

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

August 23, 2023

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 August 23, 2023, 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
Vacant	Director	-

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 6:00 p.m. and took the agenda items in the order described below.

PUBLIC COMMENT

Item 1 – Receive communications from the public on items not listed on the posted agenda. Steve Gerlofs, a District resident, said he wanted to thank the Board because working for the District has helped him gain knowledge and he will be working with the elections office for Travis County for a two year appointment. Director Castille wanted to address the criticisms Noel Gonsalvez and Carolyn Pilgreen mentioned two months ago. Director Castille discussed being called a college dropout and his enrollment in an executive management program. Director Castille also commented on Mr. Gonsalvez’s degree in geography and its lack of relevance to District business. Director Castille discussed his deposition in the DeWilde/Horizon case and his failure to remember a \$14,000 transaction that had been previously mentioned by Mr. Gonsalvez. Director Castille discussed Mr. Gonsalvez’s finances and the fact that Mr. Gonsalvez has refinanced his house.

Mr. Gonsalvez thanked the Board for standing up against the lawsuit filed by Kimberly Minjarez. Mr. Gonsalvez commented on Director Castille’s qualifications and mentioned how Director Castille brought Ms. Minjarez into the District’s Board of Directors. Mr. Gonsalvez asked why Director Castille has never brought one of his clients to a Board meeting to vouch for him. Director Castille said he would never bring a client to a meeting where he could meet Mr. Gonsalvez

because he would make it a shitshow and called Mr. Gonsalvez a jackass. Director Krueger said that Director Castille should remove himself from the meeting if he is going to respond that way to a public comment.

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

CONSENT ITEMS

Item 3 – Consider approval of the July 19, 2023 meeting minutes. Mr. Carlton apologized for the minutes arriving late. Director Whelan mentioned Gene Garcia is not a District resident and asked for that wording to be removed. Director Castille asked that the item be tabled temporarily so he can review the minutes for any corrections. Director Castille discussed a correction to item 14 and how active should be changed to legitimate. Director Krueger said she believes Director Castille meant elected instead of active. Director Peterson moved to approve the meeting minutes as amended. Director Krueger seconded the motion, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

Item 4 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following: Director Whelan suggested the Board investigate the purchase of CD's for six months for \$500,000 at a 5% rate. Director Whelan moved to authorize himself to investigate CD's to purchase for the District. Director Krueger seconded the motion, the motion passed 4-0.

Director Whelan mentioned that he received confirmation from the Travis County Appraisal District that the property tax revenue estimate increased by approximately \$24,974.

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Whelan presented the financial report as provided. Director Whelan asked the Board if there were any questions regarding the financials and said a transfer of \$73,000 is needed to cover all bills and invoices. Director Whelan moved to pay all invoices and transfer \$73,000. Director Krueger seconded the motion, and the motion passed 3-1, with Director Castille opposed.
- (b) **discuss and consider possible action regarding the FY2020 and FY2021 audit report.** The matter was not addressed.
- (c) **discuss and consider possible action regarding proposal for FY2022 audit.** The Board discussed the proposal. Director Whelan moved to approve the proposal. Director Krueger seconded the motion, and the motion passed 4-0.
- (d) **amendments to the budget for FY2023:** The matter was not addressed.
- (e) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2023:** The matter was not addressed.

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. Mr. McKinley presented the July pool report. Mr. McKinley said there were 3,333 entries in July that totaled \$8,057.69 in revenue. Mr. McKinley discussed pool repairs made and mentioned the pool light has been repaired. Director Peterson discussed a City of Austin inspection and confirmed everything was fine and that the pool is open again.

Item 6 – Receive report from the District’s landscape maintenance contractor and Park Committee and consider taking related action: Mr. Mowen presented the report. Mr. Mowen said the controllers have been programmed for drought and discussed the trail work at Tanglewood Park and Greenbriar. Maureen Gerlofs, a District resident, mentioned that there is loose gravel, that the trail is sandy at Greenbriar and Tanglewood Parks and that she is concerned about ADA compliance. Ms. Gerlofs also mentioned that the porta potty at Greenbriar Park has had no hand sanitizer for several months.

Director Whelan said the Kempler Park materials will be delivered tomorrow or Friday and asked if any able-bodied resident could help with unloading between 8 am and 6 pm. Ms. Bocanegra said she would be notified of the delivery one hour in advance.

- (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:** Director Krueger updated the Board on the gazebo benches and that the company discussed in the last meeting did not have larger benches available and she will look at other vendors.
- (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:

- (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:** Ms. Bocanegra said that Affordable Arbor Care is in good standing, their insurance policy is good through June 2024, and the certificate of good standing is good until 2031. The Board discussed the quotes for Howellwood Park to address the hanging tree branch. The District received one quote for \$225. Director Krueger moved to approve the \$225 quote for work at Howellwood Park. Director Peterson seconded the motion, and the motion passed 3-1, with Director Castille opposed. Director Castille asked about the certified arborist number for the vendor, and Ms. Bocanegra said she did not have that information. Ms. Bocanegra mentioned the estimate for Kempler Park work totaling \$1,075 for pruning trees in the Park. Director Krueger moved to approve the Kempler Park pruning for \$1,075. Director Peterson seconded the motion, and the motion passed 3-1 with Castille opposed. Director Whelan said the arborist certification number is TX-4431A.

Ms. Bocanegra said she is working to get \$5,700 reimbursed to the District for the water break that happened and is also working to address the water bill. Ms. Bocanegra also discussed the Princess Bride movie selected for the September 23, 2023 movie in the park that starts at 8 p.m. Ms. Bocanegra mentioned that if the

District books before September 1st they can book the Santa for the Christmas event for \$200 per hour instead of \$260 per hour. Director Krueger said she would like to book the Santa and that the event is usually on the second weekend of December. Director Krueger suggested having the event on December 15th or 16th. Director Whelan proposed having the event on December 16th. Director Peterson mentioned having a Santa, a train, cookies, and hot chocolate at the Christmas event. Director Whelan moved to hold the District event on December 16th and authorize Ms. Bocanegra to book the Santa and look into prices for the train. Director Krueger seconded the motion, and the motion passed 4-0.

- (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:** The matter was not addressed.
- (f) **report from General Manager and Deed Restriction Committee regarding enforcement of deed restrictions with the District:** The matter was not addressed.

Item 8 – Receive report from the Communications Committee and consider action regarding the following: Director Krueger mentioned that the Communications Committee is responsible for communications to the District. Director Castille had comments about the pool closure. Director Peterson said late Friday, August 12th, an inspector closed the pool and Director Peterson and Ms. Bocanegra made several phone calls regarding the closure. Director Peterson said the pool was closed because of the broken light, not because of other issues. Director Castille asked for more information to be provided to the residents about the pool closure and said that it could be broad strokes so every little detail doesn't need to be mentioned. Director Peterson said the pool reopened on August 16th or 17th.

- (a) **website content:** The matter was not addressed.
- (b) **newsletter:** Director Krueger said the newsletter will go out in September with tax rate information and requested the Carlton Law Firm provide language to include.

Item 9 – Receive General Counsel report and consider taking related action regarding the following: Mr. Carlton said 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 – Receive report from Special Counsel regarding One Barton Place v. Horizon HOA Management, Lauren DeWilde et al., Cause No. D-1-GN-20-001451 in the District Court of Travis County, Texas. The matter was not addressed.

Item 11 – 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 12 – Discuss and consider 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 13 – Discuss and consider quotes for Santa for the District Christmas event. This item was addressed in item 7b.

Item 14 – Review Resolution adopting fees of office. The Board tabled the item to be addressed in the September meeting.

Item 15 – Take action to adopt budget for fiscal year October 1, 2023 to September 30, 2024. Director Whelan presented the District Budget. Director Krueger moved to approve the budget as presented. Director Peterson seconded the motion, and the motion passed 3-1 with Director Castille opposed.

Item 16 – Take record vote on District’s 2023 tax rate, adopt an Order Levying Taxes, authorize filing the Order with the Travis County Tax Assessor/Collector. Director Peterson opened the public hearing at 6:36 pm. Ms. Gerlofs asked about the tax revenue increase and if it affects the tax rate. Mr. Gonsalvez asked about the proposed tax rate, and Mr. Carlton said the proposed rate is \$0.1628. There being no further public comment, Director Peterson closed the public hearing at 6:39 pm. Director Krueger moved to adopt the proposed tax rate of \$0.1628. Director Whelan seconded the motion, the motion passed 3-1 with Director Castille opposed. Directors Krueger, Peterson, and Whelan also voted yes to adopting the tax rate. Director Castille voted against adopting the tax rate.

Item 17 – Acknowledge and approve posting of statement regarding adopted tax rate to home page of District website. Director Krueger moved to authorize posting the statement adopting the tax rate to the website and in the District newsletter. Director Whelan seconded the motion, and the motion passed 3-0-1, with Director Castille abstaining.

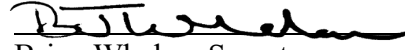
Item 18 – Discuss and consider Board member duties, responsibilities, and actions. Mr. Gonsalvez commented on Director Castille’s ethics and mentioned any legal fees that have been incurred are solely because of Director Castille’s actions. Mr. Gonsalvez asked Director Castille why he has spent upwards of \$100,000 to get control of the Board. Mr. Gonsalvez gave an estimate that he thinks Director Castille has cost the District in legal fees and listed reasons why he believes Director Castille is responsible. Director Krueger said she wanted to remind Director Castille that he should not be communicating on behalf of the Board or the District. Director Whelan asked if

a Board member makes claims online that are incorrect or negatively impact the vendor, could vendors sue the District. Director Castille said he never mentioned the company and is unhappy with current communications. Director Peterson explained his communications with residents and said the communications are just not up to Director Castille's satisfaction.

Item 19 – Discuss and consider time, date, and agenda items for the next Board meeting. The Board announced the next regular meeting will be held on September 20, 2023, at 6:00 p.m.

The meeting adjourned at 6:45 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: September 20, 2023