

**APACHE SHORES PROPERTY OWNERS ASSOCIATION**  
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**MINUTES OF THE REGULAR MEETING**

**September 18, 2013**

**7:06 PM - Meeting Called to Order** by President Michelle Dent

**ROLL CALL:** Present: Directors Coney, Hogan, Martinez, Nava, Rosen, Wood and Dent.  
Absent: Directors Delaney, Leach and Lemieux.

**A quorum is established.**

**Motion** made by Director Dent to approve the absence of Directors Delaney and Leach, as they notified the board of their absences in advance.

Motion seconded by Director Hogan.

Motion Passes: Yes: 7, No: 0, Abstain: 0, Absent: 3

**Motion** made by Director Dent to approve the minutes from the previous regular Board meeting held on August 21, 2013.

Motion seconded by Director Wood.

Motion Passes: Yes: 7, No: 0, Abstain: 0, Absent: 3

**President's Report: Michelle Dent**

-Director Dent announced the resignation of Bob White from the 2013-14 Board of Directors.

-An email vote was read allowed to be recorded in the 9/18 meeting minutes:

On Wednesday, August 28, 2013 a **Motion** was made via email by Michelle Dent to approve up to \$1600 to fund improvements to the ASPOA volleyball court. Motion was seconded by Director Mark Rosen.

Motion passed, Yes 7, No 1, Abstain 0, Absent, 3

Director Paul Leach voted No. Directors Coney, Nava, and Wood were considered absent for the email vote, as no response was received within 72 hours (3 days).

Resident Casey Farris inquired as to the urgency of the vote. President Dent explained that the email vote was necessary due to the timely nature of the project: A resident was organizing a volleyball tournament, and the president offered to seek funding for repairs to the court in advance of the tournament. The project arose after the previous board meeting but the tournament was to take place prior to the next board meeting. The organizer then researched the project, presented a plan and estimate to the president and board, and volunteered to lead the project in order to get the process completed in time for the tournament. The board was

pleased to hear of the renewed interest in the court and to have the opportunity for volunteers to manage the project. The expenditure was relatively low, out-of-pocket, and the board thought it appropriate to act quickly via email in order to achieve a quick turnaround. At the time of the board meeting, the project was nearly complete, the tournament had taken place, and the entire project and process had been considered a success.

-Director Dent announced a joint brush cleanup program set up by ASPOA and Lake Travis Fire Rescue to both clean up ASPOA-owned property and assist owners in cleaning up their private properties.

As of Sep 1, LTFR received approval to hire seasonal staff for wildfire fuel reduction – to use their equipment, and bid at or below their cost on community projects in order to reduce ladder fuels (and thus fire risk) in common areas. LTFR worked with President Dent to isolate the areas with greatest need and budget accordingly. LTFR recommended the cutting and clearing of dead wood and ladder fuels along our western property line, running from General Williamson, alongside the old soccer field, the community hall, and the boundary with Maravilla. Out of all of our common areas, this was the only area of notable concern by LTFR. The proposal includes 7 crew members, a 4-wheel vehicle, all tools and fuel, a chipper, dumpster, and more. The work would be concluded in one work day and would cost the POA \$1,500. This work day is scheduled for Sat, Nov 2 (rain date Sat, Nov 9). The Brush Pick Up would include driving down every street/past every Apache Shores lot once to remove any brush piles that are set out in front of any property. LTFR will use their trucks and trailers and four 11-yard dumpsters to haul brush back to our office parking lot, where they will chip/shred the brush into one 30-yard dumpster. The mulch will be left on site for 1 week for ASPOA to use and offer to residents to take on a first-come, first-served basis.

This pick up is being scheduled AT EVERY LOT in order to help residents who do not have trucks or trailers (whereas during the Clean Sweep of previous years, residents were required to haul their brush to the dumpster at the office.

The president and member Corrina Reed discussed the need to encourage neighbors and volunteers to help each other-- to cut, haul, and pile brush for those residents who are physically unable to do the work themselves and/or financially unable to hire crews to do it.

The pick up day is scheduled for Mon, Nov 4 (continuing to Nov 5, if needed) with a rain date of Mon, Nov 11. Brush must be set at the street by 7am Mon, Nov 4 to ensure pick up. The cost for the community-wide, street-side brush pick up is \$2000. If the funds are approved by board vote tonight, a flyer will be mailed by the end of September announcing the Brush Pick Up Day with more details. Email, Facebook, the ASPOA website, bulletin board notices, handouts at the office, and signs will also be used to announce the cleanup day.

Member Casey Farris inquired as to the urgency of the volleyball court repairs relative to the apparent lack of urgency of this fire prevention measure (email vote conducted for one and not the other). President Dent explained that the volleyball project arose and needed to be completed during a time period that fell between board meetings, whereas the LTFR proposal could not be considered until after Sep 1 when LTFR received approval to make such offers to communities like ours, and that the vote could wait until the Sep board meeting, as the date for the event was to be Nov 4--thus there would be plenty of opportunity to discuss the project and vote at a regularly scheduled board meeting.

-President Dent provided a “summer’s end” amenity usage report: Since May 1, the onsite office issued 197 pool memberships, 105 boat ramp permits, 329 pairs of parking tags. There are currently 43 tennis court memberships, and the community hall has been used about 75

times this fiscal year (with a combo of paid rentals, discounted and free use by community groups, and POA purposes).

-Director Dent commented that major building projects (requiring permits/application review by the Architectural Review Committee) are expected to double this year versus last.

-Director Dent reported that Director Delaney continues to evaluate the performance of the security contractor at Lakeside Park.

-President Dent reported on the status of the paving of Fort Smith Trail. The county is expected to begin this project in early November. Directors Nava and Dent will hold a Roads Committee Meeting next Wed, Sept 28, at 6:30 in the meeting room next to the office. This project as well as several other potential road paving and patching projects will be discussed. These include the paving of the driveway between the parking lot and Broken Bow which will serve as a better exit route from the community hall at times when the lot is full, as well as providing access and parking. Members are invited to attend.

-A newsletter with a status report and several community reminders will be mailed at the end of September. In recent years, ASPOA has mailed newsletters with the January bill, the March annual meeting packet and ballot, the April bill (if applicable), and a freestanding mailer in Sept or October. Information can also be found at [www.apacheshoresPOA.com](http://www.apacheshoresPOA.com), on the Apache Shores POA Facebook group (please request to join), ApacheShoresPOA on Twitter (please follow), and via [apacheshorespoa@gmail.com](mailto:apacheshorespoa@gmail.com) (please register for email announcements).

-The Amenities Committee (formerly Land Use) will meet the last Wed of October at 6:30.

#### **Treasurer's Report: Wendy Martinez**

-Director Martinez reported on ASPOA's account balance, liabilities, income and expenses.

-The financial report was distributed to members in attendance and is posted on the ASPOA website monthly.

-The Treasurer commented that income from the Special Assessment has been received at a faster pace than expected/budgeted and that income is tracking higher than budgeted due to the fact that the assessment is collected in a concentrated time period but expenses will accrue more evenly over future months and the two will even out by year's end.

-She also mentioned that she is reviewing the financial reports on the ASPOA website to ensure that they are kept up to date.

#### **Property Management: Paul Meisler**

- Pioneer will be mailing follow up statements to any owners with balances remaining on their accounts in late Sept/early Oct.

- Mr. Meisler reported that 58 Deed Restrictions violations were noted and letters were mailed. 20 violations were cleared up and closed.

- Mr Meisler addressed several members who are present tonight, acknowledging that they attended in hopes of the board's review of their accounts/violations but the board has not yet seen their appeals, or received enough account history to be able to vote on their appeals at this time. Mr. Meisler offered to work directly with these members to address their questions and concerns in the meantime.

-126 resale certificates (required for the sale of any AS property) were issued this fiscal year thus far (March 1 to Sep 1)

- Mr. Meisler mentioned the upcoming paving of Fort Smith Trail through the county "substandard roads" program, and the anticipation of the receipt of a bill for approximately \$45k (for ASPOA's remaining contribution toward the project). He and President Dent also acknowledged Kurt Neilsen (former board member and current Roads Committee member) for his work on the project which has spanned the last several years.

-Mr. Meisler discussed the Capital Improvement Fund and recommended that ASPOA have a Reserve Study conducted to aid the board and amenities committee in long-term planning and budgeting. The property manager has presented proposals from three companies that provide such services. The board is expected to approve the funding of such a study tonight, and will follow shortly with the selection of a specific provider. This study will aid the BoD and Amenity Committee when planning, researching, and setting priorities for the significant capital improvement project which is planned in 3-5 years.

-Treasurer Wendy Martinez commented that the study will also aid in establishing the operating budget from year to year.

-President Dent suggested that this study would provide validity to the annual budgeting process, the establishment of the Special Assessment each year, and the planning for future capital improvements. Ms. Dent also noted that it is very likely that within the two or three years, Texas State Law will require such Reserve Studies be conducted by POAs/HOAs before any major capital expenditures are made. Director Jody Hogan followed up with a question regarding this potential legislation – will this be required annually or what is expected? Mr. Meisler explained that it will likely be required prior to any “major” capital expense (to be defined) but would be supplied to the POA in a format that could be easily updated to reflect improvements that are made in the future.

#### **NEW BUSINESS:**

- a. Motion made by Director Michelle Dent to approve \$3,500 to fund the Lake Travis Fire Rescue Wildfire Fuel Mitigation on ASPOA property and a community-wide Brush Pick Up program, both to be completed Nov 2013. Motion seconded by Director Mark Rosen.

Motion passed, Yes 7, No   , Abstain    Absent   3

- b. Motion made by Director Dent to allocate up to \$3500 to fund a Reserve Study. Motion seconded by Wendy Martinez.

Motion passed, Yes  5, No  2, Abstain   , Absent  3

Directors Hogan and Wood voted No.

#### **MEMBERS INPUT:**

Member Antonio Barrientos commented on violation notices that he has received at 2683 Crazyhorse Pass, requested permission to post business signs on his property. Director Dent referred Mr. Barrientos to Mr. Meisler with questions regarding his specific property and account.

Member Roberto Nava commented on violation notices he has received at 14707 Whitebead/Running Deer. Director Dent referred Mr. Nava to Mr. Meisler with questions regarding his specific property and account.

Members shared concerns that they were being “targeted” by the board of directors with regard to Deed Restriction violations. Mention was made of inoperable vehicles, signage, address numbers, and more. President Dent and other board members explained that enforcement of deed restrictions and policies is handled by Pioneer Real Estate Services, our property management contractor, and that no individual director nor the board collectively should be able to have any resident “written up” for any violation. However, if an owner feels he or she has received a notice in error, or been fined in error, or that they have complied but their

account is not being handled accurately or fairly, they can submit an appeal to the board of directors. The board will review the case and vote as to whether any adjustments to the account are in order. There is a specified process by which the property management company consistently and equally enforces the deed restrictions and policies. The board is generally unaware of specific, individual violations unless the owners present an appeal to the board. There is a DR committee which should be working to set priorities, policies, and guidelines, for the community and property manager...but the committee does not manage violations, nor does the board. There is a process by which members can report violations to the property manager, as violations do have the potential to impact other property owners in negative ways.

Residents Casey Ferris and Karri Baca shared their opinions that they agree with the members who feel targeted, and they believe the board and the president to be prejudiced against Hispanics.

President Dent indicated that this board of directors, and those of the past few years, have strived to achieve more consistent enforcement across all properties, all owners, and all sections of Apache Shores. NOT more regulation or increased policies. But more equal application, more consistent enforcement – exactly the opposite of “targeting” of specific demographic groups for either more or less enforcement. We have also strived to entrust our property manager to a greater extent with such tasks so as to remove the board of directors and any individual property owner (who may also be on the board or the DR committee) from this process. Again, if any resident is concerned that any errors in execution or judgment have occurred, or any director or committee member has acted inappropriately, the member may appeal to the board of directors for a review of the case.

Member Corrina Reed commented that the board of directors, a group of volunteers, are not prejudiced or targeting specific individuals, and elaborated on her exposure to the board and property management over the course of many years in Apache Shores.

Director Hogan commented that a high percentage of Hispanics on a list of property violations would most likely be representative of the fact that a large percentage of residents in Apache Shores are Hispanics-- that this reflects the demographics of our neighborhood rather than reflecting a prejudice against Hispanics.

Member Karri Baca inquired as to who does translations to assist in communications with Spanish-speaking residents who may feel they are unfairly being targeted. President Dent explained that our office manager, Hector Quintanilla, is completely fluent in both English and Spanish, Director Hector Nava is fluent in both languages, the Architectural Review Committee currently has at least one bilingual member, and Pioneer has staff at their main office who are bilingual. These individual and others are available to assist with mail, telephone conversations, and meetings as needed to aid any residents with management of their accounts, compliance with Deed Restrictions, and the building permit process. She also noted that we have tried to increase the frequency of ASPOA documents being published in both languages.

Member Casey Farris inquired as to the lack of handicapped parking spaces and ADA compliance at our community-owned facilities. The president, Director Rosen, other board members, and Paul Meisler, our property manager, explained that because POA's are private entities, jointly owned by the membership (owners of property within Apache Shores), the federal American Disabilities Act requirements do not apply to our properties. However, the board agreed to research the possibility of reserved handicap parking spaces.

Member Karri Baca mentioned that her family was asked to remove a trailer from their property. Bob White and other directors clarified that there are regulations regarding recreational vehicles, inoperable vehicles, parking such vehicles in the road Right of Way,

storing them on vacant lots, limits to the number of recreational vehicles and boats that can be stored on one property, and using temporary residences or recreational vehicles as long term residences.

Member Corrina Reed reported low hanging branches over Geronimo near Big Horn, where large trucks are hitting the branches and damaging the trees. She would also like to ask for some type of warning signs to let large delivery vehicles or other vans that they will have difficulty traveling all the way down to Big Horn. Perhaps the building permit application packet could contain some type of warning.

Mr. Meisler explained the various entities that are responsible for clearing and cutting overhanging branches: the county, on county maintained roads and the county right of way along every road; the private property owners in the right of ways in front of their properties; the POA on community-owned properties. Over the years, at times the POA has paid our maintenance staff and/or private contractors to trim trees in areas where needed. But this is no longer considered the most prudent use of POA funds-- this is no longer a regularly funded expense because the preference is to hold the county or the owner responsible rather than spending POA funds on this task. Mr. Meisler and President Dent discussed the possibility of again having professional tree trimmers do some work in this and other areas, where most needed from time to time, on an as needed basis.

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**Meeting adjourned by President Dent at 8:28 PM**

**The next Board of Directors regular meeting is tentatively scheduled for  
Oct 16, 2013 at 7 PM**