

CAT MOUNTAIN HOMEOWNERS ASSOCIATION, INC.

BOARD OF DIRECTORS MEETING

Date: March 14, 2005

TIME: 7:30 p.m.

Location: Cat Mtn Clubhouse, 6007 Mt Bonnell Rd, Austin, TX 78731

1. **CALL TO ORDER.** 7:36p. Present at the meeting were Mr. Browder, Mr. Grant, Mr. Joseph, and Mr. Oppenheimer; Mr. & Ms. Adkins; Dr. and Dr. Sorensen; Ms. Noble; Mr. Briney; Mr. Lloyd; Mr. Hopper; Mr. Otto; Mr. and Ms. Dully. Absent at the meeting was Mr. Kline.
2. **APPROVAL OF MINUTES:** Draft minutes for review, correction, and approval.
 - a. Reviewed and corrected 2/17/05 minutes of Board of Directors Meeting. Mr. Grant moved to approve, seconded by Mr. Oppenheimer, motion passed unanimously.
 - b. Reviewed and corrected 2/28/05 minutes of Board of Directors special meeting. Mr. Grant moved to approve, seconded by Mr. Oppenheimer, motion passed unanimously.
 - c. Reviewed and corrected 3/2/05 minutes of Board of Directors Annual Meeting. Mr. Grant moved to approved, seconded by Mr. Oppenheimer, motion passed unanimously.
3. **PRESIDENT'S REPORT:** Mr. Oppenheimer reported the following items.
 - a. Cat Mountain HOA website is currently under construction and will be completed as soon as possible. The URL is www.catmountainhoa.com and the website has an email link for members to provide ideas and suggestions for the contents, etc.
 - b. Many members have responded positively to Mr. Oppenheimer's 3/08/05 letter and welcome the plans for increased communication and sense of community.
 - c. Mr. Oppenheimer toured the HOA with the Manager and assessed all current projects. Mr. Oppenheimer called TruGreen and asked them to provide more timely response to the Manager's requests.
 - d. The removal of the diseased Cottonwood tree near Ms. Reynolds (6024 Mount Bonnell Cove) is on hold until a City of Austin inspector can visit the site and approve the permit for TruGreen.
 - e. Mr. Oppenheimer will establish new committees and reorganize the existing ones so that no Board members are involved in committee functions, except in ex-officio capacity. He indicated that he will select five members to serve on the ECC.
 - f. Mr. Oppenheimer has asked an HR professional to formalize the Manager's job description. This will be done at not cost to the Association.
 - g. Mr. Oppenheimer reported that businesses like the Association are not eligible for the City of Austin water rebate program.

- h. Mr. Oppenheimer stated that the ECC should strongly consider approval of Common Area improvements that are supported by affected owners and that are for the betterment of the Association.
- i. Mr. Oppenheimer would like to update the ECC Architectural Guidelines and Standards, which were last revised 2/21/90.
- j. Diane Librach has volunteered to review the Association's bookkeeping and accounting functions, and she will provide the Board with recommendations for improving these functions. Also, Mr. Oppenheimer is reviewing the Association's dues collection function and will propose ways to improve this function.
- k. Mr. Oppenheimer wants to review the Association's correct process for resolving disputes and grievances. The Declaration states that these should be resolved through arbitration, but this process isn't followed currently.
- l. Mr. Oppenheimer requested that mailing list and email list of members be updated.
- m. Discussion: Regarding Item k, Ms. Sorensen asked about including mediation before disputes are arbitrated. Mr. Oppenheimer stated that he will consider this when the current process is reviewed. Regarding Item h, Mr. Briney and Ms. Noble spoke about the sacredness of the Common Area and possible burden of maintenance to Association if owners neglect improvements. Mr. Oppenheimer provided example of Common Area improvements near his Lot. Mr. Grant indicated that the Association has no record of these improvements and decided that the Association would not be responsible for maintaining them.

4. FINANCIAL REPORT: Discussion of Association's financial activities and status.

- a. The interest rate for the Reserve fund CD was discussed. Mr. Oppenheimer asked that Mr. Kline check for higher-yield interest rates and report to the Board at the next meeting.
- b. Mr. Oppenheimer inquired about three transactions with Proscape in the cash disbursement journal. The Manager will check on these transactions and report to the Board as soon as possible.

5. MANAGER'S REPORT: Discussion of Association projects, incidents, and owner complaints.

- a. Manager reported that a dead maple tree would need removal and will contact TruGreen for an estimate.
- b. Manager reported that he will request Mr. McLendon (4822 Twin Valley) to submit proposal for trimming trees in the Common Area to enhance view.
- c. Manager toured Association with TruGreen to ensure TruGreen is meeting Association's requirements as specified in lawn maintenance contract.

- d. Manager reported that refurbishment of the tennis courts began on 3/14 and would be completed in four days (with permitting).
- e. Manager discussed several vehicle burglaries on Association property. The Board briefly discussed possible solutions, including surveillance cameras, security patrols, etc.
- f. Mr. Joseph inquired about plan to plant Primrose Jasmine on the Common Area along Mt. Bonnell Road south of Hickory Hollow. Motion by Mr. Grant, seconded by Mr. Oppenheimer to approve plan, motion passed unanimously.

6. OLD BUSINESS:

- a. Appeal of ECC decision - Sorensen (4603 Limestone Circle). This item was moved ahead of two other items to accommodate the Sorensen's. Mr. Sorensen briefly summarized the plan to extend their driveway into the Common Area, which was requested primarily for the safety of those living in Limestone Circle. Mr. Oppenheimer asked Ms. Noble to provide an explanation of the ECC's decision. Ms. Noble indicated that the Sorensen's request was denied because it included the Common Area and, as original owners, the Sorensens could have modified their building plan to include a larger driveway. As a member of the ECC, Mr. Grant explained that he abstained from voting on the proposal. He also indicated that the plan was meritorious if the neighbors agreed, that the Sorensens should consider limiting improvements on another part of their property to compensate the Association for loss of permeable cover, and that a written agreement should be included if the Board approves the request. The written agreement should include the right to removal by the Association if neglect occurs, and recognition of liability. Mr. Oppenheimer and Mr. Joseph questioned the issue of liability. Mr. Briney and Mr. Lloyd indicated that they were concerned about improvements in the Common Area. Mr. Lloyd interpreted article XII, Section 6 of the CCR's and Mr. Grant indicated that there may be other interpretations of this Section. Mr. Oppenheimer indicated that he would like to have a real estate attorney review and give an opinion on Article XII, Section 6. Mr. Grant moved to have an attorney review Article XII, Section 6, as a pro bono matter, Mr. Browder seconded, motion passed unanimously.
- b. Clubhouse Skylight Repair: Manager reported that Mr. Kline had 5th Wall Roofing System revise contract to include two -year warranty and cost of \$7 per foot to replace skylight decking if needed. Mr. Grant motioned to approve revised contract from 5th Wall Roofing Systems in amount of \$2359.85, seconded by Mr. Joseph, motion passed unanimously.
- c. Pool, Tennis Court, and Landscaping Projects: Manager reported that tennis court and pool repairs would be completed soon. Manager also provided proposal for landscaping upgrade on Mountain Villa Cove. The proposal was discussed. Motion Mr. Browder to accept proposal from TruGreen in amount of \$3943.55, seconded by Mr. Joseph, motion passed unanimously.

7. NEW BUSINESS:

- a. Mt. Bonnell Road Traffic Monitoring: Mr. Oppenheimer indicated that several owners were concerned about the speed of traffic on Mt. Bonnell Road. The speed limit is 30 mph, but

drivers often travel much faster. Mr. Joseph contacted the Austin Police Department (ADP) and arranged for them to patrol this road in the future. He also indicated that the ADP is willing to involve the HOA in seminars, workshops, etc. to enhance neighborhood safety. Ms. Duly and Ms. Noble asked about possibly creating signs and using these along Mt. Bonnell to increase awareness and mitigate the speeding problem. Mr. Oppenheimer asked Mr. Joseph to ask the ADP if there are any issues with private signs being posted on city-owned roads in the Association.

- b. Committees: Mr. Joseph reported on existing committees (Wildfire Risk and ECC) and the formation of several new committees, including Communications, Social/Activities, Welcome, HOA History, Election, and Finance Committees. The Board will appoint members to establish these committees.
- c. HOA Communications: Mr. Oppenheimer reported that Mr. Adkins and Mr. Joseph are working to develop the website and that they will send a note to all members when the site is ready.
- d. Arbitration of Homeowner Disputes: held until 4/11/05 meeting.
- e. Administrative Items: Held until 4/11/05 meeting.
- f. HOA/Clubhouse Office and Other Equipment: Held until 4/11/05 meeting.
- g. Renewal of Commercial Liability Insurance. Mr. Grant gave history of liability insurance policy, indicating that it was assessed in 2001 and William Gammon Insurance provided the best value. Motion by Mr. Grant to approve renewal of policy in amount of \$3,065.00, seconded by Mr. Joseph, motion passed unanimously.
- h. ECC Member Qualifications: Ms. Noble submitted her resignation from the ECC to Mr. Oppenheimer. The Board sincerely thanks Ms. Noble for her service and is appreciative of her contributions as a member of the ECC. Ms. Noble provided a list of qualifications that she thinks the Board should consider when appointing members to the ECC. These are as follows: ability to understand construction plans/blue prints, mediation skills, creative problem solving, map reading/topography/trigonometry, ability to understand landscaping plans, and the ability to be independent and objective.
- i. Plaque for Mr. Nirenberg. The Manager indicated that in the past, the Board has recognized the service of prior directors and suggested that the Board give Mr. Nirenberg a plaque for his service as Director. Motion by Mr. Grant to recognize Mr. Nirenberg's service with a plaque, seconded by Mr. Browder, motion passed unanimously.

8.. **NEXT REGULAR MEETING:** April 11, 2005, 7:30p at the clubhouse.

9. **ADJOURNMENT:** Motion by Grant, seconded by Joseph, motion passed unanimously. Meeting adjourned at 9:48p.