

# Catalina Pueblo Chronicle



January 2011



## Message from the Prez

Joe Thompson

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It is the Twenty-third, a cool clear December day. Three years have gone by since I began writing to you each month and this is my last letter as president of Catalina Pueblo Association. It has been a good experience to serve in this capacity although I must say what I had planned to be a one year term somehow eluded me.

We the community are facing, as I have mentioned before, at least for me a unique experience in turning over 100% of the board. The board has taken steps to minimize the impact. The last two monthly board meetings have included all the candidates for the incoming board. One candidate has been at the last three. It has been an excellent way to transition. We have shared views and experiences to help the new board come in with an understanding of not only jobs and responsibilities but a grasp on some of the issues they will be facing.

Members of our board have consented to act as mentors to the new board. On a rotating basis one member of the old board will attend each of the first six meetings. We will be there only to answer questions and if asked, offer insight into past board dealings.

I can't thank the candidates enough for their time and deep interest in both the community at large and earnest concern in doing a good and proper job as they step into their new positions. We all wish them well.

Last month I talked a bit about the first amendment and a legal issue the board, acting for the community has been dealing with. Since that time the Harrises have chosen to identify themselves, provoking some responses from the community. While the responses reflect the sentiments of many in the neighborhood they will not have a legal bearing on the matter.

I have asked our attorney to give me his thoughts on the letter that was circulated and I am sharing his reply with the community in this newsletter. I also mentioned last month that there would be a budget item to vote on concerning this matter. In consultation with the board candidates we have decided to postpone the budget request for the time being.

We hope each and every one of you will be at the annual meeting on January 11th. In any case please be sure to return your ballot according to the instructions. We also urge that you pay your dues which are presented in the invoice included with the annual meeting package.

Merry Christmas, Happy New Year. I look forward to once again being the most ordinary of members of our extraordinary community.

## Annual Meeting

January 11

6:00 pm – Social Hour

7:00 pm – Meeting

Catalina Foothills Church

2150 E. Orange Grove

(SE corner of Skyline & Orange Grove)



Jo Ann Marcus  
[jzm-az@comcast.net](mailto:jzm-az@comcast.net)  
797-4933

Mark J. Sammons  
[cookfarm@comcast.net](mailto:cookfarm@comcast.net)  
615-6019

## Garden Gallimaufry

Jo Ann Marcus & Mark Sammons

### JANUARY GARDEN CALENDAR

- Check weather forecast for freeze warnings
- Cover the tips of sensitive columnar cacti with styrofoam cups
- Use frost cloth or a blanket to cover aloes, citrus, and other sensitive plants when temperatures drop below 28°F
- Water winter annual wildflowers once a week
- Thin wildflower seedlings if crowded
- Recycle your cut Christmas tree

### Tucson Gardening Clubs and Organizations:

**The Gardeners of Tucson** is a local gardening club that has been around since 1959. They meet the second Tuesday of the month at 7:30 PM at 3202 E. First Street (1 block east of Country Club and one block south of Speedway). They do not have a website, but further information can be found at

<http://gardenersoftucson.blogspot.com>.

For more info call the President, Jacqueline at 292-0504.

**Tucson African Violet Society** meets on the northwest and far east side monthly. Their newsletter is published monthly and you can find it on their website.

<http://members.cox.net/tavs/welcome.html>

**Tucson Area Iris Society** meets monthly (more or less, except summer) in various locations. In spite of Tucson's very hot summers irises actually do very well in Tucson. For info on how to grow irises there is a culture page on the their website.

<http://www.tucsoniris.org>

**Tucson Cactus and Succulent Society** meets the first Thursday of every month at 7PM at 2099 E. River Road at the Junior League of Tucson Kiva Building.

<http://www.tucsoncactus.org>

**Tucson Organic Gardeners** meet at 7:00 PM on the third Thursday of each month, September thru April at St. Marks Presbyterian Church, 3809 E Third Street (near Alvernon/Speedway).

<http://iwhome.com/nonprofits/TOG/>

**Tucson Rose Society** meets at 6:30 PM on the first Tuesday of the month at St. Phillips in the Foothills Church on the NE corner of Campbell and River Road.

<http://tucsonrose.org>

**The Tucson Watergardeners** enjoy the many aspects of watergardening; plants, fish or both, meet the 4th Thursday of every month from February to October at 7:30 PM at the Junior League of Tucson Kiva Building, 2099 East River Road.

<http://www.tucsonwatergardeners.org/>

### Additional local websites:

#### Arizona Native Plant Society

<http://www.aznps.org/>

#### Arizona Sonoran Desert Museum

<http://desertmuseum.org/>

#### Community Gardens of Tucson

<http://communitygardensoftucson.org/>

#### Desert Survivors

<http://desertsurvivors.org/>

#### Native Seeds/SEARCH

<http://www.nativeseeds.org/>

#### Southeast Arizona Butterfly Association

<http://www.naba.org/chapters/nabasa/home.html>

#### Tohono Chul Park

<http://www.tohonochulpark.org>

#### Tucson Bonsai Society

<http://users.qwest.net/%7erjbphx/ptucson.html>

#### Tucson Botanical Gardens

<http://www.tucsonbotanical.org>

The local Master Gardeners from the University of Arizona Pima County Extension offer talks on timely gardening topics weekly every Wednesday at 9:00 AM at the Coop Extension Garden Center, 4210 N. Campbell (across from Trader Joe's) and at 1:00 PM at the Wilmot Library, 530 N. Wilmot Rd, as well as Fridays at 1:00 PM at the Oro Valley Public Library, 1305 W. Naranja Drive in the large meeting room. Talks are held monthly EXCEPT June, July and August.

Highly informed volunteers are there most weekdays to examine samples of plants or pests and advise you accordingly.

For subjects of these weekly talks visit <http://www.ag.arizona.edu/pima/gardening/talks.html>

### Thanks & references:

Sam Wymer

Jo Ann Marcus,  
photos

Tucson Botanical  
Gardens, calendar and  
web site

# pueblorecipes

recipes collected and edited by david scott allen • january 2011

## Home-Roasted Poblanos

Wash chiles well and then dry them with paper towels. Turn on the burners of your gas grill to high and close the cover to allow heat to build. Place the chiles directly over the flame (on the grills) and allow them to blister and turn black on the first side. Turn the peppers a quarter turn (sometimes a third turn, depending on the chiles' shapes) and blacken the next side. Repeat until the chiles are entirely blistered and black. Remove them from the grill and place them in a paper bag; let them steam for 5-7 minutes (a shorter steaming time that for bell peppers). Remove from the bag and peel/scrap off all the charred skin. Then, to prepare for the Chile Relleno Casserole, split the chiles lengthwise and remove the stem, ribs and seeds.

(If you plan to stuff the chiles, slit them from the stem end almost to the other end, and then scoop out the ribs and seeds carefully with a teaspoon. Leave the stem intact.

*We roast our peppers on the gas grill outside and it is quite easy! It can also be done over direct gas flame with a long fork to hold them as you turn, but this has to be done one chile at a time.*



## Chile Relleno Casserole

### Butter

- 1 pound lean ground beef*
- 1 medium onion, chopped*
- 10 poblano peppers, roasted, peeled*
- 1 pound cheddar cheese, grated*
- ½ pound Monterey Jack cheese, shredded*
- 4 eggs*
- 2 tablespoons flour*
- 1 12-ounce can evaporated milk*
- ½ teaspoon salt*
- ½ teaspoon freshly ground black pepper*

Generously grease a 9-inch by 12-inch casserole with butter. Preheat oven to 350°F.

In a large, nonstick skillet, cook beef and onion over medium heat until beef is no longer pink, using the back of a spatula to break up clumps.

Split chiles in half lengthwise; remove stem, seeds and ribs. Place half of the chiles on the bottom of the casserole, top with half the beef mixture and sprinkle with half of both cheeses. Cover with remaining chiles, beef mixture and then top off with remaining cheese.

Combine eggs, flour, evaporated milk, salt and pepper and beat until smooth. Pour mixture over chiles and cheeses.

Bake for 45 minutes or until casserole is lightly browned on top.

## Social

Marianne Van Zyll

Mark your calendars

Presentation by  
Charles Hackenbrock &  
Marianne Van Zyll

*Exploring the Rain  
Forests of Costa Rica  
and Panama*

January 25th

Formal announcement  
to follow

Our Holiday Party at Frank and Pamela Bangs' home was an enormous success. We had a count of no less than 80 attendees. Great atmosphere, great food and above all FANTASTIC HOSTS who made all of us feel very welcome. Thank you Frank and Pamela for hosting my last event.

Thank you Carol Sinclair for your delicious cooked hams and your famous champagne sauce and to those who also made a food contribution.

## Tried & True Trades

### Adobe

**Armando Pacheco**

302-0711 (cell) 663-1386

Recommended by Aldine von Isser & Hal Grieve

### Animal Control

**Animal Experts**

**Marc Hammond & Jeff Carver** 531-1020

Recommended by Nancy Milburn

### Carpet Cleaning

**Boyds Chemdry** 760-2244

Recommended by Caryl Daugherty

### Custom Cabinets

**Rene Menard Woodworks Custom Cabinets**

400-5530 or Nogales #287-8643

Recommended by Marianne Van Zyll

### Computer Repair

**Corey Walton** 498-4854

Recommended by Dan Peters

**Student Experts** 762-6687

Recommended by Marianne Van Zyll & Pat Wagner

### Dogs

**Patty Monson** (Dog Walker) 572-1467

**Camalot Canine Resort** (Boarding) 742-6279

Recommended by Walter Gaby

### Electrician

**Frank Tentschert** 577-4987 & 907-5990

Recommended by Jo Ann Marcus

### Garage Door - Repair

**Anthony Labato - C&R Garage Doors**

312-9325

Recommended by Jeff Mott

### Hairdresser

**Holly Dibler: Style 7 Salon** 638-6040

Recommend by Connie Church

**Rebecca** 551-9300

Recommend by Friedel von Glinski & Marianne Van Zyll-

## Heating & Cooling

**Hamstra Heating & Cooling - Wes Adams**

629-9833 ext. 317

Recommended by Nancy Milburn

## House Cleaning Services

**Angie Stokes** 270-4875

Recommended by Nanci Hartwick

**Maria Jose Fina** 339-0646

Recommended by Gisele Nelson & Sandra Nelson-Winkler

**Trini Baker** (Spanish Speaker)

Call Joe (820-8364) as her English is limited

Recommended by Joe & Sandy Thompson

**Levinia** 406-5630 & **Pamela** 269-6217

Recommended by Paul Maxon & Steve & Connie Church

## Landscaping/Gardeners

**Green Things, Anna Lawrie** 299-9471

Recommended by Jo Ann Marcus

**Blue Agave Landscape & Lighting Design**

Dean Alexander 325-4242

Recommended by David Scott Allen & Mark Sammons

**Margaret L. Joplin** 623-8068 or 271-6585(c)

Design & Installation

Recommended by Paul Maxon

**Francisco Enriquez** 405-8527

Recommended by Jo Ann Marcus

**Pots: The Mexican Garden, Marta Avila**

2901 N. Oracle 624-4772

Recommended by Jo Ann Marcus

## Mason

**Michael Herlihy** 406-8358

Recommended by Russ Carden & Marianne Van Zyll

## Painter

**Enrique Espinoza** 312-4562

Recommended by Nancy Milburn

## Plumber

**Jerry Walker, Walkers Plumbing** 909-0600

Recommended by Russ Carden

**Steve Konst** 883-1635

Recommended by Aldine von Isser & Hal Grieve

## Remodels & General Construction

**Marcus Scherette - Another Remodeling Company**

370-5758

Recommended by Steve & Connie Church

**Catalina Associates, L.L.C.** ROC 087795

John M. Cushman 906-1121

Recommended by Charlotte Freedheim & Marjory Wack

**Levi Conrad - Customs & Renovation L.L.C.**

982-0275

Recommended by Jeff & Judy Mott

## Roof Coating

**Ron Landis** 743-4892 rlandis55@yahoo.com

Recommended by Nancy Milburn & Ellen Siever

## Window Cleaning

**Doug & Deb Lockett** 584-8419

Recommended by Caryl Daugherty

## Landscape/Architecture

Jo Ann Marcus

Last year we began the landscaping of the Adelita pool, now complete but for a few details, which will be finished this year. This year we look forward to landscaping the Minera Pool area, both to complete our bathroom project as well as beautify the area. Although my term has ended, I look forward to working on this as part of our long range landscape plan for the three community pools.

Thanks for your feedback - I think our efforts so far have been successful.

## Da Pool Guy

Steve Church

Work on the Minera bathroom is progressing and should be completed by mid-January. We will then be repairing the common area landscaping which was disrupted more than we had anticipated by the sewer line placement. Jo Ann and I look forward to working with the new 2011 Pool and Landscape committee chairs to complete this project.

## 2011 Directory

Please check your personal listing in the 2010 Directory as well as your information printed on the map and in the Reverse Directory. If you would like to make any changes, please e-mail Jo Ann Marcus at [jzm-az@comcast.net](mailto:jzm-az@comcast.net). If you do not have e-mail, call her at 797-4933.

If you would like to have your pet listed, please let Jo Ann know.

So that we can get the directory distributed in early February, deadline for changes and additions is January 15th.

## 2010 Board of Directors

<b>Joe Thompson</b> <i>President</i> <a href="mailto:n3sru@comcast.net">n3sru@comcast.net</a>	820-8364
<b>Carol Sinclair</b> <i>Vice President</i> <a href="mailto:carol.sinclair@mindspring.com">carol.sinclair@mindspring.com</a>	299-5909
<b>Cherry Rosenberg</b> <i>Secretary</i> <a href="mailto:cherryrosenberg@comcast.net">cherryrosenberg@comcast.net</a>	299-7509
<b>Jay Book</b> <i>Treasurer</i> <a href="mailto:jjaybadboy@aol.com">jjaybadboy@aol.com</a>	299-5966
<b>Marianne Van Zyll</b> <i>Social &amp; Membership</i> <a href="mailto:rodetulp43@hotmail.com">rodetulp43@hotmail.com</a>	299-7161
<b>Jo Ann Marcus</b> <i>Landscaping &amp; Architecture</i> <a href="mailto:jzm-az@comcast.net">jzm-az@comcast.net</a>	797-4933
<b>Steve Church</b> <i>Pools</i> <a href="mailto:steveandconnie@comcast.net">steveandconnie@comcast.net</a>	577-1446

### A special thanks to the Volunteers:

Javalina Express:

Terry Temple  
Cherry Rosenberg  
Marianne Van Zyll  
Cassandra Wry Ridlinghafer

Light Bulbs:

Aldine von Isser & Hal Grieve

Pools: Jeff Mott

Terry Temple

Directory:

Jo Ann Marcus, Updates/Proofing  
David Scott Allen, Cover & Photos  
Connie Church, Layout & Design

Newsletter:

*PuebloRecipes*  
David Scott Allen

*Special Spaces:*  
Jo Ann Marcus

*Garden Gallimaufry:*  
Jo Ann Marcus  
Mark Sammons

*Editor:* Connie Church

Web site: [www.catalinapueblo.com](http://www.catalinapueblo.com)

Connie Church

Communication Committee:

Cherry Rosenberg, Secretary  
Connie Church, Chair  
Jo Ann Marcus  
Mark Sammons  
David Scott Allen

### Reliable Environmental Services

Robert Howe 400-0163  
email:  
[robert@restucson.com](mailto:robert@restucson.com)

### 2011 Holiday Schedule

### No trash pick-up!

Monday, January 17  
Monday, February 21  
Monday, May, 30  
Monday July, 4  
Monday, September 5  
Monday, October 24  
Thursday, November 24

December 11, 2010

Dear Michael Harris:

My name is Daniel Peters, my wife and I have lived in Catalina Pueblo since 2003, and I have served on the CPA Board of Directors in several capacities. I was Vice President of the Board that developed the amendment concerning the limitation on rentals and saw it approved by a large percentage of the owners of our 108 units.

We had several reasons for wanting to limit further rentals. We had reached a point where close to 25% of our units were rentals. While many of our owner/landlords have been good citizens, maintaining their properties and paying their dues on time, others have been derelict and hard to reach. The Board can fine the latter and put liens on their property for the maintenance the Board has to pay for, but you can't collect on the lien until they sell the property. In the meantime, they can run the property into the ground, lowering the value of everyone's property and distressing their neighbors.

Another reason is that we have a Board of volunteers who do an incredible amount of work for no pay, keeping our dues low while maintaining the integrity and value of our community. And with 25% of our units being rentals, and another 25% belonging to our seasonal residents, and maybe another quarter to people who had previously served on the Board—it was getting very hard to find a sufficient number of residents who could spare the time to keep our community going. Renters are not allowed to serve on the Board, and except for Carol Sinclair (and now Russ Cardon), our landlords haven't pitched in.

I was there when we met with the lawyer who helped us draw up our amendment. She gave us the language that would have allowed the Board to grant a variance to owners who were in a hardship situation. It seemed very reasonable to us at the time, but when the next Board had to deal with a request for a variance and checked it out with a lawyer, they were told they could not grant one exception without granting all. To protect the community, they have not granted any, though they have been confronted with requests from long-term residents who deserved to be treated with compassion.

One thing you don't make clear in your email, Mr. Harris, is why you should have been granted a variance. What's your hardship? And while you're arguing that the Board should have used its discretion under the amendment to give you a variance, the attachment from your lawyer is claiming that the amendment has no legal basis and is unenforceable. Which would you have us believe?

I was just at our community Holiday Party tonight, and I was reminded, as I partied with my friends and neighbors, of how many of them had pitched in in various ways to make the Association work for all of us. It was virtually everybody. It's a shame that you don't want to join this community, Mr. Harris, because it's a great bunch of people. But I find it hard to believe that a Vice President at Long Realty would really want to live in a townhouse on what is arguably the busiest corner in the Pueblo. And if you did want to join us (after your renters depart), I doubt that you would be sending us all this threatening stuff from your lawyer. I mean, is that really the way to win friends and influence people?

In closing, let me say that this is a very special community, and we don't want to see someone come in and, for his own selfish purposes, turn it into a place of absentee landlords, renters, and transients.

Sincerely,

Daniel Peters  
2751 E. Avenida de Pueblo

# BUTLER, ODEN & JACKSON, P.C.

ATTORNEYS AT LAW

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145 South Sixth Avenue  
Tucson, Arizona 85701  
520.884.0024  
F 520.884.0025

December 23, 2010

Mr. Joe Thompson  
2651 East Avenida de Maria  
Tucson, Arizona 85718

**RE: *Catalina Pueblo/Harris***

Dear Joe:

This letter follows up our earlier conversations regarding Pat Griffin's November 17, 2010 letter sent to me on behalf of Michael Harris. It is my understanding that Mr. Harris has now circulated the letter throughout the neighborhood, which may have caused concern for some homeowners. You have asked for my thoughts relating to the contentions made in the letter.

As you know, Mr. Griffin advised Mr. Harris that Catalina Pueblo's amendment to its CC&Rs which places rental restrictions on property ("First Amendment") is invalid, void and unenforceable. As such, he advised Mr. Harris to ignore the rental restrictions and lease the home he recently purchased in Catalina Pueblo. Mr. Griffin has stated to me that he is absolutely certain that Mr. Harris would prevail in any lawsuit relating to the First Amendment. Mr. Griffin's letter outlines the legal authority that he believes supports his position, and the letter obviously displays the same bravado that Mr. Griffin has exhibited to Mr. Harris.

First, you should know that in my seventeen years of practicing law, I have never guaranteed a result to a client. This is true even in cases in which I had positions that I believed were nearly unbeatable. I bring this up because Mr. Griffin's confidence in his client's position probably is a reflection of his personality more than it is a true, unbiased opinion of the merits of the dispute.

Mr. Griffin's letter is an accurate reflection of the cases he would rely on to support his argument that the first amendment is unenforceable. These cases conclude that restrictions limiting the use of specific lots within a subdivision, or restrictions that allow exceptions for specific lots in a subdivision, are unenforceable unless approved by a unanimous vote of all homeowners. Mr. Griffin believes that the First Amendment is not applied uniformly to all lots.

As you know, I believe the facts surrounding the First Amendment are not the same as the facts contained in the cases Mr. Griffin cites. The First Amendment does not treat specifically identified lots any differently than other lots. The First Amendment was duly approved by the necessary number of homeowners in accordance with the procedure outlined in the CC&Rs. I know that the enforceability of the First Amendment was researched by previous counsel prior to it being put up for vote. Although she found nothing in Arizona that is directly similar to the First Amendment, she found cases supporting the enforceability of such an amendment in other jurisdictions.

Unfortunately, the enforceability of covenants ultimately must be determined by judges and juries. Unlike Mr. Griffin, I cannot tell you with absolute certainty whether a judge would choose Mr. Harris' position or the Association's position. I can only tell you that right now, Mr. Harris is in clear violation of the plain language of the first amendment as drafted.

I can appreciate the awkward position in which Mr. Harris' conduct places the Board. It was the homeowners who adopted the First Amendment. The Board feels duty-bound to enforce the CC&Rs, yet doing so will place additional burdens on the homeowners association, both in a financial sense and a social sense. It is unfortunate that the newly elected board members will have to deal with this issue right out of the box, but you have advised me that the new members are capable and reasonable, and they will be able to accept the challenge.

I already have advised you at length of the Board's options relating to this matter, and I will not repeat them here. Please call me if you would like to discuss this matter further.

Very truly yours,

**BUTLER, ODEN & JACKSON, P.C.**



Michael J. Butler