

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

October 18, 2023

THE STATE OF TEXAS       §  
  §  
COUNTY OF TRAVIS       §

The Board of Directors of Tanglewood Forest Limited District met in regular session, open to the public, on October 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
Vacant	Director	-

Also present for the meeting were: Jennifer Schein 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.**

Director Castille said he would like to address some topics from the September Board meeting. Director Castille said that Director Whelan believes Kimberly Minjarez should not be on the Board and yanked an agenda packet out of her hands. Director Castille said Director Whelan needs to learn to respect women. Director Castille also said that he caught Director Whelan stealing his signs on Sunday and that they had a small cussing match after Director Castille confronted Director Whelan. Director Castille read the following transcript that said Director Castille appeared behind Director Whelan and said: “Hey what the hell are you doing, why are you stealing my s\*\*\* Brian.” Director Whelan said “These signs are District property and are not yours Robbie.” Director Castille said “Are you insane, I paid for them with my money and they literally have my name on the bottom saying paid for by Joseph Castille.” Director Castille said next there was some unintelligible yelling and then that he said “Brian if you keep f\*\*\*\*\* with me we are going to have a problem.” Director Castille said that Director Whelan then tried to jump into Director Castille’s truck and screamed “F\*\* you Robbie.” Director Castille replied “Eat s\*\*\* you old b\*\*\*\*\*.” Director Castille read that Director Whelan said “Sod off you old f\*\*\*\*\*, f\*\*\*\*\* a\*\*\*\*\*” and then laughed like a maniac. Director Castille said told Director Whelan to get it together. Director Krueger asked if that was all Director Castille had for public comment and

Director Castille said he's sure there will be more as the Board continues to throw insults at himself and Kimberly Minjarez.

Carolyn Pilgreen, a District resident, asked Director Castille about the signs he claimed to own because in a NextDoor post, Director Castille claimed to have had the signs donated by local businesses. Ms. Pilgreen asked Director Castille if the donated signs are owned by Director Castille or the District and asked why the signs were next to old signs and not spread out more. Ms. Pilgreen also said she would like the Board to appoint a Board member to the vacant Director position.

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

### CONSENT ITEMS

**Item 3 – Consider approval of the September 20, 2023 regular meeting minutes.** Director Castille said that when he is criticized in the Board meetings, it is notated in detail, but criticism of the other Directors does not get the same treatment. Director Castille stated an example of when Gene Garcia discussed being unhappy with unsafe conditions due to downed tree limbs for five months, t the minutes did not fully reflect the statements made. Director Krueger mentioned that Mr. Garcia had not been signed up to speak as a public comment. Director Castille said that when he has a rebuttal to Mr. Gonsalvez, it is not reflected in the minutes. Director Castille mentioned that the minutes state Director Castille discussed Mr. Gonsalvez's finances and the fact that Mr. Gonsalvez refinanced his house, and Director Castille said that was not what happened. Director Krueger told Director Castille that public comment is written word for word what the public has said and that it cannot be changed. Director Castille brought attention back to Mr. Garcia's criticism of Director Krueger and that it was not verbatim. Director Krueger responded again that Mr. Garcia had not signed up to speak. Director Castille said it is clear that Director Krueger can't win the next election without cheating. Director Castille said that since he has run out of time for public comment he would continue to speak as a Director. Director Castille said Director Krueger is creating meeting minutes that make him look as bad as possible while never making Director Krueger the subject of anyone's criticism. Director Krueger mentioned that anyone can request a copy of the audio recording of a Board meeting from the Carlton Law Firm. Director Castille asked why a copy of the Board meeting recording can't be posted to the District website along with the meeting minutes. Director Whelan said the amount in item four should be changed from \$140,301.67 to \$104,301.67. Director Castille had a revision to item 8 regarding Tim Cunningham's request to be on a committee and said he believes Director Krueger said Mr. Cunningham cannot join a committee. Director Krueger said that the Board is not required to have District residents on the committees and noted that the Communications Committee does. Director Krueger said anyone who would like to attend committee meetings can reach out to her and be informed on when the committees meet. She further mentioned that several District residents attend the committee meetings. Director Krueger also said that if Mr. Cunningham wanted to be on a committee, he would be on one. Director Castille said that Mr. Cunningham would be very helpful to have on a committee. Director Castille also mentioned a correction to item 16 saying that Mr. Gonsalvez's comments on interest rates and his finances have nothing to do with the District. Director Krueger asked why Director Castille discussed Mr. Gonsalvez's credit rating and how many times he has refinanced his house. Director Castille said he never discussed Mr. Gonsalvez's credit rating. Director Krueger moved to approve the September minutes with

Director Whelan's revision as stated. Director Whelan seconded the motion and the motion passed 3-0-1 with Director Castille abstaining.

## 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 presented the financial report and said \$55,000 should be transferred from the savings account to the checking account. Director Krueger moved to approve the bills and invoices and the transfer of \$55,000. Director Peterson seconded the motion, and the motion passed 3-1 with Director Castille opposed because of the Carlton Law Firm invoice and the payment of Director per diems.
- (b) **discuss and consider possible action regarding the FY2022 and FY2023 audit report.** Director Whelan asked if there were any updates to the FY22 or FY23 audits and Ms. Schein responded there were none.
- (c) **amendments to the budget for FY2023:** Director Whelan said there were no amendments to the budget.
- (d) **review and approve quarterly investment report for 3<sup>rd</sup> quarter:** The Board discussed the investment report. Director Krueger moved to approve the 3<sup>rd</sup> quarter investment report. Director Castille seconded the motion, and the motion passed 4-0.
- (e) **discuss and consider authorizing District Treasurer to invest funds in certificates at Chase Bank.** Director Castille asked if the investment would be one \$500,000 CD or multiple \$100,000 CD's. Director Whelan said it would be whichever Chase Bank suggests the District can get the best rates for. Director Castille said he checked the rates this morning and the rates for \$100,000 and more is 5% for six months and recommended the District get multiple CD's. Director Krueger moved to look at interest rates and invest \$500,000 in CD's at Chase Bank. Director Castille seconded the motion, and the motion passed 4-0.
- (f) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2023:** Director Peterson said the Sheriff's Office is still understaffed.

**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 discussed the report as presented in the agenda packet. Mr. McKinley said that the pool closed on September 24<sup>th</sup> and had a total of 543 entries. Mr. McKinley said there were no rescue incidents and routine pool maintenance has been completed. Mr. McKinley told the Board that now that it is the off season a list of repairs will be created and presented to the Board for review. Director Castille asked Mr. McKinley if it was too early to start preparing the pool room for a freeze. Mr. McKinley said that once it gets closer to freezing temperatures, they

will put up the tarps again along the walls to help insulate the area. Director Peterson said there was an emergency shutoff that can be cut off once it gets too cold and mentioned there is a freeze predicted for December 1<sup>st</sup> according to the almanac.

**Item 6 – Receive report from the District’s landscape maintenance contractor and Park Committee and consider taking related action:** Mr. Mowen discussed the removal of tree limbs that TexaScapes has completed and the ant bait that has been placed that should last approximately one year depending on the weather. Mr. Mowen also discussed a proposal that will be presented to the Parks Committee to plant trees throughout three parks. Director Krueger mentioned the amount of homeless people that have moved into the parks and that the police issued trespassing citations for people at Greenbriar Park. Director Krueger said the homeless people have been told the park hours and that they cannot sleep there overnight. Director Krueger mentioned that the Board is taking measures to keep the parks safe and trying to provide resources for the homeless as well. Director Krueger said that residents can call 311 to report homeless camps that appear in the parks. Director Castille said he noticed that there is a man in a white Chevy truck that sleeps in Woodlands Park and Director Krueger said that man is likely on his lunch break and people can be at the park during operating hours. Mr. Mowen said a proposal would be presented to the Parks Committee regarding the low hanging limbs in the alley behind Woodlands Park that Director Castille had previously pointed out.

- (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:** The matter was not addressed.
- (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:** Vangie Bocanegra discussed the insurance claim filed for the underwater pool light and said she is working with the City of Austin to get reimbursed for the leak. Ms. Bocanegra also said the new trash bins approved at the last meeting will be delivered tomorrow by noon. Ms. Bocanegra also said the fence repair at Renaissance Park was complete and holiday lights will be installed October 28th.

- (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:** The matter was not addressed.
- (c) **Large event requests:** Steven Eddings, a District resident, discussed an event request he has with the Board. Mr. Eddings said he would like to host a ‘friendsgiving’ with about five to ten people on November 18<sup>th</sup> from 6 pm - 8 pm. Mr. Eddings stated he would not have any food at this event but would have a movie screen for his event. Director Krueger said the Parks Committee would review the request and get back to him. Director Castille asked if the movie screen was an inflatable or an actual structure. Mr. Eddings said it was an inflatable 8 ft screen.
- (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 said the committee has done a demo of the Pioneer app for resident communication. Director Krueger told the Board the committee will do another test of the app and will have an update on the app as an option for residents to communicate with the Board.

- (a) **website content:** The matter was not addressed.
- (b) **newsletter:** Director Krueger said there would not be a December newsletter and a flyer would be sent instead regarding the December 16<sup>th</sup> holiday 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) **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 299<sup>th</sup> 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 rules of conduct during Board meetings.** Director Peterson suggested all cellphones be turned off, except for the phone of the Carlton Law Firm representatives and for Ms. Bocanegra, and the District representatives should also have their phones off. Director Castille asked Ms. Schein to look into the legality of prohibiting a person from being on their own cellphone and said if it checks out, he would be ready to vote on the motion. Director Krueger said she would like to add that Board members not pass notes to people not on the Board during a meeting. Director Castille said his notes are regarding the reports and he has not communicated with anyone. Ms. Schein asked Director Peterson if he meant that the

volume should be off or if the cellphone should be turned off. Director Peterson said he meant the phone volume should be off. Director Krueger moved to have all cell phones be turned off during or silenced the Board meeting so the Directors can focus on the public comments. Director Peterson seconded the motion, and the motion passed 4-0.


**Item 14 – Discuss and consider modification to restrictive covenant on Westoak Woods Baptist Church property.** The Board discussed the Westoak signage and Director Krueger said it would be a 12-foot Chick-fil-a sign with lights only on the sign itself. Director Krueger moved to approve Westoak to allow the tenant to install the 12-foot sign. Director Castille seconded the motion, and the motion passed 3-0-1 with Director Whelan abstaining. Director Castille asked Ms. Schein to get him a copy of the document that Director Krueger has referred to and said he was only able to find the deed restriction that expired in 1996. Ms. Schein said she would get him a copy of it.

**Item 15 – Discuss and consider Board member duties, responsibilities, and actions.** Director Krueger mentioned that neither the communications committee nor the Board has approved the new signs that have been put up around the District and they will address the topic later on. Director Krueger also mentioned that it was a violation to put the new signs up without Board approval. Director Peterson also said he would like to know how much the signs cost and where the rest of the money is since it's supposed to be District money. Director Castille said he doesn't think that's how it works since they were purchased by private donations. Director Krueger said Director Castille was not approved to act on behalf of the Board to solicit donations.

**Item 16 – Discuss and consider time, date, and agenda items for the next Board meeting.** The Board announced the next regular meeting will be held on November 15, 2023, at 6:00 p.m.

The meeting adjourned at 6:34 p.m.

(Seal)

  
\_\_\_\_\_  
Brian Whelan, Secretary  
Board of Directors

Date: December 13, 2023