

CAT MOUNTAIN HOMEOWNERS ASSOCIATION, INC.

BOARD OF DIRECTORS MEETING

**Date:** April 11, 2005

**TIME:** 7:30 p.m.

**Location:** 6007 Mt. Bonnell Road, Austin, TX 78731

---

1. **Call to Order:** 7:34p. Present at the meeting were Mr. Browder, Mr. Grant, Mr. Joseph, Mr. Kline, Mr. Oppenheimer, Mr. Briney, also in attendance were homeowners Mr. Lloyd, Mr. Hopper, Mr. Otto, Mr. Tharp, Mr. Huth, Mr. Nirenberg, and Mr. Wolfe and the Association Manager.

2. **Approval of Minutes**

a. Reviewed and corrected 3/14/05 minutes of Board of Directors Meeting. Mr. Grant moved to approve, seconded by Mr. Browder, motion passed unanimously.

b. Reviewed and corrected 3/29/05 minutes of Board of Directors special meeting. Mr. Grant moved to approve, seconded by Mr. Browder, motion passed unanimously with Mr. Joseph abstaining.

3. **Financial Report:** Discussion of Association's financial activities and status.

a. The interest rate for the Reserve fund CD was discussed. Mr. Joseph presented to Mr. Kline and the Board a list of banks with the best rates for a one-year jumbo and one-year \$1 - \$5K minimum CDs. Mr. Oppenheimer moved to transfer \$20K from Operating Fund to Reserve Fund, withdraw \$80K CD from Washington Mutual and deposit \$100K at Countrywide for one-year jumbo CD rate, which was 4.01% as of 4/8/05. The motion was seconded by Mr. Browder and passed unanimously.

b. Mr. Grant requested that the manager to check with Georgetown Bookkeeping the depreciation expenses for Capital improvements. At issue is whether the bookkeeper is using a 7- or 20-year depreciation schedule for the road repairs made in 2004. Also, Mr. Grant asked the manager to determine how the bookkeeper is accounting for Medicare and FICA taxes, and landscaping expenses.

c. Mr. Oppenheimer asked about the policy for collecting on delinquent accounts. The current policy is that legal collection efforts begin after 6 months of delinquency. Mr. Oppenheimer suggested that the Board should consider shortening this period from 6 months to four months.

d. The Manager reported that two of the three Proscape transactions in January had been voided and a single payment was made to Proscape

4. **Manager's Report:** Discussion of Association projects, incidents, and owner complaints.

a. Repair of tennis courts was completed and Manager is sealing seams between retaining wall and walkway adjacent to tennis courts.

b. Landscaping upgrades, including Mt. Villa Cove flower beds, were completed. Tree removal in Mt. Bonnell Cove was completed by TruGreen.

c. Swimming pool repair is nearing completion and the pool should be completed the week of April 11. Mr. Grant moved for the ratification of an out-of-meeting Board recommendation to release an additional \$2408.00 for pool repairs. The motion was seconded by Mr. Kline and it passed unanimously.

d. Clubhouse skylights were repaired and they were not damaged by the recent hailstorm.

## 5. Old Business

a. See item 4a-c for progress report on pool, tennis court and landscaping.

b. Mt. Bonnell Road Traffic Monitoring Update: The Austin Police Dept (APD) has been monitoring the street and they have issued several speeding tickets. The APD said it would be OK to place signs along Mt. Bonnell Road as long as the signs are on private property (e.g., Association property or private lots). The APD indicated that Association signage may be more helpful than APD patrols of the area. Mr. Joseph and Mr. Kline agreed to examine the possibility of placing signs and they will report to the Board at a future meeting.

c. Appeal of ECC Decision - Sorensen (4603 Limestone Circle): Mr. Kline indicated that the appeal should not be considered. Mr. Grant reiterated that the merits of the Sorensens' plan must be weighed against its costs. He also indicated that the Sorensens should consider limiting improvements on another part of their property to compensate the Association for loss of permeable cover. Per a request from the Mar 14 meeting, Mr. Oppenheimer presented a written opinion of Article XII, Section 6 by Brad Stein, a certified real estate attorney. This opinion states that "an owner could only obtain an easement over common area for accoutrement with approval of the ECC (sic). (See attachment A for copy of written opinion). Mr. Oppenheimer moved that Mr. Grant request the Association's attorney to provide a written opinion on Article XII, Section 6 as it related to the Sorensen's case. The motion was seconded by Mr. Browder and it passed unanimously. Mr. Tharp asked that the Board also get a legal opinion on possible liability issues for Association and its Board members that might arise if improvements like driveways, etc. are extended into Common Areas. The Board also agreed the Sorensens should resubmit their plan to the ECC because they have modified the plan since the ECC previously reviewed.

d. Mtn. Villa Circle Easement. Mr. Oppenheimer received a request from an owner to provide status of the Board's 2004 hearing of a proposal for an easement along the northern edge of Mtn. Villa Cove. Mr. Grant summarized the ECC's decision on this matter. Mr. Oppenheimer will provide the owner's name to Mr. Grant so he can address the owner's request.

## 6. Committee Reports: Status of committee activities

a. Environmental Control Committee: Mr. Oppenheimer reiterated that no Board member should serve as a member of the Association's committees. Mr. Oppenheimer indicated that he wanted the ECC to consist of the following five members: Mr. Lloyd, who will serve as chair, Mr. Warner, Mr. Stringfellow, Mr. Briney, and Ms. Block. Mr. Grant indicated that the Board needs to appoint members to the ECC. Mr. Oppenheimer noted that the CCRs and by-laws do not require a vote by the Board. Mr. Grant asked Mr. Tharp to provide an explanation for why Board members currently serve on the ECC. Mr. Tharp explained that they do so to provide continuity between the ECC and the Board, something that was needed when there were many homes being built in the HOA 10- 15 years ago. Mr. Briney noted that the ability to be persuasive is important for ECC members. Mr. Grant and Mr. Kline indicated that they had concerns about builders being members of the ECC. He made a motion to appoint a three-member ECC consisting of Mr. Lloyd, Mr. Briney, and Ms. Block. The motion was seconded by Mr.

Kline. Mr. Joseph amended Mr. Grant's motion by increasing ECC membership to five, seconded by Mr. Oppenheimer. Mr. Grant and Mr. Kline voted against the amendment, Mr. Joseph and Mr. Oppenheimer voted for it, and Mr. Browder abstained. The amendment was not added to the motion. Mr. Kline suggested that at least one architect should be on the ECC because this expertise would be useful in ECC matters. Mr. Joseph amended Mr. Grant's motion so that ECC membership was increased to five and an architect would be included as a member of the ECC, seconded by Mr. Oppenheimer. Mr. Grant, Mr. Joseph, and Mr. Oppenheimer voted for the amendment, Mr. Kline voted against it, and Mr. Browder abstained. The amendment was added to the motion. Mr. Grant amended the motion to immediately appoint Mr. Lloyd, Ms. Block, and Mr. Briney to the ECC, seconded by Mr. Kline. Mr. Oppenheimer, Mr. Joseph, Mr. Grant, and Mr. Browder voted for the amendment and Mr. Kline voted against it. The amendment was added to the motion. Mr. Grant's motion, including amendments, that the Board immediately appoint three members of a five member ECC, to include at least one architect, was seconded by Mr. Oppenheimer and passed unanimously. Mr. Grant stated that he will resign from the ECC and Mr. Kline indicated that he will continue to serve. The Board will look for a member who is an architect to fill the fifth slot on the ECC. Mr. Lloyd indicated that the ECC will be reviewing several improvement plans at their next meeting.

b. Communications Committee: Mr. Joseph presented a conceptual prototype and site map of the Association's new website. He also reported that a newsletter editor will be appointed shortly. Finally, he is work with with Ms. Prestwood to develop the Member survey and they should have a draft available for the next meeting. Mr. Joseph moved for approval of Mr. Adkins, Ms. Adkins, Ms. Prestwood and Mr. Russo as members of the Communications committee. The motion was seconded by Mr. Grant and the approved unanimously. Mr. Joseph is looking for a member to chair the committee.

c. Social/Activities Committee: Mr. Joseph reported that two members have agreed to serve on this committee and he looking for a member to chair the committee. Mr. Joseph moved for approval of Ms. Warner and Ms. Jastram as members of the Social/Activities committee. The motion was seconded by Mr. Grant and approved unanimously.

d. Mr. Joseph requested that several members in attendance join the History Committee to develop a brief history of the Association that can be included on the new website and in new member packets. Mr. Oppenheimer requested that priority be placed on staffing the Welcome Committee so that new owners are welcomed and receive important information about the Association.

## **7. New Business**

a. Arbitration of Homeowner Disputes (per CCRs, Article IX): Mr. Oppenheimer discussed the contents of CCR Article IX, which gives guidance for handling homeowner - homeowner disputes and homeowner - Association disputes. He indicated that such disputes should be arbitrated rather handled by the Board. Mr. Grant indicated that the Board's goal has been to mediate and resolve issues to avoid legal resolution and expenses. Mr. Oppenheimer requested that the Board consider arbitration as required by CCR Article IX. Mr. Grant noted that CCR Article IX provide arbitration or other legal action in the event a party does not abide by the Covenant.

b. Administrative Items: Board agreed to change meeting time from 7:30p to 7:00p. Mr. Oppenheimer submitted a report and recommendations from Ms. Librach, who reviewed the Association's bookkeeping procedures. Ms. Librach recommended that the Association cancel its bookkeeping services after it buys Quickbooks and the Manager is trained on this software. Mr. Kline asked about increase in responsibility for the Manager. The Manager indicated that this would not be

significant. The change to the bookkeeping procedure will require an upgrade of the Association's office computer and peripherals devices. The Manager will provide estimates for computer purchase at the next meeting. Mr. Kline indicated that the Association may be able to save money by purchasing the software and instruction manuals on eBay. Mr. Oppenheimer moved to train the Manager, upgrade computer system, buy QuickBooks software and authorize manager training. The motion was seconded by Mr. Browder and it passed unanimously.

c. HOA/Clubhouse Office and Other Equipment: See item 7b above. Also, Mr. Joseph presented two proposals for decreasing cost of Association's communication services. Both proposals include removal of the pay phone at the clubhouse and high-speed Internet access. The Board was asked to review these proposals in advance of a vote at the next meeting.

d. Playscape Fencing: Ms. Jabour asked the Board to consider fencing around the playscape area in light of recent reports of sightings of coyotes on Association property. The Board asked the Manager to obtain bids for fencing so they can be discussed at the next meeting.

e. Placque for Mr. Nirenberg: The Board thanked Mr. Nirenberg and presented him with a placque for his many years of service as a Director of the Association.

f. Owner Assistance in Beautification of Common Areas: Mr. Oppenheimer suggested that the Association should solicit members to assist in the beautification of the Common Areas. This would include trash cleanup in the Common Areas, watering, etc. This item will be discussed more at the next meeting.

g. Other: Mr. Wolfe requested status on the MOU for the improvements at 5815 Sandalwood Hollow and adjacent Common Area. Mr. Oppenheimer stated that he and Mr. Grant met with Mr. Joseph and all parties agreed to reach an agreement in 30 days or less. Mr. Oppenheimer indicated that the Association would seek other action if there is no agreement after 30 days.

8. **Next Meeting:** May 9, 2005, 7:00p at the clubhouse.

9. **Adjournment:** Motion by Mr. Oppenheimer, seconded by Mr. Browder, motion passed unanimously. Meeting adjourned at 9:56p.