

REGULAR BOARD OF DIRECTORS MEETING

AGENDA

Thursday, 7 p.m.

April 18, 2013

Community Center

- 1) **Call to order and Pledge of Allegiance.**
- 2) **Review/approve previous minutes.**
- 3) **Member/Guest Forum.**
- 4) **Department/Committee reports.**
 - a) Recreation Dept.
 - b) Maintenance Dept.
 - c) Standards Dept.
 - d) Community Management Dept.
 - e) Architectural Review Committee
 - f) Finance Committee
 - g) Landscaping Committee
 - h) Nominating Committee
 - i) Communications Committee
 - j) Public Safety Committee
 - k) Sports and Park Committee
 - l) Strategic Planning Committee
- 5) **Unfinished Business.**
 - a) Status of Sidewalk at SaxonHill and Military Drive West – Tabled.
 - b) Association assume ownership of Centex Properties – Open.
 - c) Computer (tower) purchase (\$500 authorized) – Open.
 - d) Brick columns survey results (review of ARs 17 & 32) – Open.
 - e) BCSD Sub-station (to be discussed at annual meeting with County Commissioner) – Open.
- 6) **Executive/Emergency Session Results**
 - a) _____.
 - b) _____.
 - c) _____.
- 7) **New Business.**
 - a) Pool schedule for 2013 _____.
 - b) _____.
 - c) _____.
- 8) **Schedule next monthly meeting.** (Annual meeting [April 25, 2013] / Regular monthly meeting [May 16, 2013], both at 7pm)
- 9) **Adjournment.**



The Villages of Westcreek Owners' Association, Inc.

Est. 1994

**Regular Meeting of the Board of Directors
Villages of Westcreek Owners' Association, Inc.**

I. OPEN MEETING: The Regular Meeting of the Board of Directors was called to order by the President at 7:05 p.m., on Thursday, March 21st, 2013. The purpose of the meeting was to conduct regular business as identified in the pre-announced Agenda. The meeting minutes for the February Regular Monthly Meeting were reviewed and approved by a unanimous vote of Board members (5/0) present.

Board Members Present:

John Steele, President

Jennifer Castro, Treasurer

Kenneth Fowler, Asst. Secretary

Richard Gentry, Vice President

Kevin Drummonds, Secretary

Board Members Absent: None

Staff Present:

Brenda Tate, Community Manager

Jennifer Bell, Administrative Superintendent

Jamie Esquivel, Maintenance Contractor

Adrian Suttles, Standards Superintendent

Nancy Griffin, Parks and Recreation Superintendent

Members Present:

Eugene Hopkins

Barbara Hopkins

David Pater

Brian Steele

Derrick Foyle

Alfred Barrera

Nick Hogue

Rick Severs

Terry Barrera

Roger Torres

Joyce Oliver

Guy Oliver

Sandy Torres

Guests Present:

None.

II. MEET THE CANDIDATES:

The candidates were each given two minutes to address the members present. The candidates are: Ken Fowler, Richard Gentry, Nick Hogue, and David Pater. One question was asked of all the candidates – “what CAI training have you [the candidate] had to serve on the board?” All candidates were given the opportunity to respond.

III. OPEN FORUM:

Mr. Steele opened the Member's forum. The following members spoke: None.

IV. COMMITTEE/DEPARTMENT REPORTS:

- a. Recreation Department: A written report was provided and is attached to these minutes. The Superintendent (Nancy Griffin) briefed the members present and outlined her activities for the period. The Community Manager requested the Board rule on having a farmer's market beginning on 4 April from 9 am to 2 pm. The Board discussed briefly and asked questions, including why they chose the middle of the day when most members are at work. The Community Manager explained this was the time the group asked for. The Board approved the request unanimously.
- b. Maintenance Department: A written report was provided and is attached to these minutes. Mr. Jaime Esquivel (maintenance contractor) briefed on the latest activities of the maintenance team and answered questions on work being done this period.
- c. Standards Department: A written report was provided and is attached to these minutes. Mrs. Adrian Suttles briefed the activities for this period. Her report also included information on the Architectural Review

Committees' Property Improvement/Change Application (PIA) numbers. The Board President also explained the circumstances surrounding an incident with a PIA for a 25 foot flag pole for a Member. A local TV news station reported that a Member of the Association had requested a flag pole be installed in their back yard and that the Association (ARC) had denied their request. He also explained that neither the Association, nor anyone therein, ever denied the Members' right to fly a flag. They were simply notified of the requirement to meet the standard established in the CC&Rs. The President also explained the appeal process for members and that this process was not invoked prior to involving the news media. In this case, once the Member invoked the appeal process and a solution was agreed upon, the application for a 20 ft pole was approved.

- d. Community Management Department: Mrs. Tate provided a written report, including a summary of delinquent assessments, which is attached to these minutes and briefed from this report. The Manager explained that there is still an opening for a Park Monitor. She also identified a couple issues with the QuickBooks: first, the version needed to be upgraded to QuickBooks 2010 at a cost of \$3000; and second, the office needs to close for two days to upgrade the systems and train the staff. The Board discussed the issue briefly and unanimously approved the request. Mrs. Tate also informed everyone of the news (from the Town Hall meeting) that the graffiti artist that we had posted a reward for the arrest and conviction had been arrested. The constable that lives in the community had actually caught and arrested the individual. The status of the reward was discussed and the staff contacted the Bexar County Constables Office to determine if the constable could accept the reward, the response back from Bexar County was "no, he could not".
- e. Architectural Review Committee. The Committee provided a written report and the chairperson, Mr. Derrick Foyle, briefed from the report.
- f. Finance Committee: Mrs. Castro provided written accrual and cash basis statements from the Bookkeeper. She briefed from these statements and provided a summary of the status of the Association funds. We are currently are running approximately \$76,000 under our budget pending the start of pool season, but all is well. Mr. Steele identified an issue with the amount of money we have in our accounts. He asked that Mrs. Castro look into our options. Mrs. Tate said she had several options, specifically CDs and/or money market funds. After discussion, it was determined that the reason for needing to move funds is due to the FDIC guarantee limits of \$250k. The options presented were for our current bank, Mutual of Omaha, and their rates. It was suggested that we look at other banks to get better rates; however, the Community Manager was opposed to this as it caused logistical difficulties when dealing with several different banks. Motion was made to open a \$100k one-year, a \$100k two-year CD, and \$100k money market...amended after discussion and recommendation from the Community Manager that we not pull more than \$100k from each account to a \$100k CD from the reserve fund and \$100k money market fund from the operating fund. Mrs. Tate was asked to provide the risk to the Association when withdrawing a CD (i.e., what are the fees/penalties?).
- g. Landscaping Committee. Mr. Steele provided a verbal report, which included the status of the work planned for the clock tower that is scheduled for Saturday, April 20th.
- h. Nominating Committee. No written report. Mr. Steele reminded everyone of the election coming up at the annual meeting. Mr. Drummonds identified an issue with the Annual Meeting announcement that went out via mail to each of the member's, specifically the elections process/absentee ballot/assignment of proxy on the reverse of the Agenda. Mr. Drummonds had requested via email (3/19/2013) to the Community Manager that the web site be updated to reflect the correct process and corrected proxy information. After a great deal of discussion (via email) as to whether or not the approved process in the By-Laws was in conflict with the CC&Rs, it was decided that the question(s) would be sent to the lawyer for his opinion. Mr. Steele drafted the questions and they were reviewed by the rest of the Board. The agreed upon questions will be sent to lawyer and the results will be discussed thereafter.
- i. Communications Committee. No report.
- j. Public Safety Committee. No written report. The March 4th meeting was rescheduled for April 11th, at 6 pm, in the community center. Public safety information is included in the Standards Department report attached to these minutes.
- k. Sports and Park Committee. No report.
- l. Strategic Planning Committee: The Chairperson, Mr. Severs, gave a verbal report. No meeting was held this quarter and he asked that the next meeting be scheduled after the election.

V. UNFINISHED BUSINESS:

- a. Status of Sidewalk at Saxonhill and Military Drive West. **TABLED.**
- b. Centex Properties. Mrs. Tate briefed the Board there was no movement on this issue this month. **OPEN.**
- c. Administrative Resolution 12. The Board reviewed and approved as written, after discussing a few questions, by a 5/0 vote. **OPEN.**
- d. Computer (tower) purchase (\$500 authorized). No action taken as of this time. **OPEN.**

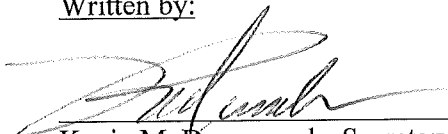
VI. NEW BUSINESS:

- a. Sports Park rules for 2013 season. The Board reviewed the rules provided by the Sports Park Committee and staff. After a brief discussion and questions, the rules were approved unanimously as amended. **CLOSED.**
- b. Ott Elementary yearly picnic request. The fifth grade class of Paul Ott Elementary requested the waiving of fees for use of the pavilion and part of the park on May 31st, 2013, from 8:30 am to 2 pm. The request was discussed and approved by unanimous vote as long as it did not interfere with already scheduled events. **CLOSED.**
- c. Brick Column survey results. The Board was given the package and briefed at this meeting and members asked for time to review it. It was unanimously agreed to table further discussion on this until the April meeting. **OPEN.**
- d. Homeowner conflict issue. The Board was presented with a letter requesting they intervene in a dispute with another Homeowner. After review of the letter and discussion, it was unanimously agreed that the Board or staff should not get involved in cases that are more appropriate for the legal system. **CLOSED.**
- e. Annual Meeting Agenda and Guest Speaker. Mr. Steele reminded the members of the annual meeting and the guest(s) expected to be in attendance. The notification with an agenda and voting information was mailed to each Homeowner. Mr. Drummonds asked about the agenda and Mr. Steele stated that he had given the agenda to the Community Manager for the announcement. **CLOSED.**
- f. BCSD Sub-station. A suggestion was raised to donate property next to the community center for a Bexar County Sheriff's Department sub-station or fire station. Mr. Steele will make this offer and discuss it with County Commissioner Chico Rodriguez at the annual meeting in April. **OPEN.**
- g. **Executive Session** results:
 - 1) Community Manager salary. The salary for this individual was increased by \$8000 annually.
 - 2) Landscaping committee request for funds for the clock tower. The request was approved as discussed earlier in the meeting.
 - 3) Results of investigation of incident in the Sports Park. As many details as possible were briefed to the members present.

VII. The Next Meeting: The next regular meeting will be held on Thursday, April 18th, 2013, at 7 p.m. in the Community Center. The annual meeting is scheduled for April 25th, 2013, at 7 pm in the community center.

VIII. Adjournment: There being no further business before the Board, the meeting was adjourned at 8:57 p.m.

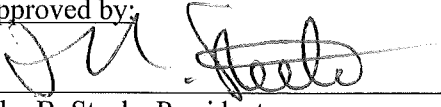
Written by:



Kevin M. Drummonds, Secretary

Date: 4/18/2013

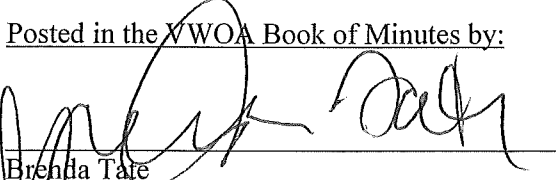
Approved by:



John B. Steele, President

Date: 18 April 2013

Posted in the VWOA Book of Minutes by:



Brenda Tate
Community Manager
VWOA

Date: 18 April 2013

Parks And Recreation –April 2013

Board Report

Programs/Classes

- a. **Soccer-** Spring soccer season 272 participants registered, 25 teams, largest registration ever Season Ends 4-20-13
- b. **Olympic Karate-** Classes on Tuesday & Thursdays 23 current participants.
- c. **SMASHDANCE-** Zumba Fitness is offered each Monday and Wednesday at 7:30 pm 42 participants
- d. **Body Bootcamp-** Tue & Thur 7:30pm
- e. **Cardio Dance-** Wed evenings 6:30 h - i - j & k have 17 participants
- f. **Kickboxing-** Mon 6:30pm
- g. **Women's Total Body-** Mon-Wed-Fri , 9am
- h. **Muscle Toning-** 9-10am Mon-Wed-Fri
- i. **AA Meetings** – Wed's, 12pm – 1pm

Past Community Events:

- a. Farmer's Market- April 4, Steady attendance - Farmers pleased with day
- b. Easter Egg Hunt- March 23, approximately 525 in attendance
Mr. Bunny arriving by Fire Truck was a big hit! Thanks Mico Fire Dept.!
- b. Flag Dedication – February 21, Brennan AF JROTC did a great job!
- c. .Mardi Gras was celebrated on Feb 9th, 118 homeowners and guests in attendance, layout change made more tickets available

Future Community Events:

- a. Spring Soccer Banquet – April 20
- b. Rummage Sale – May 4th
- c. Pool opening for weekends - May 11
- d. Pools open weekdays – June 7
- e. Annual Picnic – June 15

J & J CONSTRUCTION

RESIDENTIAL & COMMERCIAL

PO BOX 762349

SAN ANTONIO, TX 78245

(210)722-5609

Jamiejjconst@aol.com

Monthly Maintenance Report.

APRIL

Daily task: Pick up trash daily, main road ways, walk around Community Center, check swimming pool for leaks and corrosions. Clean and hose down sidewalks around building and check all bathrooms, pavilion, check for wasps & fire ants. Check for graffiti.

Mowing: Mow all needed areas, and gathering leaves and keeping the community clean. Clean flower beds and take out the dead foe-ledge and we have had lots of weeds growing due to small amount of rain.

Land: Daily trash pick-up, and inspection of property for hazards, we have also been picking trash left by others in our remote areas. We are also in the process of mulching all our tree trimmings and recycle back into our monuments and our beds around our facilities.

Park: We have had some vandalism, so we are replacing irrigation heads and PVC lines .we have also been working on getting the park cleared in the areas that were still lacking.

Community Center: maintain the centers exterior and also change all a/c filters and check all units .we have had some electrical issues from the rains we have had and we are currently replacing some exterior gang boxes to make water tight. We have also just finished installing the new panic bars on our community CTR, as our current fire marshal asked.

STANDARDS DEPARTMENT MONTHLY REPORT

From: Adrian Suttles, Superintendent of Standards
To: VWOA Board of Directors
Subject: Report for the month of March 2013
Presented to the Board of Directors on April 18, 2013

<u>TOPICS</u>	<u>ACTION AND OR NOTES</u>	<u>STATUS</u>
<u>STANDARDS</u>		
ARC Committee Membership:	The ARC is staffed with five (5) community residents who volunteer their time on a weekly basis.	Info
PIA's	Forty-eight (48) were brought before the ARC. Forty-four (44) of these were approved, four (4) were not approved.	Info
Staffing/Personnel:	Staffed with five (5) part time Standards Monitors.	Info
Standards Violations Documented:	Nine hundred thirty-eight (938) violations of our standards were noted in the month of March. February had six hundred nine (609) violations documented.	Info
Personal Contact:	One hundred ten (110) for the month of March. February had one hundred five (105) contacts.	Info
Thank You Notices:	Three hundred eighteen (318) were handed out for March. February had one hundred sixty-six (166) handed out.	Info
Re-Sale Inspections:	Six (6) were completed in March. February had nine (9).	Info
Yard/Garage Sales:	Thirty-three (33) were applied for in March. February had twenty-five (25).	Info
<u>PROJECT MANAGEMENT</u>		
Public Safety Report:	Please see report below for crime reported to us in March.	Info
	Estates~Creek Knoll~Top cap of brick pillar of fence along Military broken & on sidewalk. Other white trim brick near top of brick pillar chipped up. Appeared to be done by vandals.	3/5/13
	Gardens~Monument light broken again.	3/6/13
	Estates~Creek Knoll~White trim brick near top of brick pillar along Military chipped away more. Appeared to be done by vandals.	3/11/13
	Willowbrook~Quailbrook~House broken into. Front door was kicked in around 3:50 pm. Alarm went off and dog was in house, burglar(s) took off without stealing anything.	3/26/13
	VWOA Sports Park~Basketball Court~Cell phones were stolen from the basketball court while the owners of the phones were playing on the court.	3/26/13
	Wynwood~At 7:45 am, rear neighbors medium to large size dog broke through fence and came into backyard. That dog killed HO's 10 yr. old Chihuahua. Police and animal control both called, and reports were filed.	3/29/13
	Hollow~Dudleston~Neighbor notified HO-saw 2 African American boys approx. 10-11 yrs. old, stopped & taking pics of Vin # & paper plates on new vehicle (Avalon). Cops were called.	3/30/13



Villages of Westcreek
Owners' Association

Community Managers Report
For March 2013
Presented to the
Villages of Westcreek
Board of Directors
April 18, 2013

Physical Plant

- \$1000.00 Received From USAA for damaged work Trailer
- Centex- surveys complete Centex working to bring properties into Standards compliance.
- Clock Tower Landscape project volunteers needed 8:00am April 20.2013

Personnel

- We are currently hiring Certified Life Guards for the 2013 Pool Season.

Vandalism

- Graffiti- moderate SINS was arrested and is awaiting trial award to be paid out upon conviction.

Other Items

- The Annual Election is Next Week 04/25/2013.

Exclusive Usage Contracts

- Pavilion Parties 7
- Community Center 5
- Pool Parties 0

Closings

- New 0 Resale 5

Constant Contact Email Status Report

- 1542 subscribers

Days	H/O's	Amount
Current	2837	\$221,286.00
1-30 days	3	\$1,625.90
31-60 days	355	\$33,655.55
61-90 days	27	\$2,519.71
Over 90 days	176	\$38,327.26
Total	561	\$76,128.42

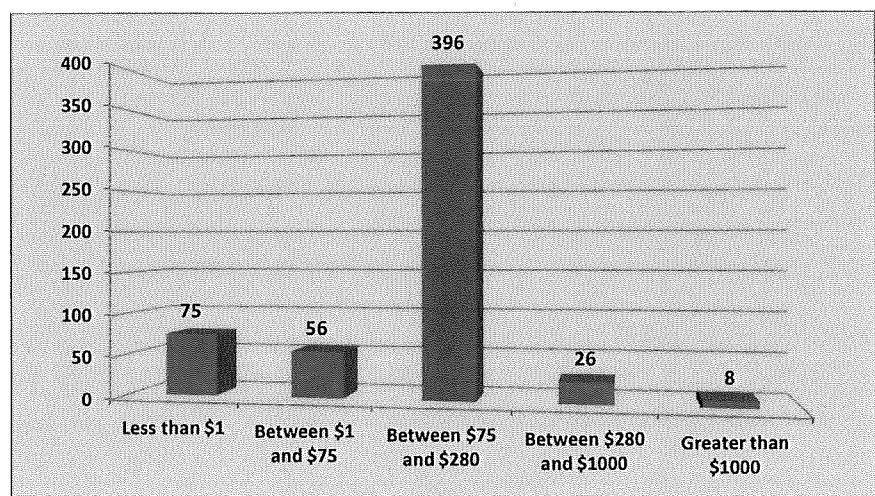
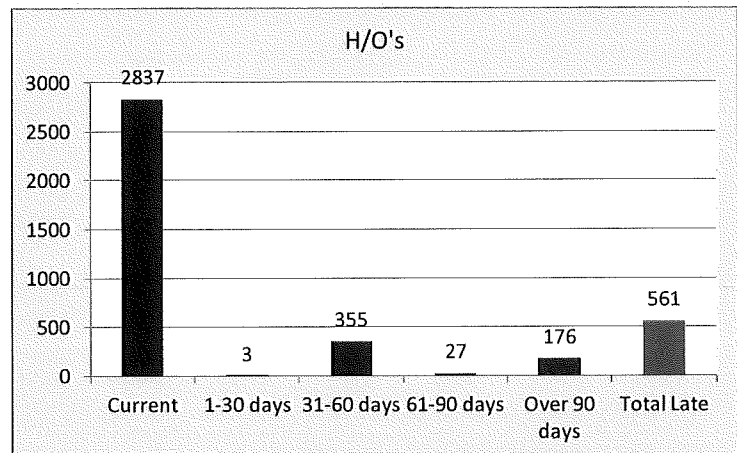
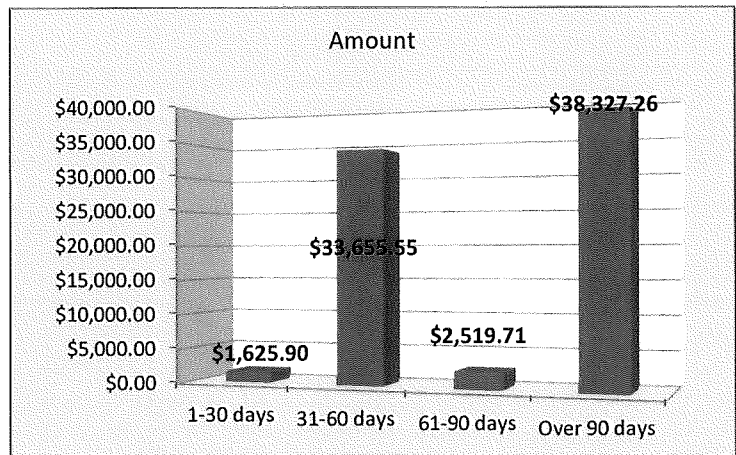
Current homeowner payments
\$221,286.00

Days	H/O's
Current	2837
1-30 days	3
31-60 days	355
61-90 days	27
Over 90 days	176
Total Late	561

Delinquent total ytd
76,128.42

Amount	H/O's
Less than \$1	75
Between \$1 and \$75	56
Between \$75 and \$280	396
Between \$280 and \$1000	26
Greater than \$1000	8

2013 Delinquent Assesments



VILLAGES OF WESTCREEK ARCHITECTURAL REVIEW COMMITTEE

REPORT FOR THE BOARD OF DIRECTORS – MARCH 2013

Meetings Held: 03/05/13 - 03/12/13 - 03/19/13 - 03/26/13

Applications Reviewed: 48

Applications Approved: 44

Applications Disapproved: 4

1. Request to install a 25' flagpole in a rear yard with a 6' x 4' US flag. Regrettably, a non-resident son and the local press became involved and blew everything out of proportion. A 20' flagpole with a 5' x 3' flag (both of which meet our Standards) was subsequently approved. The family concerned was very gracious during the resolution of this situation.
2. Request for a 20' X 20' (400 square feet) detached garage. The maximum permitted size of individual outbuildings is 120 square feet. This application may come back to 'bite' us if challenged as there are some homes in the older section of the Royal Oaks with approved detached garages constructed by the builders.
3. Request for a 10' 7" high shed. The maximum height of a shed is 10 feet.
4. Request regarding colors of new properties to be constructed in Jacobs Pond. The builder concerned attended a subsequent ARC meeting and a selection of different colors was approved.

Further Comments:

Of particular note, there is movement regarding impending development of multiple lots by more than one builder in Jacobs Pond (across the street from the Association).



DERRICK J. FOYLE
Chair, Architectural Review Committee

11:43 AM
04/15/13
Cash Basis

Villages of Westcreek Owners Association
Balance Sheet
As of April 15, 2013

	<u>Apr 15, 13</u>
ASSETS	
Current Assets	
Checking/Savings	
1010 · Operating Accounts	366,979.28
1011 · Reserve Accounts	314,838.39
Total Checking/Savings	681,817.67
Accounts Receivable	
1020 · Accounts Receivable	-155,202.92
Total Accounts Receivable	-155,202.92
Other Current Assets	
1021 · Interest Receivabl	34.19
1030 · Other Current Assets	18,186.94
1040 · Undeposited Funds	589.20
1045 · Due from Operating Fund	32,505.67
1071 · Allowance For Doubtful Accts	-8,500.00
Total Other Current Assets	42,816.00
Total Current Assets	569,430.75
Fixed Assets	
1050 · Fixed Assets	43,142.42
1056 · Community Center^	2021505.24
1057 · Community Center Furniture	19,489.77
1058 · Software	4,673.91
1059 · Vehicle	22,996.00
Total Fixed Assets	2111807.34
Other Assets	
1037 · Chase CD	2,589.29
Total Other Assets	2,589.29
TOTAL ASSETS	<u><u>2683827.38</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
2040 · Credit Card	121.67
Total Credit Cards	121.67
Other Current Liabilities	
2020 · Other Current Liabilities	17,045.06
2030 · Due to Employees/Uncashed Pa...	124.81
2100 · Payroll Liabilities	3,239.79
Total Other Current Liabilities	20,409.66
Total Current Liabilities	20,531.33
Long Term Liabilities	
2022 · Due to Reserve Fund	32,505.67
2200 · Long Term Notes Payable	1261106.02
Total Long Term Liabilities	1293611.69
Total Liabilities	1314143.02
Equity	
2031 · Retained Earnings	214,435.79
3000 · Fund Balance	974,015.16
Net Income	181,233.41
Total Equity	1369684.36
TOTAL LIABILITIES & EQUITY	<u><u>2683827.38</u></u>

11:30 AM
04/15/13
Cash Basis

Villages of Westcreek Owners Association
Profit & Loss Budget vs. Actual
January 1 through April 15, 2013

	<u>Jan 1 - Apr 15, 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
4150 · Miscellaneous Income	7,415.60	583.30	6,832.30
4170 · Program Fees	20,903.25	11,858.33	9,044.92
5000 · Revenue	447,556.50	411,088.60	36,467.90
5100 · Newsletter Advertisement	1,990.00	291.70	1,698.30
5200 · Rumage/Yard Sales	1,545.00	1,166.70	378.30
5400 · Pavilion Rental	2,580.50	1,458.31	1,122.19
5500 · Sports Park Committee	0.00	145.81	-145.81
5600 · Fence Repair Reimbursement	0.00	0.00	0.00
5800 · Community Center	7,540.00	6,125.00	1,415.00
5900 · Concession Stand	0.00	175.00	-175.00
Total Income	<u>489,530.85</u>	<u>432,892.75</u>	<u>56,638.10</u>
Gross Profit	489,530.85	432,892.75	56,638.10
Expense			
8000 · Operating Expenses	102,575.25	113,417.73	-10,842.48
8200 · Administration	125,991.32	146,226.30	-20,234.98
8300 · Maintenance	8,608.51	12,685.47	-4,076.96
8400 · Recreation Department	37,585.55	59,199.88	-21,614.33
8500 · Misc. & Contingency	433.85	3,208.32	-2,774.47
8980 · Depreciation Expense	7,500.00	8,750.00	-1,250.00
9500 · Reserved Funds	25,761.66	42,262.51	-16,500.85
Total Expense	<u>308,456.14</u>	<u>385,750.21</u>	<u>-77,294.07</u>
Net Ordinary Income	<u>181,074.71</u>	<u>47,142.54</u>	<u>133,932.17</u>
Net Income	<u>181,074.71</u>	<u>47,142.54</u>	<u>133,932.17</u>

Villages of Westcreek Owners Association

Profit & Loss Budget vs. Actual

January 1 through April 15, 2013

	<u>Jan 1 - Apr 15, 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
4150 · Miscellaneous Income	7,422.60	583.30	6,839.30
4170 · Program Fees	20,943.25	11,858.33	9,084.92
5000 · Revenue	542,684.49	411,088.60	131,595.89
5100 · Newsletter Advertisement	1,990.00	291.70	1,698.30
5200 · Rummage/Yard Sales	1,605.00	1,166.70	438.30
5400 · Pavilion Rental	2,600.00	1,458.31	1,141.69
5500 · Sports Park Committee	0.00	145.81	-145.81
5600 · Fence Repair Reimbursement	0.00	0.00	0.00
5800 · Community Center	7,540.00	6,125.00	1,415.00
5900 · Concession Stand	0.00	175.00	-175.00
Total Income	<u>584,785.34</u>	<u>432,892.75</u>	<u>151,892.59</u>
Gross Profit	584,785.34	432,892.75	151,892.59
Expense			
8000 · Operating Expenses	103,638.73	113,417.73	-9,779.00
8200 · Administration	124,886.63	146,226.30	-21,339.67
8300 · Maintenance	8,608.51	12,685.47	-4,076.96
8400 · Recreation Department	37,585.55	59,199.88	-21,614.33
8500 · Misc. & Contingency	438.97	3,208.32	-2,769.35
8980 · Depreciation Expense	7,500.00	8,750.00	-1,250.00
9500 · Reserved Funds	25,761.66	42,262.51	-16,500.85
Total Expense	<u>308,420.05</u>	<u>385,750.21</u>	<u>-77,330.16</u>
Net Ordinary Income	<u>276,365.29</u>	<u>47,142.54</u>	<u>229,222.75</u>
Net Income	<u>276,365.29</u>	<u>47,142.54</u>	<u>229,222.75</u>

11826 Wheathill
San Antonio
TX 78253

210-679-7170 (Home)
210-414-8328 (Cell)

ADRIAN
Community Manager, VWOA
(Attn: Ms. Brenda Tate)
12395 Military Drive West
San Antonio, TX 78253

27 February 2013

Dear Ms. Tate,

SURVEY OF BRICK FENCE COLUMNS

There are 861 brick fence columns both in and around the Villages of Westcreek. I undertook to survey the columns to determine their condition and alignment.

The majority of the columns (88%) are in very good condition, aligned correctly and require no maintenance. The most commonly-observed defects (6.5%) were columns leaning to a greater or lesser extent. The next most notable defects were misaligned concrete top caps (4.4%) and several caps were actually missing (See 'Notes' for other problems relating to the tops of some columns).

Of further note, leaning fences make some columns look as though they are also leaning, when they are actually perfectly vertical.

I greatly appreciated the assignment of Mr. Gene Goes to assist me during this task; he proved to be of great help during this task.

Derrick J. Foyle

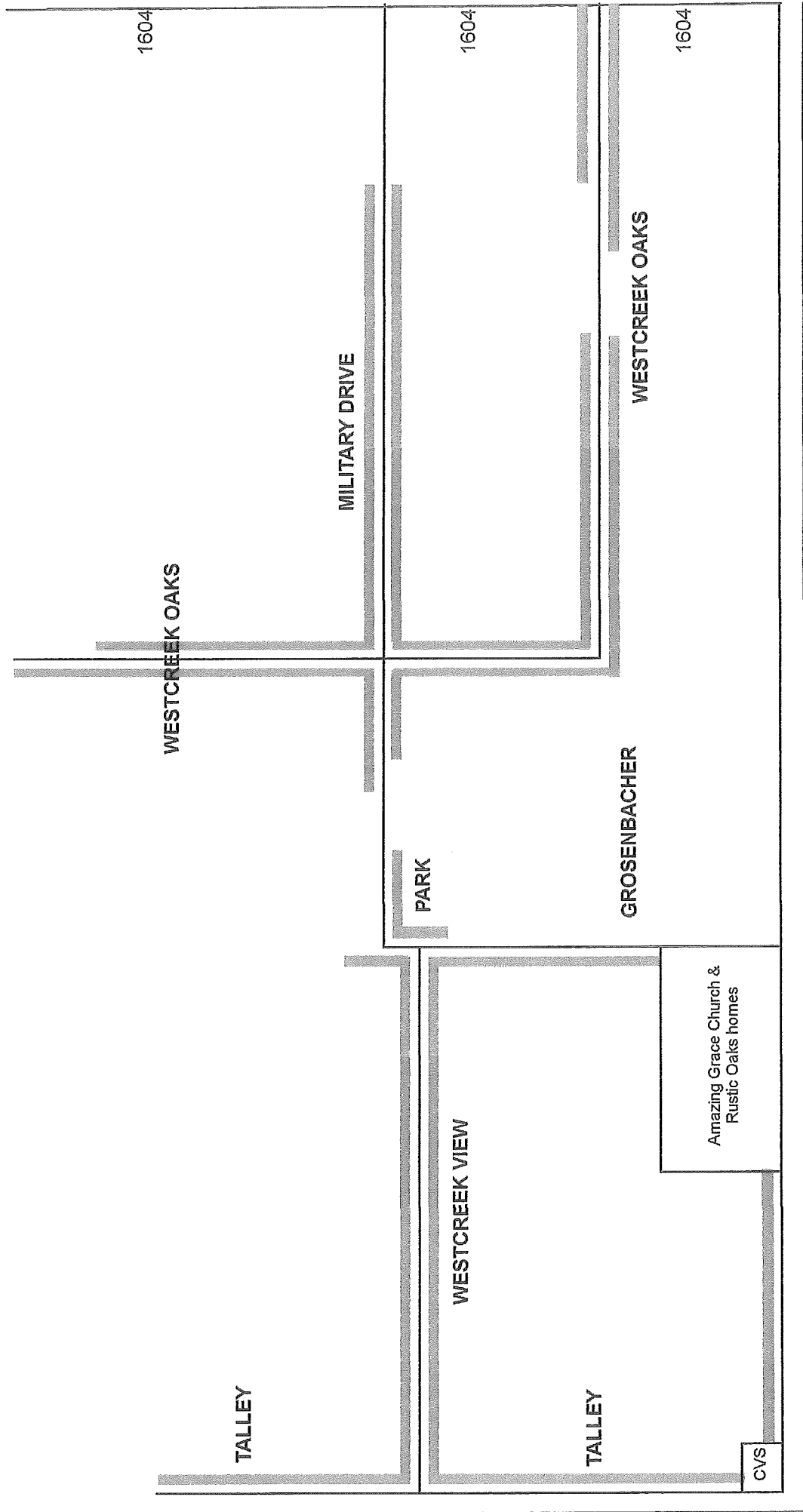
DERRICK J. FOYLE

Attachments:

1. Major Streets With Brick Columns.
2. Codes Used.
3. Notes.
4. Detailed Column Survey Results (4 pages).

FENCE COLUMN SURVEY - 2013

(Not to scale)



CODES USED



NO DEFECTS

SIDE STREET INTERSECTIONS

PROBLEM COLUMN

CC CRACKED CAP (UPPER OR LOWER)

CL CRACKED LIGHT LENS

DB DAMAGED BRICK

LB LEANING BADLY

LS LEANING SLIGHTLY

TC TOP CAP DISPLACED OR LOOSE

***** (SEE 'NOTES')

NOTES

Grosenbacher 42 - Damaged bottom layer of supporting bricks and top part of column loose and misaligned.

Military Drive South 43 – Column twisted/rotated at both top and bottom.

Military Drive South 100 – Top cap missing.

Military Drive South 103 – Whole top rotated.

Military Drive North 3 – Top cap missing.

Military Drive North 103 – Whole top is loose.

Westcreek Oaks East 5 – Leaning slightly and top cap displaced.

Westcreek Oaks East 89 – Whole top rotated.

Westcreek Oaks East 92 – Top has a lot of chipped places.

Westcreek Oaks West 39 – Both caps damaged. Looks like homeowner rebuild of top 3' of column.

Westcreek Oaks West 95 – Whole top rotated.

Westcreek Oaks West 108 -- Whole top rotated.

Westcreek Oaks West 111 – Whole top displaced.

Westcreek Oaks West 135 – Whole top displaced.

WESTCREEK OAKS EAST (Starting from Dezeræe & heading towards Loop 1604)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42		
LS	LB			*					LS	LS				LS			LS		LS		LS					TC		LS															
43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84		
									TC		LS									LS			TC						LS		LS												
85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126		
				*			*									TC	LB		TC		TC									TC													
127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146																								
								LS																																			

WESTCREEK OAKS WEST (Starting from The Estates & heading towards Loop 1604)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42			
LS			LS		LS				CC					LS		LS																												
43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84			
											LS																	TC																
85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126			
TC																										LS		TC																
TC				LB						*													*				*																	
127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168			
								*																																				

Villages of Westcreek Owner's Association, Inc.
Administrative Resolution No. 32
Fence Maintenance on Major Roads

WHEREAS, Article VII, Section 7.13 of the BY-LAWS directs the BOARD to exercise for the Villages of Westcreek Owner's Association, Inc. (VWOA) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BY-LAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESRCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (PROJECT DOCUMENTS); and

WHEREAS, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose the creation of a Homeowner's Association the preservation of values and amenities of the lots in the subdivision; and

WHEREAS Article V Para 5.02 of the DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose for the collection of assessments the maintenance of privacy fences abutting a Major Street, specifically along Military Drive West, Westcreek Oaks Drive, Westcreek View, Grosenbacher Road, Potranco Road and Talley Road; and

WHEREAS, the extent of maintenance is not otherwise defined; and

WHEREAS, Webster's Dictionary defines maintenance as "the upkeep of property or equipment", and

WHEREAS, Article X, Paragraph 10.12, of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS requires, "the owner and lessee of any lot shall have the duty of and responsibility for keeping the premises, improvements and appurtenances and landscaping in a well maintained, safe, clean and attractive condition at all times. If, in the opinion of the Declarant or its assigns or successors, or the Association, any such owner or lessee is failing in the duty and responsibility, then the Declarant, its successors, or assigns or the Association may give notice of such fact and such Owner or lessee shall have within ten (10) days of such notice, undertake the care and maintenance required to restore said Owner's or lessee's Lot to a safe, clean and attractive condition"; and

WHEREAS, none of the subject fence line is currently held or owned by the ASSOCIATION and none of the fence abuts property owned by the Association; and

WHEREAS, there is a need to establish a orderly procedures for the determination of which sections of the fence are in need of maintenance; and

WHEREAS, there is a need to establish orderly procedures for the assignment of a contract to attend to said maintenance; and

WHEREAS the cooperation of several independent owner-members and/or tenant – occupants can be required to maintain certain sections of fence; and

WHEREAS, it is the intent of the BOARD to meet its obligation according to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS; and

WHEREAS, it is the intent of the BOARD to maintain as uniform an appearance as possible along aforementioned boulevards; and

WHEREAS, ADMINISTRATIVE RESOLUTION No 17 has discouraged owner-members and/or tenant-occupants to put their money and time into routine fence maintenance and encourages them to put off replacement of said fence sections that are past their expected replacement dates until the next “fence project”; and

WHEREAS, it is the intent of the BOARD to discourage the neglect of said fencing by owner-members or tenant-occupants who might otherwise consider the fencing the sole responsibility of the ASSOCIATION; and

WHEREAS, it is the intent of the BOARD to secure the cooperation of the owner-members and/or tenant-occupants upon whose property the ASSOCIATION must encroach upon to meet these obligations;

NOW THEREFORE, BE IT RESOLVED THAT the procedures for the identification of these defined fences needing maintenance, notification and arrangement with individual owner-members and/or tenant-occupants to contract with the ASSOCIATION for said maintenance, and the completion of work to maintain fences by an ASSOCIATION hired contractor shall be as follows:

1. Fences shall be deemed in need of this extensive maintenance contract when their appearance shall have passed the point where they no longer present a safe, clean and attractive condition and/or its individual parts are no longer serviceable due to age, neglect and/or weather damage.
2. The VWOA Maintenance Department shall be responsible for reviewing the fence line and recommending to the BOD, which selections of fence are in need of maintenance. This review shall be accomplished and reported to the BOD during the March BOD meeting.
3. The inspection crew shall mark the fences that are deemed to be unsafe, unclean or unattractive and a letter sent to the owner-member with specific details of the required replacement and or repair of said fence.
4. In general, fences will be in two groups. One group will require full replacement. The other group will require specific replacement of selected segments, to include slats, runners, posts, or any combinations thereof.
5. Within said letter, there shall be a published due date, set by the BOD, where all repairs and replacements shall be required to be accomplished by the homeowner.
6. Within 2 weeks from said due date above; the VWOA will commence staining of said repaired/replaced fencing. If the fence repair/replacement is not

accomplished for the VWOA to stain the homeowner shall be responsible for the staining in addition to the aforementioned repair/replacement.

7. Only Architectural Review Committee approved materials shall be used.
8. The costs of said replacement and/or repair shall be heretofore the sole responsibility of the owner-members. The cost of maintaining the stain, and graffiti removal, of the external side (facing the street) of the fencing deemed "safe, clean and attractive" shall be heretofore the sole responsibility of the Villages of Westcreek Owner's Association.
9. The VWOA maintenance staff or designee shall accomplish a yearly review of the fencing along the Major Streets. A report of the review will be submitted to the BOD no later than March on a yearly basis.
10. Approved by vote of the BOARD, 05/21/2009 and recorded in the Book of Minutes.

//Original signed//

By: _____
Harold (Rick) Severs, President

ATTEST:

Liliane Castillo, Secretary

Villages of Westcreek Owners' Association, Inc.
Administrative Resolution No. 31

Rescission of AR 17, Fence Maintenance on Major Roads

WHEREAS, Article VII, Section 7.13 of the BYLAWS directs the BOARD to exercise for the Villages of Westcreek Owners' Association, Inc., (ASSOCIATION) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BYLAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("PROJECT DOCUMENTS"); and,

WHEREAS, it is the intent of the BOARD to maintain as uniform an appearance as possible along aforementioned boulevards; and

WHEREAS, ADMINISTRATIVE RESOLUTION No 17 has discouraged owner-members and/or tenant-occupants to put their money and time into routine fence maintenance and encourages them to put off replacement of said fence sections that are past their expected replacement dates until the next "fence project"; and

WHEREAS, it is the intention of the BOARD to discourage the neglect of said fencing by owner-members and/or tenant-occupants who might otherwise consider the fencing the sole responsibility of the ASSOCIATION; and,

WHEREAS, it is the intent of the BOARD; to secure the cooperation of the owner-members and/or tenant-occupants upon who's property the ASSOCIATION must encroach upon to meet these obligations; and,

WHEREAS, the BOARD has determined that the functions of the Fence Maintenance on Major Roads, as established by ADMINISTRATIVE RESOLUTION (AR) 17, would best serve the community when replaced with ADMINISTRATIVE RESOLUTION (AR) 30;

NOW, THEREFORE BE IT RESOLVED THAT AR 17, Fence Maintenance on Major Roads, is rescinded.

Approved by vote of the BOARD, May 21, 2009, and recorded in the Book of Minutes.

Harold (Rick) Severs, President

Liliane Castillo, Secretary

Villages of Westcreek Owners' Association, Inc.
Administrative Resolution No. 17

Fence Maintenance on Major Roads

WHEREAS, Article VII, Section 7.13 of the BY-LAWS directs the BOARD to exercise for the Villages of Westcreek Owners' Association, Inc., (ASSOCIATION) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BY-LAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("PROJECT DOCUMENTS"); and

WHEREAS, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose for the creation of a Homeowners' Association the preservation of values and amenities of the lots in the subdivision; and

WHEREAS, Article V, Paragraph 5.02d., of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes as a purpose for the collection of assessments the maintenance of privacy fences abutting a Major Street, specifically along Military Drive West and Westcreek Oaks Drive; and

WHEREAS, the extent of maintenance is not otherwise defined; and

WHEREAS, Article X, Paragraph 10.12., of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS requires, "The Owner and lessee of any lot shall have the duty of and responsibility for keeping the premises, Improvements and appurtenances and landscaping in a well maintained, safe, clean and attractive condition at all times. If, in the opinion of the Declarant or its assigns or successors, or the Association, any such owner or lessee is failing in this duty and responsibility, then the Declarant, its successors or assigns or the Association may give notice of such fact and such Owner or lessee shall within ten (10) days of such notice, undertake the care and maintenance required to restore said Owner's or lessee's Lot to a safe, clean and attractive condition"; and

WHEREAS, none of the subject fence line is currently held or owned by the ASSOCIATION and none of the fence line abuts property owned by the Association; and

WHEREAS, there is a need to establish orderly procedures for the determination of which sections of fence are in need of maintenance; and

WHEREAS, there is a need to establish orderly procedures for the assignment of a contract to attend to said maintenance; and

WHEREAS, the cooperation of several independent owner-members and/or tenant-occupants can be required to maintain certain sections of fence; and

WHEREAS, it is the intent of the BOARD to meet its obligations according to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS; and

WHEREAS, it is the intent of the BOARD to maintain as uniform an appearance as possible along the aforementioned boulevards; and

WHEREAS, it is the intent of the BOARD to discourage the neglect of said fencing by owner-members or tenant-occupants who might otherwise consider the fencing the sole responsibility of the ASSOCIATION; and

WHEREAS, it is the intent of the BOARD to secure the cooperation of the owner-members and/or tenant-occupants upon whose property the ASSOCIATION must encroach to meet these obligations;

NOW THEREFORE, BE IT RESOLVED THAT the procedures for the identification of these defined fences needing maintenance, notification and arrangement with individual owner-members and/or tenant-occupants

to contract with the ASSOCIATION for said maintenance, and the completion of work to maintain fences by an ASSOCIATION hired contractor shall be as follows:

1. Fences shall be deemed in need of this extensive maintenance contract when their appearance shall have passed the point where they no longer present a safe, clean and attractive condition and/or its individual parts are no longer serviceable due to age and/or weather damage.
 2. The Covenants Committee shall be responsible for reviewing the fence line and recommending to the Board of Directors which sections of fence are in need of maintenance. This review shall come in the form of a semi-annual report in January and July, for the purposes of budget preparation.
 3. Review of the fence shall include the discussion and participation of owner-members and/or tenant-occupants through normal Covenants Committee procedures.
 4. The Covenants Committee shall be responsible for determining if maintenance is required due to occupant abuse and require the occupant to effect maintenance in accordance with current procedures.
 5. Upon the recommendation of the Covenants Committee, the Board of Directors shall pass by Special Resolution, a commitment to contact and contract with the affected owner-members and tenant-occupants, as applicable, for the work required.
 6. The Board of Directors may delegate the authority to locate a licensed fencing contractor who shall be fully insured, qualified and reputable, and meet whatever other requirements as the Board may direct.
 7. Fencing contracts will be competitively bid for each section recommended by the Covenants Committee. Each contract will be awarded within 90 days of bid, due to the changing prices of lumber. Work will begin within 90 days of award. Award of contract(s) will be in accordance with standard Association procedures.
 8. Only Architectural Review Committee approved materials will be used.
 9. The total cost of said maintenance shall be shared between the individual owners and the ASSOCIATION on a linear foot basis at a rate of half (50%) of the cost paid by the owner and half (50%) paid by the ASSOCIATION.
 10. Owner-members declining to participate in the cost share maintenance program will be responsible within 30 days of the completion of work on adjoining fences to effect like maintenance on sections identified by the Covenants Committee. Equivalent maintenance shall be performed at their own cost, unsubsidized by the ASSOCIATION, and as directed by the Covenants Committee, in order to maintain a uniform appearance along the fence line.
 11. Owner-members agreeing to participate shall be given payment plan options including paying their full share on completion of the work, paying over a six (6) month schedule which may include some small service charge for financial overhead, or other payment plans as approved by the Board of Directors
- Approved by vote of the BOARD, March 9, 2000, and recorded in the Book of Minutes.

ATTEST:

Margaret Alder, Secretary



Villages of Westcreek
Owners' Association

VILLAGES OF WESTCREEK OWNERS ASSOCIATION
Administrative Resolution No. 45

NOTIFICATION OF COVENANTS VIOLATIONS

WHEREAS, Article VIII, Section 8.14 of the BYLAWS directs the Board of Directors ("BOARD") to exercise for the ASSOCIATION all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BY-LAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("PROJECT DOCUMENTS"); and

WHEREAS, Article XV of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes remedies for the violation of restrictions; and

WHEREAS, there is a need to establish orderly procedures for the notification of Owners of wrongful performance, non-performance or defective performance; and

WHEREAS, it is the intent of the BOARD to establish orderly steps to notify Owners and to request a cure the wrongful performance, defective performance or failure of performance, to allow for due process,

NOW THEREFORE, BE IT RESOLVED THAT the procedures for notification be as follows:

Except where damage or injury to persons or property is imminent as a result of the performance, or by a failure to perform, or the defective performance of any obligation imposed or restricted under the DECLARATION, the resident will be given a notice stating the condition observed and to be corrected, the COVENANTS, CONDITIONS AND RESTRICTIONS violated, and a request for cure of the violation. Cure to be sought in accordance with Chapter 209 Texas Residential Property Owners Protection Act.

Listed below is a timeline for notifications if the violation has not cured. Notifications will be in the form of a first and second Courtesy Notice (except when immediate resolution is required as identified in the table below) and if the violation has not cured a Pre-Texas Property Code Letter is mailed to the Owner.

COURTESY NOTICE (CN) DISCREPANCIES & TIME LIMITS

Discrepancies	Time Limits Per CN
Maintenance/Repair: House damage/painting, Roof repair, Major fence, etc.	30 days, 15 days--TPC
Ground cover required.	30 days, 15 days--TPC
Improvements/changes made without ARC approval - Attach a blue PIA to CN.	10 days, 5 days--TPC
New improvements/changes approved by the ARC and: ready for inspection; <u>not completed</u> within 90 days - Attach a white PIA to CN for an extension.	10 days, 5 days--TPC
Removal of metal storage sheds, gazebos, pergolas & children's swing sets.	10 days, 5 days--TPC
General Maintenance: Stain removal, fence, trimming trees/plants, inoperable vehicles, etc.	10 days, 5 days--TPC
Property Maintenance: General lawn care (Mow, edge, trim, leaves, weeds)	10 days, 5 days--TPC
Storage containers in driveways such as Pack-Rat, Pod are allowed for 5 days without ARC approval. (After 5 days - Attach a white PIA to the CN)	10 days, 5 days--TPC
Commercial vehicles exceeding 1 ton.	1 day, 1 day--TPC
RV's such as motor homes, buses, travel trailers, campers, jet ski, boats, boat trailers. (After 48 hours before, and after, each trip)	1 day, 1 day--TPC
Canopies for special events such as birthdays, anniversaries, etc. (After 3 allowed days)	1 day, 1 day--TPC
Outside decorations out more than 30 days before or more than 15 days after the holiday for which they were displayed.	1 day, 1 day--TPC
Remove/Store Items: Gardening items, children's bikes/toys, non-approved furniture.	1 day, 1 day--TPC
Constant trash can, basketball pole violations.	1 day--3 w/in 30 days, TPC
Garage Sale without VWOA Permit--must apply.	Immediately--TPC
Estate Sale without VWOA Permit--must apply.	Immediately--TPC
Extensions must be approved by the Standards Superintendent. For situations and time limits not shown above, request guidance from the Standards Superintendent before contacting the resident. Use good judgment and common sense also.	

If the condition has not been cured, the name and address of the owner(s) will be turned over to the BOARD for determination of further action and may be turned over to the legal counsel for the ASSOCIATION who will take the actions specified in Article XV of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and/or as decided by the BOARD.

IN WITNESS HEREOF, THE UNDERSIGNED HAVE EXECUTED THIS CONSENT AS OF

John B. Steele, President

Kevin Drummonds, Secretary

COURTESY NOTICE (CN) DISCREPANCIES & TIME LIMITS	
Discrepancies	Time Limits Per CN
Maintenance/Repair: House damage/painting, Roof repair, Major fence, etc.	30 days, 15 days--TPC
Ground cover required.	30 days, 15 days--TPC
Improvements/changes made without ARC approval - Attach a blue PIA to CN.	10 days, 5 days--TPC
New improvements/changes approved by the ARC and: ready for inspection; <u>not completed</u> within 90 days - Attach a white PIA to CN for an extension.	10 days, 5 days--TPC
Removal of metal storage sheds, gazebos, pergolas & children's swing sets.	10 days, 5 days--TPC
General Maintenance: Stain removal, fence, trimming trees/plants, inoperable vehicles, etc.	10 days, 5 days--TPC
Property Maintenance: General lawn care (Mow, edge, trim, leaves, weeds)	10 days, 5 days--TPC
Storage containers in driveways such as Pack-Rat or Pod are allowed for 5 days without ARC approval. (After 5 days - Attach a white PIA to the CN for an extension)	10 days, 5 days--TPC
Commercial vehicles exceeding 1 ton.	1 day, 1 day--TPC
RV's such as motor homes, buses, travel trailers, campers, jet ski, boats, boat trailers. (After 48 hours before, and after, each trip)	1 day, 1 day--TPC
Canopies for special events such as birthdays, anniversaries, etc. (After 3 allowed days)	1 day, 1 day--TPC
Outside decorations out more than 30 days before or more than 15 days after the holiday for which they were displayed.	1 day, 1 day--TPC
Remove/Store Items: Gardening items, children's bikes/toys, non approved furniture.	1 day, 1 day--TPC
Constant trash/recycle containers or basketball pole violations.	1 day--3 w/in 30 days, TPC
Garage Sale without VWOA Permit--must apply.	Immediately--TPC
Estate Sale without VWOA Permit--must apply.	Immediately--TPC
<p>Extensions must be approved by the Standards Superintendent. For situations and time limits not shown above, request guidance from the Standards Superintendent before contacting the resident.</p> <p>Use good judgment and common sense also.</p>	

Revised: April 18, 2013