

ELDORADO PROPERTY OWNERS' ASSOCIATION

BOARD OF DIRECTORS MEETING

JANUARY 18, 2022

A regular meeting of the Board of Directors of Eldorado Property Owners Association was held at the Eldorado Conference Room. Alec Biele, President, chaired the meeting and Pam Jaymes, Controller recorded the minutes. Having a quorum present, the meeting was called to order at 2:00pm.

Attendees in person: Alec Biele, Bob Esrey, Gordon Keen, Phil Burgess, Robert Cooper, Susan Strauss, Heather Jiggins.

Not in attendance: John Hathaway

Staff: Mark Miller, Adriana Andrade, Pamela Jaymes

Guests: Walter & Stephanie Zable, Bill Scott member of the Architecture Committee, and Greg Grisamore, landscape architect and Eldorado property owner.

Mr. Biele opened the meeting by asking the Committee to step ahead to item two on the agenda, the Zable appeal to the Architectural Committee on planting olive trees in their yard.

APPEAL BY MR. & MRS. ZABLE:

Mr. Becket opened the discussion by saying the recently (April 2021) adopted Architectural Guidelines prohibit fruit bearing olive trees even though there is an abundance of fruit bearing olive trees throughout the community. The Zable's plan to spray the trees to prevent flowering and trim as bonsai trees. Mr. Becket stated that rather than approving a variance, he suggests a revision to the guidelines whereby, fruit bearing olive trees are allowed if required maintenance includes trimming so that the canopy is not oversized, and spraying is undertaken at flowering time to reduce fruit. This change requires board approval.

Mr. Grisamore, a landscape architect that has practiced for many years in Southern California made a brief presentation in support of the Zable's request and amending the Guidelines. In his opinion, fruit bearing olive trees are minimally invasive and the mess they create can be mitigated through spraying a limiting the size of the canopy.

A discussion followed concerning whether enforcement of the maintenance requirements would be a burden. It was noted that we have other tree and landscape maintenance requirements in the Guidelines and that enforcement has not been a problem. Mark Miller stated that complaints generally come to him and that he has been successful in obtaining compliance. Biele made a motion to amend the Architectural Guidelines to allow fruit bearing olive trees with the maintenance requirements. Mr. Cooper seconded; motion carried. Regarding the Zable's, a motion was made to approve the planting olive trees with the restrictions on maintenance and subject to the change in guidelines. Mr. Cooper seconded; motion carried.

REAL ESTATE REPORT:

John opened by saying this is the strongest market he has ever seen. Their two active listing will be sold by month end. Multiple offers come in over asking price. They are selling outside

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the gates and have seen asking price of \$2.6M selling for \$3.4M in Toscana. On Fairway Drive a house that would appear to be a tear-down sold for \$1.6M.

John and Sandy left the meeting.

APPROVE MINUTES:

Mr. Biele asked for a motion to approve the August and November 2021 minutes. Mr. Keen made the motion and Mr. Esrey seconded. Motion carried.

NEW CABLE CONTRACT:

Mr. Miller informed the Board that they are still waiting for Spectrum to activate the contract. Spectrum has been slow in the three contracts he has negotiated. The contract is \$55 per month, with a five-year term and a 3% cap on annual increases. The internet speed is increased to 400mg upload. It includes two DVR boxes and the Bronze Channel Listing.

NEW CELL TOWER:

Mark Miller updated the Board regarding the cell tower. The application has been submitted to the City of Indian Wells by AT&T, but they expect a long wait to get anything done at the city.

FINANCIAL UPDATE:

Pam presented the financials stating that operating cash is at its lowest in December because dues are paid in January for the full year. Now, after Board approval, dues billings are semi-annual, due in January and July. This makes the billing process smoother in that everything is billed on a semi-annual basis, rather than a mix of annual and semi-annual. Also, it is not necessary to collect from owners so far in advance. Accounts Receivable is lower than previous year due to the new semi-annual billing. Revenue and expenses are in line with budget. The only exception is Security fees revenue is overbudget by \$4,000 due to a timing adjustment in the preceding stub year-end of Sep 30, 2021. The Reserve Statement shows the first-time dues billing of \$108,900 or \$450 per lot, approved by the Board for future major projects over the next five years. An estimated state income tax payment of \$13,900 was made in December. This was higher than budgeted due to more taxable commission rental revenue.

Mr. & Mrs. Zable and Mr. Grismore left the meeting.

STAMPLEY PURCHASE OF THE BRANDMEYER PROPERTY:

Mr. Biele passed out a hard copy of the email from outside attorney Chris Thomsen to Alec Biele and Tom Becket detailing the issues with the pending sale of the Brandmeyer property to the Stampley's (email included with minutes). Mr. Becket summarized the issues by explaining that the Brandmeyer's own two and a half lots that were merged into one property known as

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46310 Amethyst Drive. The main house is on one lot and a second house considered a guest house was built on the second lot with a breezeway connecting the two homes. The Stampley's want to sub-divide the lots back to two properties (the main house on the one and half lots and the "guest house" on the other lot. They plan to sell the "guest house". The issues in doing this are:

- 1) Is EPOA authorized to subdivide the lots?
- 2) Can the EPOA Board approve variances on the setbacks? The CC&Rs state side yard setbacks at 12 feet and the City of Indian Wells requires 8 feet. They meet the 8' setback but not the 12'. The property is not in compliance with the setback in two places, the mechanical closet for the HVAC at the original home, and the corner of the great room of the original home.

An analysis of these issues and recommendation from Mr. Becket's that was distributed to each board member prior to the meeting outlined his reasoning on why the Board has authority to grant the sub-division as well as to approve the variance to the side lot setbacks. The email from Chris Thomsen agreed with Mr. Becket's conclusion that the Board has the authority on both items.

Mr. Becket further explained that the setback issues are not obvious from the street. Mr. Cooper asked if it was feasible for them to correct the setbacks. Mr. Becket explained it would not be feasible. Mr. Esrey asked if by approving the setback variance would that create a precedent. Mr. Becket did not think so because of the unique circumstances presented by this situation.

Mr. Biele asked for a motion to allow for the proposed subdivision of the Stampley's lot as well as to approve the side lot setback variance pending sale of 46310 Amethyst Drive, Indian Wells, CA. Mr. Esrey made the motion and Mr. Cooper seconded; motion carried. The approval of these items is subject to the conditions set forth in Mr. Becket's recommendations memo to the Board. Mr. Becket will explicitly state those conditions to the Stampley's.

ARCHITECTURAL COMMITTEE:

Tom Becket updated the board on current applications:

- A certified letter will be mailed to Halton and Frailong providing the required 30-day notice on the financial penalties that will be imposed for not meeting the construction due dates. One extension was given last year.
- Mrs. Hoffman applied to redo her landscaping.
- Initial modifications to 46184 Onyx court to replace the garage door and change out grass to decomposed granite (DG).

Phil Burgess stated neither the street nor mountain lighting is not consistent in color temperature. Mr. Miller stated that the mountain lighting is provided by various homeowners and Brian Akers and he will

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inspect the street and mountain lighting, prepare a list of homeowners who have mountain lighting and make recommendations

Meeting adjourned.