MINUTES  
Cypress Lake Garden Property Owners Association, Inc.  
Board of Directors Meeting, November 16, 2023, 6:00 p.m.  
Rebecca Creek Park Western Shack

Opening Prayer: Mike Coakley

1. Call to Order: President: Scott Postert
2. Roll Call of Officers & Directors: Secretary Larry Young  
   Bruce - X | Donald - X | Dylan - absent | Jackson - X |James - excused | Joe - X  
   Kent - X | Larry - X | Peggie -X | Michael C. - X | Michael S. - absent | Scott – X

Sergeant at arms: Jackson – X

1. Welcome of Members & Guests  
   Janice Boyne, Kevin Boyne, Mike Powell and Austin Ingram
2. Announcements

* Annual meeting was a success, and everything was well done, Scott said. Next year, a goal should be to get more people there, he said.
* The special assessment ballot item failed to pass. According to the bylaw rules around special assessment ballot items at annual member meetings, the requirement was for 75% approval. The total for those in favor of the measure was 71%. Approval among in-person voters was at 91%. Approval among mail-in ballots was 51%.

1. Approval of Prior Minutes: Larry Young  
   Don motioned to approve the Oct. 19, 2023, minutes. Jackson seconded. The minutes were passed unanimously.
2. Treasurer Report: Bruce Johnson  
   Bruce provided the report.

1. Departments/Committees
2. Office – Janice Boyne

* Janice requested approval of the winter newsletter, to go out with the 2024 invoices. Larry motioned to tentatively approve the format and the current content, with flexibility to adjust if needed. Mike C. seconded. The motion passed unanimously.
* Three new members joined in the past week. About seven have joined over the past month.

1. Audit – Deb Copher  
   Bruce said all was good with the audit.
2. Bylaws – Peggie Schrader

* The committee is still working on proposed changes, hoping for consensus at the next meeting, on Wednesday, Nov. 29, at 6 p.m.
* Scott spoke with attorney and received guidance that backed proposed changes.

1. Legal - Scott Postert

* Scott said the hearing earlier in the day on the counterclaim against Tim Powell was successful, with both sides being heard. He said he believes the POA will win, and the lawyers expect a ruling soon.\
* Scott discussed the Duderstadt easement agreement wording with the lawyer.

1. Events – Peggie Schrader

* The Fall Fest was rescheduled to this coming Saturday, Nov. 18. Multiple events – e.g., archery contest, face painting, bounce house, hay ride, piñata – are planned for both adults and kids. Peggie will have frozen turkeys on hand as prizes for the archery contents. A resident will provide drone filming of the event. Peggie will talk with Dylan about having an environmental education table set up.
* Lights in the Park is coming soon. Decorating times will be Friday, Dec. 1, at 5 p.m. and Dec. 2 at 9 a.m. at Rebecca Creek Park and Dec. 3 at 9 a.m. at Cypress Lake Gardens. The event is Dec. 16. Take down will be Jan. 6 at 9 a.m. and Jan. 7 at 9 a.m.
* The events committee meeting will be Dec. 6 at 6 p.m. at the office. Peggie is looking for more participants, particularly among the men.
* Ladies’ Night will be the Sunday after Thanksgiving, Nov. 26, at 6 p.m. It will be BYOB, with games, music and fun.

1. Restriction Enforcement –

* Scott noted that the committee has been addressing issues with no individual chairperson, but cochairing as a committee and with Don helping where possible.
* Don raised questions about enforcement against property owners living in trailers and RVs. Scott reminded the group that this deed restriction violation is one that must be addressed through the courts, with consistent enforcement across the community, rather than on an individual violation basis at the committee level. Regarding enforcement of deed restrictions, Scott indicated that the first course of action likely should be against new construction of duplexes, a clear deed restriction violation with legal action that should be a “slam dunk.” He said the committee can work on mailing letters based on complaints. It’s not that we’re not doing anything, but we need to take it to court, Scott said.
* Don motioned to begin taking legal action against duplexes under construction in violation of deed restrictions. Peggie seconded. The motion passed unanimously.
* Kent identified a potential RUC violation. Don said he will need to review this weekend.

1. RUC – James Burns /Don Gonyer

* No new permit requests have been received this month.
* Don received a report on a two-story house on Martingale. He said the owner had a permit and the plan and construction were not for a two-story house, so there was no concern.
* Don received another report about a questionable permit on Cypress Gardens Boulevard. The owner had permit and there was no concern.
* Don also received a report on a two-story house on Campfire/Fossil. The house needs a permit with an approved plan. Don and Scott have attempted to contact the property owner but have been unsuccessful. Don will need to get in touch with either the owner or the builder.
* Scott noted that permitting has been slowing down, as have transfers and new members.

1. Security – Jackson Durbin

* The office gate at Rebecca Creek Park was damaged by a driver, who was charged with a DWI.
* Trespassers on Saddlehorn had a confrontation with a board member. The sheriff’s department was called but the trespassers fled. Board and committee members were asked to be on the lookout for a black Toyota Tundra 4x4, with red emblems and a tonneau cover.
* Jackson said that park activity has been slowing down with the season.

1. Social Media – Sidney Carpenter  
   Posting has continued on both Facebook and Nextdoor.
2. Website – Kevin Boyne

* Larry said that updates have been made to the minutes, agenda and calendar, including a home page message about the postponement of the Fall Fest.
* Larry is planning to add the newly filed management certificate and related documents as soon as provided.

1. Parks – Scott Postert
2. Bluebonnet Park - Scott  
   Since repair is needed on the office gate at Rebecca Creek Park, Scott is hoping to also build a matching fence and gate, with sign, at Bluebonnet Park.
3. CLG Park – Kevin  
   The park is looking green and not too muddy for Fall Fest.
4. Guadalupe River Park – Larry Young

* Burn ban signage has been taken down, and Larry is hoping to get one fire ring replaced that had previously been damaged.
* Work needs to continue on the well and tank setup when time allows.

1. Rebecca Creek Park – Jeannie Postert

* Scott said that he received a response from the county on the dam repair work. The county is now requesting an engineer’s report prior to issuing the permit for work to continue. Given that the main portion of damage to the has been repaired, the rest may be deferred for now.
* Water permit to draw water. Scott has applied for the updated permit to draw water from the creek in Bluebonnet Park for use in road work but hasn’t heard back yet.

1. Turkey Creek –   
   Nothing to report.
2. Park maintenance - Michael Sowder  
   Trash pickup, mowing and limb removal have continued.
3. Environment and Conservation – Dylan Gambill  
   Scott reiterated that creek testing is postponed for the winter season.
4. Roads - Don Gonyer

* While awaiting the new permit to draw water from the creek, Don said the crew could fill tanks at the office, but that is time consuming and Scott said it has proven relatively expensive. The POA’s preferred delivery driver, who has been in charging about half what other services have charge for road base deliver, also will be out through end of year, so, to be more const-effective, there’s little expectation of work involving spreading of new road material until he returns and, ideally, until the new permit is received. In the meantime, Don said that tree trimming and other work can be done.
* Also, while there is an intent to focus on the wood chipper over the holidays and address the community brush pile at Cypress Lake Gardens Park, the chipper still is not operational, needing a new solenoid, and the Bobcat is still being fixed. Jackson suggested setting a date for possible burning to help handle the brush pile. It was agreed that Dec. 9 would be a good workday for burning if the chipper is not operational by that time.
* The Dodge has a leak in the power steering line.
* Most work has been done on West Laguna and Cave. The one property owner’s horse trailer was moved so that work could continue, with a positive outcome for the property owner and the road crew. The owner said the move and the work was appreciated.
* Repairs at High Drive and Rimrock have been done but more work is needed nearby before raising to the county the issue of maintenance for the unclaimed portion of High Drive.

1. Road equipment maintenance – James Burns – Already covered
2. Big Sky – Michael Coakley – Already covered
3. CLG – Already covered
4. RCP – Michael Sowder – Already covered
5. RCP Golf – James Burns – Already covered
6. RCP River – Joe Alegria – Already covered
7. Old Business
   1. James Duderstadt  
      Scott emailed the attorney regarding proposed easement agreement wording, and they are planning to finalize the agreement on Nov. 20 with attorney input.
8. New Business

Office gate damage; discuss/vote on REPAIR

* Estimates were obtained and provided for repairs to the office gate damaged at Rebecca Creek Park, mentioned above. The insurer approved the provided estimate of $2,800 and offered to deliver the funds electronically, even to a private account.
* This raised questions about any previously provided costs of damage from drivers to the rock wall on POA property at Saddlehorn and any insurance payments that may have been made to anything other than POA accounts. An investigation into this will begin.
* Don motioned to use the $2,800 to fix the gate but at the same time also to build a matching fence and gate across Cypress Cove Road at Bluebonnet Park, to delineate the park and protect the meadow, which has been damaged previously by multiple drivers. Jackson seconded the motion. The motion passed unanimously.

Discuss special assessment RULES as per TX property code and bylaws  
The board discussed possible bylaw changes or other changes regarding special assessments, which are mentioned in the bylaws only in the context of how the POA needs to handle votes for special assessments at the annual general membership meeting. Property code says that special assessments need to be done in a certain way; they need to be done with due notice; and they need to be done at a regular board meeting. According to review of the POA’s governing documents and state property code, Scott said, approval of special assessments isn’t declared to be, and isn’t required to be, handled exclusively at the annual meeting. Larry raised that point that Scott had recently said at the annual meeting that he preferred handling special assessments with member votes at the annual meeting. Scott responded that, while that was the case, his own review and legal counsel’s guidance clarified that it is not the *only* option for approving critically needed improvements for the benefit of the community. After debate among the board regarding the types of emergencies and critical needs that would merit special assessment votes, Scott said it’s possible that special assessment votes could be on the agenda in future regular board meetings, if seen as needed to address critical community needs.

1. Questions and Answers  
   Mike Powell and Austin Ingram raised an issue with a neighbor, Roger Vasquez, at 1448 Western Skies taking over private POA roads for his business, by parking between 50 and 80 cars in and along the Western Skies and on neighbors’ property. Powell and Ingram said they are unable to sell their property and house with all the cars in the area. The said the cars are also causing a safety issue and potential cause for a complaint with the Environmental Protection Agency. They have taken the issue to the county sheriff and have a case number, and they have contacted county code enforcement, which said it was a POA issue. Conversations with the neighbor have also proven unsuccessful.

Scott said next steps would include:

* Speaking with the POA attorney regarding movement of vehicles parked in and along POA roads.
* Sending letters of notification after receiving the needed legal guidance.
* Working with county code enforcement regarding options, especially given the number of vehicles parked for long periods of time and the parking on other people’s property.

In meantime, it was agreed that the restriction enforcement committee can send out an initial letter to Vasquez regarding the problem.

1. For the Good of the Order  
   N/A
2. Adjourn   
   Larry motioned to adjourn. Jackson seconded. Meeting adjourned at 8:16 p.m.