

Fountain Park Homeowners Association
Board Meeting Minutes
Wednesday, March 10, 2021 at 6:30 p.m.
Zoom Virtual Meeting

Present:

Board:

- X **Alicia Navia**, President
- X **Mina Reeder**, Vice President
- X **Melissa Mora-Lovelady**, Secretary
- X **Ann Ochse**, Treasurer
- X **John Steffens**, Member at Large

Staff:

- X **Donna Wood**, Managing Associate

Independent Contractor

- Joan Groom**, Meeting Minutes

OWNERS:

Carol Decker
Claire Callahan
George Castro
Patty Popp

Sorraiyya Beheshti
Andrew and Kara Scott
Judi Dalton
Sandra Beatty

I. Call to Order

A quorum being established with all Directors present, the meeting was called to order at 6:35 p.m. by President Alicia Navia.

II. Approval of Minutes

A motion was made and seconded (Navia/Steffens) to approve the February 10, 2021 Board Meeting minutes as presented. Motion passed unanimously.

III. Financial Report (*Ann Ochse*)

As of February 28, 2021, FPHOA had \$70,694.83 in the operating account and \$99,589.87 in the reserve account, for a total of \$170,284.70.

Income for the month was under budget by \$310.86, due largely to a \$412.44 deficit in payment of dues. This translates to a total of \$475.32 shortfall of income for the calendar year.

Administrative expenses were under budget by \$758.22 due to decrease in postage and copies, as well as no outlay during the month for legal expense. Maintenance expense, however, was over budget by \$9050.47. This was due to prepayment of annual service for Pest Control in the amount of \$9,519.00. By prepaying the pest control company, FP receives a 5% discount in costs. Utility expense was slightly over budget by \$22.80. Total expenses for the month were \$8,625.91 over budget due to the prepayment of pest control, for a year-to-date payment of total expenses at \$5,594.32 over budget.

\$3,400.00 was transferred to the reserve account. There were no withdrawals from reserve for the month or for the year.

IV. Reports

A. Landscaping (*Alicia Navia*)

- General maintenance and cleanup continues.
- Fountain restoration estimates

- Zona Fountains - \$845.07 – Alicia contacted 3 contractors and received one bid from Zona. \$600 is labor for resealing pool and cosmetic repair. The bottom of the pool has several cracks. There are several areas where the pedestal and balls have separated, thus the mortar repair. New silicone will be added to the tiers. Once we give him the OK, he can do it in 2-3 days.

A motion was made and seconded (Ochse/Navia) to accept Zona Fountain bid of \$845.07 to repair the fountain. After discussion by the Board, motion was open to the floor. Motion passed.

- Alicia will call and check on the warranty.
- Replacing plants at entrance islands
 - The reserve account has \$2,500 for landscaping improvements.
 - Claire – committee would like to purchase plants for west entrance islands. We agreed to a selection of plants that would do well in AZ and require little water. Plants will be purchased at Mesquite Valley Growers.
 - Landtamers will begin planting first island March 15 - \$245, plus tax cost for plants. Photos of the different plants were shown. Martin of Landtamers crew agreed all the plants are viable in this climate. Second island planted on March 24th - \$446, plus tax; total for 18 plants \$691 plus tax.
 - Patty Popp inquired if there was information given regarding javelina or other animals having an appetite for these plants. Response was no.

A motion was made and seconded (Ochse/Navia) to approve purchase of 18 plants for two islands from Mesquite Valley Growers not to exceed \$800. After the Board discussion, motion was open to the floor. Motion passed.

B. Pool (*Alicia Navia*)

- ROC onsite inspection was Feb 16. Two weeks later they issued a directive for Imperial to repair deck and drain covers. Imperial has until April 7 to complete the work. They arrived unannounced on 3/10. They removed and widened one channel drain section, left new material and will be coming the next day to finish. Alicia asked about the deck repair, but the rep from Imperial didn't know about it. We may not be able to open the pool on April 1 if they have not finished. Alicia will check if the pool can open before inspection.
- As long as we adhere to CDC guidelines, we should be able to open for swim season. We will need to test the pool on the 4 days Worry Free does not come. We need additional volunteer water testers. They will do another training session and we will heat the pool as needed.
- Pool furniture
 - Most cost effective was Costco - \$973 for 4 chairs, limited warranty. Photos were shown. Next least expensive were sling chairs for \$1,500 with warranty.
 - Alicia prefers a company that specifies a warranty. We need them to be commercial grade and preferably not plastic/resin frames. They will be in the sun and likely end up in water at some point.
 - Melissa said warranty is based on regular maintenance. Alicia suggested asking the cleaning company to add monthly cleaning of the pool chairs to their list of tasks. Question if fabric can be replaced if it doesn't last. Alicia had researched replacing fabric on current chairs and it was expensive compared to cost of a new chair.

- Question asked about HOA having a Costco card and who would actually pay Costco. No card presently.
- Donna said in other HOAs the Pool Committee cleaned the furniture once a month. There is a company in Tucson that will replace nylon mesh material for a couple of hundred dollars.
- If lounge chairs are not cared for, they look bad after a year.
- Alicia proposed delaying the decision until April, when we should have all needed prices.
- Proposals for grassy area modification
 - Alicia and Donna contacted 7 contractors and received 1 bid from Landtamers. Since there are no bids for comparison, Donna suggested we look at this later in the year together with the 2nd survey results added to the project. Then contractors might be more interested in a larger project.
- Committee to meet to review COVID related pool use guidelines
 - CDC Pool Guidelines remain the same for 2021 so the committee agreed a meeting wasn't necessary at this time.

C. Security (*John Steffens*)

- No significant activity. Street racing has calmed down.
- A reminder to check exterior lights are on in the evening as they provide lighting at night.

D. Hospitality (*Kara Scott*)

- We have one new homeowner to greet.

E. ACC (*Mina Reeder*)

- Lot 58 – security gate installation for front door. There is no objection to the gate, but Mina would like some things in front of the house be taken care of first. Donna remarked that the decision should just be about the gate request. Although color is reported to be weather corral, there was no certainty this will be the color.

A motion was made and seconded (Reed/Ochse) to approve security gate for Lot 58 contingent upon gate being painted black or approved color. After discussion by the Board, motion was open to the floor. Motion passed.

F. Newsletter (*Sorraiyya Beheshti*)

- Reports for December *Splash* edition are due to Sorraiyya by 4 PM Sunday, March 14th.

G. Compliance (*M. Lovelady*)

- No report.

H. Recreational Committee (*Kara & Andy Scott*)

- 2nd community survey – 113 responses
 - Ramada – #1
 - Sports Court – #2
 - Fence surrounding ramada(s) – split 50% no/49% yes
 - No extra charge from Survey Monkey as both surveys were within 30 days.
- Per 1st survey, Sports Court refers to half basketball and pickle ball courts.
 - Powerpoint presentation on half basketball and pickle ball courts from a few years ago is still available and will be provided to Donna for April meeting.

I. Management (Donna Wood)

| New Owner | Unit Address 1 | In Escrow | | Process Date | Escrow Date | |
|-----------------------------|-------------------------|--------------|-------|-------------------------------------|-------------|----------------|
| | | Escrow Date: | Lot # | | | Previous Owner |
| Richard & Eugenia Patterson | 1808 N Fountain Park Dr | | 109 | Eileen McFeaters & Virginia Stopera | 2/26/2021 | 2/17/2021 |

February 2021 Financials

| | |
|---------------------|----------------------|
| Operating Account | \$ 70,694.83 |
| Reserve Account | \$ 99,589.87 |
| Total Assets | \$ 170,284.70 |

Expenses:

Administrative: Under budget by \$758. No legal fees this month or in January. However, the bill for the legal opinion from David MacEvoy is \$315. The un-budgeted meeting expense is \$20.55 for the Survey Monkey. Postage and copies were under budget by \$87.10.

Maintenance: Over budget by \$9,050. Key areas over budget: M&R fountain \$105, Landscape irrigation \$75, Pest Control paid in advance \$9,519 (but will balance out for the year).

Utilities: Running within \$20 of budget.

Total Operating Expenses for February were over budget by \$8,315 mainly due to payment of Pest Control services to take advantage of the discount.

Reserve Contribution: \$3,400.

Reserve Account Expenses: No monies were spent from the Reserve Account.

Miscellaneous

Worked with Kara and Melissa on community emails for survey II.

Legal Opinion on short term rentals

You received the legal opinion from David MacEvoy on short term rentals. A case in Texas set precedent that owners could legally rent out their homes. I have attached it.

CC&Rs, ARTICLE II, Section 2.3 Renting, page 7

"Each Owner has the right to lease or rent his/her lot. Each tenant shall comply with the governing documents. Each owner is responsible for the actions of the tenant. It shall be a material default in any lease if a tenant violates any provision of the governing documents."

There are no time restrictions noted in the documents.

I went through the directory and found 18 owners who have a different address than their homeowner address [this does not include a few folks who live here and have PO boxes]. I believe there may be two of those who use this as their winter home and not a rental. So I believe there are 16 ppl who are renting their homes, less than 10%.

CC&Rs, ARTICLE X, Section 10.2 Amendments

This declaration may be amended by an instrument in writing, signed and acknowledged by the President and Secretary of the Association, certifying that such amendment has been approved by the vote or written consent (with or without an Association meeting, subject, however, to the voting rights set forth in Section 5.1.4) of the ten Owners of at least two-thirds (2/3) of the Dwelling Units and such amendment shall be effective upon its recordation with the Pima County Recorder.

I am currently getting proposals from additional HOA law firms. Goldschmit/Shupe and David MacEvoy have both given \$5K price for updating CC&Rs & By-Laws as described below.

As was stated in the November board meeting:

Updating the CC&RS & By-Laws

- Updating the CC&Rs
 - o \$5000 – NTE price should include the following:
 - Create a first DRAFT of updated and restated CC&Rs
 - Updating the By-Laws and creating a DRAFT
 - Submit to Board/Review Committee
 - Have an in person or Zoom meeting with Carolyn to review both documents
 - 2 nd DRAFT or Blue line documents created from review meeting
 - Create a cover letter and ballot for the community vote.

We can use Election Buddy for \$19 for this vote. Doing a total revision of the CC&Rs would allow us to include the Perimeter Wall Policy, update about signage and updates that comply with current AZ Revised Statutes.

Miscellaneous Issues

I have worked with Alicia to TRY to solicit vendors for proposals for the conversation of the grassy pool area. I have received two "rejections and no answer on a 3rd vendor.

J. FP Streets Reconstruction Committee (*Ann Ochse*)

The Street Reconstruction Committee continues to be hopeful that the Mayor's support will help our cause. We are continuing to research the history of Fountain Park in order to have information that will make our development stand out from other areas in need of street reconstruction. The committee decided not to pursue becoming a Neighborhood Association because it would, in many ways, duplicate what we have and may pose some legal issues.

It would be helpful if others would watch for information pertinent to city streets and let either Carol West or Ann Ochse know. If anyone has potholes they should call 520-791-3154 and report them.

V. New Business

A. Revision of Governing Documents

- Bids from Carpenter/Hazelwood and Goldschmidt/Shupe.
- The By-Laws are 20 years old and out of compliance with current state and local laws. Once we have all the figures, we need to decide on an attorney for a complete rewrite. Cost estimate is between \$5,500-\$7,500.

- By-Laws were approved in 2004 and CC&Rs in 2001. Rules & Regulations are separate. Paint colors are not in CC&Rs. We need legal guidance with the By-Laws & CC&Rs.
- Donna suggested setting a monetary limit on the legal expense.
- Homeowner Sandra Beatty does short term rental of her home when she is not there. She would like to provide feedback when the short term rental issue is discussed. Alicia said there are several related bills before the AZ Legislature. Sandra is aware of them.
- Mina is Sandra's neighbor and objects to short term rentals and mentioned HOA requirements for rentals. Sandra does follow the rules as stated.
- Given that people's situations could suddenly change, Donna suggested finding a middle way that is considerate to both homeowners and tenants.
- 120 homes have to approve changes to CC&Rs. There will be town halls to educate homeowners regarding changes to bring the CC&Rs in line with local and state laws.
- A committee of homeowners would then later look at the Rules & Regulations and make suggestions to the Board.

A motion was made and seconded (Navia/Ochse) to commit to amending the By-Laws and CC&Rs by a competent attorney at a cost not to exceed \$7,500. After discussion by the Board, motion was open to the floor. Motion passed.

VI. Owner Comments

None.

VII. Next Meeting

A. April 14th at 6:30 PM.

VIII. Adjournment

- **There being no further items of business, the meeting adjourned at 8:18 p.m.**

| | Term Ends | Phone | Cell | Email |
|----------------------------------|-----------|----------|--------------|-------------------------------|
| Alicia Navia, President | 2022 | | 614-507-4067 | Ainavs319@gmail.com |
| Mina Reeder, Vice President | 2022 | | 520-979-1267 | Minareeder1896@comcast.net |
| Ann Ochse, Treasurer | 2023 | | 520-678-1382 | annochse@msn.com |
| Melissa Mora-Lovelady, Secretary | 2023 | | 520-250-6520 | mluvlady@gmail.com |
| John Steffens - Director | 2022 | | 808-230-1294 | abramsm@gmail.com |
| Donna Wood, CMCA, AMS | | 298-2146 | | donna@pinehurstproperties.net |