

**WHITEWATER SPRINGS POA BOARD OF DIRECTORS MEETING
OCTOBER 25, 2016**

**AGENDA ITEM IV
DRAFT MINUTES FOR SEPTEMBER 8, 2016 AND
OCOTOBER 6, 2016 WWS BOARD MEETINGS**

**DRAFT MINUTES FROM THE WHITEWATER SPRINGS
BOARD OF DIRECTORS MEETING**

Meeting Date/Time: Thursday, October 6, 2016, 7:00 p.m.
Meeting Location: Teleconference Meeting
Meeting Attendees: Don Rauschuber – POA Board President
Cheryl Sherman – POA Board Treasurer
Erin Welch – POA Board Secretary
Coy Brown – POA Board Member
Multiple Whitewater Springs property and home owners

Items 1 and 2 Call to Order and Establish Quorum

Don Rauschuber called the meeting to order at 7:05 p.m. A quorum was established, with all Board members present except Van Henry.

Item 3 Discuss, consider and take action concerning Burnet County's request to rename certain Whitewater Springs Subdivision streets for 911 addressing and emergency service purposes. (D. Rauschuber)

Don Rauschuber provided a brief summary of the item, stating that the name change would take effect January 1, 2017, once approved. Erin Welch and Don Rauschuber are working with Matt Gibson at Goodwin Management to finalize the notification letters and exhibits to the affected property owners. The item was opened for public comment.

Ken Dreger stated that new street signs would be needed, asking where they could be obtained. It was determined that Bill Hiers may know a supplier, and Don Rauschuber stated that the new signs simply need to match the look of the existing signs.

Don Rauschuber stated that the US Postal Service would need to be contacted, along with possibly the Sheriff's office. Jerry Martinez confirmed that in his discussion with the Postmaster, it was determined that only the USPS and 911 departments need to be notified, that a change of address form needs to be filled out by all affected owners, but that the USPS would continue delivering mail with the old addresses to the correct addresses for a period of 12 months. The public hearing was closed.

Don Rauschuber read the resolution into record, and the Board made minor grammatical changes, but nothing substantive. Erin Welch made a motion to approve the resolution with the reference grammatical changes, Cheryl Sherman seconded the motion, and the motion passed unanimously, 4-0, with Van Henry absent.

Item 4 Discuss, consider and take action regarding Pool House repairs/demolition/replacement. (D. Rauschuber)

Don Rauschuber briefly summarized the three (3) individual bids for the pool house and associated improvements, the bids being from Essary Construction, David Rowland (architect), and Riley Triggs (architect). Essary's bid ranges from \$3,500 to \$6,370, and includes the pool house and future community center design; David Rowland's bid totals \$4,100 and includes the pool house and future community center design; Riley Trigg's bid totals \$17,000 and includes the pool house only. The item was opened for public comment.

Ken Dreger suggested the Board approve the Essary bid, since Essary has first-hand knowledge of the proposed project, and would be good on-site managers of the project; they came recommended. Jerry Martinez said he agrees with Ken, and that the Triggs

and Rowland bids are by architects only, not construction or on-site management. The public comment was closed.

Erin Welch suggested that the Board use Essary for the survey and construction work, but Rowland for the architectural drawings, to ensure correct design methods and reduce potential liability; Cheryl Sherman said she agreed. Jerry Martinez confirmed that Essary uses their own architects, and that money could be saved by going only with Essary. Coy Brown said he agreed with Jerry. The Board discussed the potential insurance liability for the structure, and Don Rauschuber stated that the only liability would be structural, and the contractor would be responsible for that. The Board then discussed the option of having an engineered building (built in-house to the specifications provided by the Client and delivered in pieces to the site) or an on-site constructed building, including potential cost savings. Ken Dreger stated that the engineered building would be approximately 20% more in cost. The resulting structure will have to be ADA compliant.

Erin Welch made a motion to approve a “hybrid” bid of Essary for the \$1,500 survey and \$65/hour construction management, with David Rowland’s bid of \$2,800 for architectural design services and \$100/hour construction observation. There was no second, and the motion died.

Don Rauschuber made a motion to approve David Rowland’s bid for design of the pool house and a conceptual design for the future expansion of the proposed community center at a not-to-exceed amount of \$2,800. Erin Welch seconded the motion, and the motion passed unanimously, 4-0, with Van Henry absent. Don stated that Essary would be great for the construction later, and that he would coordinate with David Rowland on the bid, and would coordinate a conference call and/or site visit with Mr. Rowland, himself, and Jerry Martinez.

Item 5

Adjournment

At 7:42 p.m., Erin Welch made a motion to adjourn, Cheryl Sherman seconded the motion, and the motion passed unanimously, 4-0.

**DRAFT MINUTES FROM THE WHITEWATER SPRINGS
BOARD OF DIRECTORS MEETING**

Meeting Date/Time: Thursday, September 8, 2016, 6:00 p.m.
Meeting Location: Joann Cole Mitte Library, 170 North Gabriel, Bertram, Texas
Meeting Attendees: Don Rauschuber – POA Board President
Van Henry – POA Board Vice President
Erin Welch – POA Board Secretary
Cheryl Sherman – POA Board Treasurer
Coy Brown – POA Board Member
Multiple Whitewater Springs property and homeowners

Items 1 and 2 Call to Order and Establish Quorum

Don Rauschuber called the meeting to order at 6:00 p.m. A quorum was established, with all Board members present. The Pledge of Allegiance was said, and LaDale Young led the group in prayer.

Item 3 Public Comment

Jerry Martinez requested that the internet/cell item be placed on the next meeting, maybe the November meeting, for further discussion. He has been working again with Frontier for the DSL, and he would like to discuss the potential of a common tower on a possible referendum.

Gil Silva brought up the issue of the limitations of the POA Board regarding spending without a common vote.

Rick and Carol Green asked about the availability of water taps, as they have received conflicting information. Don Rauschuber recommended they speak directly with Bill Hiers and Oscar Saint. Ken Dreger said that at the last Board meeting, there were 26 taps available. Van Henry confirmed that the Water Supply Corp Board and the POA Board are separate entities, and the WSC Board does not always provide information to the POA Board.

Item 4 Discuss, consider and take action concerning the minutes for the May 12, 2016 and July 26, 2016 Board meetings and the August 29, 2016 Special Called Board Meeting minutes. (E. Welch)

Erin Welch stated that the May minutes have not yet been completed, and that Van Henry would be finalizing those minutes, to be provided at the next Board meeting. Erin Welch made a brief presentation of the minutes from the July 26 and August 29 Board meetings; no changes to the draft minutes were needed. Erin Welch made a motion to approve the July 26 minutes, seconded by Cheryl Sherman, and the motion passed unanimously, 5-0. Erin Welch then made a motion to approve the August 29 minutes, seconded by Cheryl Sherman, and the motion passed unanimously, 5-0.

Item 5 Discuss, consider and take action concerning Whitewater Springs Financial Statement as of July 31, 2016. (D. Rauschuber)

Don Rauschuber provided a general summary of the financials as presented in the Board packet, including a budget comparison. Don then directed Cheryl Sherman to coordinate with Goodwin Management regarding the road repairs, to ensure proper line item references in the budget and financial details. Van Henry made a motion to approve the financials as presented by Don Rauschuber, Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Item 6 Discuss, consider and take action concerning approval and payment of bills. (D. Rauschuber)

- A. Niemann and Heyer - \$1,051.05
Cheryl Sherman confirmed that this bill has been paid.
- B. WWS Lake Boat Dock (Ken Dreger) - \$1,895.65 and \$3,488.78
Cheryl Sherman confirmed that the checks for these invoices are in the mail.
- C. Wildlife Committee Trail Repair - \$633.00
Cheryl Sherman confirmed that this bill has been paid.
- D. V&Y Contracting – Final Payment \$6,519.00
The Board discussed some unsatisfactory work conducted by V&Y Contracting, and decided to hold on the payment of this invoice for the time being. Approximately \$1,000 would be required to fix issues with the Wagon Wheel cul-de-sac, and the final payment was decided to be reduced.
- E. J Bar Construction Services – Portable Toilet \$122.19
It was confirmed that this toilet has been removed.
- F. B&L Services – Portable Toilet \$360.00
It was confirmed that this toilet has been removed.
- G. Other

Cheryl Sherman confirmed that all invoices to-date have been paid, including a check in the mail to Ron Frioux for security maintenance. Erin Welch made a motion to approve items 6 A, B, C, D, and F, seconded by Cheryl Sherman, and the motion passed unanimously, 5-0.

Item 7 Discuss, consider and take action regarding road repair and improvement projects. (V. Henry)

Van Henry made a brief presentation, stating that some of the work conducted by V&Y Contracting is unacceptable, due to issues with cleanup, edge control, including areas of Chaney's Crossing, adding that bad roads could lead to lower property values. The item was opened for public comment.

Gil Silva said he agrees with Van Henry regarding the unacceptable work.

Jerry Martinez stated that the Whitewater Bypass needs to be repaired as well.

The item was brought back to the Board for discussion. Don Rauschuber stated that the previous road contractor, Cummings, did better work, and that there was some loss of quality with the switch to V&Y Contracting, adding that additional bids for larger projects would be needed. Erin Welch confirmed that the contract with V&Y Contracting states, "workmanship on this job will be guaranteed for a period of 2 years," and that their poor workmanship could constitute a violation. The Board discussed potential options to cure the issue with V&Y Contracting. It was determined that a warranty claim should be filed, and that Van Henry would prepare a letter stating the unacceptable work, requesting rectification of the issue within a given time frame, and that Don Rauschuber and Van Henry would meet to prepare this letter. No further Board action was taken on this item.

Item 8 Discuss, consider and take action concerning Burnet County's request to rename certain Whitewater Springs Subdivision streets for 911 addressing and emergency service purposes. (D. Rauschuber)

Don Rauschuber referenced a meeting with Virginia at the Burnet County 911 office, wherein she offered some suggestions on street renaming, including adding "East" and

“West” to Sunset Peak, and renaming a portion of Whitewater Drive to “Edgewood”. The item was opened for public comment.

Several property owners made comments about the potential streets to be renamed, including a portion of Whitewater Drive at the rear of Section 2, the Whitewater Bypass, and another portion of Whitewater Drive intersecting with Balcones Ridgeway. Some comments were specific to the potential safety issues pertaining to confusing street names. The item was brought back to the Board for discussion.

Erin Welch recommended changing Whitewater Drive off Sunset Peak to the west, and keeping the remainder as-is, possibly changing that portion of the street to “Sonora Drive”. Erin Welch made a motion to change a portion of Whitewater Drive to Sonora Drive, Van Henry seconded the motion, subject to Burnet County 911 approval, and the motion passed unanimously, 5-0.

Erin Welch then made a motion to change a portion of Whitewater Drive at the rear of Section 2, at the 90-degree turn all the way to the end of current Edgewood Circle, to Edgewood Drive. Cheryl Sherman seconded the motion, subject to Burnet County 911 approval, and the motion passed unanimously, 5-0. Cheryl Sherman added that Lots 219 and 220 are currently in process of having house plans reviewed, and they would be affected with a new address.

The Board confirmed that the Whitewater Bypass is maintained by the POA and is not a private drive. They discussed possible new names for the Bypass. Erin Welch made a motion to change the name of the Bypass, the name to be selected by the residents on the Bypass and the Board, subject to Burnet County approval, and providing a packet of information and time frame for the name change; Van Henry added that the name should be reflective of Whitewater Springs; Don Rauschuber requested to have a consensus sent to him as soon as possible. Van Henry seconded the motion, and Coy Brown offered alternative names, including Canyon Vista and Canyonlands. The motion passed unanimously, 5-0.

Item 9

Discuss, consider and take action regarding Pool House repairs/demolition/replacement, including but not limited to the following matters:

- A. Essary Construction demolition proposal
- B. Essary design proposal

Don Rauschuber made a brief presentation about recent meetings he has had with Ken Dreger and Jerry Martinez to discuss the potential rehabilitation or demolishing of the pool house, including the need for a real site plan and survey for the pool house and possible future pavilion/community center. The item was then opened for public comment.

Jerry Martinez confirmed that there were three bids, but two contractors backed out, leaving only Essary Construction’s bid. Jerry stated that he has a good history with Essary. Ken Dreger said they needed to be sure of the scope of the project. Jerry then stated that a possible scope would be to demolish the existing building, salvage the air conditioner, terminate the utilities to use for the new pool house, use the existing building site as the new parking area, and that he would contact an architect to prepare real plans.

Gil Silva said he was familiar with Hoover True Value, and they could only be a contractor, not a designer. Jerry Martinez then said that Phase One should include improvements to

the bathrooms, storage area, and alcove all on a full pad, and Phase Two should be the community center build-out, but that a new building should be constructed first, before the existing is torn down. The item went back to the Board for discussion and action.

Don Rauschuber confirmed that before any work is done, the Board would require a design survey and plans proposal. The bath house should be at least started by March 2017 to accommodate next summer's pool activities, and that this project could be a replacement of an existing capital improvement. The pavilion/community center is a separate phase and a new capital improvement, which would require a common vote, and Don added that a full slab for both phases should not be constructed at this time. Don then confirmed a committee for the pool house and community center, to include Rick Green, David Waters, Ken Dreger, and Jerry Martinez, and requested that the committee provide the Board with plans by the November meeting for the pool house only.

Don Rauschuber made a motion to authorize the Maintenance Committee to provide the Board with three designer/architect bids for the pool house in the next two weeks, to prepare a pool facility site plan. Erin Welch seconded the motion, and the Board discussed the motion. This will be a phased project. Phase One should be a design plan for only the new pool house, and Phase Two should be a concept plan for the community center build-out. Don Rauschuber withdrew his original motion, and Erin Welch seconded the withdrawal.

Don Rauschuber made a new motion to authorize the Maintenance Committee, at a not-to-exceed cost of \$3,000, to provide the Board with three bids for the design of a new pool house and site plan location, and a conceptual plan by the October Board meeting to replace the current facility. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Item 10

Discuss, consider and take action concerning matters discussed with Ms. Connie Heyer, Niemann & Heyer, LLP, Attorneys at Law, Austin, Texas, including, but not limited to the following items (D. Rauschuber):

- A. Developer for Whitewater Springs Subdivision
Don Rauschuber stated that this issue was still in review with the Board counsel.
- B. FM 1174 fence
 - 1. Ownership and maintenance
 - 2. Vinyl/plastic versus wood/metal
 - 3. Advertising for bidsDon Rauschuber stated that the Board would need to get owner authorization for an easement across the front of their properties for the FM 1174 fence.
- C. CCR enforcement
 - 1. Assessing fines for covenant violations
 - 2. Covenant violation actions and limitations
 - 3. Enforcement of speed limits and recovering street damagesDon Rauschuber confirmed that the Board is to adopt enforcement rules.
- D. Condensing of restrictive covenants
Don Rauschuber stated that condensing the CCRs would require a 2/3 vote by each section of the subdivision.
- E. Whitewater Springs Dam Project
Don Rauschuber stated that the Board has authorization do move forward with the improvements, and that he is working with the contractor, and anticipates providing an update at the October Board meeting.

F. Road Impact Fee

There was no additional discussion about this item.

G. Open Meetings Act

Don Rauschuber stated that per Connie Heyer, the Board must provide notification, which can be on the bulletin board at the front of the property, as well as both websites (wwspoa and Goodwin's site).

No action was required or taken on this item.

Item 11

Discuss, consider and take action concerning an amendment of rules and regulations related to deed restrictions enforcement. (D. Rauschuber)

Don Rauschuber provided a brief summary, including the difference between curable and incurable occurrences. The item was opened for public discussion.

There was public comment from multiple property owners regarding the consistency of CCR enforcement, with some people commenting that some owners do not get called out on violations while others do. Other property owners commented that the Board is simply trying to enforce and put "teeth" into the rules already in place, and that no new rules are being created. Additionally, some violations occur due to confusion about the CCRs. The item was brought back to the Board for discussion.

Erin Welch and Coy Brown continue to work to condense the CCRs, but this project is not yet complete. Don Rauschuber requested that Van Henry and Coy Brown vet the enforcement procedures with the ACC and Maintenance Committees. It was confirmed that Goodwin Management would be the point of contact for violations, and that any monies generated by fines/fees would go into the General Revenue and would be added to their assessment if not paid. The Board further discussed the timing of the CCR condensing.

At 9:06, the Board took a 5-minute break.

At 9:12, the Board meeting was restarted.

Item 12

Discuss, consider and take action concerning Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions of the Whitewater Springs Subdivision Sections I, II, III, IV, and V. (D. Rauschuber)

Don Rauschuber provided a general summary of the item, stating that the confusion lies with the terminology of the street setback's current language. The item was opened for public discussion.

Ken Dreger asked if the lot is parallel to the street and couldn't accommodate the 100' setback, would that require a variance? It was determined this situation would require a variance. Eldon Gill stated that the plat for each property addresses the setbacks already. Van Henry stated that any variances should have parameters, including issues associated with topography, depth, etc., and said he would vet the variance requirements through the ACC. No action was taken on this item.

Item 13

Discuss, consider and take action concerning the replacement of the FM 1174 fence. (D. Rauschuber)

Don Rauschuber provided a brief summary of the item as included in the agenda packet. The new contract with ProFence is for \$62,000, with a \$31,000 down payment, and the remainder to be paid at the end of the job. He wanted to have a pre-construction meeting with Jerry Martinez as well. The item was opened for public comment.

Jerry Martinez said that Mr. Henson should also be at the pre-construction meeting. Don Rauschuber said he would contact the property owners in the area of the fence. There was discussion about the warranty of the fence, and Jerry Martinez confirmed that the fence has a 30-year warranty, and for the first 5 years, ProFence would pay for parts and labor, and then would be prorated after that initial period.

Gil Silva stated that he would prefer to improve the existing fence, adding that his understanding is that the Board has a limitation of \$50,000 that they can authorize without a common vote. Don Rauschuber confirmed that Connie Heyer stated that there is no Board spending limitation; Gil Silva said he would research his records and send the Board the information that shows this. The item was brought back to the Board for discussion and action.

Van Henry made a motion to authorize approval of the contract with ProFence for \$62,000, including the conditions stated in the contract. Cheryl Sherman seconded the motion. Coy Brown asked about the \$50,000 limitation brought up by Mr. Silva. Van Henry amended his original motion, to approve the ProFence contract for \$62,000, pending clarification of any Board spending limitation of \$50,000. Cheryl Sherman seconded the motion, and the motion passed unanimously, 5-0.

Item 14 Discuss, consider and take action concerning burn area and possible notice to property owners. (D. Rauschuber)

Erin Welch stated that she would coordinate with Goodwin and Cooper Design to update the websites to reflect the correct burn site status. No action was required or taken on this item.

Item 15 Discuss, consider and take action concerning Director nominations for 2017. (V. Henry)

Cheryl Sherman stated that Matt Gibson with Goodwin Management would be sending out letters to request nominations prior to the annual meeting. No action was required or taken on this item.

Item 16 Discuss, consider and take action regarding Home Owners Association competitive bidding requirements. (D. Rauschuber)

Don Rauschuber made a brief summary of this item, including that there is no formal policy for three competitive bids under Section 209.052, but the Board focuses on good business practices and putting a bid in the paper. Don said he would draft a resolution to clarify the requirements for competitive bids. No action was required or taken on this item.

Item 17 Discuss, consider and take action concerning December 3, 2016 Annual Property Owners Meeting. (D. Rauschuber)

The Comfort Inn in Burnet is not available on December 3, 2016, so the Board changed the date of the annual POA meeting to December 10, 2016 at 1:00 at the Comfort Inn.

Item 20 Discuss, consider and take action concerning the setting of dates and agenda items for future WWS POA Board meetings. (D. Rauschuber)

This item was moved up in the agenda for discussion. The Board determined the following dates for future 2016 meetings:

- October 25 – finalize the resolution, CCR amendments, and ballots.
- December 10 – annual meeting.

Erin Welch will coordinate the posting of these dates on the websites. No action was required or taken on this item.

Item 18 Discuss, consider and take action concerning the “fast guide” for construction. (V. Henry)

Van Henry confirmed that the finalized “fast guide” was provided to the ACC and Matt Gibson at Goodwin Management, and several copies have been, or will be, placed at the front box.

Item 19 Discuss, consider and take action concerning Committee Reports:

- A. Pool Committee – no report
- B. Road Committee – no report
- C. Security Committee – no report
- D. Technology Committee – no report
- E. Wildlife Habitat Committee

Ken Dreger updated the Board on the status of the floating dock. He is waiting on Home Depot for parts, and it may all be delivered next week. Don Rauschuber requested that Cheryl Sherman and LaDale Young coordinate a draft budget to provide the Board at the October meeting. Ken Dreger said he would send the Wildlife budget to LaDale, and added that the committee will look at possible improvements to the trail along the creek in 2017. John Nowak updated the Board on the fish project, stating that he received two quotes (\$1,200 for a fish survey/inventory, and \$800 for copper sulfate information to determine moss issues and potential mitigation). Ken Dreger said there should be mitigation for invasive weeds and a possible fence around the picnic area to protect it from hogs.

- F. Maintenance Committee

Jerry Martinez stated that there needs to be some winter pruning along the rights-of-way in the subdivision, and he is preparing a budget for that work.

- G. Nomination Committee – no report. Nominations were discussed previously in the meeting.

- H. Fire Wise Committee – no report

- I. Architectural Control Committee

Ron Frioux provided a brief summary: 4 new home plans have been approved; A one-time variance to the POA Board was granted to use plastic style/vinyl fence to replace the FM 1174 fence; 8 homes are currently under construction, with 1 nearing completion.

- J. Other Committees – no other committee reports.

Don Rauschuber stated he would contact the committee chairs to obtain their proposed 2017 budgets for anticipated projects.

Item 21 Adjournment

At 10:02 p.m., Van Henry made a motion to adjourn, Don Rauschuber seconded the motion, and the motion passed unanimously, 4-0, with Coy Brown absent.