

**The Foothills Clusters Homeowner Association**  
**MINUTES - BOARD OF DIRECTORS MEETING**  
July 13, 2015

I. CALL TO ORDER/ROLL CALL

Aletha Kalish, President, called board meeting to order at 6:51 PM

Roll call

Board Member	Present	Absent	Proxy
Aletha Kalish	X		
Brian Bickel			X
Dena Petersen			X
Bob Newcomb	X		
Dave Larrabee	X		
Dale Prescott	X		
Dave Spire		X	
Irene Barg	X		
Vacant			

Quorum was present, but the meeting had to be moved to a Board member's home because the gates at the school were locked. Two people waited ten minutes to tell any latecomers our alternate location. We regret if this unfortunate last minute change inconvenienced anyone.

Next board meeting will be held Monday, August 3, 2015, 6:30 PM (same location)

II. APPROVAL OF JUNE MINUTES

Minutes for June HOA Board were available in hard copy.  
Motion to approve was seconded and passed.

III. PRESIDENT'S COMMENTS

There is a home on 3776 E. Nuggett Canyon for sale with a white roof (CC&R ARTICLE VII, USE RESTRICTIONS, Section 10, ROOFS). The closing date is August 14<sup>th</sup>. New owner is moving in, the seller said the roof was approved. There was discussion between Aletha and Dale. A motion was made to give the new owner 30 days to repaint the roof to desert sand. The motion was seconded and approved.

IV. TREASURER'S REPORT (report attached)

See attached for details.

Motion to approve the Treasurer's Report. A discussion followed with Dale noting that Bates Paving was paid for completing the pot-hole patching. Motion was seconded and passed.

## V. COMMITTEE REPORTS

- Landscape & Roads Committee

Dale reported that he received a proposal from Bates Paving (Proposal.pdf attached). The cost estimate came in at \$734,757 and represents what we believe will be the most expensive option to be considered. The pros/cons and the cost of each pavement option need to be compared before a final decision is made. We are currently obtaining bids from civil engineering companies to help us through this process. We will be working with the Communication Committee to devise additional ways to keep the members informed of our progress.

- Architectural Control Committee (report attached)

Two items in Bob's report required action by the Board:

\* 3412 E Guthrie Mountain Pl (Lot 501) – New wall.

The committee proposed that the Board approve this project with the two conditions mentioned: 1) clean up refuse in Common Area; 2) If the Palo Verde in the Common Area that was cut down does not grow back, owner will replant a new tree.

Motion to approve project with conditions. The motion was seconded and approved.

\* 3590 E Guthrie Mountain Pl (Lot 490) – Home expansion.

During the Architectural Control report, relative to 3590 E Guthrie Mtn, it was moved and passed that Bob Newcomb would have authority to approve/disapprove a wheel-chair ramp that we expect to be proposed by the owner.

- Business Committee  
No news to report.
- CC&R Enforcement Committee

Several CC&R violations were discussed:

- i. Large TV antenna on E. Marble Peak Pl (CC&R ARTICLE VII USE RESTRICTIONS, Section 3). No action was necessary, issue was resolved.

- ii. Complaints of RV parked on Guthrie Mountain Pl, (CC&R ARTICLE VII USE RESTRICTIONS, Section 8). Dave will talk with the owners.
- iii. Food truck on E. Gibbon Mountain Pl (CC&R ARTICLE VII USE RESTRICTIONS, Section 8)
- iv. 3881 E. Marble Peak Pl – Multiple CC&R violations.

Regarding items iii and iv, Dale committed to write letters within two weeks following the July board meeting.

Dale provide a hard copy summary of the CC&Rs (attached) the full CC&R document can be viewed or downloaded at the Foothills Clusters web site at [http://www.foothillsclusters.com/documents/fhchoa\\_ccr\\_1975.pdf](http://www.foothillsclusters.com/documents/fhchoa_ccr_1975.pdf).

#### VI. OLD BUSINESS

- Lights at West entrance  
Irene reported that the photocells at the Skyline entrance have been replaced.
- Island at East entrance  
Irene reported that Pima County did clean up the island at the Alvernon entrance, but with recent rains, the weeds are coming back.

#### VII. NEW BUSINESS

- Dog attack  
Bob believes the repeated dog attacks on Mt. Kimball at Evans Mountain is a CC&R violation. It was noted that there are multiple posts about this issue on Nextdoor. Irene will send Dale and Dave Larrabee the Nextdoor thread so they can decide what action to take.
- Dena Petersen's resignation.  
Dena submitted her resignation in writing (see attached). Dena's resignation is effective as of the end of the September board meeting. This will leaves us with 2 vacancies on the Board. Irene will post a call for volunteers to Nextdoor and in the Summer 2015 Newsletter.
- Neighbor asked to leave.  
See CC&R report above regarding TV antenna.
- Renter at 3881 E. Marble Peak CC&R violation  
See CC&R report above.

#### VIII. MASTER ASSOCIATION (report attached)

Joan & Alan Brundage reported that they walked the wash in the J-Hill common area and confirmed that the contractor did mitigate the damage done during the sewer line work. The contractor cleaned up the vegetation debris left on the site. They reseeded the areas disturbed. They replaced the large rocks at the entrance of the wash off Ventana Canyon Road to deter off road use.

IX. ADJOURN – Meeting adjourned at 8:30 PM.

**The Foothills Clusters Homeowners Association**  
**Balance Sheet**  
As of July 8, 2015

	<b>Total</b>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Bank Accounts</b>	
WFB Checking 7998	72,776.72
WFB Savings 0057	465,169.39
<b>Total Bank Accounts</b>	<b>\$ 537,946.11</b>
<b>Accounts Receivable</b>	
Accounts Receivable	4,492.48
<b>Total Accounts Receivable</b>	<b>\$ 4,492.48</b>
<b>Other current assets</b>	
Federal Income Tax Withheld	87.21
Undeposited Funds	0.00
<b>Total Other current assets</b>	<b>\$ 87.21</b>
<b>Total Current Assets</b>	<b>\$ 542,525.80</b>
<b>TOTAL ASSETS</b>	<b>\$ 542,525.80</b>
<b>LIABILITIES AND EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	0.00
<b>Total Accounts Payable</b>	<b>\$ 0.00</b>
<b>Total Current Liabilities</b>	<b>\$ 0.00</b>
<b>Total Liabilities</b>	<b>\$ 0.00</b>
<b>Equity</b>	
Opening Balance Equity	434,957.74
Retained Earnings	122,003.93
Net Income	-14,435.87
<b>Total Equity</b>	<b>\$ 542,525.80</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$ 542,525.80</b>

Wednesday, Jul 08, 2015 01:38:41 PM PDT GMT-7 - Accrual Basis



3225 E 44th Street - Tucson, Arizona 85713  
 (520) 741-2100 FAX (520) 741-0815

License Numbers  
 109056 Residential C-13 102421 Commercial A-14  
 Bonded and Insured

## PROPOSAL

<b>Submit To:</b> Foothills Clusters H.O.A.	<b>Job Name:</b> Foothills Clusters H.O.A.	Page 1 of 4
<b>Address:</b> P.O. Box 64569		<b>Ref. No.:</b> 65240
<b>City, St., Zip:</b> Tucson, Az 85728	<b>Job Address:</b> P.O.Box 64569.	<b>Date:</b> 7/10/2015
<b>Attn:</b> Mr. Dale Prescott	Tucson, Az, 85728	
<b>Phone:</b> (520) 907-3999	<b>Job Phone:</b>	<b>Email:</b> daleprescott@theriver.com
<b>Fax:</b>	<b>Mobile:</b>	

### ROAD RENOVATIONS

Pulverize the existing asphalt and blend it to a depth of 4 - 6 inches. We then process this blended material with water. Blending of the two materials helps us to create one of the most durable paving sub-bases attainable. Once all of the pulverized material is blended and processed, we begin to engineer and grade the sub-base. Grade to obtain positive drainage. Haul off excess materials as needed.

Adjust utility covers as needed to improve transition of overlay.

**We will be grading so as to minimize the need for adjusting utilities, and survey monuments.**

Pave approximately 534,002 square feet of prepared areas with hot mix asphalt. Place hot mix asphalt to an average finished compacted depth of 2 inches and roll with vibratory steel drum roller. Some areas may require asphalt depth adjustment to match existing elevations. Pulverization, sub-base preparation, and pave work is based on performing in 10 sections, over a 10 week period. We will re-install drainage berms at various driveways to facilitate improved drainage.

**Note: Areas paved will be susceptible to scuff marks from tire friction. These areas will kneed out and become less noticeable once cured. If the job is completed on a weekend, extra cost will be incurred.**

Provide barricades for traffic control and clean up debris as a result of the above work performed.

Exclusions: Cost of engineering, permits, testing, bonding, surveying/layout, traffic control, towing of vehicles, sawcutting, rough grade, placing ABC, brushing, demo, survey monument adjustments, soil sterilant, removal of obstructions in, above and below subgrade and any other item not specified in this proposal.

<b>For the Total Sum of</b>	<b>\$734,757.00</b>
<b>Taxes Included</b>	<b><u>\$0.00</u></b>
<b>Proposal Total</b>	<b>\$734,757.00</b>
<b>OPTIONAL- We will pave the streets to a compacted depth of 2 -1/2".</b>	
<b>Add the sum of</b>	<b>\$119,233.00</b>
<b>Taxes Included</b>	<b><u>\$0.00</u></b>
<b>Option Total</b>	<b>\$119,233.00</b>

**SERVING ARIZONA SINCE 1986**

Architectural Control Committee Board Report July 2015

Activity in June and early July:

- 3412 E Guthrie Mountain Pl (Lot 501) – New wall. Met Theresa Leal-Holmes.
  - Historically, owner built wall without application. We warned of risk.
    - Had to deconstruct first wall, get survey, re-build
  - Inspection for initial approval, even though the wall is under construction
  - New wall is safely on her own property – away from neighbor and from Common Area, and away from utility easement
  - County told her no permit needed (not even Zoning)
  - Issue 1 – Refuse in Common Area: she vowed to clean it out shortly
  - Issue 2 – She cut a Palo Verde down to a 1’ stump: she expects it to re-grow, otherwise, she vowed to replant it
  - Wall appears to be under 6’
  - **The committee proposes that the board approve this project, with the two conditions mentioned**
  
- 3590 E Guthrie Mountain Pl (Lot 490) – Home expansion.
  - Inspection for initial approval
  - Inspected new surveyor markers and determined that the home expansion will not encroach into Common Area with a very safe margin
  - **The committee proposed that the board approve this project**
  
- 3809 E Marble Peak Pl – New garage (Paul & Laura Sheets)
  - Final inspection
  - Garage has been built to agreed specification
  - Driveway has been built as agreed
  - Back porch has been built to agreed specification
  - The committee approves this project as complete and built to plan
  - **No action is requested of the board at this point**
  
- 3885 E Diablo Canyon Pl (Lot 365) – Roof recoating (Prescott)
  - Final inspection
  - Roof was recoated (without application to HOA)
  - Parapets were painted desert tan
  - Roof (flat portion) was painted “energy tan”, which is lighter
  - REMINDER: Homeowners are tending toward lighter colors for purposes of energy efficiency
  - The committee approves this project as complete and built to plan
  - **No action is requested of the board at this point**

Projects in progress – check for completion

- 3677 E Kingler (Lot 412) – Garage expansion (Catherine Fillmore)
  - Garage expansion. Still in progress.

**OWNERS AND RENTERS ..... PLEASE READ CAREFULLY**

We live in what is known as a planned unit development. While each residence within the Foothills Clusters is separately owned and deeded, all property within the development is bound by the Covenants, Conditions & Restrictions (CC&Rs). These CC&RS, or "Use Restrictions" are incorporated into each deed by reference, and are legally binding. All homes in the Foothills Clusters are subject to the CC&Rs, whether occupied by the owner or renters.

Deed restrictions have been established to control certain uses of the properties that could have an impact on the desirability of the Clusters as a place to live, and the value of our property. Oversight of our deed restrictions is a responsibility the Board of Directors of the FCHA.

Our CC&Rs require the Board, or a committee appointed by the Board and reporting to it, to exercise control over any architectural changes made to the original structures and properties in the Clusters. All structural changes or additions to your home or property must be approved in writing by the Architectural Control Committee before you begin any construction. This is specifically required by Article V of the CC&Rs, and includes walls, sheds, patios, pools, roof replacements and extensions, fireplaces, room additions, garage and carport conversions, driveway expansions, and any other exterior changes.

The Committee is to be concerned with the nature, shape, color, materials, general appearance, impact on the neighborhood and long-term effects.

Even though the County may issue a building permit, the project may not necessarily comply with your deed restrictions. If you proceed with construction or installation prior to obtaining the Architectural Control Committee's written approval, the Board may require modification or removal in accordance with the CC&Rs (Articles V and VI, Section 1).

For many years the Board has also relied on a CC&R Committee. This committee is concerned with identifying and correcting violations of our Use Restrictions found in Article VII of the CC&Rs. Violations may be obvious or may have been brought to the Board by complaint of any member. Currently, white or near-white roofs, unapproved removal of native vegetation, trash containers left in view, and the repeated appearance of a commercial vehicle are problems before the board.

The Board recognizes that adherence to these restrictions could be considered by some to be an invasion of privacy, but in a high-density neighborhood such as ours, exceptions to the general standards are very obvious, and have a significant negative impact. Enforcement of deed restrictions such as these by duly elected Boards of Directors has a lengthy and well-founded legal precedent.

It is incumbent on every homeowner (and renter) to be familiar with the restrictions and requirements in order to preclude unnecessary expenditures of time and money to rectify situations that do not conform. If you have any questions regarding the architectural guidelines or use restrictions, please contact directly any member of your Board of Directors or write the Board at our address. If you have misplaced your copy of the By-Laws and CC&Rs, the Board will gladly supply you with a complete set at no charge. You may also find a copy on our website.

***Thank you for your understanding and cooperation in these matters.***



**HOMEOWNER PROXY**  
**FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION**

A QUORUM IS REQUIRED TO CONDUCT OFFICIAL BUSINESS. IF YOU ATTEND THE MEETING, YOU MAY VOTE IN PERSON. IF YOU DO NOT PLAN TO ATTEND, DESIGNATE A PROXY TO VOTE FOR YOU AND PROVIDE HIM/HER WITH THIS PROXY.

Brian Bickel, the undersigned Board Member (the "Board Member"), of Foothills Clusters Homeowners Assoc., Tucson, Arizona 85718, is entitled to vote at any regular, special, or annual meeting of Foothills Clusters Homeowners Association.

The undersigned designate(s) and appoint(s) Aletha Kalish (the "Proxy") of 3560 E Marshall Gulch Pl, Tucson, Arizona 85718, as the Proxy for the Board Member.

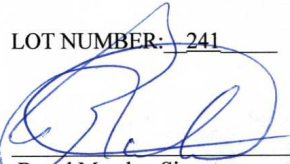
By this designation of proxy, the Proxy may attend and represent the Board Member with the full power to vote and act for the Board Member in the same manner, to the extent and with the same effect as if the Board Member were personally present.

This designation revokes any prior designation of proxy that the Board Member may have given previously with respect to the Board Member's ownership interest in Foothills Clusters Homeowners Association.

This designation of proxy shall be effective for the July 2015 Board Meeting of the Foothills Clusters Homeowners Association to be held on July 13, 2015, at 6:30 PM, and at all adjournments of such meeting.

The Proxy shall have the full power, as the Board Member's substitute, to represent the Board Member and vote on all issues and motions that are properly presented at the meeting(s) for which this designation of proxy is effective. The Proxy shall have the authority to vote entirely at the discretion of the Proxy.

LOT NUMBER: 241

  
\_\_\_\_\_  
Board Member Signature

7/8/15  
\_\_\_\_\_  
Date

Susan Bickel  
\_\_\_\_\_  
Witness Signature

July 8, 2015  
\_\_\_\_\_  
Date

7/12/15

Dear FHCHA Board Members,

Due to matters of personal health,  
I am no longer able to serve on the  
board ~~beyond~~ beyond the September  
2015 meeting. I apologize for any  
inconvenience.

Best regards,

Olga Petrus

**HOMEOWNER PROXY  
FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION**

A QUORUM IS REQUIRED TO CONDUCT OFFICIAL BUSINESS. IF YOU ATTEND THE MEETING, YOU MAY VOTE IN PERSON. IF YOU DO NOT PLAN TO ATTEND, DESIGNATE A PROXY TO VOTE FOR YOU AND PROVIDE HIM/HER WITH THIS PROXY.

Dena Peterson, the undersigned Board Member (the "Board Member"), of 3800 E Gibbon Mountain Place, Tucson, Arizona 85718, is entitled to vote at any regular, special, or annual meeting of Foothills Clusters Homeowners Association.

The undersigned designates and appoints Dena Peterson (the "Proxy") of 3680 E. Liggett Ave, Tucson, Arizona 85718, as the Proxy for the Board Member.

By this designation of proxy, the Proxy may attend and represent the Board Member with the full power to vote and act for the Board Member in the same manner, to the extent and with the same effect as if the Board Member were personally present.

This designation revokes any prior designation of proxy that the Board Member may have given previously with respect to the Board Member's ownership interest in Foothills Clusters Homeowners Association.

This designation of proxy shall be effective for the July 2015 Board Meeting of the Foothills Clusters Homeowners Association to be held on July 6, 2015, at 6:30 PM, and at all adjournments of such meeting.

*(3 Dep) 7/12/15*

The Proxy shall have the full power, as the Board Member's substitute, to represent the Board Member and vote on all issues and motions that are properly presented at the meeting(s) for which this designation of proxy is effective. The Proxy shall have the authority to vote entirely at the discretion of the Proxy. Provided, however, with respect to the following issue(s) the Proxy shall vote as stated: none.

LOT NUMBER: 186

*Dena Peterson* *ADep*  
Board Member/Signature

*7/6/15*  
Date

*Laura Felt*  
Witness Signature

*7/6/15*  
Date

