will only allow full-bodied stains to be used, not transparent or semi-transparent stains, 2. Owners of attached units must agree on compatible colors, 3. Trim colors must be compatible with house colors.

Christine was directed to prepare a display board with a color palette (based on the one the Board studied on 1/5) to present to the Board for approval on 1/12. HO's will be encouraged to pick a combination of these colors. HO's are required to obtain Board approval to use colors not on the approved color palette. W.L. Butler personnel will create a chart showing color choices as they are made, to assist neighboring HO's in making compatible selections, not only to their attached neighbor, but to all those close by.

**Landscaping**--Bradani will come to the 1/12 meeting. He will present his work up to that point. He will suggest a procedure for contacting the Board and getting input from residents. He would like to see photographs of the landscaping as it existed before the fire.

**Reconstruction**--All plans but A's and E's have prototype sheets for the shell construction budget. These have the same four columns of the original (budget price, sub bid, original and upgrade), but are complete with figures. Butler representatives and Board representatives will meet with Hank Korn next week to present these figures.

On Wednesday, December 30, Ned and Mike agreed that as a consequence of the December 2 letter to all HO's, no more plan changes would be allowed that were not at the expense of the HO. There were 14 HO's who had not signed off as of 12/30. Ned called each one of them and either spoke to them or left a message on their recorder stating that no more changes could

be made. Most HO's have since signed off. It was m.s.p. to authorize W.L. Butler to proceed with construction of the homes as the plans exist as of 5 p.m. on January 5, 1993.

Ned and Mike will co-author a letter to HO's regarding interior selections.

**Annual meeting**--We need to find out whether the Annual Meeting must be held in the Spring, as it has in the past, or whether it can wait until construction is completed.

Meeting adjourned at 9:22 p.m.

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## MINUTES OF THE BOARD MEETING, FEBRUARY 17, 1993

**Next meeting**--March 9 at 7:00 p.m.

Call to order: 7:10 p.m. Present, Board members Ned, Jim, Karen, Chris, Alice, Blythe, Ann, Mark; resident Ann Schiff; Christine, Mike, Mark of W.L. Butler, Inc.; Hank Korn of Farmers Insurance.

**Insurance, Hank Korn**--Hank is concerned that the original estimate from W.L. Butler was for \$6.5 million and the latest estimate from them is \$11,668,231 million.

A3 and C2 were representative units chosen last July for costs of the shell, interior finish and conditions. The cost per foot in July was \$95.70 for A3 (\$54.92 for the shell) and \$108.20 for C2 (\$62.60 for the shell). Hank felt these figures were reasonable and therefore did not delay the project by getting competitive bids.

By Nov. 17, the shell costs had risen to \$66.43 for A3 and \$67.78 for C2. On January 15, the A3 shell cost had reached \$83.55 and the C2 shell cost was \$83.45.

The average cost per foot for the whole project went from \$101.95 in July to \$128.00 in late November to \$226 in Jan.

Hank felt the possible reasons for the low original estimate were that the plans were insufficient, the contractor miscalculated, the HO's gave the contractor insufficient information, or changes occurred after plans were submitted or after construction began.

Phase 3, also covered by Farmers, is being built for much less money.

Hank needs to understand why the estimates have increased so dramatically on our project so that he can explain it to his superiors.

**W.L. Butler, Inc.**--The original estimate was arrived at by taking standard specifications for the most cost-effective interiors and multiplying the total project size of 52,000 sq. ft. by this amount. This was always intended to be an estimate and not a bid.

On 2/17, they took 5 units that were 2/3rds complete on interior selections and multiplied out the figures to arrive at an total project estimate of \$3,722,585 on interior finishes. This divides by 34 to give an average cost per unit on interior finishes of \$109,487.

Differences in the shell costs were explained in material distributed by Butler personnel.

**Discussion**--Discussion ensued on the impact of the loss of economy of scale on the costs of the interiors. It was felt that a great deal of money would need to be spent to replicate finish details HO's had before the fire.

The 3 insurance experts (Jim, Chris and Hank) looked over the policy wording and agreed that the replacement cost endorsement that we had on our policy was for "like kind and quality", not for exact replication, in cases where an item no longer exists or has to be specially made, when it wasn't before. This is standard practice in the insurance industry.

The Board informed Butler personnel that this policy is the one they should follow in dealing with homeowners.

If HO's do not accept Butler's decision on their interior finishes, they may come before the Board. In some cases, meetings between HO's and Hank Korn may be necessary.

**Treasurer's report**--Alice distributed financial reports. Without further funds from Farmers, we will run out of reconstruction \$ by March 10. Hank Korn agreed to submit a request for the remaining \$2.5 million of the original agreed-upon estimate so that the project can continue while interior figures are being collected.

**President's report**--The annual meeting is all set. Everyone Ned contacted agreed to help. Ned will be out of town from 2-21 to 3-9 (he will attend the Board meeting that night), and again from 3-10 to 3-14. Jim will be spokesman, as available, during Ned's absence.

**Minutes**--The minutes of 2/9/93 were approved as written.

Meeting adjourned at 10:15 p.m.

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## MINUTES OF THE BOARD MEETING, FEBRUARY 9, 1993

Call to order: 7:10 p.m. Present, Board members Ned, Tom, Blythe, Ann, Karen, Chris; resident Ann Schiff; Lynn Arneson, Christine, Mike of W.L. Butler; Marlene of Meredith Designs.

**Next meeting**--February 17 at 7 p.m. with Hank Korn of Farmers Insurance.

**Reconstruction**--Mike introduced Lynn Arneson, a new site employee of W.L. Butler, who is professionally trained as a surveyor.

Mike distributed a memorandum detailing the 3 options for rebuilding our water system (see attached.) It was m.s.p. to approve option 2 (2a). New services will be constructed from the front of units, and private meters will be installed on each unit (if possible) or on each building (if installation of waterlines in duplex buildings has progressed past the point where they could be separately metered.)

Christine discussed the contract with Meredith Designs and the need to modify the contract to allow more time for each HO to spend with Meredith. Marlene addressed the widening scope of their responsibilities and the amount of time the selection process takes both in meetings with HO's and in research time before and after these meetings.

The Board feels we need Hank Korn's input on this issue and that this should be discussed with Hank when Jim and Chris are both present.

Arguments for increasing the contract with Meredith include: increased scope of work, lack of records of previous upgrades (because the records were burned), saving money and time for Farmers because of Meredith's expertise and their access to materials at lower prices.

Christine distributed a rough copy of an information package that will be sent to all HO's.

**Annual Meeting**--Ned distributed a worksheet on work assignments for the Annual Meeting, to be held at the Claremont Club, 214 Hillcrest Rd., March 24, 1993, at 5:30 p.m. Board members either accepted specific assignments, or suggested other HO's to be asked to assist. HO's will be asked for input on topics to be discussed at the Annual Meeting. A survey will be sent out with Butler's information package.

**Minutes**--Minutes of the January 5, 12 and 26 meetings were approved with the exception of the "Carport lighting" section of the Jan. 26 minutes. There needs to be further discussion of the issue of who will be responsible for paying for lighting for carports that will now have doors.

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## MINUTES OF THE BOARD MEETING, MARCH 18, 1993

Call to order: 7:05 p.m. Present: Ned, Jim, Ann, Blythe, Karen; residents Ann Schiff and Doreen Douglas; Christine of W.L. Butler, Inc.

**45,47,51,53**--At its 9-15-92 meeting, the Board decided that the 3 carports for these units could be converted to 4 garages IF all 4 homeowners agreed. This agreement was not forthcoming, so the matter was dropped. Now the 4 HO's are being billed for architectural drawings made by Dahlin in response to a request from Lloyd Reed and there is disagreement as to how to assign the costs connected with this work.

In order to resolve this issue, the Board needs to know: Dahlin needs to provide us with information on 1) who authorized them to do this work; 2, when did they receive this authorization; 3, when was the work actually done; 4, what was the total cost of the drawings for this conversion alone.

From the residents, we need to have each one write a statement detailing her version of the sequence of events leading to Lloyd Reed asking Dahlin to do the drawings relating to the pop-out only.

Christine is to fax information to Ned on costs of the pop-out work.

**Insurance**--On March 15, Butler people met with Hank and Peter of Adamson Assoc. (cost analyst). Hank is still not sure when he can approve the change order.

**Annual Meeting**--The agenda for the Annual Meeting was discussed. The Board has agreed to continue to serve, if elected, until the Notice of Completion is signed. All Board members have indicated they will wish to resign at that point.

Ned will prepare the agenda which will start with the business meeting and progress to reports from Jim Bradanini on landscaping, Bill, Christine and Mike on reconstruction, Tom on street repair and Jim on insurance.

**Site work**--Christine presented a list of items that need to be planned and approved by the Board and Farmers, including all site work not included in the shell and interiors of the individual units.

Adjourned at 8:40 p.m.

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## MINUTES OF THE BOARD MEETING, MARCH 9, 1993

Call to order: 7:05 p.m. Present, Ned, Tom, Ann M., Alice, Jim, Chris, Karen, Blythe; resident, Ann S.; Bill, Mike, Mark, Christine of W.L. Butler, Inc.

Minutes of the February 17 meeting were approved as written.

**Insurance**--Jim is unhappy with Hank Korn's letter of 3-2-93. Of particular concern is the assertion that Butler had guaranteed \$5.2 million as the maximum price in their original bid. Unknowns not included in that estimate were not addressed by Korn in his letter. Jim feels we should reply to this letter ASAP. It is important to leave a clear paper trail.

Farmers has hired a cost analyst to study the issue of the vastly increased costs of the project. Farmers indicated that they would not make any more payments to us until they have the cost analyst's report.

Meanwhile, Butler needs the Board to sign a change order to authorize expenditure of \$1.2 million more than we have currently received from Farmers. If this change order cannot be signed, eventually work will stop, resulting in even higher costs.

The Board identified 3 options: (1) make change order language less binding (an attorney is suggesting some language changes Jim will discuss with Butler upon receipt), (2) take out mortgage to cover construction costs, (3) Butler figures out what we can buy for our current funds and drops their production schedule.

Mark Heavey will write a letter to the Board outlining how costs would increase if they have to modify their schedule, or even stop work if no more money is forthcoming until too late. Mark will also address the errors and omissions in Hank Korn's 3-2-93 letter. Jim will then write a rebuttal to Hank Korn. Jim will send a copy of this letter to Board members.

**Interiors**--Butler needs Board direction on controlling the costs and time involved in making interior selections. Some HO's have been abusing the services Meredith is providing, as well as refusing to sign off on their interior selections in a timely manner. This impacts the production schedule of the entire job.

Procedures adopted are as follows: each HO will be allotted 3 two-hour meetings with Meredith. Any additional use of Meredith's services will be paid for by the HO at \$50/hour, paid in advance.

In cases where a HO refuses to sign off, he/she has 3 options: (1) accept the Butler default specifications, (2) submit an alternate plan for repairs to the Board for approval, (3) HO is directed by the Board



to finish their unit AFTER the rest of the project is complete and Butler has left the site.

Christine is preparing a check-off sheet for each HO to finalize interior selections. She will get these lists to each HO as soon as is practically possible.

It was m.s.p. to limit the HO to 2 weeks from receipt of their list until they give final approval of their selections, or they will go into default.

If Christine can mail the lists in time to give HO's more time, she will, but the default date will be set by Butler based on the two-week limit.

**Site Information**--Mike needs information from Bradanini so he can develop plans for irrigation and drainage.

HO's returned questionnaires to Landscape Committee (deadline was 2-1-93). Landscape Committee did not collate these responses, or pass them on to Bradanini. It was m.s.p. to dissolve the Landscape Committee and direct Karen to take charge of this issue. She will get HO responses to Bradanini and direct him to begin working on a final plan.

The Board also made the following decisions about specific site details: (1) masonry caps should be consistent throughout development, (2) Mike will ask Bradanini for input on street lighting, (3) handrails should be the same as before, (4) benches should be the same as before, (5) fences should be the same, subject to code restrictions, (6) garden sheds and garbage can corrals should be the same as before, subject to Oakland Scavenger restrictions (Mike will contact Oakland Scavenger).

Ned has asked Phase III to provide us with estimates for repair and tearing out of stairs between Phase I and Phase III. We need these before we can make a decision on what to do.

**Finances**--We received \$2.4 million from Farmers after the 2-17 meeting with Hank Korn.

**Annual meeting**--We will meet on Thursday, March 18 at 7:00 p.m. to plan the annual meeting.

Adjourned at 9:20 p.m.

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## MINUTES OF THE ANNUAL MEETING, MARCH 24, 1993

Call to order: 7:00 p.m.

Attendance: Ned and Mary Flanders, #1; Vida Ribnikar, #3; Tricia Swift, #7; Doreen and Jim Douglas, #9; Catherine David (John Gilcrist), #11; Lyle and Margaret Byers, #24; Phil and Mimi Martin, #28; Alice Lyman and Don Westbie, #33; Steve Cobbledick, #35; Ann and John Mulligan, #40; Blythe Mickelson and Fred Booker, #41; Ruggero Stefanini, #42; Tom Skelly, #43; John and Eileen Higgins, #44; Virginia Meyer, Mark and Janet Hanner, #45; Evelyn Pavone, #46; Joseph and Margery Hunt, #47; Tork Gregory, # 48; Avice Saint, #53; Ann and Bob Schiff, #57; Chris and Karen Mead, #59; Judy and Patrick Geoghegan (Gerry Stewart) #61. Proxy for #5, McCarty held by Vida Ribnikar; proxy for Muttnyansky, #22, held by Chris Mead; proxy for Wieland, #30, held by Tom Skelly; proxy for Bernstein, #31, held by Blythe Mickelson; proxy for Reed, #51, held by Christine Baehr; proxy for Sandberg, #55, held by Ned Flanders. Also present, Hank Korn (Farmers Ins.), Peter Morris (Adamson Associates), Jim Bradanini (landscape architect); Bill Butler, Mike Raynor, Mark Heavey, Christine Gregory and Karen Thomas of W.L. Butler, Inc.

**President**--Ned thanked Virginia Meyer for making it possible for us to meet at the Claremont Club. Alice will send a letter to the Claremont Club thanking them for allowing us to meet there for a nominal charge. Thanks were also extended to Janet Hanner for taking over dinner arrangements at the last minute and also sending invitations and taking reservations. Lyle Byers and Mac Cantin also helped make arrangements for the meeting.

After a count of the homeowners (HO's) in attendance, as well as proxies, Ned advised that we had a quorum and also have enough votes to change the CC & R's if we needed to.

**Minutes**--The minutes of the 1992 annual meeting were approved as written.

**Nominating Committee**--Ann Schiff, as chairman and sole member of the Nominating Committee, announced that the current Board has agreed to serve until the Notice of Completion is signed. The Association will need a new Board at that time, and HO's were advised to be thinking of who might serve on that Board. No further nominations were forthcoming. It was m.s.p. to elect Ned Flanders, Jim Douglas, Ann Mulligan, Tom Skelly, Chris Mead, Blythe Mickelson, Karen Mead, Alice Lyman and Mark Hanner to the Board of Directors of Hiller Highlands I Association for the 1993-1994 year.

**Treasurer**--Alice presented a financial report. There is \$275,143.58 in our dues account. This money will be earmarked for the landscaping and site work that is the responsibility of the Association. It was m.s.p. to accept the financial report as written.

Mark Hanner will send out new envelopes for dues payments.

This concluded the business meeting. The rest of the agenda was given to reports on the reconstruction project.

**Landscaping**--Jim Bradanini, of Bradanini and Associates, Landscape Architects, gave a progress report on the development of the landscaping plans. He and the Landscaping Committee devised a questionnaire which was sent to all HO's to get their input on the project. The responses to these questionnaires will be applied to the finished plan.

Jim also discussed the magnitude of the project: 4.7 acres total, with 3 acres in landscaping.

The plan itself will be based on the following elements: 1) fire safety (no pines or eucalyptus); 2) native plants: oak (canopy-type vegetation), manzanita, spreading shrubs); 3) lush, more ornamental planting, with specific plantings at entrances and along the street (including Hiller Dr.).

Drip irrigation is planned. The landscaping itself will be done last and will probably take 6-8 weeks.

Jim suggested that the Association write a letter to EBMUD stating our concerns about the type of trees planted on their property (below the far end of Spyglass).

The Landscaping Committee, chaired by Mary Flanders and including Joe and Mickey Hunt, Lloyd Reed and Avice Saint, was dissolved with appreciation now that the project needs to be closely supervised by the Board. Karen Mead will be Board landscaping liason.

**Insurance**--Jim Douglas reported that our original policy was for \$3.5 million. Farmers Insurance has agreed to fund reasonable expenses to reconstruct the 34 units as they were on October 19, 1991. They have advanced \$6+ million so far. The final amount is not yet established. There are on-going negotiations between the Board (Jim's and Chris Mead's contributions to these negotiations were gratefully acknowledged), W.L. Butler and Farmers. Hank Korn, Farmers' adjuster, has hired Adamson and Associates cost analyst Peter Morris to review costs.

**Street Re-paving**--Tom Skelly reported that Phases 1-5 are being sponsored by the City of Oakland to receive a FEMA grant to cover 75% of the costs of repaving the street. Tom obtained an estimate from O.C. Jones of \$88,000, of which we would be responsible for \$22,000. We don't yet know how much money we will have to put up front. Spyglass will remain a private street. The grant will not cover street lights.

**Re-construction**--Christine Gregory of W.L. Butler, Inc., showed slides chronicling the destruction, clean-up and re-building of Spyglass Hill.

Homeowners should be aware that they are getting a custom-built home with all modern code upgrades and state-of-the-art seismic reinforcement.

Butler hired a specialist to devise the best common-wall sound-proofing. His directives have been followed in all cases except when they were superceded by the requirements of the structural engineer.

Most of the burden to determine the cost of any proposed upgrade (that a HO did not have before) must be borne by the HO. These upgrades are not covered by insurance, nor will the insurance company pay Butler for the time it would take to estimate these costs.

No HO may bring in another contractor to do any work until the entire project is complete and notice of completion is signed.

Each HO will receive a warranty booklet on completion of his/her home with a number to call to correct problems. With the best will and the most skill, no construction project can be perfect and HO's can expect to find some (hopefully) minor defects once they move in.

The estimated date for completion of interior selections is May 14.

Homeowners were asked not to call the job site with questions, but to write or fax questions and concerns. Even if a phone call is made, it is recommended that the HO follow-up with a written statement by mail or fax.

**Highlands Country Club**--Phil Martin reported that the Club needs to build up its membership to the pre-fire number of 550. They are offering a discount during April to encourage former members to rejoin and new owners to join.

**Assessment**--Lyle Byers expressed concern about possible inequality in assessment collection. The Board has voted that no person will pay more than the amount of their assessment coverage until all homeowners have contributed at least that same amount.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Ann Mulligan and Karen Mead  
Co-Secretaries

# Spyglass Hill

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### MINUTES OF THE BOARD MEETING, March 8, 1993

Call to order: 7:30 p.m. Present: Ned, Tom, Blythe, Ann, Mark, Karen, Chris. HOs Ann Schiff and Janet Hanner.

**Insurance**--Farmers' adjuster, Richard Reimke, told Ned that they would release the final \$1.9 million (bringing the total to \$12.412 million) only if Ned would sign a release of all future claims. Ned did not sign, but got permission from Richard, through Steve Roditi, to deposit the \$1.9 million in our bank account.

[On Wednesday morning, March 9, Ned was informed by Richard Reimke that Farmers would not release the \$1.9 million unless he signed. Without those funds, Butler would not be able to pay their subcontractors, the project would not be completed and subcontractors would start filing liens against our houses. Therefore, Ned consulted with Jim and Chris and felt he had no choice but to sign, noting on the agreement that he was doing so under duress.]

**Reconstruction**--Ned, Chris and Mark met with Roy and Mark Heavey on the morning of 3-8 to achieve a final agreement on completion of reconstruction and payment of final installments.

They agreed to pay Butler what they are owed from the \$1.9 million insurance payment, withholding \$400,000 of the final amount owed until all units are completed (Betty Scurich's may be held out), punch list items are satisfactorily completed and Jax Knepper's recommendations have been taken care of to the extent possible. Butler would like all of the above to be completed by April 15.

It was m.s.p. that the Board interview all HOs who have signed-off on their punch lists to make sure they are satisfied that all work has been completed.

The Board felt it would be useful to have a list from Butler delineating which punch list items they will and which they will not be correcting. However, it was decided to allow Butler to complete the project before confronting them over uncorrected punch list items.

Ned and Chris will re-word Mark Heavey and Roy Williams' letters, to remove the April 15 date of final payment and to note that final payment will be made when the work is completed and HOs are satisfied.

**Treasurer**--As of 3/8 we have paid W.L. Butler, Inc. a total of \$10,774,911.27.

Mark presented a project close-out summary. At this time, the total uninsured liability is \$585,760.00. This amount may actually be lower (Herzer has lowered their bid).

Farmers' \$1.9 million final payment did not include the amount they were planning to withhold for individual HO's building improvements coverage. Since Farmers has not withheld this money, there is no rationale for the second assessment. Therefore it was m.s.p. (with Mark abstaining) to refund the amounts HO's have paid for the second assessment.

Ned will write a letter to Higgins asking for the remainder of his first assessment.

**Annual meeting**--Janet passed out invitations to the annual meeting, which will be held on March 31.

**Minutes**--The minutes for the January 12 and January 26 meetings were approved as written.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Ann Mulligan and Karen Mead, Co-Secretaries

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## MINUTES OF THE BOARD MEETING, JUNE 9, 1993

Call to order: 7:05 p.m. Present: Ned, Chris, Karen, Bill Butler, Mark Heavey, Christine Gregory, Ann Schiff, Blythe, Tom, Alice, Mark

**Insurance**--The construction policy has been increased from \$6 million to \$7.5 million. Mark will send Jim a copy of the policy for Jim's files. Mark has asked for a bid for \$10 million coverage. He will give the change order to Chris when it arrives.

**Construction update**--Christine reported on the following items. Karen Thomas wants decisions on site lighting, stair rails and the concrete finish on common areas (curbs, gutters, sidewalks).

It was m.s.p. that common area curbs, gutters and sidewalks that are not paid for by insurance be broomed finish.

The carports will be painted a color to match the closest unit.

The U.S. Postal Service is requiring the mail be delivered to a minimum of 2 units at a time. Our choices are a large multiple (gang) mailbox at 1 or 2 locations along the street, or 2, 3 or 4 mailboxes between neighboring units.

It was m.s.p. to cluster mailboxes in groups of 2,3 or 4 at logical locations near neighboring units. Jim Bradanini will need to make this a part of the landscaping plan. Karen will tell him of our decision.

Christine passed out a status report (attached). The biggest problem they are dealing with now is the delay in the ordering of cabinets. This cannot be done until the cabinet drawings are transferred to CAD. Butler has hired another architect to monitor the transfer and Christine has also asked the cabinetmaker to provide a local expert to assist.

Site work should be scheduled as follows: July, drainage, rough and fine grading; August, concrete flatwork, curb and gutter, stairs; September, irrigation, landscaping, lighting. In mid-July, concrete sidewalks for the G units will be poured; the sidewalks will then be extended up to the end of the street and back down the other side.

**Street repair**--Tom reported that O.C. Jones has contracted with

Kaldveer Engineering for the street design. O.C. Jones will give the bid to W.L. Butler.

Tom and Ned will review the electrical plan to decide which circuits should be separately metered for the Association to be responsible for and which will be paid for by the unit owners.

**Insurance**--On 3/31, Jim and Chris met with Mark Heavey, Peter Morris and Richard Reimche (sp?), our new Farmers adjuster. Jim and Chris were given a letter (see attached) which enumerated Farmers' position in a more stringent manner than Hank Korn had signed off during a previous meeting. Jim feels that the letter is an official position, but that it won't be strictly adhered to.

Farmers is now adopting a harder line in respect to HO's improvements coverage. They are basically back to their original position of demanding the entire amount of each HO's building improvements coverage. A large part of the reason for this is that they are having trouble with their re-insurer about the increased cost of the project.

Hank and Richard both recommended that code upgrades be considered a wash with items not replaced. It was m.s.p. to inform Association members of a Board policy as follows: The Board has chosen to try to negotiate with the insurance company to use the following items as a trade-off against code upgrades for which the Association would otherwise have to pay. Therefore, HOs should not try to use these items as credits against any other upgrades. The items are wall-hung toilets, cast iron sewer pipes, concealed gutters and casement windows.

Ned will draft a letter to all HOs telling them of this policy.

The Board discussed our previous proposal to Farmers on the issue of collection of building improvements coverage. Jim had proposed that HOs with no coverage would pay nothing; those with coverage up to and including \$5,000 would pay the actual amount of their coverage; those with more than \$5,000 coverage, or with unitary coverage, would pay \$5,000.

It was m.s.p. that Jim be empowered to talk with an attorney to help decide how to proceed on the issue of collection of building improvements coverage from HOs.

**Treasurer**--Alice passed out the current financial report (see attached).

**Site work**--Tom will talk to Karen Thomas about decisions pertaining to railings.

**Landscaping**--Jim Bradanini will attend our next meeting to present his landscaping plan to the Board and interested HOs.

**Landscape donation**--It was m.s.p. to donate \$500 from the dues account to the North Hills Landscape Committee.

**Next meeting: June 29 at 7:00 p.m.**

Respectfully submitted,

Karen Mead, Co-Secretary





**HILLER HIGHLANDS PHASE I  
ASSOCIATION  
STATUS REPORT**

Lot No.	HO Walk-Thru	WLB & Meredith HO Selection	Roofs	Com-puter Selec	Framing Inspec-tion	Texture Drywall	Int. Doors & Trim	Arriv (Tent) Cabinets	Flooring	Final Customer WalkThru	
1	◆	◆	◆	◆	◆	◆		6/25/93			
2	◆	◆	◆	◆	◆	◆	◆	6/25/93			
3	◆	◆	◆	◆	◆	◆		8/4/93			
4	◆	◆	◆	◆	◆	◆		6/25/93			
5	◆	◆	◆	◆	◆	6/10/93		6/25/93			
6	◆	◆	◆	◆	6/17/93			7/13/93			
7	◆	◆	◆	◆	◆	◆		6/17/93			
8	◆	◆	◆	◆	◆	6/11/93		8/4/93			
9	◆	◆	◆	◆	◆	6/11/93		8/4/93			
10	◆	◆	◆	◆	◆	◆		6/17/93			
11	◆	◆	◆	◆	◆	◆		6/30/93			
12	◆	◆	◆	◆	◆	◆		8/4/93			
13	◆	◆	◆	Need more information from homeowner							
14	◆	◆	◆	Need more information from homeowner							
15	6/17/93		◆					8/4/93			
16	◆	◆	◆	◆	◆	◆	◆	6/25/93			
17	◆	◆	◆	◆	6/14/93	6/25/93		8/4/93			
18	◆	◆	◆	◆	6/10/93	6/28/93	?	8/4/93			
19	◆	◆	◆	◆				8/4/93			
20	6/10/93	◆	◆	◆				8/4/93			
21	◆	◆	◆	◆	6/17/93			8/4/93			
22	◆	◆	◆	◆	6/21/93			8/4/93			
23	◆	◆	◆	◆				8/4/93			
24	◆	◆	◆					8/4/93			
25	◆	◆	◆	◆	6/22/93			7/14/93			
26	◆	◆	◆					8/4/93			
27	◆	◆	◆					8/4/93			
28	◆	◆	◆					8/4/93			
29	◆	◆	◆					8/4/93			
30	◆	◆	◆	◆				8/4/93			
31	◆	◆	◆	◆				8/4/93			
32	◆	◆	◆					8/4/93			
33	◆	◆	◆	◆				8/4/93			
34	◆		◆					8/4/93			

◆ = Task Completed

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## MINUTES OF THE BOARD MEETING, JUNE 29, 1993

Call to order: 7:00 p.m. Present: Ned, Chris, Karen, Ann M., Blythe, Tom; residents Ann Schiff and Fred Booker; Christine Gregory, Mark Heavey and Karen Thomas of W.L. Butler, Inc.; Jim Bradanini, of Bradanini and Associates, Landscape Architects.

**Minutes**--The minutes of the 6-9-93 meeting were approved with one correction. On page 2, ¶7, line 2, the word "collection" was changed to "calculation".

**Insurance**--Butler personnel meet weekly with Farmers adjuster, Richard Reimche, and Adamson and Associates cost analyst, Peter Morris. At that time they present current bids and Richard signs off or asks for more information or documentation. These meetings have gone smoothly so far and Farmers is satisfied that their interests are protected and that costs are in line. Reimche will ask for \$11.5 million authority.

This process is extremely time-consuming for Butler personnel.

**Landscaping**--Jim Bradanini presented the landscape plans. After explanation and discussion it was m.s.p. to approve the plans with the following changes: the redwood grove at the beginning of the street was eliminated (to be replaced with a grove of smaller trees) and the street tree at the entrance between B3 and B4 will be replaced by the smaller accent tree, so it will not interfere with the Schiff's view. In addition, Fred will put stakes in the ground to indicate the heights of proposed trees, so that HOs can determine if views will be impacted. Chris pointed out that, as part of a regular maintenance program, trees can be pruned for shape and size, rather than being allowed to grow unchecked.

**Site work**--Jim Bradanini was also hired by W.L. Butler to draw up the site plan.

Discussion of the site work included information on the importance of hiring the same contractor to do both irrigation and planting, so that if plants die there will be no opportunity for a contractor to evade responsibility. Because irrigation is covered by insurance, but plants and planting are not, Board members felt it was desirable to separate the two contracts and have W.L. Butler handle the irrigation contract and the Board handle the planting contract. Karen Thomas read a proposed agreement between W.L. Butler and the Board to waive liability on their part if problems arise from this separation of

responsibilities. Mark Heavey will submit their bid list (of 4 or 5 names) to Tom for approval before it goes out to bid.

It was m.s.p. to accept the agreement as written by Karen Thomas (see attached).

Farmers has agreed to remove damaged stairs and paths. Most will be replaced. Those not on the plan to be replaced are the stairway between Phase I and Phase III, the path below the G units (this is Club property and is on their site plan to be replaced), and the stairway between D1 and G3. It was m.s.p. to ask Butler to replace the lower half if this stairway (if agreed to by Farmers). The upper half cannot be reconstructed as it was because it no longer would conform to code. It could have be repaired if it were still there, but it was removed early in the project, and new stairs must conform to current building code requirements.

The new owners of #61 have requested a change in their entry configuration. Instead of the stairs that went from the street to their front door, they would like a path starting from a point a few feet farther up the street and running diagonally up to their front entry. It was m.s.p. to grant this request.

It was m.s.p. to approve the lighting plan and the 2 fixtures it was drawn to accomodate, the Shaper 911 garden light (modified to accomodate fluorescent bulbs) and the Isi Carolina series "Hilton" streetlight, contingent upon having it pass a lighting test at the site.

**Mailboxes**--Ned has talked to Post Office personnel about the new regulation that mail must be delivered to clustered boxes, rather than the mailslots A and B units had B.F. Residents who have moved into other reconstructed phases are having their mail delivered through mailslots in their garage doors, and no clustered boxes have been provided in other phases.

Ann Schiff has agreed to survey affected HOs on their preference for mail delivery and whether they would be willing to have slots in their garage provided with no box, a mailbox with no slot or both. If they did not want a mailbox provided, they would have to agree to gamble that somewhere down the line the P.O. might refuse to deliver their mail. Ann will also talk to the P.O. to get more specific information from them on mail delivery to Spyglass Hill. It was m.s.p. to have Ann S. complete her survey (within 7 days) and have Butler install mailboxes as discussed.

**Progress report**--Christine reported that the first units will be ready to be moved into in August. The final 5 units will be ready to move into in October. Some units may not have window-coverings when they are otherwise complete.

Although W.L. Butler has never had HOs move into a new home project until the entire project is complete, it is still felt that some HOs will be able to move in before our project is complete, although they would be subjected to noise, dirt and disruption.

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## MINUTES OF THE BOARD MEETING, JULY 20, 1993

Call to order: 7:05. Present: Ned, Chris, Jim, Ann, Blythe, Alice; homeowners Doreen Douglas and Fred Booker; Butler personnel Christine Gregory, Mark Heavey and Karen Thomas.

**Minutes**--It was m.s.p. to approve the minutes of the June 29, 1993 meeting as written. Fred Booker has sent a letter to HOs and will meet with them to discuss trees, instead of placing stakes.

**Lighting**--Ned states that we should save over \$2,000/year on electricity with the lower wattage on our new energy efficient fixtures. It was m.s.p. to approve the tenon-mount round, anodized bronze, 4" to 3" taper round pole for use as streetlights on Spyglass Hill.

Fred requested elimination of the proposed streetlight between C1 and C2 (which was not there pre-fire). Karen T. said it would depend on foot-candle counts. It was m.s.p. to eliminate the streetlight between C1 and C2. If additional light is required, the first step would be to try two bollards, and if more light is needed, a streetlight would be placed between F1 and F2.

**Construction**--Christine passed out a status report. Flooring is going in on some downhill units now. The cabinet supplier has been changed. Not all HOs have gone with the new supplier because it will entail color changes. The new turn-around time is 3-6 weeks. The affected HOs have been notified to view new cabinet choices.

**Site development**--Karen T. reported that there will be a meeting on 7/22 to review site bids.

Roto-roter has been out with TV's to view the sewer lines to see if there are any problems. All the water mains and laterals are new.

The City and FEMA will pave the street on their own schedule. The City has extended the FEMA process for another year (permits, etc.). The City will allow HOs to move in prior to paving. Curbs and sidewalks will be started at the end of July.

**Announcements**--Ned received a letter from Harry Levin (Phase V) requesting \$30.36 for HH stickers for cars. It was m.s.p. to order the labels.

Gas meters will be boxed in.

**Assessments**--Dave Bent sent in \$10,000. Higgins agreed to pay \$7500; a letter was sent to him requesting the balance.

**Negotiation update**--Jim reported that Farmers has agreed to our terms (no charges for code upgrades; maximum of \$5000 in building coverage to be paid by HO's). Jim will write a letter to all HO's explaining this settlement.

**Window on #61**--A window has been installed on the exterior party wall of #61 without Board approval. This window is in what was a solid wall that overlooks the patio of #59. Ned feels the Board needs to hear from both parties. He will notify the Geoghegans (#61) of the violation, and that there is an objection to the window.

Anyone who buys a unit in a development covered by CC&R's must sign a statement that they have read (and understand) those CC&R's.

**Treasurer**--Alice distributed the financial report. Construction funds are sufficient for one more month.

**Next meeting: August 17, 1993.**

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## MINUTES OF THE BOARD MEETING, AUGUST 17, 1993

Roll was not taken at this meeting.

**Street repairs**--Tom reported that the City of Oakland has agreed to sponsor the resurfacing of the Hiller Highland streets with FEMA, but only if their requirements are met. These include requirements for minority hiring and hiring of Oakland residents. Berkeley Cement will start work next week and is willing to try to conform to the City's requirements.

The total projected cost so far is \$210,000; the special requirements could add \$10-15,000.00 to these costs. We will have to put the money up front and it could be as long as a year before we are reimbursed.

Cable Oakland seems not to be concerned about the damage to their cables from our concrete and asphalt work; they say they'll make repairs later. Karen Thomas has tried up the ladder for a better response, but has had no luck.

**Minutes**--The minutes of the July 20, 1993 meeting were approved with the following correction. The first sentence under the heading "Window on #61" is changed to read, "A window has been installed on the exterior lot line wall of #61 without Board approval."

**Treasurer**--Alice distributed current financial reports. We have \$629,470.51 total cash on hand. A bill has come from W.L. Butler, Inc. for over \$500,000. No additional money has been forthcoming from Farmers yet, but Butler presented the final budget to Richard Reimche three weeks ago and he assures them that the money will be forthcoming. The project will be out of money on 8-20-93.

Alice will call Richard tomorrow (8-18) a.m. to encourage him to bring the money this Friday (8-20) and will call Mark Heavey to report.

Alice proposed an option to encourage HO's to prepay their dues to defray immediate Association expenses, rather than the Association taking out a loan or a mortgage.

HH I has not yet paid our \$30.36 to Harry Levin for HH parking stickers. Mark Hanner will send him a check.

**Site work**--Karen Thomas reported that Farmers is objecting to the cost of the new street lights compared to the fixtures we had.

It was m.s.p. to authorize Karen T. to order the streetlights. The HOA will be responsible for the difference, if any exists, between insurance proceeds and the cost of the fixtures.

Tom will work with Karen to choose the irrigation contractor.

Karen T. presented a construction memo asking for direction from the Board on the issue of HOs' requests for revisions. The problem is that some errors are the fault of Dahlin's plans (which were overseen by W.L.B.), some are caused by the HO misreading their plans, some are due to a lack of plans available to the HO to approve and some are simply errors in construction.

It was m.s.p. that Ned will send a letter to all HOs informing them that the job site will be restricted from 6:30 a.m. to 5:00 p.m. on weekdays. HOs should feel free to visit the site at all other times and if a problem is identified, a fax or letter should be sent to W.L.B. (attention: Roy) detailing the situation. W.L.B. personnel and Board representatives will review all written communications and determine which problems need to be corrected immediately and which can wait until a later date, and the HO will be notified in writing of the decision.

**Landscaping**--Fred Booker reported that 11 HOs responded to his July 19 letter. Of these, 7 had concerns detailed in a written report Fred presented to the Board (attached). Fred will resolve these questions with Jim Bradanini.

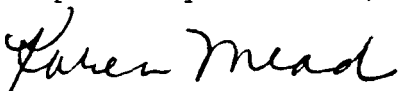
Betty Scurich has had her own landscape plan drawn up by her own landscape architect. Jim B. did not include her immediate areas in his landscape plan, at her request. A letter will be sent to Betty telling her that we have received her plans, but may not be able to incorporate all of her choices. Karen T. will check with Jim B. on final plans for the common area around Betty's units.

**Window on #61**--The owners of #59 propose to have a lattice attached to the roof over their rear patio to maintain their privacy. It was m.s.p. to approve this lattice in lieu of taking action on the window on the exterior lot line wall between #59 and #61.

The owners of #61 will bring a list to the next Board meeting of exterior changes they have made which have not yet been approved.

**W.L. Butler, Inc.**--Bill Butler apologized to the Board for changing the status of Christine Gregory without informing the Board (as he had promised after Mike Raynor left the project). Bill said that Christine will be available to the project if needed. Bill, as owner of W.L.B., Inc., however, must make all final personnel decisions. HOs should communicate with W.L.B., Inc. by letter or fax if they have a concern they feel Christine must have input on.

Respectfully submitted,



Karen Mead, Co-Secretary

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## MINUTES OF THE BOARD MEETING, September 1, 1993

Call to order: 7:10 p.m. Present: Board members, Ned, Tom, Blythe, Chris, Karen, Jim; Karen Thomas and Roy Williams of W.L. Butler, Inc.; homeowners Fred Booker, Pat and Judy Geoghegan and their designer, Ray Thollaug; David Bowie, Attorney at Law.

**Site work**--Karen Thomas reported that Barry Electric has been hired to do the overall circuitry pattern and wiring for the common area lighting. They recommend 3 photo cells for the lighting so that if one fails, we won't be without all lights. It was m.s.p. to approve 4 photo cells, 1 for the carport lights, 1 for bollards, 1 for the north section streetlights and 1 for the south area streetlights.

The owners of #61 requested that the sidewalk at the south end of Spyglass be extended to meet the sidewalk on Hiller Drive. The request was denied.

The owner of #s 60 & 62 wants revisions to carport D to restore it to pre-fire conditions. The Board directed Karen T. to have the work done as long as the cost is covered by insurance and there is no additional cost to the HOA.

The streetlights have been ordered with 50 watt bulbs and type 2 optics.

It was m.s.p. to approve of the current lighting plan, with the stipulation that there will be a field adjustment of the final streetlight at the south end of the street. All interested HOs may participate.

**Executive session**--The Board went into executive session with our attorney, David Bowie of Bowie and Bruegmann, Attorneys at Law, to discuss his findings and opinions regarding the shortfall on our insurance coverage for restoring the structures and interiors. This shortfall will be based on the formula used to negotiate with Farmers to increase their payments from our original covered amount of \$3.5 million to the current amount of \$10+ million. This formula, stated in previous minutes, added the amounts of building improvements coverage held by individual Association members as follows: coverage up to and including \$5,000=actual amount of coverage; coverage over \$5,000=\$5,000; unitary coverage=\$5,000; undisclosed coverage=\$5,000; no coverage=\$0.

David reviewed the 11-page personal and confidential communication that he distributed to all Board members and rendered both his legal



opinion and his opinion as a "disinterested observer". After discussion, the Board decided to table the decision and continue the discussion at our next meeting.

**Unit #61**--The unit owners and their designer presented several requests for Board approval for exterior changes. It was m.s.p. to approve their requests for the following design changes: garage door (will have a row of windows along the top); front entry; roof on south bay window (will be metal painted the same color as their trim); patio gate (40" high and 50" wide); awnings. It was m.s.p. to approve all windows in #61 as installed.

The request for a weather device to be installed on the ridge of the roof was not approved at this time. It was suggested that the device be installed elsewhere, so that its silhouette would not be in the view of HOs in other phases. Ray Thollaug felt that they could comply with this request.

The minutes of the 8/17 meeting will be discussed at the 9/8 meeting. The 8/17 minutes should include an additional correction to the 7/20 minutes. On page 2, paragraph 2 should read "...maximum of \$5000 per homeowner in building coverage."

Next meeting: September 8 at 7:00 p.m. at 55 Spyglass Hill. This is an extremely important meeting and all Board members should attend if possible.

Adjournment: 9:35 p.m.

Respectfully submitted,



Karen Mead, Co-Secretary

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MINUTES OF THE BOARD MEETING, September 28, 1993

Call to order: 7:10 p.m. Present: Board members Ned, Ann M., Chris, Blythe; HOs Ann S., Fred, Pat Geoghegan; W.L.B. personnel Karen T., Roy W., Landscape Architect Jim Bradanini.

Karen Thomas reports that the City of Oakland has a deadline of 10/15 for winterizing all sites. The City will be fined \$10,000 a day for silt draining from building sites into stormdrains. Erosion control measures on our project must be in place by 10/1 and final by 10/15, or our project will be shut down.

The Board considered two bids (a third from Gateway of \$252,530 does not include all work): one is from Herzer for \$222,935 (including juting), and one from Green Carpet for \$220,000.

Jim B. discussed the bids and recommended Herzer; he has worked with them before, they give cleaner, more detailed bids, etc.

Farmers will pay for the irrigation.

It was suggested that Green Carpet finish the erosion control work they have begun, and then Herzer would be asked to sign off that erosion control is acceptable and in compliance with City requirements.

It was recommended that a committee consisting of Ned, Chris, Fred and Jim B. meet with Herzer tomorrow night (9-29). If a satisfactory resolution can be worked out with Herzer, the Board will agree to consummate the contract.

It was m.s.p. to accept Herzer's plan with resolution of agreeing to maintain erosion control to City standards and inclusive of Jim B.'s plans.

It was m.s.p. to empower the aforementioned committee to make the determination after meeting with Herzer to go with Green Carpet to finish the erosion control work or to decide to go with Herzer if it makes more sense.

Karen T. will be out of town next week and then will work on a fill-in basis. Steve Corey (accountant) is leaving next Tuesday. Keeth's last day is Friday.

It was m.s.p. to approve the proposed location of the streetlight at the end of the street by #61.

**Move-in dates**--Ned will send out a reminder of limits set on HO access to the worksite.

Move-in dates were discussed, as well as resolution of problems with construction after completion of the units.

There will be a first walk-through with each HO. Within 14 days of this walk-through, work will be completed. In 60 days, there will be a second walk-through to discuss problems which have arisen or were not resolved since the first walk-through.

The Board decided to arrange a phone tree to assist Roy in scheduling completion of the individual units. Questions or information would include, 1) Are you going to move back in; 2) How much notice do you need to give at the place where you currently live; 3) How flexible is notice (i.e., only on 1st or 15th); 4) HOs need to call to arrange utility hook-ups.

Next meeting is October 20 at 7:00 p.m. at 55 Spyglass.

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Ann Mulligan and Karen Mead, Co-Secretaries

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## MINUTES OF THE BOARD MEETING, SEPTEMBER 15, 1993

Call to order: 7:15 p.m. Present: Board members, Ned, Tom, Jim, Karen, Chris, Blythe, Ann, Mark, Alice; homeowners, Fred Booker, Don Westbie, Lyle Byers

**Site work**--It was m.s.p. to extend the Byers' fence 2 feet farther toward the street.

**Minutes**--The minutes for the August 17 meeting were approved as corrected. The minutes for the September 1 meeting were approved as written.

**Insurance**--Jim reported that W.L. Butler has a change order for \$11.2 million, which is Butler's worst-case scenario. Farmers wants a proof of loss. Some of our incurred costs won't be included in Butler's figures, but would still be Farmers' responsibility.

**Special assessment**--Materials pertaining to the insurance shortfall discussed with our attorney, David Bowie, at the 9-1-93 meeting were distributed and reviewed. Three options were voted upon, using formulas derived from the square footage of each unit, from the amount of assessment money paid by each HO since 10-20-92, and on the formula Farmers' attorneys used to calculate the amount of our insurance shortfall (for the buildings only). It was then m.s.p., 6-3, to levy a special assessment on all HOs, based on the formula used by Farmers' attorneys: Those with \$5,000 or more, or single limits, building improvements coverage will be assessed \$5,000; those with up to \$5,000 building improvements coverage will pay their covered amount; those with no insurance will pay \$0. Those who have not revealed the amount of their coverage will pay \$5,000.

It was m.s.p., 6-3, to amend the May 18, 1992 motion regarding assessments to allow for additional assessments to HOs, regardless of initial assessment amount paid.

Jim will write a letter to all HOs informing them of this special assessment.

**Street work**--Tom reported that the curbs, gutters, sidewalks and all Cable Oakland work will be done by this weekend. O.C. Jones will tear up and then re-pave the street between 9-20 and 9-24. If we collect FEMA money for the street work, we will pay W.L. Butler their 18% on the cost of the street work; otherwise we won't.

The meeting was adjourned at 9:30 p.m. The next meeting will be Tuesday, September 28, 7:00 p.m., at 55 Spyglass Hill.

Respectfully submitted,

Ann Mulligan and Karen Mead, Co-Secretaries

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MINUTES OF THE BOARD MEETING, October 20, 1993

Call to order: 7:05 p.m. Present, Ned, Chris, Karen, Ann, Tom, Jim; HOs Ann Schiff, Janet Hanner, Josh and Allison Bernstein; Karen Thomas and Roy Williams of W.L.B.; Nancy Meredith of Meredith Designs.

**31 Spyglass**--The Bernsteins want to push their rear fence back to "compensate" for lost deck area from new firewall. They have written approval from adjacent neighbors Roberts at #29 and Cobbledick at #35, but Lyman at #33 objects. The Board feels it needs more information on which to base a decision, including why Lyman objects. The Bernsteins will work with Karen Thomas to get approval from the soils engineer to dig necessary postholes and to draft a better plan to discuss with Lyman and show to the Board.

**45 Spyglass**--Janet Hanner is requesting a gate at both ends of her patio in the aftermath of a design error on her exterior stairway. Bradanini had submitted a drawing to resolve the problem with the garden shed which is acceptable to Janet. It was m.s.p. to approve the request for the gates, pending approval of her immediate neighbors.

Karen Thomas will check with Lloyd Reed on where her garbage cans will be located.

**Landscaping**--Herzer began work on Oct. 18. They are beginning on the uphill side of the north end of the street. They will do irrigation first and then planting.

**Insurance**--The Board was concerned about a letter dated October 19 which was sent to HOs by W.L. Butler, Inc. at the request of Farmers Insurance. This letter (attached) states that the insurance company has decided "as of 10/19/93 [that] any improvement that is as-built in like kind and/or quality and in substantial conformance with the plans is adequate." This was, in fact, a decision made by the Board with Hank Korn, our former adjuster, on February 17, 1993. Information on insurance matters should never be disseminated to HOs without Board approval.

Jim pointed out that there are two types of meetings Butler would be having with Farmers. Meetings where cost and scope are being discussed do not need a Board member present. However, a Board member should be present at meetings where insurance proceeds and benefits are discussed.

There will be an important meeting at Farmers' Pleasant Hill office in November which should be attended by Chris and Jim. The date will be established later.

**Meredith Design**--Nancy distributed status reports (attached) for built-ins, window treatments and wallpaper. Butler will coordinate with Meredith on completion dates of individual units so that interior finish work can

be scheduled more efficiently.

**Reconstruction**--Roy would like to receive information in writing from HOs on when they actually plan to move in and what notification date they gave at their current address. HOs need to request phone and cable t.v. hook-ups. Butler will take care of Certificate of Occupancy.

**Assessment**--The Board went into executive session to discuss the proposed assessment. Although there would be a surplus of funds if we receive a reimbursement from FEMA for the street repairs (which cost over \$200,000), we don't know if or when we might be reimbursed or in what amount.

It was m.s.p. to send the letter making an assessment for our insurance shortfall as decided at our September 15 meeting.

The meeting was adjourned at 9:40 p.m.

**Next meeting: November 16 at 48 Spyglass Hill**(Ann and John Mulligan's house).

Respectfully submitted,

Ann Mulligan and Karen Mead  
Co-Secretaries

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Co-Secretary

Mark Hanner  
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820-5625  
Associate Treasurer

## MINUTES OF THE BOARD MEETING, December 14, 1993

Call to order: 7:05. Present: Ned, Karen, Blythe, Jim, Chris, Alice, Ann; HOs Doreen Douglas, Fred Booker, Don Westbie.

**Treasurer**-- Alice has a bill from PG&E for \$4.01. The Board agreed that she should pay it.

Alice has a bill from EBMUD for \$642.00 for the period from July 22-Nov. 20. The Board felt that this was mostly for water used by W.L. Butler and subcontractors; Chris will negotiate with W.L.B. on this.

Bradani recommended payment of the bill from Herzer Landscaping. The Board approved payment of the bill in the amount of \$3919.74.

The second assessment (for building improvements coverages) has collected \$50,350.00 so far. Chris will contact Richard Reimke to let him know of any changes in the insurance coverage list Farmers is using to determine the amount they will expect us to pay W.L. Butler for the reconstruction of the buildings.

There has been slow to no progress on the FEMA grant for the streets. Alice does not feel we will need another assessment even if we do not collect from FEMA.

Alice distributed and discussed the current financial report.

**Insurance**--Chris reported on the meeting he and Jim attended with W.L. Butler personnel and representatives from Farmers Insurance. The meeting was mostly to discuss the cost increase of \$700,000 over Butler's worst-case scenario that W.L.B. is now presenting to Farmers.

**Landscaping**--Fred discussed his Preliminary Survey of Drains and Boxes (electrical, water, telephone, cable, PG&E). It was m.s.p. to authorize Fred and Ned to negotiate with W.L. Butler to resolve the inadequacies concerning boxes, grades, drains set forth in the Preliminary Survey (attached) and any subsequent findings.

The Board discussed the idea of hiring a consultant for the common areas (who could also be hired by individual HOs to inspect interiors. It was m.s.p. to authorize Jim to obtain a bid from JK Associates to evaluate construction deficiencies in the common areas for which the Association is ultimately responsible pursuant to the Third Amendment to the CC&Rs.

**Resolution, Unit 23**--Blythe introduced the resolution tabled at the last meeting (attached). This resolution is to correct the resolution adopted by the Board on June 9, 1992. It was m.s.p. to adopt the amended resolution as presented by Blythe and to have the new resolution recorded.

**Expenses**--Ned presented a partial list of the expenses he has incurred

in the past 2 years as President of the Board. It was m.s.p. to approve reimbursement to Ned for these expenses.

**New Board**--The Board discussed HOs who might serve on the Board of Directors once the current Board resigns. Ned will talk to HOs about forming a nominating committee.

**PG&E Rebates**--Ned has collected information on rebates from PG&E. Chris will distribute the information to HOs.

The meeting was adjourned at 9:30 p.m.

**Next meeting: Wednesday, January 12, 1994 at 40 Spyglass Hill.**

Respectfully submitted,

Ann Mulligan and Karen Mead, Co-Secretaries



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## MINUTES OF THE BOARD MEETING, November 16, 1993

Call to order: 7:00 p.m. Present: Jim, Ann, Ned, Tom, Blythe, Karen, Chris; HO Josh Bernstein; Roy W. & Karen T. from W.L. Butler.

**Insurance**--The building risk policy that Butler has will only carry us until Nov. 30, and there are too many units completed for them to be able to extend it.

Farmers will re-write our policy as of Dec. 1, 1993. The coverage would be \$10.5 million on real property (our agent thought foundations would not be covered, but Farmers did agree to cover them in 1992). Not covered are streets, sidewalks, and some landscaping. The premium is \$24,500/year, with \$12,000 of that for earthquake coverage. Farmers requires 2 months premium up front.

It was m.s.p. to accept Farmers policy, pay the 2 months' premium deposit (\$4052.00) and shop around over the next year for fuller coverage and/or better terms. We also want an estimate for coverage which includes streets, sidewalks, landscaping, etc.

Chris will notify Mark Hanner that he needs to issue a check on the dues account.

**31 Spyglass Hill**--Josh presented a drawing of the fence the Bernsteins wish to have built at the back of their patio. It was m.s.p. to approve the request subject to approval of their immediate neighbors, with the stipulation that the HOA will not be financially responsible for any part of the project (fence, irrigation, architectural drawings, etc.).

**Reconstruction**--Oakland Scavenger will not allow the D units to replace the sunken garbage cans they had before the fire. Jim Bradanini has drawn plans to re-locate the cans. Ann M. will check with the HOs involved to obtain approval for the new locations, or designate locations which will be acceptable.

The cost of the relocation will be negotiated with Farmers.

Betty Scurich wishes to relocate the shed for #60-62, which will require her patio fence to be moved toward the street. It was m.s.p. to approve this relocation, which will not impact any other HOs or involve increased costs to the HOA.

The stairs on lots 19-22 will be moved back to allow the sheds to be the same size they were originally.

Since Janet Hanner's request for patio gates (see minutes for 10/20 meeting) was based on a design error which has been corrected, the motion approved at the 10/20 meeting is no longer valid. The Hanners (#45) still wish to have gates on both ends of their patio. It was m.s.p. to approve this

request pending the approval of immediate neighbors and with the stipulation that there will be no additional costs to the HOA relative to this request.

W.L.B. needs to know what color to paint the mailboxes.

**FEMA Grant**--Tom has asked for a meeting with the Oakland City Attorney prior to signing the contract from the City re: the FEMA grant for reconstruction of the street. Tom has asked Richard Fong, attorney for the Hiller Highlands HOAs (which have joined together on this issue) to accompany him.

**#41 Spyglass Hill**--Blythe submitted an amendment to the resolution accepted at the 6-9-92 meeting concerning the storage space for her unit and #43 Spyglass. The motion was tabled.

**Minutes**--It was m.s.p. to accept the minutes for 9/15, 9/28 and 10/20/93 as written.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Ann Mulligan and Karen Mead  
Co-Secretaries

Next Board meeting: Tuesday, December 14 at #40 Spyglass Hill