

# ONION CREEK HOMEOWNERS ASSOCIATION

Board of Directors Meeting Minutes

January 19, 2023

FINAL

**I. Call to Order** The regular monthly meeting of the Onion Creek Homeowners Association was held Thursday, January 19th at Onion Creek Club. The meeting was called to order by President Jerry Patterson at 4:00 p.m.

Board members attending: Martin Benavides, Fred Blood, Christopher Burges, Beth Cubriel, Jerry Epting, Brad Glendenning, Kathy Lahaye, Jerry Patterson, Dick Perrone and Tom Thies.

Board members absent: Darcy Hansen

Also attending: Denise Cadell and Jane Redding, HOA Office Staff

## **II. Recognize Visitors/Guests**

Guests attending: Nikki England and Josh Mann.

Jerry welcomed our guests and thanked them for attending.

## **III. Approval of Minutes**

Chris Burges moved to approve the December 15, 2022, board meeting minutes, Dick Perrone seconded; the minutes were unanimously approved.

## **IV. Financial Report – Kathy Lahaye**

Kathy provided the following report:

Total Revenue: The total YTD revenue for December was \$522,791 which is \$6,994 over budget. Total Operating Expenses: The total YTD operating expenses for December were \$485,274 which is \$59,462 under budget. The most significant variances to budget were as follows:

Landscape – Scheduled was \$2,091 over budget, Landscape – Other was \$9,047 under budget, Park Maintenance was \$23,578 over budget, Security was \$65,329 under budget, Neighborhood Expense was \$1,433 over budget, Insurance was \$1,120 over budget, Legal was \$3,505 under budget, Newsletter was \$3,340 under budget and Salaries was \$2,471 over budget.

The net revenue over expense YTD was \$37,517.

Cash balances at 12/31/22:

Operating - \$247,605.11

Reserves - \$122,584.66

Kathy reported that our Reserve Study has been completed and it was a recalibration of where we are on our reserve balance. These are our funds that are set aside to specifically handle the capital improvements that we have throughout the neighborhood. These could include maintenance, replacement, and repairs. Those are planned based on the years of depreciation they anticipate for each of the items. We have our latest reserve and that will increase (from 2022 to 2023). We will go up by approximately \$35,500 and we will increase our reserves by that much to cover our added expenses going towards our fully funded reserve balance in 30 years.

Jerry Patterson added that with our increase in dues, our net increase in revenue as a result of the 10% dues increase will be \$55k and we budgeted \$35k. The reserve study shows we should be at \$228,000 and we are only at \$122,584. Jerry reminded everyone that we lost 134 homes during the floods, and park expenses totaled over \$130,000.

Kathy advised that we have the 2023 budget that needs to be approved. Based on the increase of dues for residential residents, commercial clients, and lots, we are budgeting the revenue to \$561,000 which is slightly more than this past year. Our expenses are estimated at \$577,903 which is significantly higher than where we ended last year. This was due to an increase in security, raise increases and implementation of a retention bonus plan for our security officers, a new auditor, and inflationary expenses. Except for 2022, HOA dues have not been increased in 10 years. We have maintained very close to our revenue intake. Our goal is to spend what we bring in (in revenue). With that I'd like to propose the approval of the 2023 budget as printed. Chris Burges moved that we approve the 2023 budget as printed, Marty Benavides seconded. The motion was unanimously approved.

## **V. Office Report -Denise Cadell**

Since December 15, 2022, 5 home sales have closed and 9 are currently pending.

The latest delinquency report received from Terri Giles indicates a balance of \$7,692.44, minus outstanding first assessments.

## **VI. COMMITTEE REPORTS**

### **A. Volunteer Security Patrol – Chris Burges**

Chris had nothing new to report.

### **B. Development/Infrastructure – Jerry Epting**

Jerry reported the following proposed developments:

- Project Name: 5604 South Congress Avenue. Applicant is proposing a Proposed Zoning Change from General Commercial Service district which is intended predominately for commercial and industrial activities of a service activities of a service nature having operation characteristics or traffic service requirements generally incompatible with residential environments. To a Commercial Liquor Sales district is intended predominately for commercial and industrial activities Approximately 6.6 miles from OC.
- Project Name: Amazing Explorers – Austin. Applicant is proposing a daycare center with associated improvements at 6100 Baythorne Dr. Approximately 4.3 miles from OC.
- Project Name: Pilot Know Business Park. The applicant is proposing construction of warehouse buildings along with associated improvements at 9121 FM 812 RD. Approximately 10 miles from OC.
- Project Name: Dutch Bros. Coffee. Applicant is proposing the demolition of existing restaurant use to develop new coffee stand with drive thru along with associated improvement. Project location is 1910 Ben White Blvd Service Road WB. Approximately 9.9 miles from OC.
- Project Name: Not provided. The applicant is proposing a zoning change from Single-Family Residence to Neighborhood Commercial district intended for neighborhood shopping facilities which provide limited business service and office facilities predominantly for the convenience of residents of the neighborhood. The location is 1311 W. Slaughter Lane. Approximately 5.9 miles from OC.

### **C. Crisis Management/Neighborhood Watch – Beth Cubriel**



Beth had nothing new to report.

#### **D. Traffic Control – Brad Glendenning**

Brad reported that he is waiting to hear back from Richard Mendoza-Public Works at the city to determine if we can paint necessary signage on streets, curbs, and sidewalks. This would be done on the streets where proper striping is needed. The street fog seal coating project is still on the calendar once curbing is complete.

Brad would like to see the off-leash dog policy enforced within the neighborhood. He will prepare an article for the next newsletter reminding residents of this city ordinance.

Brad addressed a complaint he had received from a resident at The Greens. It was concerning trash and litter on the street near their property. Unfortunately, the HOA can't enforce this, but residents can do their part in picking up trash. We have several residents who pick up trash in the neighborhood daily and we appreciate their volunteer efforts. Brad agreed to submit a friendly reminder concerning this topic in the next newsletter.

#### **E. Legal – Darcy Hansen**

Darcy was unable to attend and provided no report.

#### **F. Government Affairs – Fred Blood**

Fred had nothing new to report.

#### **G. Landscape/Parks – Dick Perrone**

Dick reported that the City of Austin Watershed Department picked up the brush and dead trees from the Pinehurst Drive and Champions Lane area (from the city owned lots). Graffiti that was painted on the HOA fence in Legends Way covering a 20-foot section that looked toward Bradshaw Road was cleaned and the fence was repainted. A 'Security on Duty' sign on Lehman Way that had been defaced was also cleaned. Dick hired a contractor to clean up several palm trees after the severe cold weather in December. Three trailers full of tree limbs were hauled away and other bushes were trimmed. The baseball backstop fence material at Sullivan Park was replaced.

#### **H. Communications – Beth Cubriel**

Beth reported that the March/April newsletter will go to print in February. Articles you'd like to have published should be sent to Beth and Christopher by January 31<sup>st</sup>.

#### **I. Architectural Control/Rules & Enforcement–Martin Benavides**

Marty had nothing to report.

Brad asked about a complaint he received concerning trash and building materials on a property on La Costa Drive and what we could do about it. The complaint was provided to the office where the owner was sent a violation letter. Another complaint about a construction dumpster on Shinnecock Hills Drive was discussed and the address was provided to the HOA office where a letter was mailed to the resident.

#### **J. Security- Tom Thies**

Tom reported that from the end of December 2022 and into January 2023, incidents reported to Onion Creek Security have been minimal. As always, on New Year's Eve there were some calls and concerns of firework use in the neighborhood. Neighbors are reminded that COA ordinances prohibit the use of most fireworks within the city limits.

On January 16, 2023, OC Security received four reports of vehicles being broken into. Out of these four, only one vehicle had its window glass broken, concerning the others, we are uncertain whether the vehicles were secured or not. The incidents took place in The Greens of Onion Creek, on Hazeltine Lane and South Pinehurst Drive. A stolen tow truck was temporarily parked at The Greens.

A home burglary attempt in the Legends of Onion Creek was also reported, with nothing found by the responding Security Officer. The areas up and down IH-35 continue to see a higher rate of crime, thus APD responses. Two assaults, one burglary and one theft up to January 14, 2023.

Although Tom thought security staffing was stable, one security officer on the night shift resigned, and as a result, at least for the time being, there will only be one patrol at night. On Tuesdays and Wednesdays, we will continue to have two officers patrolling from 2200 hrs. to 0600 hrs. Smith Security continues the struggle of retaining qualified employees, which is affecting Onion Creek.

Tom is still reviewing some billing inconsistencies with Smith Security to ensure their billing process and to ensure that we are being billed correctly. If the issue cannot be satisfactorily resolved, then we may have to look at other companies to determine our options. Discussion continued about reducing the number of officers patrolling during non-peak times and exploring a hybrid type of model where we hired an officer and provided them with a 1099. This would provide the officer with an increase in pay and perhaps we would see more stability. Jerry emphasized that if we could work something out along these lines, this could work well for us.

Brad asked if we had data that shows how Onion Creek compares to similar HOA's as far as crimes and response time is concerned. Since we know that we are being encroached and our HOA dues are already low, he suggested that we may want to continue raising our annual dues by a minimum of 10% each year so that we can accumulate the necessary funds to pay our officers more. Jerry Patterson agreed and concurred this is a really good point for us to consider going forward. Tom advised that when he reviewed the APD crime statistics, so much of what we have going on is never reported to APD. Our issue is with small crimes that we are dealing with. People tend to post on social media instead of calling APD. Jerry suggested that a working group be formed to brainstorm further so that we can come up with an effective solution.

## **VII. Old Business**

- Consideration and possible action on matters related to OCHOA revenue, expenses, and annual dues. Jerry stated that we discussed and approved the 2023 budget earlier, but he entertained a motion to raise the dues by 10% to \$348 annually. Brad Glendenning moved that we raise the dues by 10% annually, Fred Blood seconded it, the motion was unanimously approved.



- The Greens of Onion Creek-Jerry, Dick & Brad recently met with two board members from The Greens to discuss their concerns concerning signage, parking issues and board members being harassed. Jerry advised that if anyone has any interest about what was discussed to contact him privately. The HOA will do what they can to assist The Greens with their issues.
- Josh Mann, resident, and property owner responded to the violation letter he received stating that a business was being run out of his home. He stated that four residents (one caretaker and three intellectually challenged adult men) are currently renting his home and they do not want to leave Onion Creek. Although they work for *Imagine Art*, a non-profit agency in Austin, they are not running a business out of his home. The agency helps families afford housing and it provides a safe home for them to live. He advised there is a state statute that allows them to legally live in the neighborhood and he provided a copy of this statute to the board. This could override our CC&R's. Josh stated that he does not want these residents to be a nuisance to anyone and residents should have a certain degree of forgiveness for folks who are not born or blessed with the same degree of mental acuity as they do. Jerry Patterson advised he would speak with our HOA attorney to determine what is allowed/not allowed. If there is a federal or state statute in place that overrides our CC&R's, then the men will be allowed to continue to live in the home. Jerry stated the only thing he was sure of is he intends to seek the advice of our attorney, and that the fact the group home company is a non-profit, doesn't make any difference. He also stated if a federal or state statute prohibits an HOA from excluding group homes, we will comply with that statute. If there is no such statute, the HOA is obligated to enforce any applicable CC&R's.
- Jerry advised that efforts to remove the storage pod parked on Pinehurst Drive continue, and as of yesterday, he found out that we may have to file a lawsuit against Austin Mobile Storage to have the pod removed. Jerry will contact our HOA attorney on this issue as well.

### **VIII. New Business**

There was no new business to discuss.

### **IX. Meeting Adjournment**

Having no further business, the meeting was adjourned at 5:45 pm by President Jerry Patterson.

The next board meeting will be held on Saturday, February 18<sup>th</sup> at 10:00 a.m. at Onion Creek Club.

Recording Secretary- Denise Cadell

Approved:  \_\_\_\_\_, 2023

Kathy Lahaye, Secretary