

DRAFT- Awaiting Final Board Approval
F.L.P.O.A. Special Board Meeting Minutes 01/17/2024

F.L.P.O.A. Directors

Absent; Director & Chair Justin Houck (2023-2024) – Position 6
Present; Director - Jonathan Eaker (2024-2025) – Position 1; Has Smith proxy.
Absent; Director - Kelly Smith (2024-2025) – Position 2
Present; Director - Michael Macias (2024-2025) – Position 3
Present; Director & Treasurer- Raylene Maberly (2023-2024) – Position 4
Present; Director - Dr. KC Williamson (2023-2024) – Position 5
Director - Vacant (2023-2024) – Position 7

Guests: Vickie Williamson, Wayland Van Nest, Ray Hinnant, Mark Riverman, Mary Accomando, Tommy Phillips, Lana Gonzales, Wayne Young, Jennifer Chilek, and Kevin Chilek

CALL MEETING TO ORDER

Time: 7:00 PM

Motion: KC Williamson called for the meeting to come to order; **Second:** Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Meeting called to order.

REVIEW/APPROVAL OF PRIOR MINUTES

Motion: KC Williamson requested that the 12/06/2023 meeting minutes be approved as posted; **Second:** Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

OFFICER ELECTIONS AND APPOINTMENTS

- **Chairperson**
Motion: Michael Macias moved to elect Justin Houck as Chairperson of the F.L.P.O.A.; **Second:** Raylene Maberly; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried
- **Treasurer**
Motion: KC Williamson moved to appoint Raylene Maberly as Treasurer of the F.L.P.O.A.; **Second:** Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried
- **Secretary**
Motion: Raylene Maberly moved to appoint KC Williamson as Secretary of the F.L.P.O.A.; **Second:** Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

OLD BUSINESS

- **Director resignations and appointment**
Resignations of Directors
Motion: KC Williamson moved to accept the resignations of Doug Pederson and Candice Melzow as F.L.P.O.A. directors; **Second:** Michael Macias; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

Appointment of a Director - (2023-2024) - Position 7

Motion: Jonathan Eaker moved to appoint Wayne Young as a F.L.P.O.A. director with a term expiration date of Dec 31, 2024; **Second:** Michael Macias; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

- **Update of Texas Secretary of State for 802**

Motion: KC Williamson moved to have the F.L.P.O.A. Secretary update and file the required Texas SOS Form 802, and the F.L.P.O.A. Secretary shall have signature authority as the Authorized Officer; **Second:** Wayne Young; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

COMMITTEE MEMBER APPOINTMENTS AND REPORTS

Legal Committee

- **Dissolution of the Ad-hock Bylaws Committee into the Legal Committee, and Chair and member appointments**

Motion: KC Williamson moved to dissolve the ad-hoc Bylaws Committee, the current ad-hoc committee members will become members of the Legal Committee, and the work on updating and consolidating the current F.L.P.O.A. Bylaws will continue under the Legal Committee; **Second:** Raylene Maberly; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

- **Legal Committee Membership**

KC Williamson – Chair - Board Member
Justin Houck – Board Member
Larry Adams – Non-board Member
Roger Williams - Non-board Member
Ray Hinnant - Non-board Member
Lana Gonzales - Non-board Member
Mike Macias - Board Member
Cheryl Rich - Non-board Member

- **Report**

The F.L.P.O.A. Regular and Annual meeting minutes are mostly online. We are missing minutes for 2010 through 2015. There were no meetings in 2020. The committee will continue to search for the missing minutes.

The Committee was requested to provide the Board with hourly attorney cost information for potential question responses. Attorney fees are as follows:

J. Fred Bayliss, PC – Not interested
Michael H. Gentry - \$575 Hour
Evelyn L. Gordon - \$350 Hour – Houston
Bruchez & Goss, P.C. - \$400 Hour
Stewart & Wiley - \$400 Hour

An application for pro-bono legal assistance was provided Ray Hinnant. This method of question resolution will be attempted by the committee prior to using one of the attorneys above.

Report prepared by: KC Williamson

Budget and Finance

- **Chair appointment**

Motion: KC Williamson moved to accept the appointment of board member Raylene Maberly as the chair of the Budget and Finance Committee with a term expiration date of Dec 31, 2024;
Second: Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

- **Non-board member appointment**

Motion: KC Williamson moved to accept the appointment of Vickie Williamson as a non-board member of the Budget and Finance Committee with a term expiration date of Dec 31, 2024;
Second: Raylene Maberly; **Debate:** It was suggested that another non-board member be appointed in addition to Vickie Williamson and that the Chair would seek this additional Committee member; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

- **Budget and Finance Committee Membership**

Raylene Maberly - Chair - Board Member
 Vickie Williamson - Non-board Member

- **Report**

- Annual reports for 2023 have been posted on the website
- Mailing of Dues to Members will be done the week of January 22, 2024
- F.L.P.O.A. Proposed 2024 Budget (*As Amended*)

Income:	
(\$15,000 lot fees + 500.00 from resales)	\$15,500
Expenses:	
Insurance	\$5,600
Administrative Expenses*	\$1,000
Legal	\$500
Lake and Dam (management plan and control)	\$2,500
Brazos County Precinct 3 VFD, Station 2	\$500
Total Expenses	\$10,100
<u>Balance</u>	<u>\$5,400</u>

A Reserve fund of \$10,000 needs to be available at all times for emergencies.

Current Balance:	\$31,103.85
Lot receipts:	\$15,500.00
Budgeted Expenses:	\$(10,100.00)
Reserve:	<u>\$(10,000.00)</u>
Balance available:	<u>\$26,503.85</u>

* Administrative Expenses includes postal boxes, internet, office supplies, postage, printing and resale certificates.

Report prepared by: Raylene Maberly

Nominating Committee

- **Chair and Board member appointment**
Motion: KC Williamson moved to accept the appointment of board member Mike Macias as the chair of the Nominating Committee with a term expiration date of Dec 31, 2024; **Second:** Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried
- **Non-board member appointment**
Motion: KC Williamson moved to accept the appointment of Vickie Williamson as a non-board member of the Nominating Committee with a term expiration date of Dec 31, 2024; **Second:** Mike Macias; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried
- **Nominating Committee Membership**
Mike Macias - Chair - Board Member
Vickie Williamson - Non-board Member
- **Report:** None.

Lake and Parks Committee

- **Member resignation**
Motion: KC Williamson moved to accept the resignation of Ed Maberly from the Lake and Parks Committee; **Second:** Raylene Maberly; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried
- **Board member appointment**
Motion: KC Williamson moved to accept the appointment of board member Mike Macias as a member of the Lake and Parks Committee with a term expiration date of Dec 31, 2024; **Second:** Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried
- **Chair appointments**
Motion: KC Williamson moved to accept the appointment of all committee members as Chair of the Lake and Parks Committee with a term expiration date of Dec 31, 2024; **Second:** Wayne Young; **Debate:** The F.L.P.O.A. Secretary informed the Committee that Board communications with the committee would be through Ray Hinnant; **Vote:** For 5, Against 0; **Vote Results:** Motion carried
- **Lake and Parks Committee Membership**
Ray Hinnant – Chair (POC) - Non-board Member
Mike Macias – Chair – Board Member
Wayland Van Nest – Chair - Non-board Member
Mark Riverman – Chair - Non-board Member
- **Report**

January 9, 2024 - Dam renovation with possible action to stabilize and improve the appearance of the dam. Committee members, Wayland Van Nest, Mark Reverman, and Ray Hinnant

History:

Brooke lake was constructed by the Soil Conservation Service in the late 1950's or early '60's as a flood prevention impoundment, and a more constant watering source for livestock. The ranch was sold, and most of the land around the lake was subdivided into approximately .5

acre lots as part of Forest Lakes Phase I. The lake and dam were administered by the developer until F.L.P.O.A. was incorporated and began to administer the duties as set forth in the deed restrictions for the maintenance of the lake, dam, and common areas of the subdivision. At about that time, the developer began to put up the bulkhead that is now in disrepair and threatened to build condos on the dam. The Association sued the developer but then dropped the suit as the lawyer sent the two parties to mediation. Due to the poor workmanship on the bulkhead, we were aware that at some point we would have to address the problem and remove the existing bulkhead. The condition of the bulkhead has become a problem in that some lateral boards are missing allowing wave action to erode the dam face as well as some instances where wave action has been able to work under the bulkhead. It is leaning in many locations and there are a lot of voids along the dam face which should be a concern for safety of residents as well as the maintenance of the dam. Years ago, the constant level tube began to leak which almost caused the dam to wash out. The developer did address the problem quickly and concrete was poured around the tube and then later, a concrete bulkhead was poured in the area of the constant level tube. That area is also washing under the concrete and needs to be addressed. The Board has done two major projects to stabilize the emergency spillway and at the present time it is in need of some repair along the toe of the spillway which has soil eroding under the concrete. The NRCS engineer and the engineer with Gessner (original design engineer) both caution that this problem needs to be addressed as soon as possible.

Proposal:

We have had several companies/agencies inspect the dam in the last few months. We have two bids from two different contractors and a thorough inspection by Natural Resources Conservation Service engineers. The primary concern of most of us that have been involved with the lake and dam over the years is the stability of the old over flow tube. All of the contractors and engineers that have inspected the dam feel certain that the dam is in good shape and not in imminent danger of failure. All of the inspectors suggested basically the same thing which is detailed below.

What needs to be done?

1. Repair existing spillway to stop erosion under the slab.
2. Kill gophers immediately.
3. Fix gate access to the dam to prevent motor vehicle traffic.
4. Bulkhead removed.
5. Dam face graded to a 3:1 slope.
6. Grass planted.
7. Erosion blanket utilized to allow for protection until the grass is established.
8. Trees removed from the face of the dam.

When does it need to be done?

The sooner we can make this happen, the less damage to the dam. We can do it all at once, or it could be done over time in three or four sections. At the present time F.L.P.O.A. has approximately \$25,000 available for maintenance of the lake, dam, and common areas. The two bids that we have received are approximately \$100,000 and \$55,000 for the above repairs not counting the spillway repair. Hopefully we will have a better estimate of the total cost by the Board meeting on the 17th. As we are aware, the longer we wait, the more money it will cost our members. It could also be significantly more costly to do the repair in sections as inflation continues to grow and the cost of moving machinery would have to be included with each section.

How can the maintenance be done sooner than later?

There are two options available to the Board at this time. The first option would be to borrow approximately \$35,000 which would require membership approval (based on previous experiences this is not an option). The other option is to consider an offer made by an F.L.P.O.A. member to assist the Board to make the dam repairs soon, before spring rains which will bring the lake level back up to near normal or beyond.

Our recommendation to the Board.

1. One more bid will be required (It may be in progress)
2. Discuss options with the offering F.L.P.O.A. member as soon as possible
3. Accept the bid which will do at a minimum the above tasks
4. Approve the total funding
5. Approve the bid
6. Have the repairs start as soon as possible.

- **Dam renovation estimates**

Estimate #1:

Date: December 14, 2023

Re: Forest Lake Property Project Rev. 1/Twin City Properties - Doug Peterson

By: Brice Taylor, Mine Service Inc - Forest Lake Property Proposal Rev. 1

Lump Sum Proposal - \$70,000.00

Cubic Digits and locate wilies of the area.

Ramane dispose oden bulk to deal tox. 9201F.

Remove existing trees/shrubs in arca.

- Mulch trees/shrubs on site and spread mulch on disturbed areas.
- Grade a 3 to 1 slope from waters edge up sloped bank area approx. 25'.
- Blend excavated soils in area above graded sloped area.

Hydro-mulch seed and fertilize in disturbed areas approx. 1 acre.

- Provide and install double mat coconut erosion control blanket over hydro-mulched area approx. 1 acre.
 - Mobilize off site.
 - Taxes are included on materials.
- Proposal does NOT include any bonds, permits, unknown fees, etc. Any required permits, etc. will need to be obtained by Others prior to MSI mobilization.

Proposal is valid for 30 days.

- Pay terms: Net 30

Sizzion searing the proposal to be directed to David Holden

Pro. Bal prepared by: Bocc Ta, Tr

446-7011

Rockdale, Texas 76567

Fax: 512-446-7195

NOTE: This bid is if they dispose of the old bulkhead off site. If they shred the bulkhead and we haul it off, the bid is \$55,000.

Estimate #2:

J Barnwell Construction

POB 6925
Bryan, TX 77805
jbrnwll@yahoo.com
(979) 255-8344

Bill to Doug Pederson

Estimate details

Estimate no.: 1206
Estimate date: 11/28/2023

Date Product or service SKU Qty Rate Amount

1. Services	\$98,560.00
Scope of work ^[06] of work includes removing existing retaining wall, trees on top of the dam, and cutting bank to proper slope for shore flex matting. Bid also includes hauling off retaining wall, trees and digging out behind existing concrete to fix erosion with cement sand. Price includes materials, equipment, labor and mobilization.	
Total	\$98,560.00

Note to customer
Thank you for your business.

Prepared by: Ray Hinnant

- **Renovation discussion**

1. There were significant differences identified in the submitted bids. There did not seem to be a standard scope of work which would normalize the bidding.
2. Concrete headwall at the discharge pipe was not mentioned in the bids. It is not known if it is included in the removal of the wooden headwall. There was no mention of the discharge pipe or a remediation of the pipe (*evidenced by sinkholes from lake to the pipe entrance*).
3. It is unknown what the legal implications are of accepting the member's proposal. Would the HOA have to pay taxes on the gift amount?
4. It was suggested that the F.L.P.O.A. should somehow repay the member's gift. The dam is a concern of more than one or two members; it is a Forest Lakes community concern.
5. The consensus of the Board and attending Members that the work must be completed earlier than the time it would take the F.L.P.O.A. membership to save the required total cost. A piecemeal project would increase both the time and cost of construction, and increase the potential hazard of dam loss.
6. There was discussion of the need for riprap being placed in front of the spillway and that there would have to be a remediation of the erosion under the front of the spillway's concrete slab. The Committee is waiting for an estimate of that cost and should receive estimates in the next week.
7. The committee reported that a concrete mesh would be placed at the water's edge to avoid any further erosion after repair.

Motion: Raylene Maberly moved to accept, in principle, the offer provided by the F.L.P.O.A. Member to assist the F.L.P.O.A. Board in making the dam repairs and at the end of each successive year reimburse the Member as much as the annual budget will allow until reimbursement is complete;

Second: Michael Macias; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

Action items:

1. Develop a specific Scope of Work to insure consistency in bids and completeness of work.

2. Consult with an Attorney concerning F.L.P.O.A. accepting and repaying the Member's gift. Are there associated tax issues?
3. Identify contractor needs for liability insurance, bonding, and license.
4. Board informs the Member of offer acceptance.

Architectural Control Committee

- **Member resignation**
Motion: KC Williamson moved to accept the resignation of Mary Accomando as F.L.P.O.A. ACC Chair; **Second:** Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

- **Chair appointment**
Motion: KC Williamson moved to appoint Mike Record as the Chair of the Architectural Control Committee with a term expiration date of Dec 31, 2024; Jonathan Eaker; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried

- **Member appointment**
The Board called for nominations from the floor and there were no positive nominations put forward. The Board and the ACC Chair will seek an additional committee member from the non-board members of the F.L.P.O.A..

- **Architectural Control Committee Membership**
Mike Record – Chair - Non-board Member
Sandy Jackson - Non-board Member

- **Report**
Requests submitted:
 1. New home construction on Lot 7; Dec 06, 2023; Owner: Mitchell Bonte; Address: 6476 Waterway Drive; E-mail: mitchell@cedarframe.com
 2. Freestanding metal RV cover on Lot 96; Dec 05, 2023; Owner: Kevin and Jennifer Chilek; 10825 Lakefront Drive; E-mail: jenchilek@gmail.com
Requests approved:
 1. New home construction on Lot7
Requests denied: None
Requests in progress:
 2. Freestanding metal RV cover on Lot 96

Prepared by: Mike Record

- **Discussion concerning the meaning and qualification of Hardie Plank lap siding as masonry.**
Hardie is a nailed, non-masonry, lap siding fiber-cement product within the clad siding design offerings. It delivers exceptional strength, fire resistance, and resistance to warping, rotting and insect damage, which is not provided by other sidings such as; wood, aluminum, vinyl, steel, and other clad sidings.

Involves the intricate art and science of creating structures using various types of building materials, such as bricks, concrete blocks, structural clay tiles, rocks and stones. These materials are skillfully arranged and held together securely with mortar, which acts as a bonding agent. Masonry is designed to provide a durable and long-lasting protective layer while enhancing the aesthetic appeal of the structure beyond that of non-masonry products.

T.G.I. Vaughn, Architect - Depends on HOA ruling, but mostly no
Accuplan Design & Architecture - Not masonry product
Patterson Architects - Not masonry product
Williamson Architect (no relationship) - Board not masonry; cement-fiber not brick or rock

Prepared by: KC Williamson

No Board action was taken.

NEW BUSINESS

- **Board meeting dates**
 - 7 February
 - 1 May
 - 7 August
 - 6 November
- **F.L.P.O.A. member meeting date**
 - 4 December 2024
- **General Q&A with attending non-Board members**
 - No questions from floor.

ADJOURN THE MEETING

Time: 8:19 PM

Motion: KC Williamson called for the meeting to be adjourned; **Second:** Raylene Maberly; **Debate:** None; **Vote:** For 5, Against 0; **Vote Results:** Motion carried meeting adjourned