

**Cat Mountain Homeowners Association, Inc.**  
**Board of Directors Meeting**

**Date:** April 9, 2007

**Time:** 6:30 p.m.

**Location:** CMHOA Clubhouse • 6007 Mt. Bonnell Rd. • Austin, TX • 78731

---

- 1. Call to Order:** 6:35 p.m. Present at the meeting were Mr. Adkins, Mr. Joseph, Ms. Jastram, Mr. Ma, Mr. Johnson, and Mr. Chargualaf.

Others attending the meeting were Tom Thomas and Anne Adkins.

- 2. Member Forum:** No issues or questions were presented by members.

- 3. Approval of Minutes:** Draft minutes for review, correction and approval.

- a. Reviewed Minutes of the March 19, 2007 Board of Directors Meeting. Mr. Adkins requested a change to the last sentence of 3(b) to read "The Board reviewed and subsequently approved the revised Minutes via e-mail." Hearing no other revisions, Mr. Joseph made a motion to approve the minutes as revised. This was seconded by Mr. Johnson and approved unanimously.

- b. Reviewed Subsequent Actions Taken:

- i. Magara ECC — Motion to nominate Al Magara to serve on the ECC made by Ms. Jastram, seconded by Mr. Johnson; 4 votes being cast in favor (Jastram, Johnson, Ma, and Adkins), the motion was approved.
- ii. Harrison ECC — Motion to nominate John Harrison to serve on the ECC made by Ms. Jastram, seconded by Mr. Joseph, and the motion passed unanimously.
- iii. Barclay Insurance — Motion by Ms. Jastram to authorize Mr. Joseph to contact Barclay for Director and Officer Insurance; seconded by Mr. Johnson and passed unanimously by the Board.
- iv. February 21, 2007 Board Meeting Minutes — Motion by Ms. Jastram, to approve revised minutes, seconded by Mr. Joseph, passed unanimously by Board and subsequently posted to Association website.

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

- a. Mr. Adkins thanked Mr. Ma for replying to the list of questions e-mailed earlier pertaining to financial report presentation. Mr. Adkins suggested that he meet in separate session with Mr. Ma and Mr. Joseph to finalize decisions on formatting, etc., if there were no objections from Mr. Johnson or Ms. Jastram, and the Board voiced its consensus on this. The task of the group is to make a final recommendation to the Board on final formatting of the monthly financial reports as well as how delinquencies are reported in order to achieve a standardized version that can become the basis for comparison from month to month and year to year.

There was some discussion between Mr. Ma and Mr. Adkins pertaining to the timeline for delinquencies being reported, with Mr. Chargualaf describing how such information is provided to the accountant.

Mr. Adkins did inquire as to one delinquent account of 120+ days in the amount of \$216, and Mr. Chargualaf responded that this particular instance was a homeowner (Clyde & Nancy Thomas?) who had purchased a home last November that was in a state of disrepair and has since been under repair. Mr. Chargualaf has sent a series of notices to aforementioned homeowner, none of which have been returned as undeliverable, but has nevertheless not received a response. Mr. Adkins suggested avoiding the costs associated with legal action by first sending a registered letter to create a record of delivery. Mr. Adkins will supply this letter to Mr. Chargualaf on Tuesday, April 10, for transmittal to the post office. The Board concurred.

- b. Mr. Joseph raised the issue of using \$50,000 from the checking account to purchase a CD at prevailing rates to be placed with Corus Bank earmarked for the Reserve Fund. This leaves sufficient funds in the checking account to cover expenses for more than the next two months. Mr. Adkins suggested a work session with Mr. Ma and Mr. Joseph to work out how to handle the Reserve Fund; i.e., either to set up sub-accounts to indicate debit/credit entries, or to set up a second set of books reflecting ongoing transactions in the Reserve Fund; come up with a proposal, and run this by Mr. Johnson and Ms. Jastram for final approval. Mr. Adkins agreed to have a final report ready by the May Board of Directors Meeting.

A motion was made by Mr. Ma to utilize \$50,000 from the checking account for the purchase of a CD earmarked for the Reserve Fund. Seconded by Ms. Jastram and passed unanimously by the Board. It was agreed that Mr. Chargualaf would work with Mr. Ma on this matter.

- c. Mr. Chargualaf noted that the financial statements provided for this meeting were the final versions. A motion was made by Mr. Johnson to approve the financial statements as presented, seconded by Mr. Ma, and passed by unanimous approval.

## **5. New Business: Verizon Proposal**

Mr. Adkins requested that the Board consider revising the evening's agenda to move the Verizon issue to the top of the agenda as the three representatives had arrived and were prepared to make their presentation to the Board. The Board concurred.

The three individuals introduced themselves as Mr. Don Owens and Mr. Doak Leggett with MDL Consulting, Inc., and Mr. Carlos Arredondo, RF Engineering with Verizon. The presentation detailed the hole in coverage for Verizon in this particular neighborhood and the unique opportunity that might be provided by utilizing one of the light poles on common property at the top of Mountain Villa Cove. The suggested change is to switch out the pole with a communication site that will make a slightly larger footprint than the current light pole, utilizing at most one or just slightly larger than one parking space. A simulated photo was provided to the Board to demonstrate the appearance along with detailed maps showing a preliminary siting.

An alternate site on Mountain Villa Cove was also suggested and the Board agreed to allow the Verizon team to work with Jesse to explore the common property for the best alternative.

Board members asked a number of questions to assess impact to the direct neighborhood. As mentioned, one additional parking space might be lost; the new communication pole might be slightly higher by about 25 inches; actual construction time might be 10-14 days; the Verizon team would bear the responsibility for all zoning and permitting with the city including associated costs, although the Board might be requested to sign an affidavit recording its endorsement of the action. The Verizon team indicated flexibility in negotiating terms with CMHOA and encouraged the Board to build in safeguards for subsequent approval of future actions and agreement for co-location of additional carriers.

The rationale for this action is that it provides a synergistic solution for Verizon and other carriers and for CMHOA in that CMHOA will earn a percent of profits on leasing the selected site to Verizon and other carriers with minimal impact to the community.

The actual timeline on this is more in the 4 to 6 month range from site selection, contracting with CMHOA, engineering specs, city approval, and final construction and implementation. It was suggested the details regarding construction and duration be built into the contract ultimately considered by the Board.

Mr. Adkins provided a list of questions from the Board to the Verizon team, requesting that Verizon provide detailed answers prior to the next Board meeting on May 14.

## **6. Manager's Report: Discussion of Association projects, incidents, and owner issues.**

- a. Mr. Chargualaf noted that he has made an effort to be in touch with the County agents regarding a deer survey. It was noted that previous solutions for deer relocation had not proved financially feasible for CMHOA to under

take. The Board will continue to pursue solutions but advised that the best solution was for homeowners to cease feeding the deer.

- b. Mr. Chargualaf noted that there had been a request to trim a group of about 30 cedar trees. He recalled that eight years ago the preceding board had made an exemption to the bylaws to have the Association pay for this action to trim the trees at a cost of approximately \$4,000. Mr. Chargualaf further confirmed that the normal practice is for homeowners to instigate this action by first approaching Mr. Chargualaf and then gaining Board approval, followed by the homeowners actually contracting and paying for the ultimate work to be done, utilizing either the CMHOA contracted landscaper or a certified arborist under the purview of the manager.

A motion was made by Mr. Joseph to approve topping the cedars at 4701 Goldflower Hollow in the common area with the following specifications: (a) the affected homeowners are liable for the cost of this action; (b) the action be independently contracted by the affected homeowner group, either with the CMHOA-contracted landscaper or with a certified arborist; (c) the action falls under the supervision of the Association Manager; and (d) if possible, the cedar tops can be chipped and reused for other landscaping possibilities throughout the community. The motion was seconded by Mr. Ma and passed unanimously by the Board.

- c. Two low branches are overhanging one of the homeowner's decks and a request has been made for these to be trimmed. Mr. Chargualaf has agreed to remove these limbs. The trees in question lie in the common area. It was noted that a general policy would be to deal with such situations as early as possible to avoid potential damage to homes that might be caused by such overhanging limbs. The Association Manager has taken care of small jobs in the past at a fraction of the cost of what it would cost to contract them out and the Board agreed to continue this policy.
- d. Mr. Johnson raised the issue of landscape maintenance in the common area planter on Mountain Villa Cove in that it appeared to have once again been neglected. The Board instructed Mr. Chargualaf to work with the landscape maintenance company to ensure regular maintenance of this area. Additionally, the Board instructed Mr. Chargualaf to purchase one or two yaupon to balance out the one end of the garden with the other and to purchase additional lantana not to exceed the originally set budget of \$500. Mr. Johnson agreed to work with Mr. Chargualaf to implement these additions to the garden.
- e. A motion was made by Mr. Johnson to approve the Manager's Report; seconded by Mr. Ma and passed unanimously.

## **7. Old Business**

Mr. Joseph reviewed the actions taken with regard to D&O Insurance from Barclay, reporting that Barclay had received the binders today and was forwarding them to the Association Manager.

The coverage is increased to \$6 million and expiration dates run concurrently. By rewriting the policy, an annual savings of \$940 (about 10% of total) is achieved for CMHOA. Mr. Adkins thanked Mr. Joseph for his effort in this regard. Mr. Joseph noted that CMHOA had obtained a better agent and better working relationship with Barclay as a result of the change.

## **8. Committee Reports: Status of committee activities:**

### **a. ECC Report**

Tom Thomas reported that there had been two meetings since the last report.

#### **March 20th:**

- (i) The three members had Mr. McDougal present a preliminary plan for Phase 1. He has not yet received permission from the City on Phases 2 and 3 because of McMansion restrictions so these have yet to be brought before the CMHOA ECC.
- (ii) Mr. Lorch's proposal was approved.

- (iii) At 4625 Twin Valley, a massive addition is underway on the backside of the house. Final plans have been approved.
- (iv) The final issue dealt with on March 20th was approval of the Chandlers' mailbox.
- (v) One other plan that was submitted on the day of the meeting was a proposal from Mr. McGarra to add a hot tub into his deck, thus necessitating the expansion of the L-shaped deck on either side by 5 feet plus the addition of a roof segment. Mr. Thomas refused to take this item under consideration, citing the need for a one-week review period. It was therefore postponed to the next scheduled ECC meeting.

#### **March 27:**

- (i) The McGarra item was addressed by e-mail and approved.
- (ii) Mr. Thomas met with the two new members, Mr. Magara and Mr. Harrison, and updated them on how he envisioned business activities transpiring on future ECC actions. He noted his intention to assign projects to a single individual to shepherd that particular project to conclusion. Plans can be approved as preliminary when no schedule is provided; alternatively, plans with schedules can be approved as final.

#### **b. Communications Committee Report**

Mr. Joseph noted that the next newsletter is scheduled for May production. To be included will be a story on policy enforcement as a feature article along with a write-up on the recent Egg Hunt. It was additionally noted that some discussion on ECC matters was worthy of inclusion.

The Board agreed that a consistent communication strategy on policy announcements should take the path of being published as an article in the newsletter, with a follow-up personal letter to homeowners, and finally a posting on the website.

#### **c. Social Activities Committee Report**

Mr. Joseph reported that the March 31st Egg Hunt was a big success with 30 kids hunting 300 eggs and numerous structured activities within the clubhouse. It was noted that Cathie Lockhart had prepared a huge prize basket that was won by Sarah McGuire.

Future events for the Social Activities Committee might include a CMHOA-wide garage sale. There was discussion on how such an event might be structured.

Other suggestions discussed included the idea that in the summertime, Movie Nights might be implemented, with an earlier showing inside the clubhouse for younger children and a later showing in the tennis courts for older kids.

There was some discussion on a suggestion by one of the homeowners to hold a Texas Hold 'Em gambling event inside the clubhouse. Various opinions were offered with the Board concluding that this would probably best be undertaken by the individual promoting the idea and not be sponsored by the Association. There were some concerns about liability to the Association both in terms of insurance coverage as well as upcoming legislative initiatives in the Texas Legislature. So, for the time being, the Board prefers to wait on additional information before making a final decision in this regard.

#### **d. Welcome Committee**

Ms. Jastram reported that she and Ms. Lockhart are the current chairs of this committee and that Mr. Ma was also assisting with contact of local retailers that might be willing to make contributions to the contents of the welcome baskets for newcomers in the CMHOA community. Mr. Chargualaf is e-mailing both Ms. Jastram and Ms. Lockhart regarding purchases in the CMHOA community. There was some discussion about when a desirable contact and basket delivery date might be with general concurrence being at the one-month mark.

The Committee is previously approved to spend approximately \$25 per basket up to a maximum of \$750.00, including administrative costs. Currently, the contents of the baskets include a welcome letter, reference to the ECC rules, a current newsletter, a pool key, several gifts from local vendors, maps, brochures provided by the Austin Chamber of Commerce and Newcomers Club, and fresh-baked cookies.

There was a request by Mr. Johnson to perhaps provide more funding to the baskets to increase the contents. Mr. Adkins requested a month's delay in resolving this issue to provide Mr. Ma time to contact some neighborhood vendors and ascertain what might be appropriate to place in the baskets.

**e. Reserve Committee**

Mr. Joseph noted that the license renewal for the Reserve Fund software was up for renewal at a cost of \$100 to the community. He requested authorization to renew this license.

A motion was made by Mr. Ma to approve the expenditure, seconded by Ms. Jastram, and passed unanimously.

**9. New Business**

**a. Enforcement Policy**

Mr. Adkins requested feedback from the Board regarding the enforcement policy draft that had been distributed, noting that he would like to see this officially adopted at the current meeting for inclusion in the next newsletter along with notice of a date for implementation.

A motion was made by Mr. Johnson to approve the aforementioned policy document, seconded by Mr. Joseph, and passed unanimously by the Board (see attachment).

- b. It was noted that Mr. Thomas and the ECC were working on a revision of the ECC guidelines and would be presenting a draft to the Board at a later date.

**10. Next Meeting:** Monday, May 14, 2007 at the CMHOA Clubhouse

**10. Adjournment:** Motion by Mr. Joseph to adjourn. The Motion was seconded by Mr. Ma and unanimously approved. The Meeting adjourned at 8:33 p.m.

Minutes submitted by the Board of Directors' Secretary, Ms. Jastram

These Minutes must be approved by the Board of Directors



## CAT MOUNTAIN HOMEOWNERS ASSOCIATION, INC. ENFORCEMENT POLICY

Approved by CMHOA Directors at April 9, 2007, Board Meeting

This is a statement of the enforcement policy for violations of the CCRs, Bylaws, or other rules and regulations of the Cat Mountain Homeowners Association.

### ENFORCEMENT POLICY

#### A. Remedies

The scope of these policies include tenants, occupants, employees, contractors agents, or guests of tenants. In the event of a violation of the Covenants or any Rules and Regulations of the Association, the Board of Directors, acting on behalf of the Association, in addition to any other remedies provided by the Covenants, Conditions, and Restrictions, Bylaws, and remedies available pursuant to Sec. 209.006 of the Texas Property Code, any superseding State or Federal Statute or other law, may:

1. suspend or condition the right of an owner and any tenants, occupants, or guests to use any facilities or common areas operated or managed by the Association;
2. suspend said owner's voting privileges in the Association as an owner;
3. record a notice of non-compliance in the Property Records;
4. levy a damage assessment against the Lot;
5. impose costs of collection or enforcement (including manager's and/or attorney's charges) against an owner; and
6. assess a fine against the owner and Lot for the violation of owner, his tenants, occupants or guests in an amount to be determined by the Board of Directors and in accordance with the Procedure for Assessing a Fine, stated below as part of the Enforcement Policy.

The above remedies are cumulative, and may be imposed in combination with each other. For example, the Board may, for the same **offense**, suspend the right to use a common area amenity, impose a fine, and charge manager's or attorney's fees incurred incident to enforcement.

**Owners are responsible for all violations of their tenants, guests, invitees or occupants.**

#### B. Procedure For Assessing a Fine

1. The Property Manager shall mail a letter to the Owner involved, advising the Owner of the alleged violation and requesting that it be corrected within a specified time frame.
2. In the event the violation is not corrected within the specified time frame, the Board shall give the Owner written notice by certified mail, return receipt requested. NOTE: A certified mail letter that is returned to the Association due to the owner's failure or refusal to claim the letter shall be deemed received by the owner on the 10th day after the postmark date of the letter. The written notice shall:
  - (a) describe the violation and state the amount and beginning date (Fine Commencement Date) of the proposed fine (see Step 3, below);
  - (b) allow the Owner a reasonable time, by a specified date, to cure the violation and avoid the fine. NOTE: This provision shall not apply if the Owner was given certified mail notice and a reasonable opportunity to cure a similar violation within the preceding 6 months;
  - (c) state that not later than the 30th day after receipt of the notice of violation, the Owner may request a hearing before the Board to contest the fine;
  - (d) advise that the request for hearing must be in writing and delivered to the Association's Manager;
  - (e) state that attorney's fees and costs will be charged if the violation continues after the conclusion of the hearing or, if no hearing is requested, after the deadline for requesting a hearing; and
  - (f) advise that if the hearing is held before a committee, the Owner has the right to appeal the committee's decision to the Board by written notice to the Manager. This notice of appeal must be given within 15 days after the date the committee's decision is sent to the Owner.
3. Based on the outcome of the hearing, or if no hearing was requested, the Board may assess a fine against the Owner. The fine shall start at a minimum of \$25 per day starting no earlier than the Fine Commencement Date and will continue so long as the violation is not corrected. Violations that involve the police or that are a danger/safety issue to the community will be fined at a minimum of \$100 per day.

For each repeat violation that is a danger/safety issue to the community and involves the police, the fine can be increased to a maximum of \$200 per day. The Board may, in its discretion, depart from the foregoing guidelines and impose a fine on a per occurrence (instead of per day) basis, or at a lesser or greater rate than specified above (but never exceeding \$200 per day).

#### Notes:

The foregoing procedures do not apply to lawsuits seeking a temporary restraining order or temporary injunctive relief, nor do they apply to the collection of regularly scheduled assessments and late fees.

Pursuit of the fine procedure shall not preclude pursuit of any other remedy provided in the Declaration or by law or equity. Use of the fine procedure in each case shall be optional with the Board, and shall not be a prerequisite to filing a lawsuit.