

## Vistoso Pointe Home Owners Association

Subject: Vistoso Pointe HOA Jan 16, 2017 Meeting

Date: Jan 16, 2017

Venue: Daniels' Residence 12679 N Vistoso View Pl

Convene: 6:32 PM AST

Board Members Present: Bill Daniels, Diane DeGumba, Mike DeSantis

Board Members Absent: Eddie Croy, Lynn Huebner

Guests: Bob and Kathryn Benders, Cathleen DeSantis, Tim and Laura Sayers, John Gillis, Becki Daniels

Topics:

Roll Call of Directors to determine if Quorum requirement met: 3 Directors present Bill Daniels, Diane DeGumba, Mike DeSantis - Business can be conducted.

Reading of Minutes of Oct 26, 2016 BOD Meeting: Motion to accept with change of subject from Annual Meeting to Oct 26, 2016 meeting. Vote to accept 3 for, 0 against.

Old Business

### **Old Business**

1) Lot 30 is not building per approved plan (Notified Oct 19, 2016 email) - Lawyer suggests we send a **"CEASE AND DESIST DEMAND"** Letter

Cease and Desist Demand letter sent. Building issue of missing windows resolved. Item closed.

2) Lot 7 Excess lighting at night (Notified April 1, 2016 - letter) There was discussion and it was agreed that our entry lights violate our dark skies requirement.

Action: Contact TOV to determine if Lot 7 is compliant with their dark skies requirements.

TOV contacted, playing phone tag. Item closed.

Action : Replace the entry lights with canister lights that do not allow direct view of the bulbs. Matt Sexton / Bill Daniels to produce a solution to provide to the board for funding.

Bill and Matt surveyed the entrance lights, identified a suitable replacement. Bill ordered 6 replacement lights and installed them. BOD has observed replacement lights at night and is satisfied they meet our requirements.

Motion was made to complete the installation of these lights (6 more).

Motion passed: 3 for, 0 against

3) Lot 19 Requires Painting (Notified April 8, 2016 - letter) Discussion

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Action: Send follow up letter to Lot 19 informing them they are in violation of the VP Architectural Guidelines and to paint the home. Include an ARC Request form and information that the LRV of the paint can not exceed 40.

Letter sent, owners sent an email stating they were in a protracted dispute with stucco supplier which has now been resolved. They plan to paint the same color as the original.

Action send "friendly reminder" in 30 days (Feb 16, 2017) if work has not commenced.

4) Fountain Fix Bid (\$2384.18 new high efficiency pump motor + filter system) requested 3 bids and only one received. Existing pump needs repair (\$1000?).

One home owner asked why keep the fountain. We could remove the fountain and replace it with a desert scape feature. Much discussion. The VP BOD could make a decision to do this or just fix the fountain but this decision affects Lots 1 – 29 directly. It was agreed to involve these Lots directly with a email vote just like we did for the gate.

Action: Send Blast email to Lot 1-29 asking for a vote.

Blast email sent. Results are to keep fountain.

There was a motion to approve the cost to replace the pump if the community votes to fix the pump. The BOD voted 5 for the motion and 0 against.

Contractor notified, pump replaced. Item closed.

5) Waste Management has provided us a Contract (\$19.35 / month for 1 year – 60 month contract) to renew our relationship with them. It was discussed that the HOA does not have the authority to commit all home owners to a single supplier. After the meeting, this statement was proved inaccurate. Our HOA does have the authority to make a contract with a single supplier.

Action: Contact WM and request that their commitment to price and term of the agreement must match. That is 12 month commitment yields a 12 month term (not a 60 month term).

Contacted WM, they want a 60 month contract with only a 12 month price guarantee. No further action required. Item closed

6) Contract with Brown Law (\$50 per month + costs) Our HOA does not have legal representation. The BOD investigated options to this several months ago when we were threatened with a lawsuit. The costs of hiring a Law firm started with about \$2000 for the Law firm to read our legal documents (CC&Rs, By Laws, Architectural Guidelines). Brown Law Group is the same law group that represents the Master HOA (Vistoso Community Association - VCA). Our HOA is a sunset of the VCA. I asked Phil Brown if our legal issues would be covered by his relationship with the VCA. He stated we could always ask the VCA BOD for their help. The VP BOD discussed this and decided that it was not in our best interest to pursue this approach. Our HOA should adjudicate our internal issues. The Brown Law Group offered a retain fee structure of \$50 a month flat fee. We get unlimited access to the Firms legal advice plus other benefits.

A motion was made to hire the Brown/Olcot Law firm. Motion passed 5 for, 0 against.

Brown/Olcot Law firm contacted, contract signed. Item closed.

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7) Budget for 2017 Discussion. Our expenses and revenue match. No need to increase (or decrease) fees. This budget includes the new monthly charge of \$50 for the legal representation and replacement of the fountain pump (if the community votes to go in that direction).

2017 budget approved, no fee increase in 2017. Item closed.

8) Lot 13 asked if they could put up a basketball goal for 2 months. This depends on the approval by all adjacent lot owners.

Owners selling home and moving. Item closed

### **New Business:**

Item 1: Brown/Olcot Law Firm suggests we pass a Resolution to enable our HOA to impose fines if our CC&Rs are violated.

Resolution presented to the Board.

Motion to pass resolution seconded. Motion passes 3 for, 0 against

Action: post resolution on our web site within a week.

Item 2: Lighting as defined by Section IV, paragraph GG is being violated by owners of Lot 7.

Action is to send friendly reminder to owners of Lot 7.

A motion was made to follow our enforcement process on Lot 7.

Motion passed: 3 for, 0 against.

Item 3: Repair lift station access doors. Bid for \$996. 81 was discussed.

Motion to accept bid and start work made.

Motion passed: 3 for, 0 against

Item 4:

A Motion was made to adjourn at 6:55 PM. Motion passed 3 for, 0 against.