

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

November 15, 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 November 15, 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:

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|-----------------|-----------------------|---------|
| 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 6:02 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.

Tom McDill, a District resident, discussed his concerns over the work happening on Slaughter Lane with some lanes being reduced in size and lanes removed in other areas. Mr. McDill also said he would like to have a petition to have Slaughter Lane return to its previous lane sizes. Carolyn Pilgreen, a District resident, said she would like the Board to appoint a new Director and have only Directors sit at the table. Noel Gonsalvez, a District resident, discussed topics that Director Castille had brought up at the October meeting regarding himself and Director Whelan and that the allegations were false. Mr. Gonsalvez also mentioned when Director Castille assaulted an African American gentleman and called the man a f***** n*****. Mr. Gonsalvez said he has attended multiple Board meetings and has never had any complaints against him other than Director Castille. Mr. Gonsalvez also requested the Board ask Director Castille to provide receipts for the signs that he solicited for.

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

CONSENT ITEMS

Item 3 – Consider approval of the October 18, 2023 regular meeting minutes. Director Whelan said he would like the three-minute monologue that Director Castille went on about Director Whelan included in the meeting minutes from start to finish. Director Castille requested premiums be changed to per diems in item 4A. Director Peterson moved to approve the meeting minutes with changes as discussed. Director Krueger seconded the motion, 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 discussed the donations that were provided to buy signs that Director Peterson had mentioned in the October meeting. Mr. Whelan said that the District is only allowed to accept donations from a source approved by the Board, if the Board approves and accepts the donation the Board must account for the funds. Mr. Whelan further explained that the District must keep an itemized account of District funds. Mr. Whelan asked Director Castille to provide the information regarding the donations for signs such as how much money, from who, and invoices to be turned in to the Board at the next Board meeting. Director Castille said Director Whelan can submit an open records request and Director Castille will consider it. Director Whelan said that is not how it works. Director Krueger asked Mr. Carlton what the process should be to obtain the donation information and Mr. Carlton said he would look into it and get back to the Board. Director Krueger noted that the last holiday light payment was accidentally put into the landscaping line item and will be corrected in next month's profit and loss sheet. Director Krueger also said the negative number in pool projects is the insurance reimbursement for the pool pump. Director Castille asked Mr. Carlton to note that he is not refusing to provide the donation documentation, but that it was to have an open records request submitted. Director Whelan asked if the open records request should come from the Board and Director Castille said anyone can make the request.

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Whelan presented the financial report as presented in the packet. Director Krueger said that check #2378 for a cleaning service should not be in the invoice packet as it was for a different District. Director Krueger moved to approve the check registry, with the exception of check #2378 to CE Menger, and approve a transfer of \$42,000 to the checking account. Director Peterson seconded the motion, the motion passed 3-0-1 with Director Castille opposed because of check #2392, #2388, #2389, and #2390.
- (b) **discuss and consider possible action regarding the FY2022 and FY2023 audit report.** The matter was not addressed.
- (c) **Discuss and consider approval of the 2021 3rd quarter investment report.** Director Krueger discussed the 3rd quarter investment report with the Board. Director Krueger moved to approve the investment report. Director Peterson 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 discussed the report as presented in the agenda packet. Mr. McKinley said the pool has been closed, routine maintenance has been completed, and the failed sensor has been replaced.

Item 6 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action: Mr. Mowen discussed the report as presented in the packet. Mr. Mowen said the maintenance of mulch around the trees and beds has been completed along with routine park maintenance.

- (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 10286 to plant three magnolia trees and one burr oak tree. Director Krueger moved to approve proposal 10286 for \$8,306.20. Director Castille seconded the motion, the motion passed 4-0. Director Krueger discussed communications she's had with the City of Austin regarding tree limbs that need to be cut.
- (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 holiday party set for Saturday December 16, 2023 from 6pm-8pm. Ms. Bocanegra confirmed the train and Santa have been booked and discussed the live music that has been selected. Ms. Bocanegra discussed the invoices and proposals in the agenda packets. Director Castille asked about the expected attendance and mentioned two face painters may be needed. Ms. Bocanegra discussed food options as well. Ms. Bocanegra confirmed with the Board that two face painters would be used and only one balloon twister. Director Castille asked if a vendor called the police regarding the items found in the restroom. Ms. Bocanegra said the police report was regarding a backpack found in the restroom.

- (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 the holiday lights have been installed and she made sure the vendor secured all the wires. She said she is still working with the City of Austin regarding the leak. Ms. Bocanegra mentioned the maintenance of the water fountains and a proposal for a water fountain that refills water bottles. Director Krueger asked if the water fountain is broken now, and Ms. Bocanegra said the fountain has just been fixed. Director Peterson said he had asked Ms. Bocanegra to look into water fountain proposals as the current

fountains are old. Director Krueger also mentioned the Parks Committee will look into replacing the Greenbriar porta potties.

Mr. Gonsalvez asked why the tennis court lights are on all night. Director Peterson said the lights are supposed to turn off at 10 p.m. Ms. Bocanegra said Onit has recently repaired the lights. Director Castille asked if the lights could turn on earlier because of the time change. Director Krueger mentioned that the light times need to comply with the Park Rules.

- (c) **Large event requests:** Mr. Gonsalvez asked about a possible meet and greet with a food truck as a large event request. Director Krueger said an event with fifty or more people will need Board approval. Director Krueger explained that if the event has less than 50 people but will have a vendor it will still need Board approval. Director Krueger said I9 Sports has resubmitted their schedule for use of Greenbriar Park. The Board discussed the submitted information and Director Krueger moved to continue to allow I9 Sports to use the park. Director Peterson seconded the motion, and the motion passed 3-0-1 with Director Whelan abstaining.
- (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 flyers for the holiday party will be ready soon and there is another demo scheduled for the Pioneer app. Director Krueger asked that the Board pre-approve up to \$500 for the Communications Committee to purchase meeting signs. Director Peterson seconded the motion, and the motion passed 4-0.

- (a) **website content:** The matter was not addressed.
- (b) **newsletter:** The matter was not addressed.

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. Mr. Gonsalvez said he would like the Board to add Mr. Castille’s

deposition into the meeting minutes. Mr. Gonsalvez also mentioned that Director Castille has objected to check payments and Mr. Gonsalvez assumes the checks are payments to the attorney and he wants that noted in the meeting minutes. Director Whelan moved to post Director Castille's deposition to the District website. Director Castille seconded the motion, and the motion passed 4-0.

Mr. Carlton updated the Board on the lawsuit. Director Krueger said the process has been unfortunate and now the lawsuit would be to chase down about \$12,000. Director Krueger moved to non-suit the lawsuit. Director Peterson seconded the motion. Director Whelan asked Director Castille to pay the \$12,000 to the District due to Director Castille's involvement in the lawsuit. Director Castille said Director Whelan has lost his mind. The motion passed 3-0-1 with Director Castille abstaining.

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. Mr. Gonsalvez said he would like a copy of Kimberly Minjarez's deposition and the injunction hearing. Mr. Gonsalvez mentioned that it's such a coincidence that the Terrazas law firm represents Ms. Minjarez and Director Castille. Mr. Gonsalvez also commented on Ms. Minjarez's lies, how he believes Los Angeles County Court would react to Ms. Minjarez's lies. Mr. Gonsalvez further discussed Ms. Minjarez's residence and lies regarding her residence. Director Whelan moved to post Ms. Minjarez's deposition along with the Injunction Hearing transcript on the District website. Director Castille seconded the motion, and the motion passed 3-1 with Director Peterson opposed. Mr. Carlton updated the Board on the status of the lawsuit. Director Castille asked Mr. Carlton asked to clarify what the ruling means. Mr. Carlton said he read the report as provided by the special counsel since they are the ones handling the case. Director Castille said the District cannot bring up Ms. Minjarez's residence at trial and Mr. Carlton replied that the residence is not a claim to be addressed in that case. Director Castille said it was not a good day in Court for the Directors as they had a big loss.

OTHER MATTERS

Item 13 – Discuss and consider rules of conduct during Board meetings. Director Krueger said last month a motion was made to silence cellphones which passed. Director Krueger moved to amend the previous motion and prohibit Board members from using their cellphone while residents or Board members speak. Director Castille seconded the motion, and the motion passed 4-0.

Item 14 – Discuss and consider renewing Directors' bonds and Treasurer's bond or insurance. Director Krueger moved to authorize bonds for Directors Krueger, Peterson, Whelan, and Castille with Victor Insurance. Director Peterson seconded the motion, and the motion passed 3-0-1 with Director Castille abstaining.


Item 15 - Discuss and consider action regarding restrictive covenant on Westoak Woods Baptist Church property. Mr. Carlton discussed the restrictive covenant with the Board.

Item 16 – Discuss and consider Board member duties, responsibilities, and actions. Mr. Gonsalvez discussed Director Castille’s ethics and lies that have been told. Mr. Gonsalvez also discussed Director Castille’s online posts and online attacks against other Board members.

Item 17 – Discuss and consider time, date, and agenda items for the next Board meeting. The Board announced the next regular meeting will be held on December 13, 2023, at 6:00 p.m.

The meeting adjourned at 6:53 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: December 13, 2023