

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

January 18, 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 January 18, 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
Kimberly Minjarez	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; Enid Simon 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. Austin City Councilman, Ryan Alter, introduced himself to the room and discussed his plan to be available during different times of the day so he can be accessible to the District residents. Catherine Rockwell, former Board member and District resident, asked Director Minjarez why she decided to run for the Board. Director Castille advised Director Minjarez that she did not need to respond. Gisela Greenlee, a District resident, asked why there was someone on the Board who has nothing to do with the District. Ms. Greenlee said Director Minjarez should not have any interest in being on the Board. Ms. Greenlee believes there may be an ulterior motive for Director Minjarez to be on the Board that is not beneficial to the District. Tim Cunningham, a District resident, said Director Castille’s disrespectful actions merit continuing public censorship of Director Castille. Mr. Cunningham believes Director Castille should resign immediately and thinks Director Castille can serve the community by promoting good deeds. Mr. Cunningham applauds the Board for its actions to limit the potential damage that Director Castille could bring to the community. Mr. Cunningham said if Director Castille will not resign, he wants the Board to further limit Director Castille’s actions. Mike Canty, a District resident, said he would like the community to be aware of mental health issues and how that affects security in the neighborhood.

Noel Gonsalvez, a District resident, mentioned that a City of Austin transportation engineer would be at the District on Wednesday, January 25, at 9:00 a.m. Mr. Gonsalvez said there is no campaign finance report on file for Director Minjarez from the 2022 Director election. Mr. Gonsalvez also asked the Board to censure Director Castille for commenting about Director Krueger and Mr. Gonsalvez on public sites. Mr. Gonsalvez also commented on Director Castille's bad attitude toward the Board and the District.

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

CONSENT ITEMS

Item 3 – Consider approval of the December 12, 2022, meeting minutes. Director Krueger mentioned some corrections to the December 12 minutes. Director Castille discussed edits to make to the December meeting minutes as well. Director Krueger moved to approve the December meeting minutes with edits. Director Whelan seconded the motion, 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: Director Krueger asked Mr. Carlton about the 2021 audit. Mr. Carlton said he will reach out to the auditors and report back at the February Board meeting.

- (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 discussed the check register, including the addition of two \$400 bond fees, and the \$4,752.00 in legal fees to Bickerstaff, Heath, Delgado and Acosta. Director Whelan requested a \$53,000 transfer to pay for the check register, bond fees, and the late fees to Bickerstaff, Heath, Delgado, and Acosta. Director Krueger moved to approve the transfer, bond fees, and late fee payment. Director Minjarez seconded the motion. The motion passed 3-2, with Directors Castille and Minjarez opposed. Director Castille objected to payment of The Carlton Law Firm invoice. Director Castille said when he has called the Carlton Law Firm, he has been told to contact a private attorney since The Carlton Law Firm cannot provide legal advice. Director Castille said there is an entry in one of The Carlton Law Firm invoices describing Director Peterson and Mr. Gonsalvez discussing election issues with the Firm. Mr. Carlton said that he would review the time entry Director Castille has mentioned.
- (b) **review and approve quarterly investment report for 4th quarter of previous year:** Director Whelan presented the quarterly investment report. Director Krueger moved to approve the quarterly investment report. Director Peterson seconded the motion and the motion passed 5-0.
- (c) **discuss and consider possible action regarding the FY2020 and FY2021 audit report.** Mr. Carlton let the Board know he has been in communication with the auditor.

- (d) **discuss and consider possible action regarding proposal for FY2022 audit.** Mr. Carlton let the Board know that the auditor will provide the engagement letter for the 2022 audit at the completion of the 2021 and 2020 audits.
- (e) **amendments to the budget for FY2023:** The item was not addressed.
- (f) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2023:** Director Whelan said he and Director Peterson are communicating with the Sheriff's office regarding the hours for patrols. Director Peterson said he will be speaking with Lieutenant Mendoza tomorrow to discuss the patrols for Friday and Saturday nights. Director Castille expressed concerns regarding the hours and availability for patrols and that the District pays the Sheriff's Office \$70,000 for neighborhood patrols. Director Castille moved to change the neighborhood security to better hours – 10pm-6am, 10pm to 2am, or 2am to 6am, pending availability of the Sheriff's Office. Director Minjarez seconded the motion. The motion passed 5-0. Director Peterson discussed working with security to adjust the patrol hours. Director Krueger said that security is not her responsibility, contrary to what people may read on the Next-Door website and asked the residents to come speak with her if they have any questions on the items she is responsible for. Director Castille asked why District security is not a big deal to the Board. Director Krueger told Director Castille the District has been asking the Sheriff's Department for better hours and all communications doing so can be provided. Director Castille said he understands there may be staffing issues in the Sheriff's office. Director Krueger asked if Director Castille really does understand the staffing shortage, since he implies in social media posts that it's Director Krueger's fault when an amazon package is stolen. Director Krueger asked Director Castille to be respectful during Board meetings and in front of District residents. Director Castille said he is the only Director taking neighborhood security seriously. Director Krueger said the District will not be publicly sharing the patrol hours.

Mr. Gonsalvez said that the safety cost of \$70,000 is nearly 10% of the budget and the District crime statistics are comparable to the 78748 area and nominal in comparison with the City as a whole. Mr. Gonsalvez believes Director Castille's comments are to stoke fear in the District residents. Director Castille said the District spends \$70,000 on afternoon security when there is very little crime that happens in that time. Director Krueger said that security is not always in the afternoon. Director Peterson said he is working to correct the patrol hours. Director Castille said there are always reports on the Next-Door website of homes getting broken into. Director Krueger replied the Sheriff's office cannot handle personal security and the patrols are for the neighborhood and park areas.

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. Brody McKinley, with SafeGuard Aquatics, presented the pool report. Mr. Mowen discussed routine maintenance and stated there has been no damage to the pool equipment due to the freeze. Mr. Mowen said the water pump was shut off because of the restroom repair and will

be turned on again once the restroom repair is complete. Director Peterson told the Board two pipes broke during the Christmas freeze and repairs revealed a third pipe had broken as well. Director Peterson said SafeGaurd Aquatics will install a shutoff valve to prevent this happening in the future and has been assured that the installation will be completed by Friday.

Director Castille said he would like to discuss renting port-a-potties. Mr. Carlton mentioned that should be addressed in the parks item.

Item 6 – Receive report from the District’s landscape maintenance contractor and Park Committee and consider taking related action: Mr. Mowen discussed the December report with the Board. Mr. Carlton said that Tim McDill signed up to speak on this item. Mr. McDill, a District resident, discussed the work on Slaughter Lane and has a petition drafted to ask the City Council what the basis or justification is for the sidewalk project. Mr. Mowen said TexaScapes marked the irrigation heads at the frontage and sidewalks near Tanglewood Park and the City of Austin covered several irrigation heads that TexaScapes has worked to move to other locations. Mr. Mowen will also get the shopping cart in Howellwood Park removed, will address the yaupon limb at Woodland Park, and the limbs at Lindshire Park.

Director Castille asked about the road strips that get mowed and asked if TexaScapes could provide a quote to mow them. Mr. Mowen replied that a quote can be presented to the Board. Director Castille asked if the restrooms are working. Director Castille moved to rent port-a-potties if the restrooms are not operational by 5pm Friday, January 20 with approval up to \$1,500. Director Minjarez seconded the motion and the motion passed 3-2 with Directors Krueger and Whelan opposed. Mr. Mowen mentioned that during the current time of year, the perennials are turning brown and many tree limbs are breaking. TexaScapes will be doing various cutbacks, mostly during the month of February.

- (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 Proposal 10139 for \$2,200 for irrigation repair at Howellwood Park that was damaged when the City of Austin replaced the sidewalk. Director Krueger moved to approve Proposal 10139 for Howellwood Park repairs. Director Whelan 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:

- (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. Simon discussed the cost of the message board bids. Director Krueger discussed a quote for \$450 for removal and installation of the message board at Tanglewood Park. Director Krueger moved to approve the Tanglewood Park message board bid for \$450. Director Castille seconded the motion, the motion passed 5-0. Director Krueger discussed quote #4 for \$260.06 for a 24” x 36” wall mount with plexiglass in Greenbriar Park. Director Krueger moved to approve quote #4 for \$260.06. Director Whelan seconded the

motion, and the motion passed 5-0. Director Krueger requested approval for quote #8 for \$134.95 for a trashcan at Gazebo Park from Global Industries. The Parks Committee will review trashcans at all parks in the next month. Director Krueger moved to approve the \$134.95 quote. Director Castille seconded the motion, and the motion passed 5-0. Director Castille asked about the review of trashcans at other parks and the general design of the trashcans being considered. Director Krueger said she is looking for a sturdier trash can design for the parks.

Ms. Simon said the picnic tables at Renaissance Park have been moved back into the park. Ms. Simon said she is still working on bids for the backup generators for Tanglewood Park. Ms. Simon said she received an email about the concrete around the manhole at Lindshire Park and that it functions as it is supposed to, but may not be aesthetically pleasing. Ms. Simon said her emails about the concrete around the manhole have been referred to the Residential Section of the City of Austin for evaluation. Ms. Simon said she has adjusted the lights at Lindshire Park. Ms. Simon told the Board that the graffiti on the building at Manchaca is a building owned by AT&T and the City of Austin code enforcement has gotten involved. Ms. Simon said the City of Austin will cite AT&T if the graffiti is not cleared up.

Director Peterson mentioned that generators would not be good for the pool house because of the electrical demands and a gas line would need to be set up as well.

- (c) **Large event requests:** Director Krueger said the Girl Scouts have requested approval for an April recruitment event at Tanglewood Park, and will provide proof of insurance. Director Krueger moved to approve the April Girl Scouts event pending review of the insurance information by The Carlton Law Firm. Director Castille seconded the motion, the motion passed 5-0.
- (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:** Director Castille asked about action on the 3rd violation letter for 10203 Lindshire Lane. Mr. Carlton explained that the Firm will obtain Board approval before filing suit against any owners. Director Castille suggested that before a suit is filed, that one or two Directors talk to the homeowner or resident to address the violation.

Item 8 – Receive report from the Communications Committee and consider action regarding the following: Director Krueger requested preapproval for yard signs to announce meetings. Director Krueger mentioned getting 20 signs to promote Board meetings and one for the vehicle gate. Director Krueger said she received a verbal quote for 20 signs, for about \$408. Director Castille suggested ordering more signs. Director Krueger said that the Communications Committee believes 20 signs are enough. Director Krueger moved to approve up to \$500 for the purchase of signs. Director Castille seconded the motion and the motion passed 4-0-1 with Director Castille abstaining.

- (a) **website content:** Director Krueger said the Communications Committee met and the website has been updated. Mr. Cunningham requested the website be updated to show the current Board members' names and asked about the November meeting minutes. Mr. Carlton said he will check into the status of the November meeting minutes. Director Castille mentioned that the bottom of the home page of the District website has an incorrect phone number. Director Krueger mentioned there is a big update to the website happening soon.
- (b) **newsletter:** Director Krueger told the Board that the next newsletter to go out will be the April newsletter, which will have information regarding pool hours and a potential summer community event.

Item 9 – Receive General Counsel report and consider taking related action regarding the following:

- (a) **pending contract issues, open records requests, and election matters:** The matter was not addressed.
- (b) **District's process for legal action and legal action on deed restriction enforcement (including Tanglewood Forest Limited District v. Ninfa Yanez, Cause No. D-1-GN-19-007074 in the District Court of Travis County, Texas):** Director Castille asked why this suit is still on the agenda when it has been closed. Mr. Carlton said the Board must decide if the Board wants to seek turnover and he will prepare a report on the turnover process for the Board to review. Director Castille said he has contact information for the homeowner in El Paso and Mr. Carlton asked Director Castille to send the Firm the information he has.
- (c) **other litigation matters:** The matter was not addressed.
- (d) **legal investigations and other legal issues, if any:** The matter was not addressed.
- (e) **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. Mr. Cunningham asked for a summary of the status of the case so the community can be informed.

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. Mr. Cunningham asked for a status update on the case so the community can be informed. Director Krueger said the cases are still moving.

OTHER MATTERS

Item 12 – Discuss and consider Board member duties, responsibilities, and actions. Mr. Gonsalvez wanted to commend Director Castille for helping to fix the leak at the pool over the winter break. Mr. Gonsalvez mentioned Director Castille's lack of ethics is tiresome and is worried about the comments Director Castille makes on public forums and thinks Director Castille doesn't care about the District. Mr. Gonsalvez asked again that Director Castille be censored for social

media posts made mentioning Director Krueger. Director Castille stated he never said he didn't care about the District, Director Castille simply has a different opinion of what is best for the District. Director Krueger quoted the ethics policy regarding social media public forum postings. Director Krueger said some of Director Castille's Next-Door posts are inappropriate as are his comments on other posts. Director Krueger requested Director Castille work with the Board instead of tagging Board members in social media posts about issues in the neighborhood.

Item 13 – Discuss and consider revisions to the District's Code of Ethics. Director Peterson suggested possible review to the public comment section. Director Krueger said section 5 regarding the Treasurer needs to be updated to reflect Director Whelan as the treasurer. Director Krueger requested to add Section F to the social media policy regarding violation reports and that Section F state that the Board takes accusations and violations seriously, and the Board will review all Director ethics monthly at scheduled Board meetings. Director Krueger proposed that if a Board member is reported to have violated the social media policy or ethics, the first action should be a verbal warning noted in the meeting minutes, the second violation should be censorship by the Board, and the third violation will lead to a majority vote for removal of the Director. Director Castille said there was no legal basis for removal of a Director so the motion would not pass if it was made.

Director Castille said he would respond to the censorship from the last Board meeting. Director Castille said for the first six months he asked for duties, but he didn't get placed on committees and the District Board refused to work with him. Director Castille said it's not him who refuses to work with the Board, it's the Board that refuses to work with him. Director Castille said he did get appointed to the Special Events Committee during COVID. Director Castille said the Special Events Committee was dissolved three months before the Christmas party knowing the Board would hold a District event. Director Castille mentioned the Christmas party he had was on a Friday and the District had their party on Thursday. Director Castille said the District had 40 people attend, and his party had 750 people attend. Director Castille told the Board he asked for drug tests because of a Director that showed up visibly and audibly slurring and smoking cigarettes on a Zoom meeting. Director Castille does not think requesting a drug test is inappropriate but that showing up intoxicated is inappropriate. Director Krueger said there was no way of proving that a Director was intoxicated in the Zoom meeting Director Castille is referring to. Director Castille said slurring and contorting their face is a sign of intoxication. Director Krueger said she has contorted her face at things Director Castille has said without her being intoxicated. Director Castille suggested that the Board move on because they are eating up his time. Director Castille claimed he was censored for killing a snake that bit a child, and said Director Peterson said he killed a duck because he had not been paying attention while driving. Director Castille said what if the duck had been a kid, and asked why Director Peterson was not censored for that incident. Director Peterson said he never said he killed a duck. Director Castille said that Director Peterson said he hit a duck because he wasn't paying attention. Director Krueger clarified that the duck flew in front of Director Peterson's vehicle. Director Castille thinks there are two standards, when Director Castille killed a snake that bit a kid he is a sociopath, but when Director Peterson kills a duck there is no issue. Director Castille thanked the Board for the censorship and doesn't think the censorship was based in reality.

Director Krueger said the original vote to censor was in early 2021 because of Director Castille's actions online and because Director Castille sent photos of work he did in the park without getting approval from the Parks Committee. Director Krueger said the District pays TexaScapes for

landscaping and they do a great job. Director Castille said Director Krueger said TexaScapes would not handle the fence line so he did it instead. Director Krueger said Director Castille did not submit anything to the Parks Committee to get approval and if it had been discussed with the Parks Committee, they could have had TexaScapes add it to their contract. Director Krueger made a motion to remind Director Castille that he is not allowed to act on behalf of the Board, speak for the District, or do research on behalf of the District. Director Castille said he does not need Director Krueger's permission and she is not the boss. Director Castille said they have already done all they can do which is not allow him on the committees. Director Peterson mentioned that Director Castille is not on any committees because he doesn't trust Director Castille. Director Krueger said Director Castille is not on any committees because he does not live in the neighborhood. Director Castille said he does not trust the Board to get anything done. Director Krueger mentioned that Director Castille has accused her of bringing Ms. Puntenney but Director Krueger said Ms. Puntenney comes to the meeting of her own accord.

Item 14 – Review and consider approval of an updated Resolution Regarding Signatories and Disbursements. Mr. Carlton explained the resolution to the Board. Director Krueger moved to authorize adoption of the resolution. Director Castille opposed the motion saying Director Krueger should not be listed to have access the accounts as he does not trust her judgment. Director Peterson seconded the motion, the motion passed 4-1 with Director Castille opposed.

Item 15 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on February 15, 2023, at 6:00 p.m.

Meeting adjourned at 7:18 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: February 15, 2023