

**Armory Park Del Sol (APdS) Homeowners' Association  
Board of Directors Meeting  
Monday, October 18, 2010, 5:30 PM  
Armory Park Senior Center**

DRAFT 3 / 10-21-10

**AGENDA**

- I. Call to order 5:30 p.m.** Present were: **Matt** Fischler, **Mike** Katz, **Susan** Klement, **Ken** Shackman, **Brad** Stroup, board members; **Pam** Lakey, LMRI representative, and homeowners Fred Eisele, Kathy Heyl, Gain Sann Jue, Helen Landerman, Dave Mewhirter, Ernesto Portillo, Julieta Portillo, Tom Skinner, Bob Stauffacher\*, Wanda Stauffacher,\* and Allen Veaner. (Those members with an asterisk after their names left the meeting before its conclusion.)

**II. Directors' comments**

There were no comments.

**III. Approval of Board meeting minutes**  
**a. September 20, 2010**

Ken moved approval. Matt seconded. **Passed** unanimously.

**b. October 6, 2010**

Ken moved approval. Brad seconded. **Passed** unanimously.

**IV. Reports**

**a. President's Report (Katz)**

Mike had no report.

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

As of September, expenses are \$7,394.41 under budget for the year. The October expenses will include half of the tree pruning cost and some very recent expenses related to irrigation system problems. We are still below budget by about \$600 for irrigation water costs, but these costs will almost certainly rise. Owners who have been delinquent in their dues payments are responding to the letters that LMRI sent; now, only three owners are behind in their quarterly dues.

**i. Financials**

The Finance Committee met on September 14<sup>th</sup> and discussed the tree pruning and forthcoming riprap work as well as some questionable expenditures made by John Wesley Miller while he was president of the HOA board. Ken discussed meetings he held on separate occasions with Mr. Miller and Georgia Schwartz of Mr. Miller's staff. The meetings concentrated on security patrol expenses in 2004 and the 2008 shortfall dues.

The committee members discussed the 2011 budget and three proposals. The proposals included a zero dues increase budget, a 5% dues increase, and a 10% dues increase. After

much discussion, the committee recommended the 5% dues increase budget as the preferred budget for the board to act upon.

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

Pam provided information to Mike for language regarding adding an executive session if needed to both the agenda and notice of meeting. She will schedule meetings at the Senior Center for us, but we can do this only six months in advance. Ken met with LMRI staffers (Lisa Oneil, account supervisor, Ken Bade, CEO and President, Jason Marx, current bookkeeper for APdS, and Pam) regarding outstanding Declarant requirements to finalize turning over the association to the homeowners. They discussed outstanding Declarant funding and possible expenditures from association funds that could be considered developer expenses and whether they should, as such, be reimbursed to the Association.

An LMRI review of our CC&Rs by Ken Bade, Lisa and Pam concluded that John Wesley Miller is required to pay full assessments on the lots he owns beginning January 1, 2011.

Pam requested clarification as to the association's responsibility for garage light maintenance. She recommended that, if the Board believes it is in the best interests of the community for the association to maintain the garage lights, the board should adopt a resolution to that effect. Pam enclosed a message from Frank Cannella regarding a broken garage fixture.

Mr. Cannella emailed pictures and concern regarding the detention basin after heavy rain on Wednesday Sept. 22. The board responded that, while the basin had some debris, it was not blocked and performed according to Pima County Flood Control guidelines.

Ms. Trujillo called Pam to complain again of items being stolen from her front porch and request that the ARC suggest how to screen the porch within the guidelines. Ms. Lakey responded that the association cannot suggest architectural improvements to her property.

Pam sent three hearing notices and some initial contact emails (ICEs) and friendly reminders.

**d. Architectural Review Committee (Fischler)**

Matt reported one committee action, the approval of alterations to lighting in the side yard of lot 98.

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

Tom Skinner and Darryl De Shurley conducted a routine inspection of the neighborhood on October 13th. Two of the 27 issues from the previous report were resolved administratively and 13 were closed with actions completed. They noted two new issues for a total of 14 outstanding non-compliance issues.

**i. Action on noncompliance issues**

Susan asked about plants encroaching on the street. There was some discussion as to whether the association has jurisdiction over such plants because the City maintains the streets. The conclusion was that the encroaching plants are within the association's purview, so the committee will act against these encroachments in the future.

Brad will ask AZ Proscapes to put weedkiller on the Anderson rear yard area where they recently removed the weeds. The application of weedkiller was supposed to occur when the weeds were cut.

It is uncertain whether John Wesley Miller will remove weeds from the Primavera lot if asked to do so. Pam reported that LMRI sends out notices immediately when the board or a committee makes a decision requiring them. Although previous communications about the Primavera lot have gone to John Wesley Miller, Pam will restart the process to get the weeds removed with an ICE to Primavera.

#### **f. Clean and Safe Committee (Gohdes)**

Paul reported that many of the Clean and Safe Committee members had been out of town but have now returned. For the first time, no lights were out.

Committee members were asked to consider keeping the sidewalks free of debris and gravel, but most declined to add this to their duties. Susan commented that the task of clearing debris needs to be done by someone, either volunteers within the community or, perhaps, AZ Proscapes. She and Bob Stauffacher swept 3<sup>rd</sup> Avenue and she swept 16<sup>th</sup> Street and Southern Pacific after a recent storm. Ken requested that we delay discussion of this matter until next month because of the number of items still on the evening's agenda.

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

The committee met to determine which common areas needed to have plants replaced. They chose 3<sup>rd</sup> Avenue and 16<sup>th</sup> Street because many of the homes on those streets are the oldest in the neighborhood. The members recommended 27 plants for replacement and obtained prices from Mesquite Valley Growers. On October 9<sup>th</sup>, several members met with board members Matt, Ken and Susan and Juan Barba, the arborist, to review additional tree pruning. On October 16<sup>th</sup>, several committee members and other volunteers began an initiative to rid the detention basin area of buffelgrass and invasive fountain grass.

#### **i. Approval of plant purchase**

Susan moved approval of the suggested plant purchases to a maximum of \$300. Ken seconded. **Passed** unanimously. We will not purchase the plants until we have an estimate for the labor from AZ Proscapes. Susan moved that we authorize labor costs up to \$500. Matt seconded. **Passed** unanimously.

#### **h. Governing Documents Review Committee (Klement)**

Susan reported that the committee had no activity in the past month.

#### **i. Transition Committee (Katz)**

##### **i. HOA expenditures by Developer, update**

Ken met with LMRI staffers Pam, Ken Bade, Leslie Oneil and Jason Marx to discuss questionable expenses made by JWM Cos. These included legal fees regarding the transition, costs of a security patrol and shortfall dues for 2008. The collective LMRI recommendation was that it is not worthwhile to pursue some of these funds. Ken Bade is willing to pursue the security patrol costs. He has made an initial contact with John Wesley Miller. LMRI staffers felt

the erosion control costs paid were not worth pursuing as they could have been paid for from the reserves.

Pam stated that we could likely complete the transition prior to the end of the year. She said it was now time to approach our legal counsel Tanis Duncan to draw up the documents. There was general approval of this suggestion, but no actual decision to contact Tanis.

#### **j. Water Conservation Committee (Portillo)**

Ernesto had no report for the month. Susan suggested that because the water will be conserved by individual residents and not the HOA, this committee should not report to the board directly. Rather, like the Welcome Committee, for example, it should report through Jerry Swatez's community building efforts.

### **V. Old business**

#### **a. Member noncompliance updates**

##### **i. JWM vacant lots – update (erosion control; weeds Primavera lot)**

Mike offered thanks to Ernesto for talking to John Wesley Miller who installed decomposed granite on the former construction lot. The new DG is fine and some of it washed into the street after the recent storm. Ken suggested that John install wattles on those lots in logical places. Pam will request this.

#### **b. Landscaping issues**

##### **i. Tree pruning activities – update**

Ken reported that the tree pruning contractor finished Juan Barba's list and Juan is satisfied with the work. We should now pay the final \$1,000. To date, we have paid the first \$3,000 and \$2,000 of the last half. There are four tree stumps that we can leave projecting above grade, grind down below grade or destroy by drilling holes and applying a chemical. Grinding the four stumps will cost about \$300 and chemically destroying them will be approximately \$80. Juan can do the work or we can get AZ Proscapes to do it.

Ken moved that we ask Juan Barba to chemically destroy the four stumps at a total cost of approximately \$80. Susan seconded. **Passed** unanimously. Although the poison is a Roundup type of product that disbursts very quickly, Mike recommended that we inform the neighbors to keep their pets away from each area for a day or two.

Via an email to the listserv, Nancy Mairs expressed dissatisfaction with the pruning of the tree adjacent to her home. Juan has offered to discuss with Nancy why and how the branch was removed, but there was no decision to request this of him. Mike stated that the trees should have been pruned on an ongoing basis and because they were not, many now need radical work. Ernesto suggested that residents should have been informed about the extent of the pruning. Tom said that everyone received the notice listing exactly which trees would be pruned. He examined the tree near the Mairs house and feels the pruning company did the best job possible to save the tree. Julieta expressed concern about the pruning of a tree next to her house. She said some of the branches are still close to nearby cables. Ken explained that some of them are TV cables that are safe to work around. However, there are restrictions about how close the tree pruning workers can get to TEP cables. Matt remarked that we are better off to prune the trees rather than have TEP do it. If branches approach TEP cables, TEP will remove them without regard to appearance; typically, the appearance is unsatisfactory.

Juan Barba recommended bolting together sections of three trees at a cost of \$90 each. Ken moved that we ask Juan Barba to bolt the three trees. Susan seconded. **Passed** unanimously. **Ken** will ask Juan to carry out this work.

#### ii. Fruiting olive trees—update

Juan stated during the tree pruning walkthrough that fruiting olives are not outlawed in Pima County, but cannot legally be sold here. He believes that only one of the trees is truly a fruit bearing olive tree, but this year's exceptional weather resulted in a small amount of fruit on the non-fruiting olives. Matt moved to ask AZ Proscapes to remove the fruiting olive tree on Ott adjacent to Lot 75 for a price not to exceed \$300. Susan seconded. **Passed** unanimously. **Brad** will ask AZ Proscapes to do that work tomorrow. Susan reported that she had informally told Scott Ellegood, the resident who first complained about the olive trees, about the situation. Scott seemed comfortable with the information.

#### iii. Landscape Guidelines—action

Laurel Wilkening suggested a few minor non-substantive changes to the Landscape Guidelines and Ken had a few other similar suggestions. Ken moved to approve the document that will incorporate the minor changes. Matt seconded. **Passed** unanimously. **Susan** will make the minor changes and forward the document to Mike for posting on the Yahoo site.

Susan asked whether we will grandfather all prohibited plants within the association boundaries. She expressly mentioned invasive fountain grass and urged that we not allow it anywhere within APdS. This matter was not resolved due to the pressure of time.

#### iv. Rain sensors—update

Ken reported that Arizona Proscapes upgraded the rain sensor equipment on October 15<sup>th</sup> and adjusted it. The sensor should now function properly so as to avoid overwatering Ashley Park.

#### v. Catch basin maintenance

Because the association maintains the front yards, we are required to maintain four catch basins on lots currently belonging to JWM Cos., Hal Myers, Brad Stroup and Vicci Fox. The work necessary at this time will cost \$60 for each basin. Ken moved that we authorize AZ Proscapes to maintain these catch basins at a cost not to exceed \$250. Matt seconded. **Passed** unanimously. **Brad** will request that AZ Proscapes carry out this work.

#### c. 2011 budget

The board approved a 10% assessment increase on October 6<sup>th</sup> and Pam prepared a spreadsheet for the budget, which was based-on the assumption that the developer/Declarant (JWM Cos.) would pay only 25% of his dues. This situation has existed for many years and is covered in the CC&Rs. LMRI staffers found wording in Article 9.6 of the CC&Rs indicating that the Declarant needs to pay full dues as of January 1, 2011. We could adjust the assessment increase on the assumption that the Declarant will pay or we could put the money in the reserves or elsewhere if the Declarant does pay. Alternatively, we could keep the assessment increase as decided on October 6<sup>th</sup> in case the Declarant continues to pay at the 25% rate. After

considerable perusal of the relevant CC&R sections prior to and during the meeting, the board members concluded that the wording is sufficiently ambiguous to make it uncertain whether we will collect full dues from the Declarant. Accordingly, we will keep the 10% assessment increase and reconsider the matter later if we realize the additional income. Pam and Ken will continue to monitor this matter.

Dave suggested that we could fund the replacement of the irrigation system with a special assessment or we could just continue to fix leaks as they occur. Mike stated that replacing the irrigation system will be a multi-year project. Ken said that replacing the irrigation system will not start until next year when a new board may have a totally different point of view on this issue.

**d. Authorization of expense approvals—tabled item from 10/6/10**

Ken moved that we allow the treasurer and one other board member to authorize normal expenditures for previously approved projects up to \$300 outside of board meetings so as not to delay necessary projects. Susan seconded. Pam stated that we would be approving already approved actions. Based on Pam's advice, Ken and Susan **withdrew the motion** as unnecessary.

**VI. New Business**

**a. Member noncompliance hearings**

- i. Mueller/Metzger, Lot 92 (445 E. Laos)**
- ii. Johnston, Lot 37 (477 E. Anatole)**
- iii. Valdivia, Lot 64, 470 E. Historic**

The board did not hold the above hearings due to time pressures. None of the three owners involved appeared.

**b. Responsibility for garage light repairs/replacement**

**i. Repair request 469 E Laos (Cannella)**

There was discussion as to who is responsible for garage light fixture repairs or replacement. Susan stated that since the board replaces light bulbs and believes garage lights are required for safety, the association should be responsible. She felt that it is unlikely that we will need to repair or replace many such lights. Susan moved that we repair Mr. Cannella's garage light. Ken seconded. **Passed** unanimously. Pam will prepare a memorandum of this resolution regarding responsibility for garage light repair or replacement. There was no discussion as to who is responsible for ensuring that the replacement is carried out.

**c. Landscaping work orders—need tracking system**

There was insufficient time to discuss this issue, but Brad previously agreed that the idea was a good one that he will discuss with AZ Proscapes.

**d. Erosion control**

This issue was not discussed due to the pressure of time.

**e. Nominating Committee**

This issue was not discussed due to the pressure of time.

**f. Annual meeting 2011**

This issue was not discussed due to the pressure of time.

**VII. Call to the audience/homeowner input**

Helen inquired about installing a dish for television reception and about whether homeowners are permitted to make requests for specific plants in their front yards.

**VIII. Date for next Board meeting November 15, 2010**

**IX. Adjournment**

The meeting adjourned at 7:30 p.m.