

PINNACLE MUSEUM TOWER ASSOCIATION
BOARD OF DIRECTORS MEETING
March 18, 2009

OPEN SESSION MINUTES

**NOTICE OF
MEETING:**

Upon due notice given and received, an Open Session of the Pinnacle Museum Tower Association Board of Directors was held on March 18, 2009 at 6:00 p.m. in the Amenity Room.

ATTENDANCE:

Directors Present: Chris Eddy, President
Steve Sparta, Vice President
Pete Thistle, Secretary
Jim Cox, Director

Directors Absent: Roger Dyer, Treasurer

Also Present: Bruce Heckman, The Prescott Companies
Rob Hussey, The Prescott Companies
Jamee Lynn Smith, CCDC
Tom Gabeheart, Sweig

**CALL TO
ORDER:**

Chris Eddy, President, called the meeting to order at 6:08 p.m.

EXECUTIVE SESSION

DISCLOSURE: The Board of Directors disclosed proceedings in the Executive Session:

- Approval of Minutes
- No Collection Action
- Construction Default Lawsuit Update

**CC&R
AMENDMENT**

BALLOT COUNT: Management informed the Board of Directors of the current status with regard to the number of CC&R Amendment ballots which have been received, thus far. It was announced to the Membership, the Association has received 137 ballots of the 129 required to open the ballots. Only 126 of the ballots are valid because eleven envelopes are unsigned.

Motion: Upon a motion duly made, seconded, and carried the Board of Directors moved to reconvene the ballot count until April 15, 2009 and asked Management to send a certified letter to approximately 40 targeted homeowners appealing them to return the ballot. The letter was to be concise, have impact, emphasizing the risks of water damage and there would be no cost for a yes vote.

APPROVAL

OF MINUTES: **Motion:** Upon a motion duly made, seconded, and carried, the Board of Directors approved the minutes from the Open Session on February 18, 2009, as presented.

FINANCIAL REPORT:

The Board of Directors reviewed the financial statements for the period ending February 28, 2009. A summary of the financial activity is as follows:

	<u>February 2009</u>
Operating Assets:	\$288,989.17 (\$16,970.77 Delinquencies)
Reserve Assets:	\$496,543.31
YTD Total Assets:	\$785,532.48

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors accepted the February 2009 financial reports as presented subject to the auditor's year end review.

COLLECTIONS: The Board of Directors reviewed the delinquency report listing the past due accounts as of February 28, 2009. The following accounts are scheduled for collection action pursuant to the Association's delinquency policy subject to Board action:

<u>Account</u>	<u>Balance</u>	<u>Action</u>
42680	\$2,717.00	Lien

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors approved the above stated collection actions pursuant to the aging report and the Association's Collection Policy.

INVESTMENTS: There was no investment action required.

COMMITTEE REPORT:

Todd Ruth, Committee Chair, presented the following information as recommendations of the Committee from a meeting held on March 5, 2009:

- The bulletin board on the Association website is live.
- Pat McArron is working on a resident directory for the website.
- A reminder to change your smoke alarm batteries.
- Request for status on roof top lights.
- The Committee has been updated on CC&R ballot count.
- The Committee recommends changes to the Guest Suite Rules but is not quite ready to submit a final draft to the Board of Directors.
- The Committee continues to discuss the plumbing/snake drain topic.

- The Committee recommends holding off the purchase of a multi-region player for 6-12 months.
- The Committee has begun discussions regarding Segway use in the Community.

Stan Marder of the Social Committee was present to discuss two upcoming mixers. The first will be held on April 2, 2009 at The Palm Restaurant. An RSVP is required. The second will be held on April 19, 2009 in the Amenity Room.

NEW BUSINESS: CCDC Presentation: Jamee Lynn Smith, a representative of the CCDC, was present to discuss some hot topics that affect the residents of the downtown area.

The Quiet Zone

- In October 2008, approval was granted to acquire bids to complete the work needed to create the quiet zone.
- Certain safety features are required along the tracks in order for train engineers to refrain from sounding their horn.
- This quiet zone is the longest route to be attempted.
- The CCDC is working with the three different train systems, which use the tracks in the downtown area. These companies are BNSF Railroad, MTS (San Diego local trolley), and NCTS (The Coaster).
- The project is very close to getting under way. The length of approval is due to the small details required to keep the project moving forward.

Pedestrian Bridge

- A bridge will be constructed across Harbor Drive from the Convention Center to Petco Park.
- This will need to occur along with the quiet zone in order for the quiet zone to work.
- The completion date is slated for January 2010

North Embarcadero Visionary Plan

- This project is to be built at Broadway and Harbor from B Street to E Street.
- This project is meant to showcase the city's waterfront. Improvements, such as a 100 foot wide sidewalk, 17 acres of open space, level streets, jogging paths, and picnic tables are included in this project.

Jamee Lynn Smith answered questions from the Homeowners present. She encouraged everyone to attend CCDC coffee chats and to include oneself on the CCDC e-blast list.

Window Washing Proposal: Management presented a proposal to the Board of Directors from Elite Structural Services to wash the windows in April 2009 and October 2009 for \$19,795.00 for each service.

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors approved the proposal from Elite Structural Services to wash the windows for \$19,795.00 for each service in April 2009 and October 2009 with the understanding all dryer vents would be cleaned during each service at the same cost and the window washing would commence as late in April 2009 as possible.

Gym Equipment Proposals: Management presented proposals from Dumbell Man to add/replace fitness equipment in the gym to the Board of Directors. One proposal would add a Matrix Treadmill, a Matrix Elliptical, a Matrix Abdominal Machine, and a Matrix Trainer (Universal) to the gym for \$19,339.10. This proposal includes a warranty for 5 years labor and 3 years for parts.

The second proposal would add a Cybex Treadmill, a Cybex Elliptical, a Cybex Abdominal Machine, and a Matrix Trainer (Universal) to the gym for \$16,480.70. This proposal includes a warranty for 1 year labor and 3 years for parts.

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors tabled this item until more information could be provided.

Reserve Study Proposals: Management presented a proposal to the Board of Directors from Barrera and Company to perform a comprehensive reserve study of the Association's Common Area components as required by Civil Code §1365.5. In the proposal, Option #2 (\$1,300.00) offers a full update via on-site inspection, assessment and reserve funding summary disclosure, options for funding plans, et al.

Option #5 (\$1,900.00) offers the same comprehensive study and two financial updates to be performed in 2010 and 2011 at a 10% discount.

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors accepted option #5 for \$1900.00.

Annual Financial Review and Tax Return: The Annual Financial Review and Tax Returns were not complete by the time of the meeting.

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors tabled this item until the financial review was available.

OLD BUSINESS:

New Children's Museum: Chris Eddy updated those present as to the status of the application for a liquor license from Best Beverage Catering who plans to house the license at the New Children's Museum.

Elevator Access 35th Floor: Tom Gabeheart, representative for Sweig Construction and Sheila Lipin, was present to appeal the Board of Directors decision from a previous meeting. The Board of Directors had approved the proposal presented by Siemens to address the ability for the Owner to have exclusive access via elevator to her floor and suggested she was responsible for payment.

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors denied the Homeowner's request for appeal.

Time/Use Matrix: Management presented a Time/Use Matrix, which addresses usage hours of the second floor amenities, created by The Committee to the Board of Directors.

Motion: Upon a motion duly made, seconded, and carried, the Board of Directors tabled this item until the next meeting where it will be placed first on the agenda.

**HOMEOWNERS
FORUM:**

The floor was opened for Homeowner's comments. The following items were raised for discussion:

- No comments were made from the floor.

NEXT MEETING

DATE: The next Open Session of the Board of Directors will be held on April 15, 2009 at 6:00 p.m. in the Amenity Room at 550 Front Street, San Diego, CA 92101

ADJOURNMENT: With no further business to come before the Board of Directors at this time, the Open Session adjourned at 8:17 p.m.

ATTEST:

 **DATE:** 4/15/09