

**Armory Park Del Sol Homeowners' Association
Board of Directors Meeting
July 19, 2010 5:30 PM
Armory Park Senior Center**

AGENDA

I. Call to order: President Mike Katz called the meeting to order at 5:30 p.m. Present were Matt Fischler, Mike Katz, Susan Klement, Ken Shackman, Brad Stroup, and Pam Lakey, our LMRI representative. Homeowners present were: Darryl De Shurley, Kathy Heyl, Julieta Portillo, Tom Skinner, and Allen Veaner.

II. Directors' comments: Susan announced that she had summarized the committee reports distributed to the board members prior to this meeting. She hopes to do this in advance of board meetings henceforth and to include such reports in the minutes. Doing so allows her to concentrate more on the actions at board meetings but will result in the inclusion of some information not actually mentioned in the meetings.

III. Approval of Board meeting minutes:

a. June 21: Ken moved approval; Matt seconded. **Passed** unanimously.

b. July 9: Ken moved approval; Matt seconded. **Passed** unanimously.

IV. Reports:

a. President's Report (Katz): Mike welcomed Pam, thanked Matt for chairing last month's meeting and complimented him on finishing the agenda, something we don't often accomplish.

b. Treasurer's/ Finance Committee Report (Shackman): Ken reported a surplus of approximately \$6,100 in the year to date expenses versus the budgeted expenses at the end of June, but this surplus will likely soon be reduced due to large expenses coming up. Irrigation water costs are approximately \$1,100 below the budgeted amount through the end of June because our landscaping contractor turned off the irrigation system in February and March and conserved water whenever possible during the spring. Ten owners, excluding JWM Cos., owe quarterly dues. Reminder letters have been sent to the owners. In some cases, the owners have been sent multiple reminder letters. Two owners will be notified by a collection agency.

i. Financials: Ken reported that the Finance Committee met on June 24th. The committee members discussed: the May 2010 Financial Statements and Summary; summer expenses including pre-emergent spraying for weeds and tree pruning; the hiring of a certified arborist, the RFP for a tree service contractor to perform tree pruning and tree removal; the repair of the masonry walls adjacent to the common areas, which will occur only after the tree service work is complete; replacement of the three front yard light poles at a cost of approximately \$900; inspection of the drainage facilities by a registered civil engineer; moving a portion of the Reserves into a CD or other bank account (but the committee rejected the idea because the gain in interest is too small); and the 2011 budget (expense line items may need to be added to next year's budget for the replacement of front yard light poles, the installation of rain sensors for the irrigation system, the HOA website, and possible improvements to Ashley Park to reduce water consumption).

b. Manager's Report (Lakey): LMRI sent a letter to the owner of Lot 97 denying the request to install pots on the party walls. LMRI did not invite the owner of Lot 50 to a hearing at the July Meeting because the owner submitted requests to the Architectural Committee concerning the outstanding violation issues. The committee approved the requests and LMRI sent approvals on July 8th. On June 25th, Pam forwarded the letter from Jack Millikin, together with a cover letter she wrote, to Richard Fimbres, the Tucson City Council member representing ABC Roofing and ACH Supply at 16th Street and 2nd Ave as well as APdS. Pam did not ask John Wesley Miller to install decomposed granite on his vacant lots because, as she stated, there is

nothing in the CC&Rs requiring the Declarant to do this. (However, our Design Guidelines [sections 5.4, 5.7, and 5.7.5], passed while Mr. Miller was president of the HOA, do require decomposed granite.) Pam stated in her email that our CC&Rs require the association to “jump through some hoops” if it wants to take any action in this regard against the Declarant. She said that the City might have some requirements for vacant lots. Pam and Tom Skinner reviewed the compliance policy adopted by the board last December and toured the community to confirm outstanding violations. They agreed upon a process whereby Pam will tour the community in between the monthly tour by the compliance committee and submit updates to Tom. Pam toured the property with Tom on July 1st and drove through it on July 7th. In a later email, Pam clarified that, by accident, she did not invite the owner of Lot 92 to a hearing at the July meeting. Mike expressed appreciation for Pam’s very helpful reports.

d. Architectural Review Committee (Fischler): Matt reported that the Architectural Committee had approved Lot 50’s requests to paint the walkway to the house and the roof vents. It also approved Lot 97’s request to install additional trellis material in the rear yard and at the gate. LMRI sent a letter informing the same lot owner that her request to enclose her front porch with a basketweave material received an automatic disapproval. The owner today sent another request for a similar enclosure.

c. CC&Rs Compliance Committee (Skinner):

i. Action on noncompliance issues: Tom Skinner and Darryl De Shurley carried out a routine inspection of the neighborhood on July 14th. Of the 24 open noncompliance items, 11 have been corrected. As there were no new issues, there are now 13 outstanding items. Tom and Darryl noted that the vacant lots on Anatole and Historic Streets have numerous unsightly weeds. They will carry out their next inspection on the week of August 9th. It is now time for a notice of hearing for Lot 92, as the owners have not responded to requests to repaint the front porch seat wall. Pam will send this. The committee feels that John Wesley Miller should remove the weeds from his vacant lots. Pam will send an initial contact email to Georgia on this issue.

d. Clean and Safe Committee (Gohdes): No report

e. Landscaping Committee (Albright/Heyl): The committee met on June 26th to discuss the three fruiting olive trees. The members recommended that the board replace two of the three trees and remove the third tree. Since then, the committee members identified several other fruiting olives. Several LC members walked the entire neighborhood this past weekend to ensure that they did not overlook others. Committee members took photographs of all common area front yard trees. Kathy hopes to get these on the computer and listed by lot number this week. She has begun using Round-Up on weeds that are growing in the streets and/or sidewalks, areas that Arizona Proscapes does not address.

The committee met again on July 19th and agreed with Pam’s suggestion to replant dead or removed plants only twice per year, in March and September/October. The committee approved Mr. Moody’s landscape request, with the exception of his palm tree. Because there are already two trees in the Moody front yard, the committee suggests replacing the palm with another plant similar to those already planted and approved. The committee would like Proscapes to cease severely pruning many of the shrubs and bushes in the common areas; the members prefer a more natural shape. The committee requests that Brad ask Proscapes to remove the volunteer palm tree in the area between the sidewalk and the street at Lot 30 (Kate Garner’s home). Committee members now feel that not all grasses should be automatically removed because some have proven not to be invasive. The committee received concerns from many homeowners that plants in front common areas are receiving inadequate irrigation. The members request that Brad ask Proscapes to check all the emitters in each section of APdS to ensure that all necessary ones are still functioning. However, this will not be possible until after the blowout. Brad will ask when Proscapes will do the blowout. The blue two-storey on Third Avenue seems to get more water than other houses. There may be leaks there. Brad will ask Proscapes to check this.

f. Governing Documents Review Committee (Klement): Susan replied to Randy Trujillo’s query

concerning the next step for Randy and the eight other homeowners who expressed interest in the possibility of some homeowner maintenance of the front yards. Susan suggested waiting until Alrene Hibben's return on the 17th of July, then writing another message to the listserv repeating Randy's previous invitation to the membership and indicating those who already responded positively or negatively. Doing this might attract a few more people who perhaps forgot to respond previously. Susan recommended that the message should ask whether Randy's respondents want to meet to discuss the matter and should suggest two or three dates and times for such a meeting. If such a meeting takes place, Susan will attend, if possible, to ensure that everyone has the same understanding of the situation.

g. Transition Committee (Katz): The finance committee is in the process of examining questionable invoices that may have been billed to the HOA in error.

h. Water Conservation Committee (Baumgarten/ Portillo): Ernesto had no report but will have one soon. Carole's name should be removed as co-chair as she was not present when her name was suggested.

V. Old business:

a. Member noncompliance updates:

i. Mr. Moody house landscaping update: The Landscape Committee approved all the landscaping issues except for a palm tree. The board agreed that the palm should be removed in accordance with our Design Guidelines. Pam stated that, if the irrigation system is not attached to the HOA's system, the matter would be in the disclosure statement when the house sells. Brad will ask Arizona Proscapes for an estimate for the cost of connecting the Moody irrigation system to the HOA system.

ii. JWM vacant lot – update: Pam will look into whether the City of Tucson has any requirements for vacant lots.

b. Landscaping issues:

i. Tree pruning activities – update: Complete Landscaping submitted a bid for \$21,000 the entire job and \$8,400 for the highest priority work (versus Bartlett Tree Experts' bid of \$43,000/\$17,000). AZ Proscapes prepared its own proposal for \$8050/\$5,100 without the assistance of Juan Barba. We had budgeted \$5,000 for the entire job. Ken stated that we will be able to pay the additional \$3050 by shifting unused monies from other sections of our budget, such as legal fees and the weekly landscape maintenance contract account, where there is a surplus. Ken moved that the board authorize the president to accept a proposal with a cap of \$8500 to prune or remove trees submitted by Arizona Proscapes or any other firm if the president considers the proposal to be reasonable. Matt seconded. Susan expressed concern about the sketchy nature of the AZ Proscapes proposal. She also felt that the entire board should be involved in a decision on an issue that represents considerable potential liability for the association. The motion **passed** 4 to 1.

ii. Fruiting olive trees: The board noted the remarks of the Landscape Committee (above) but took no action on the issue.

iii. Landscape Guidelines: We have sent the guidelines to the homeowners for comments, which we expect by August 6th. Mike has received a few comments. Mike stated the need to have a good reason for banning any specific plants.

iv. Pre-emergent application: Arizona Proscapes contracted with Tucson Exterminating, which completed the pre-emergent project last week. We will hope for rain as we have 30 days to wet down the area

c. ABC Roofing/ACH Supply update: We have received no response as yet to our letter of complaint to City Council member Richard Fimbres. Pam will call Mr. Fimbres and may send the letter again stamped "second request."

d. Drainage inspection proposal: We and the EEC company signed the contract. EEC completed the field inspection, but has not yet submitted its report.

e. 2011 budget update: Ken expects that it will be necessary to have a 10% increase in the assessment, the maximum allowable in our CC&Rs. We will need to install six additional rain sensors, probably replace additional front yard light poles, do more tree pruning, and make some changes in Ashley Park to reduce water demand. Ken expects to forward a budget proposal to the board by September.

f. APdS website – update: Susan stated that she and Tura continue to believe that using iWeb software is the best method to mount the website, given the lack of web design expertise among our members and the lack of money for hiring a designer. In any case, they are writing and designing the site using iWeb so that, should we later hire a designer to convert the site to other software, the designer will know the look and feel we want and will be able to use our text and suggested navigation system as a basis. A staffer at iPage, the company we chose to register our domain name and host our site, telephoned Susan to see if we need any assistance. During that conversation, the staffer assured Susan that we can have private pages on our public website, that many iWeb-designed sites at iPage use this feature, and that anyone at iPage can help with any technical problems 24/7.

VI. New Business:

a. Scheduling common area plant replacement: Kathy suggests the Landscape Committee contact Karen Smith and Mary Wells again for proposals for their front yard and, if they still do not respond, the HOA should submit proposals to them. The board agrees conceptually that replanting will occur twice a year in March and September/October. The committee will revise Pam's document for our needs and present it to the board.

b. Landscaping style: There was a discussion about the fact that the Landscape Committee members and several members want a more natural (i.e., less rounded) appearance for our bushes and shrubs. Brad will transmit this request to Proscapes.

c. Real estate sign law (HB 2345): Relevant to our Design Guidelines, Section 6. The new revisions to A.R.S Section 33-1808 are pretty clear that an HOA must allow at least one for sale sign of industry standard size whether displayed inside or outside. An HOA can limit the number of signs to one. The HOA can be less restrictive but not more restrictive than state law. Our CC&Rs, Section 7.3, allow only one sign. The revision also states that an association cannot prohibit or otherwise regulate temporary open house signs or a unit owner's for sale sign on the owner's property, cannot require the use of particular signs indicating an open house or real property for sale, cannot regulate the use of temporary open house or for sale signs that are industry standard size and that are owned or used by the seller or the seller's agent, and cannot limit the hours for an open house, except that the association can prohibit an open house being held before 8:00 am or after 6:00 pm. (The association can prohibit open house signs on common elements of a condominium and common areas of a planned community.) Our Design Guidelines (at 7.2 a) require open houses to close by 5 p.m. Susan stated that she considers the Design Guidelines to be among the documents included in the purview of the Governing Documents Revision Committee, so she will deal with the necessary revision and present it to the board.

VII. Call to the audience/homeowner input: Tom Skinner asked whether the CC&R Compliance Committee should deal with the lot that displays two real estate signs. Two such signs are contrary to our CC&Rs; the change in Arizona legislation does not affect this matter. There was also discussion about the fact that vegetation covers the address on the garage at Lot 97. Pam will endeavor to discover whether the Tucson City Code requires house numbers to be visible.

VIII. Date for next Board meeting: August 23, 2010

IX. Adjournment: The meeting adjourned at 7:30 p.m.