

**Armory Park Del Sol (APdS) Homeowners' Association  
Board of Directors Meeting, January 17, 2011  
Shackman Residence, 478 E. Downtown Street**

**AGENDA**

**DRAFT 2**

**I. Call to order 5:30 p.m.**

President **Mike** Katz called the meeting to order with **Matt** Fischler, **Susan** Klement, and **Ken** Shackman present. **Brad** Stroup had another conflicting board meeting. **Pam** Lakey, our Lewis Management representative also attended. The following homeowners were present: Dave Danell, John Heyl, Kathy Heyl, Gain Sann Jue, Helen Landerman, Ernesto Portillo, Julietta Portillo, Marciala Reyes, Tom Skinner, Bob Stauffacher, Wanda Stauffacher, Allen Veaner.

**II. Directors' comments;** There were none.

**III. Approval of Board meeting minutes**

**a. December 20, 2010**

Ken moved approval of the minutes. Matt seconded. Approved, but with Susan abstaining because she was not present at the December meeting.

**IV. Reports**

**a. President's Report (Katz).** No report.

**b. Treasurer's/ Finance Committee Report (Shackman)**

**i. Financials**

Year to Date expenses are approximately \$4,600 under budget when compared with budgeted expenses for the fiscal year. The 2009 board intended that the \$2,000 used from Reserves at the end of 2009 be repaid from the 2010 budget. This repayment will begin in this month. Irrigation water costs are approximately \$200 below the budgeted amount through the end of December. There were several irrigation system leaks in November and we paid approximately \$175 to test several backflow preventers, as required by the City. Four owners owe quarterly dues. Reminder letters have been or will be sent to the owners. In some cases, the owners have been sent multiple reminder letters. JWMCos owes money, but not dues. John Heyl and Hal Myers have joined the Finance Committee, which will meet later this month.

**c. Manager's Report (Lakey)**

Pam confirmed on Friday that we had the Armory Park del Sol Senior Center reservation for today, despite the fact that the center is closed for the Martin Luther King holiday. She briefly described the extensive experience of the new LMRI CEO, Grant Parker and stressed that APdS would not see specific changes in the way our contract is handled. For ease of understanding, the bulk of Pam's report can be found under the appropriate headings of the agenda, below.

**d. Architectural Review Committee (Fischler)** No activity.

**e. CC&Rs Compliance Committee (Skinner)**

**i. Action on noncompliance issues**

Tom and Jerry Swatez conducted a routine inspection of the neighborhood on January 11th. Five of the 9 issues from the previous report were closed but the inspectors noted one new issue, for a total of 5 outstanding non-compliance issues. Many residents have not removed cactus debris from the back areas abutting the streets. They suggest that the board send an email about this issue and the need to keep the areas free of weeds but some board members believe owners have been waiting for this

week's City heavy brush removal. The next inspection will occur during the week of February 21<sup>st</sup>. Pam will send a CC&R Compliance report to Tom today after completing her site tour. Susan expressed concern that a few owners who have been parking cars in guest parking areas are not being treated consistently in accordance with our established rules. Because the owners move the cars on occasion, either in response to notices from the HOA or by chance, the cars are frequently not there during the monthly inspections. We therefore either close out our CC&R compliance cases or allow them to drag on for months. Susan considers this to be too risky for the HOA.

## **1. Follow-up from Hearings**

The first homeowner replaced her roof tile so that case is now closed. The second homeowner has not responded to requests to repair certain paint deficiencies. Tom recommended that, because the house is for sale, we notify the realtor. Susan believes our policy is to deal only with owners where possible. Ken moved that we increase the fine to \$50. Matt seconded. Passed unanimously.

**f. Clean and Safe Committee (Gohdes) No report.**

**g. Landscaping Committee (Albright/Heyl)**

The Landscaping Committee conducted a walk around on Saturday (Jan. 17<sup>th</sup>) to see erosion in front yards on Third Avenue. The members compiled a list of houses that need attention and asked for an estimate from AZ Proscapes. Susan stated that she has seen erosion on Sixteenth Street and Southern Pacific also. See further discussion, below. There is a concern about whether we should grandfather prohibited plants, such as palm trees. The Landscaping Committee will conduct a survey of the existing prohibited plants so that the board will be better informed about the extent of the problem. Susan urged that we not grandfather invasive fountain grass. The Landscape Committee will compile a list of those homes that have fountain grass outside their walls. We have removed invasive fountain grass from common areas.

**h. Governing Documents review committee (Klement) No report.**

**i. Transition Committee (Katz)**

The board has reviewed the first draft of the Transition Document that our lawyer, Tanis Duncan, prepared. She will provide the revised document in the next day or so. The goal is to have a signing ceremony at the Annual Meeting. John Wesley Miller has agreed to this timetable and to attend the Annual Meeting.

**j. Water Conservation Committee (Portillo) No report.**

**k. Nominating Committee (Baumgarten)**

Carole could not attend the meeting but has recommended a slate for the elections. Mike thanked Carole, Darryl de Shurley and Paul Gohdes for their work. Pam will remind all candidates that they must send their completed forms and candidate statements by February 1<sup>st</sup>.

## **V. Old business**

**a. Member noncompliance updates** This matter was dealt with earlier in the agenda.

**b. Landscaping issues**

**i. Front yard erosion control**

See the Landscaping Committee report above for additional information. Susan stated that she kicks pebbles back onto front yards on several streets, especially Third Avenue and Sixteenth Street, on a daily basis but will cease to do that from now on. However, she will sweep in front of her own home on Third Avenue. She feels the association needs to be aware of the scope of the problem, which it cannot

be if she rectifies it daily. Bob Stauffacher also sweeps the street. Susan thinks the association should not count on one or two volunteers to eliminate such a liability. Wanda asked who would be responsible if a person tripped on the stones. Susan feels the matter is unclear, because the owner is responsible for the sidewalk in front of the home but the HOA is responsible for the front yards. She feels injured parties tend to sue scattershot and and/or to sue those with the deepest pockets. Pam stated that we have insurance that will cover us in case of injuries. Mike thinks AZ Proscapes cannot rectify the matter because it deals with individual front yards only once every few weeks. Susan suggested doing away with little pebbles as ground cover. Instead, we should install larger crushed rock and possibly rock riprap or some other barrier at the edges of the lots. We will send out an email suggesting that members sweep the sidewalks in front of their homes. Pam will follow up on requesting wattles in front of vacant JWM Cos. lots.

#### **c. Satellite dish Toole construction project—update**

Pam attempted to contact the corporate offices of Level 3 Communications, the property owner/developer of the Toole Avenue construction project, numerous times to get drainage and landscape mitigation information for the dish project. She forwarded the landscape plan that she found with help from the City of Tucson to Mike. Level 3 Communications has not returned calls. According to the City, APdS will not be impacted by drainage problems as water will not drain towards our property. Eight trees will be added to the trees currently on the site, but we do not know the species or the heights at planting. In addition, Pam and the board have received no information about the noise that the equipment may generate or whether there will be any electromagnetic field issues.

#### **d. Street gravel—update**

Sand and gravel on streets is a major cause of deterioration and a tripping hazard. We currently have quite a lot of debris on our streets. However, the City will no longer sweep residential streets due to budget problems, Mike sent an email last month asking that all members sweep the street opposite their homes. Mike has swept, but it appears few others have done so. On November 15<sup>th</sup>, Susan reported that the company her previous HOA used, Sunstate Sweeping would sweep on demand for \$85 an hour, with a minimum of two hours—thus, \$170—with no contract, and no other added charges, such as taxes or travel time. Susan thought we would probably sweep the interior streets (i.e., not Third Avenue or Sixteenth Street on at least a semi-annual basis. The City did not reply to her question as to whether there is any prohibition against HOAs sweeping City-maintained streets. Pam will forward vendor contact information and Susan will obtain additional estimates.

#### **e. Garage light theft**

Pam contacted Bert's Electric and Plumbing on December 27<sup>th</sup> in response to Mike's request to replace a stolen garage fixture. The fixture Bert's proposed did not match the existing fixtures used in APdS. On January 5<sup>th</sup>, she emailed Bert's that the board wants to try to get the fixture from Premier Lighting but a staffer claimed not to have received the email. Consequently, Pam again requested via phone that the company check with Premier Lighting. Pam will follow through on this matter and will try to obtain a close match for the original fixture.

#### **f. Repayment of funds owed by JWM Co.—update**

John agreed to reimburse the HOA for \$2,772, which is one-half of the cost of the 2004 security patrol expenses. We believe John will request an installment plan but we have not received his request as yet.

### **VI. New Business**

#### **a. Financial**

##### **i. Repayment of the 2009 \$2,000 loan from reserves**

At the end of 2009, the HOA board was unable to balance the budget without identifying some atypical maintenance items that our governing documents allow us to pay using money from the reserves. The current board wishes to pay back the reserves. We may require additional reserve money to pay for such items as a partial irrigation system replacement. Lewis Management recommended that we not pay back the money immediately in case we have a cash flow problem; instead, we should replace the money in installments. Mike suggested a payment of \$167 per month in addition to the \$50 we usually place in the reserves. Ken moved the repayment plan of \$167 per month from January through November with the remaining balance to be repaid in December, 2011. **Passed** unanimously.

## ii. Transfer of portion of reserves to higher yielding account

We have between \$9,000 and \$10,000 in our reserves at this time. Bank account interest rates are currently about ½ a percent, so Lewis Management suggests that we place \$5,000 in an instrument that earns a little more interest. The accountant suggests that we buy two CDs with different maturity dates. Ken moved that we buy two CDs of \$2,500 each, one in January, and one in July. Matt seconded the motion. Pam stated that LMRI will inform the treasurer when the instruments are about to mature. The treasurer will have to make a reinvestment decision quickly because there is typically not time enough to wait for a board meeting. Some board members considered the difference in revenue insufficient to justify the inconvenience to the HOA and LMRI. The motion **failed**.

Ken moved to consolidate our funds in First Association Bank. Susan seconded. **Passed** unanimously.

## b. Responsibility for certain trees—homeowner vs. HOA

In the case of a few trees in the development, it is unclear as to whether they are in front yards and, therefore, maintained by the association, or in areas maintained by the homeowners. Some houses have lots of trees, some have none. Some of the questionable trees may have been planted by owners, some may have been planted by the developer, and some may have been volunteers. The Landscape Committee will follow Ken's suggestion to inventory trees planted in questionable areas.

## c. Annual meeting

### i. Record date

According to our bylaws, owners cannot vote if their dues are more than 120 days delinquent. Pam recommends February 15<sup>th</sup> as the record date. **General agreement**. Pam doubts any owners will have dues delinquent to that extent on that date.

### ii. Agenda

**Mike** will prepare a PowerPoint presentation updating the community on the year's activities. After the election, there will be a Transition ceremony that John Wesley Miller will attend. **Mike** will attempt to recruit members for committees.

### iii. Planning

**Pam** has scheduled the Annual Meeting at St. Andrew's Episcopal Parish and will send out the notice of meeting with the agenda and proxy form. After the Transition ceremony, Arizona law requires absentee ballots, not proxies. Proxies count towards a quorum, but absentee ballots do not. There was **general agreement** that we should serve refreshments which will be donated. Kathy Heyl volunteered to coordinate the refreshments. The Nominations Committee will run the elections and serve as the Tellers Committee. **Pam** will act as secretary for the following board meeting.

## VII. Call to the audience/homeowner input

Kathy asked when holiday decorations need to be removed. Mike said the matter is covered in the Design Guidelines and that it is 30 days after the holiday. (Refer to Subsection 9.1.12.)

**a. Date for next Board meeting:**

There will be no February meeting, partly due to the scheduling problems resulting from the Presidents' Day holiday and partly due to the proximity of the Annual meeting, which will be held on February 28<sup>th</sup> at 6 p.m. at St. Andrew's Church. Mike thanked Ken for holding this meeting at his home.

**VIII. Adjournment** The meeting adjourned at 7:33 p.m.