



PADRE ISLES PROPERTY OWNER'S ASSOCIATION, INC.

REGULAR MONTHLY BOARD OF DIRECTORS MEETING

January 31, 2023

MEETING MINUTES

1. CALL TO ORDER

- a) President Marvin Jones called the meeting to order at 5:37 PM.
- b) Board members present: Marvin Jones, Sandy Graves, Drew Diggins, Tommy Kurtz (via ZOOM), Frank Stover, and David Rossi. Ray Singleton absent - gave his proxy to David Rossi.

2. CONFLICT OF INTEREST

- a) None.

3. PRESENTATION/S WITH POSSIBLE BOARD ACTIONS

- a) **ACC. David Heitzman, Chair**, Last meeting of the Committee was 12/7/2022, the next meeting scheduled for 2/07/2023. For the year 2022 there were 433 applications received by the ACC, 63% were for decks, docks, and pools. The ACC is preparing a policy guideline based upon the motion passed at the December board meeting, requests some clarification from Cagle regarding Article 4, Section 3, and a draft of a form to be used for the license. Further, the ACC recommends a sub-committee of the Board be formed to process extensions processed and approved by the ACC and after the committee approval the applications could be forwarded for the full board to address.

Currently, the ACC has 9 "pre-applications" pending decision which will be impacted by this policy. A map showing these locations and copies of the applications and supporting documents were circulated for Board members perusal.

4. MEMBERS COMMENTS:

- a. Ted Wyanful (?), 15306 Key Largo – Supports the project to provide a second bridge access for the island and asks the PIPOA to publicly add their support.
- b. Dan Davidson -lives on Cruiser – requests the Board provide clarification regarding deck and dock fees.
- c. Dan Brown, property owner and former Board member – thanked Sandy and Marvin for their service on the Board and reminded the attendees that it was not an easy job to be on the board.
- d. Sheila Trudeau – requests the board to think about the impact on neighbors' views regarding deck and dock extensions and what their construction will do, suggests that Board members look before approval.
- e. Tom Cable – Board should consider how deck and dock extensions impact other



PADRE ISLES PROPERTY OWNER’S ASSOCIATION, INC.

property owner values. Discussed and circulated pictures of new home construction complying with the revised City code for BFE, one method which reflected the garage floor being constructed at the level of existing lot topography which eliminated the need to physically build up the grade of the lot topography overall and thereby lessen the issue of storm water runoff for neighboring property.

5. PRESIDENT’S REPORT. Marvin Jones.

The president passed on comments in the interest of conserving time for other business.

6. EXECUTIVE DIRECTOR REPORT: Gary Klepperich. The Board will receive a report from the Executive Director on topics of importance since the previous meeting:

- a. Next Board Meeting: February 28, 2023
- b. Billish Park: Playground Spring-Rider Replacement
- c. Compliance enforcement: monthly update. 91 open violations 27 cleared violations.
- d. Bulkheads:
 - i. Repair Activity Report (Enclosed): Closed 13 w/o’s, at month end 50 open w/o’s. YTD 2022 Torcsill closed 18 w/o’s at a cost of \$266,464 and Pezzi closed 122 w/o’s at a cost of \$372,630.
 - ii. TorcSill Retrofit of Bolster Plates & Erosion Control: Currently, in process.

7. CONSENT AGENDA: Frank Stover, Secretary. (Routine items)

- a. The meeting minutes for Regular Board Meeting Minutes on December 13, 2022: Discussion as to completeness of the December 13, 2022 minutes as presented, acceptance of the minutes tabled until the next meeting.
Point of Order: Drew Diggins regarding email votes taken since December 13, 2022 meeting.
Apology from the Secretary for the oversight:
- b. Email Votes.
 - i. Motion to pay PIPOA employee Christmas Bonuses:

MOTION:	Frank Stover: I make a motion to pay a Christmas Bonus to PIPOA employees.	
SECOND:	David Rossi	
VOTE:	AYE = 7. Marvin Jones, Sandy Graves, Ray Singleton, Tommy Kurtz, Frank Stover, David Rossi, and Drew Diggins.	NAY = 0 Abstain = 0
MOTION CARRIED		

- ii. Motion on December 21, 2022 to make a counteroffer regarding the Morais legal action:



PADRE ISLES PROPERTY OWNER'S ASSOCIATION, INC.

MOTION:	Frank Stover: I make a motion that the PIPOA make a counteroffer to the offer received regarding settlement of the Morais lawsuit in the amount of \$35,000. This counter offer would require the PIPOA to pay its deductible under the insurance policy of \$15,000, if the counteroffer is accepted by Morais.	
SECOND:	Sandy Graves	
VOTE:	AYE = 6. Marvin Jones, Sandy Graves, Ray Singleton, Tommy Kurtz, Frank Stover, and David Rossi.	NAY = 0 NOT VOTING = 1. Drew Diggins
MOTION CARRIED		

Interruption by Drew Diggins to ask Sandy if this concurred with her understanding of the motion.

Marvin Jones: This matter and motions involve attorney-client privileged communications and will not be discussed in open session and may be taken up in executive session.

Drew Diggins disagreed with President Jones and a reading of the Texas Property Code ensued, after which, Sandy Graves read additional sections from the Property Code regarding attorney-client privileged communications. Further discussion regarding interpretation of the code followed. No further reading of lawsuit motions.

- iii. Motion to accept the minutes of the meeting of the Board of Directors on January 12, 2023:

MOTION:	Sandy Graves: I make a motion to table acceptance the minutes until the next meeting when corrections made.	
SECOND:	Tommy Kurtz	
VOTE:	AYE = 7. Marvin Jones, Sandy Graves, Ray, Tommy, Frank Stover, Drew, and David.	NAY = 0 Abstain = 0
MOTION CARRIED		

- 8. **TREASURER'S REPORT - FINANCIAL REPORTS:** Frank Stover. (The Board will review, discuss, and then accept all financial reports.)

MOTION:	Sandy Graves: I make a motion to accept the December 2022 Financial Report.	
SECOND:	David Rossi	
VOTE:	AYE = 7. Marvin Jones, Tommy Kurtz, Sandy Graves, Ray Singleton, Frank Stover, Drew Diggins, and David Rossi.	NAY = 0 ABSTAIN = 0



PADRE ISLES PROPERTY OWNER’S ASSOCIATION, INC.

MOTION CARRIED

9. OLD BUSINESS: (Motions as required)

- a. Boat Ramp Slab – Crack filling with an epoxy sealant – Manufacturer’s product warranty – Executive Director: No warranty information received as of date of meeting.
- b. Boat Ramp Striping – Executive Director: Only 3 of the 7 ramps need striping – one response received regarding request for bids and it was deemed to be too high (included in the Board book) – the staff of the POA will perform the necessary striping of the Gypsy, Caravel, and Fortuna Bay boat ramps.
- c. Review – 2023 Proposed Budget: Discussion by Board members of the previously presented budget, expression that the salary and wages number was projected higher than needed and the bulkheads perhaps too lower. Marvin Jones reflected that just before the meeting Torcsill had submitted proposed 2023 pricing structure. Consensus that another budget workshop meeting should be held and Executive Director asked to schedule.
- d. Billish Park – Irrigation Booster Pump Replacement – pump manufacturer’s warranty – Executive Director: Pump manufacturer offers a 1 year warranty, which can be extended to 3 years if the pump is enclosed and protected. Executive Director stated that the irrigation system is currently working with only the City water pressure.

10. NEW BUSINESS:

- a. Bulkhead Manual (Updated) – included in the Board book.
- b. Selection of FY 2022 Audit and Tax Preparation Firm: Treasurer – Three firms responded, after research by the prior treasurer and myself, it is recommended to hire Adamson & Company to perform the 2022 audit and prepare the associated tax return. The firm committed to have drafts of the audit and tax return presented by May 2023.

MOTION:	Frank Stover: I motion to hire Adamson & Company to perform the PIPOA audit and prepare the tax return for the year ended 2022 in the total amount of \$11,450.	
SECOND:	Sandy Graves	
VOTE:	AYE = 7. Marvin Jones, Frank Stover, Tommy Kurtz, Sandy Graves, Ray Singleton, Drew Diggins, and David Rossi.	NAY = 0 Abstain = 0
MOTION CARRIED		

- c. Blowing sand – Whitecap Development: Discussion by Board member David Rossi that the sand blowing from the Whitecap Development project is causing significant issues for residential property owners in the PIPOA and he recommends the PIPOA take a swift and strong action regarding this issue. Further discussion by members of the



PADRE ISLES PROPERTY OWNER'S ASSOCIATION, INC.

Board.

MOTION:	Sandy Graves: I motion the PIPOA officially draft a letter to the TCEQ, to include photos, regarding concerns of blowing sand issues to homeowners.	
SECOND:	David Rossi	
	Further Discussion	
	Letter should be copied to Ashlar Development and Diamond Beach Holdings, LLC.	
Amended Motion	David Rossi: Above motion be amended, to cc the letter to Ashlar Development and Diamond Beach Holdings, LLC	
VOTE:	AYE = 7. Marvin Jones, Frank Stover, Tommy Kurtz, Sandy Graves, Ray Singleton, Drew Diggins, and David Rossi.	NAY = 0 Abstain = 0
MOTION CARRIED		

- d. Board election: Two Board seats are available but only one candidate has submitted a request to run and be on the ballot. This is not addressed in the bylaws so the Board needs to determine what course of action to take. Frank Stover reiterated options provided by the PIPOA's attorney; hold multiple elections, do nothing, reopen the application process, allow write-in candidates on the mail-out/electronic ballots, accept floor nominations at the annual association meeting. The registered candidate attended the meeting and stated that he had no objections to reopening the application process. Executive Director noted that another election would cost approximately \$12,000.

MOTION:	Sandy Graves: I motion to not reopen the candidate application process.	
SECOND:	David Rossi	
VOTE:	AYE = 5. Frank Stover, Sandy Graves, Ray Singleton, Drew Diggins, and David Rossi.	NAY = 2. Marvin Jones and Tommy Kurtz Abstain = 0
MOTION CARRIED		

The Executive Director instructed to contact Election Trust to ascertain if the mail-out/Electronic ballot would accommodate a write option, further that they would need to provide for a ballot to accommodate nominations from the floor at the annual association meeting.

MOTION:	David Rossi: I motion to table matter of election ballot (configuration) until the Executive Director has an opportunity to discuss the matter with Election Trust.
----------------	---



PADRE ISLES PROPERTY OWNER'S ASSOCIATION, INC.

SECOND:	Tommy Kurtz
Further Discussion	
	Noted that there was no need for a motion to table regarding the structure of the ballot, all that was needed was the instruction to the Executive Director to contact Election Trust and report back.
No Vote Taken on Motion	

- e. Possible solution to a second way on/off Island: Discussion by Board members regarding island accessibility.

MOTION:	Sandy Graves: I motion for the PIPOA to draft a resolution in support of a second way off the island.	
SECOND:	David Rossi	
VOTE:	AYE = 7. Marvin Jones, Frank Stover, Tommy Kurtz, Sandy Graves, Ray Singleton, Drew Diggins, and David Rossi.	NAY = 0 Abstain = 0
MOTION CARRIED		

CONVENIENCE BREAK: 7:29 pm-7:39 pm

- 11. EXECUTIVE SESSION:** Recess to discuss Legal and Personnel Matters. 7:39 pm.
Ray Singleton joined the board meeting during executive session.

12. RECONVENE: 8:27 pm

MOTION:	Frank Stover: I motion PIPOA to grant staff pay raises up to 6%, based upon personnel reviews, personnel reviews to be completed no later than February 15, 2023.	
SECOND:	David Rossi	
VOTE:	AYE = 7. Marvin Jones, Frank Stover, Tommy Kurtz, Sandy Graves, Ray Singleton, Drew Diggins, and David Rossi.	NAY = 0 Abstain = 0
MOTION CARRIED		

13. ADJOURN: 8:28 pm

MOTION:	Sandy Graves: I motion that we adjourn (8:28 pm).
SECOND:	Frank Stover



PADRE ISLES PROPERTY OWNER'S ASSOCIATION, INC.

VOTE:	AYE = 7. Marvin Jones, Sandy Graves, Ray Singleton, Drew Diggins, Tommy Kurtz, Frank Stover, and David Rossi.	NAY = 0 Abstain = 0
MOTION CARRIED		

14. NOTE: To review the video-taped meeting please go to either Facebook > Padre Isles Property Associate > [Videos Tab], or the Website: Padreislespoa.net > meeting-minutes-agendas-budgeting-and-balance-sheets. Meetings are organized by date.