

**MINUTES OF MEETING OF BOARD OF DIRECTORS OF
TANGLEWOOD FOREST LIMITED DISTRICT**

March 20, 2024

THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

The Board of Directors of Tanglewood Forest Limited District met in regular session, open to the public, on March 20, 2024, at the Tanglewood Pool House, located at 9809 Curlew Drive, Austin, Texas, pursuant to notice duly given in accordance with law. A copy of the Certificate of Posting of the Notice is attached hereto as **Exhibit “A”**.

The following Board Members were present, thus constituting a quorum:

Ron Peterson	President	Present
Nikki Krueger	Vice President	Present
Brian Whelan	Treasurer / Secretary	Present
Robbie Castille	Director	Present
Mike Canty	Director	Present

Also present for the meeting were: John Carlton of The Carlton Law Firm, P.L.L.C.; Brody McKinley of SafeGuard Aquatics; Charlie Mowen of TexaScapes; Vangie Bocanegra of Pioneer Real Estate Services; and residents of the District.

Director Peterson convened the meeting at 6:01 p.m. and took the agenda items in the order described below. The Directors each introduced themselves to the attendees of the meeting.

PUBLIC COMMENT

Item 1 – Receive communications from the public on items not listed on the posted agenda.

Noel Gonsalvez, a District resident, introduced himself and said he plans to run in the November 2024 Director election and go door to door to let people know who is running in the election and if they live in the District. Mr. Gonsalvez also said he will be available to answer questions and mentioned he knows of two other people who may run in the November election that live in the District. Denise Jimenez, the Director of meal distribution for Meals on Wheels, spoke about Meals on Wheels of Central Texas and discussed working with Mr. Gonsalvez and how he volunteers with Meals on Wheels. Ms. Jimenez mentioned that before Mr. Gonsalvez began working for Meals on Wheels he was a longtime volunteer. Ms. Jimenez also said Mr. Gonsalvez is a stand up guy and is very passionate about the people that Meals on Wheels serves. Ms. Jimenez told the Board Mr. Gonsalvez goes above and beyond every single day. Director Peterson asked everyone at the Board meeting to silence their phones and put them away, including the Directors. Director Peterson asked that any phone use be outside of the meeting room. Theresa Medlin, another Meals on Wheels employee, said she has known Mr. Gonsalvez for about 19 years. Ms. Medlin also said Mr. Gonsalvez is a driver for Meals on Wheels and is a person of integrity who cares about the people Meals on Wheels serves. Ms. Medlin mentioned Mr. Gonsalvez leads with compassion in his heart and is a person of honesty. Ms. Medlin said Mr. Gonsalvez is proactive and gets things

done. Catherine Rockwell, a District resident, said she spoke at the last meeting about public officers and asked the private security officer what county he is from, and the officer replied that he is from Travis County. Ms. Rockwell asked if the officer was a private officer and said there is no violence at the meetings and the meeting attendees will pretend that he is invisible. Director Peterson asked that the Travis County officer sign in to note his presence in the meeting. Enrique Alvarez, a District resident, said he is a business owner and spoke about Director Castille driving by his job sites, honking, and showed the gestures Director Castille uses when he drives by. Mr. Alvarez asked Director Castille what his problem is and said that when he was a Board member years ago the Board terminated a contract with Director Castille's company. Mr. Alvarez said he thinks that ever since the contract with Director Castille's company was terminated, Director Castille has been after him. Mr. Alvarez also said Director Castille has a website about him that is very derogatory. Mr. Alvarez asked Director Castille to stop harassing him and mentioned Director Castille harasses him at church as well. Mr. Alvarez noted he has no hate toward Director Castille and does not trust Director Castille. Director Castille said he does flip off Mr. Alvarez every time he sees him and will continue to do so. Director Castille said he thinks Mr. Alvarez is a snake in the grass and a bad guy. Director Castille said Mr. Alvarez has managed to fool some of the people in the room but most of the women that worked with Mr. Alvarez when he was on the Board were terrified of him. Director Castille said he doesn't think Mr. Alvarez is a good person, he is just a good politician. Director Krueger asked Director Castille why he has his phone at the table, and asked him to put away his phone to respect the neighbors as the Board President had asked. Director Castille mentioned that he drives by Mr. Alvarez's job site because his son goes to school down the road so he shouldn't flatter himself as Director Castille doesn't care where he works. Director Castille said he thinks Mr. Alvarez is an a**hole. Director Krueger asked to move on.

Item 2 – Public Comment on Agenda Items. Addressed in items below.

CONSENT ITEMS

Item 3 – Consider approval of the February 15, 2024 special meeting minutes, February 21, 2024 regular meeting minutes, and February 26, 2024 special meeting minutes. Director Whelan noted a correction on item 1 of the February 21, 2024 minutes. Director Castille said that in the February 21, 2024 minutes Mr. Alvarez read several text messages and asked for the statement "one of them called him a fat meatball head" to be included since that is what Mr. Alvarez said was in a message. Director Krueger moved to approve the February 15, 2024 minutes, February 21, 2024 minutes with the changes discussed, and February 26, 2024 minutes. Director Castille seconded the motion, and the motion passed 5-0.

REPORTS AND COMMITTEE MATTERS

Item 4 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following:

- (a) monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Whelan discussed the monthly invoices and mentioned there was a late invoice from Bickerstaff Heath and Delgado for \$25,494.20, that makes the total \$85,425.78. Director Whelan said 43% of the District's expenditures is legal costs totaling \$36,615, and 90% of those costs are associated with Director Castille either through the Minjarez lawsuit or related to the records

requests made by Director Castille. Director Krueger mentioned a records request that Director Castille made about whether Director Krueger and Mr. Alvarez were talking about and following Director Castille. Director Krueger said that request Director Castille made is something the District had to pay for. Director Whelan moved to pay the bills and invoices and transfer \$85,000 from the savings to the checking account. Director Krueger seconded the motion, and the motion passed 4-1 with Director Castille opposed. Director Whelan asked Director Castille if he is opposing paying bills he has created. Director Castille replied that he is opposed to paying bills created because the District was sued for breaking election laws. Director Whelan clarified that he is referring to the requests for information Director Castille made. Director Castille opposes The Carlton Law Firm invoices as they are too high, the Bickerstaff Heath or Delgado invoice, and the per diems. Director Castille said that the Board claims to love the community, so why do the Directors charge per diems. Director Whelan noted that Director Castille charged per diems to the District for three years until he suddenly stopped. Director Peterson asked the Board to stop the bickering and move on to the next item.

- (b) **amendments to the budget for FY2024:** There are no amendments to the budget this month.
- (c) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2024:** Director Peterson said he spoke with Lt. Mendoza to not have the District's paid security officer at the Board meetings. The Board discussed officer attendance and all attendees signing in at the Board meeting with Mr. Carlton. The officer present said he was only there to make sure everyone is safe and would not sign in. Director Castille said that there have been issues when Director Peterson or Mr. Gonsalvez call and speak with the supervisors of officers who have attended meetings which have led to those officers being suspended or put on internal affairs investigations. Director Peterson said that when he calls the supervisors, he only advises of the officer's presence and that it was nothing against the officer. Director Peterson said that the supervisors have been very courteous when they have spoken.

Item 5 - Receive report from the District's pool operations contractor and Pool Committee and consider taking related action, including matters related to: pool operator and pool maintenance/lifeguard contract; leak repairs; pool maintenance, general repairs and upkeep; operating schedule; pool programs; pool funding; lifeguards; and rates and fees for pool use. Tara O'Donnell, a District resident, asked if the pool would be open this year or if there were repairs that needed to happen. Director Peterson said the pool opens on April 20th. Director Peterson also mentioned he is working to extend the pool dates later in summer because the summer break has been extended a week longer. Director Peterson also said the pool hours will be on the District's website soon.

Brody McKinley, with SafeGuard Aquatics, said there was not much to report and told the Board they are going to replace the chlorine towers. Mr. McKinley said it would be an additional \$10,080 to keep the pool open an extra week at the end of the summer.

Item 6 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action: Charlie Mowen, with TexaScapes, presented the

February report and noted they completed regular services every other week. Mr. Mowen said that the pecan tree was planted in Greenbriar Park, TexaScapes will be mulching soon, and there is a mulch stockpile in the parking lot at Tanglewood Park. Mr. Mowen also said that the annual ladybug release will be later in spring.

- (a) **Landscape maintenance contract, proposals and estimates for additional landscaping work, maintenance, repair, replacement and improvements to landscaping and landscape related facilities, irrigation systems, and tree trimming:** Mr. Mowen discussed three proposals for trail repairs. The first proposal was #10222 for \$4,777.20 for Lindshire Park. The second proposal was #10223 for Gazebo Park for \$4,777.60. The third proposal was #10224 for \$2,997.20 for Woodlawn Park. Director Krueger said this is one of the capital improvement projects the Parks Committee has been working on. Director Castille moved to approve all three proposals. Director Whelan seconded the motion, and the motion passed 5-0. Director Whelan mentioned there is \$40,000 in the budget for park capital improvement projects and asked that the unused amount go to complete the updating of trash and recycling cans totaling \$9,574.81. Director Whelan confirmed that even though the item number says recycling, it is only for trashcans. Director Castille moved to approve proposal 34319 for trashcans for \$9,574.81. Director Krueger seconded the motion, and the motion passed 5-0.
- (b) **consider amendments to the Park Rules:** The matter was not addressed.

Item 7 – Receive report from District’s General Manager and consider taking related action, including matters related to: Ms. Bocanegra mentioned the Girl Scouts event was approved for April 27th and the insurance certificate has been received and approved by The Carlton Law Firm. Mr. Bocanegra told the Board she is still pursuing claims regarding the damage to District property by the Wright Tree Service for the brush pile and broken pipe. Ms. Bocanegra also mentioned it would be approximately \$6,000 in repairs and asked if the Board would like the law firm to assist with the process since Ms. Bocanegra is not getting her calls returned. Director Krueger asked if The Carlton Law Firm can pursue this. Mr. Carlton confirmed that they could.

- (a) **management services, and related issues:** The matter was not addressed.
- (b) **use, maintenance, repair, replacement and improvement of District property and facilities including, but not limited to, buildings, restrooms, electrical systems, lighting, and parking areas:** Vangie Bocanegra, with Pioneer, said the new picnic tables arrived and have been installed at Lindshire Park and she has ordered the new water fountain bottle filling station. Ms. Bocanegra confirmed the lights issue at Kemplar Park had been addressed.
- (c) **Large event requests:** The matter was not addressed.
- (d) **park and restroom cleaning and related services from cleaning contractor:** The matter was not addressed.
- (e) **pond cleaning and related services from Aquatic Features:** Ms. Bocanegra said Aquatics Features had no issues to report at the time.
- (f) **regarding enforcement of deed restrictions with the District:** The matter was not addressed.

- (g) **security cameras for the District pool house:** The matter was not addressed.

Item 8 – Receive report from the Communications Committee and consider action regarding the following: Director Krueger provided the communications report.

- (a) **website content:** Director Krueger mentioned Tim Cunningham, a District resident, said that the link for the debt service report was not working. Mr. Carlton said he would review the link with Director Krueger.
- (b) **newsletter:** The matter was not addressed.

Item 9 – Receive General Counsel report and consider taking related action regarding the following: Mr. Carlton said that there was nothing to report this month.

- (a) **pending contract issues, open records requests, and election matters:** The matter was not addressed.
- (b) **other litigation matters:** The matter was not addressed.
- (c) **legal investigations and other legal issues, if any:** The matter was not addressed.
- (d) **the Attorney Generals response to The Carlton Law Firm’s request for exception to R. Castille’s February 4, 2022, Open Records Request and Cause No. D-1-GN-22-002141:** The matter was not addressed.

Item 10 – Discuss, consider, and take any action necessary regarding the State of Texas v. DeWilde, Lauren (Cause No. D-1-DC-22-900009) in the 299th District Court of Travis County, Texas. The matter was not addressed.

Item 11 – Receive report from Special Counsel and consider taking action regarding Cause No. D-1-GN-23-001675; Plaintiff’s Verified Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction in the matter of Kimberly Minjarez vs. Tanglewood Forest Limited District; Ron Peterson, Nikki Krueger, Brian Whelan, each in his or her Official Capacity as Directors of Tanglewood Forest Limited District. The matter was not addressed.

OTHER MATTERS

Item 12 – Discuss and consider requirement of newly elected or appointed Directors to be sworn in by the District’s General Counsel at a regularly scheduled Board meeting. Mr. Carlton said that the Board can express its desire as a community practice but the Board cannot establish rules to require swearing in at a regularly scheduled Board meeting. Director Krueger moved that it be Tanglewood’s community request that Board members elected to the Board take the oath of office in front of their neighbors and with The Carlton Law Firm. Director Whelan seconded the motion, and the motion passed 5-0.

Item 13 – Discuss and consider action regarding board member bonds, including requiring that the District’s General Counsel manage the bond application process for elected and appointed Board members and that all bonds be approved by the District’s bonding company. Mr. Carlton explained the bond application process and Board approval of the bond.

Director Krueger moved that it be Tanglewood's community request that any newly elected or appointed Directors apply for the bond through The Carlton Law Firm and use Hartford Insurance. Director Peterson seconded the motion, and the motion passed 4-1 with Director Castille opposed. Director Peterson asked about Director Canty's bond and Mr. Carlton said that the bond application has been submitted and it was returned and approved as shown in the bond invoice in the agenda packet. Director Krueger moved to accept Mike Canty's bond as a newly seated Board member. Director Whelan seconded the motion, and the motion passed 4-0-1 with Director Castille abstaining.


Item 14 - Discuss and consider rules of conduct during Board meetings. Director Peterson said he has previously asked a Director to put away his phone, but the Director said he won't and does not have to. Director Peterson said the Board should be courteous to the neighbors present at the meeting. Director Peterson moved that all phones be put away by the Directors. Director Krueger seconded the motion, and the motion passed 5-0.

Item 15 – Discuss and consider Board member duties, responsibilities, ethics, and actions. The matter was not addressed.

Item 16 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on April 17, 2024, at 6:00 p.m. Director Krueger asked Director Whelan to meet with her regarding using Kocurek Elementary as a meeting location.

The meeting adjourned at 6:39 p.m.

(Seal)


Brian Whelan, Secretary
Board of Directors

Date: April 17, 2024