

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

December 13, 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 December 13, 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.

Charlie Mowen, District vendor, said he has been attending the Board meetings for several years and asked if there is any imminent danger that the vendors need to be made aware of? Mr. Mowen said he is concerned about the increased number of armed individuals that have begun to attend the Board meetings. Mr. Mowen said the level of security at the Board meetings is a level that is not even afforded to the children in school. Mr. Mowen also requested the officers check in with Mr. Carlton. Director Peterson said he has been in contact with the Travis County Sheriff’s Office and has asked for deputies to be present at all meetings to ensure safety of the meetings. Director Peterson noted that one police officer with the University of Texas and one officer with the City of Bee Caves are currently attending the meeting, and he is not sure who requested they attend. Director Krueger agreed with the idea to have deputies from the Travis County Sheriff’s Office attend the meetings and having law enforcement officers check in with Mr. Carlton. Director Castille said he paid for the officers to attend the meeting because “this guy” comes across as unhinged, has tried to get physical, is menacing, and is a creep. Director Whelan said the District has a contract with the Sheriff’s Office but not with the two City of Austin police officers and moved to remove the officers from the meeting. There was no second to the motion. Director Castille said the Board meetings are open meetings and Board cannot make peaceful people leave.

Director Castille said if Director Whelan tries to make peaceful people leave he will get sued for an Open Meetings Act Violation. Director Krueger moved to have every officer with a weapon check in with the law firm. Director Castille said the officers are not present to protect just him, they are to protect everyone. Director Peterson seconded Director Krueger's motion. The motion passed 4-0. Director Whelan asks whether the officers have jurisdiction and permission from their supervising officer to attend the Board meetings. Director Peterson said the officers cannot remove individuals without being asked to by Director Peterson.

Mike Canty, a District resident, said Thanksgiving morning someone targeted Noel Gonsalvez by bashing out his windows and slashing his tires. Mr. Canty mentioned that no items were stolen, and that he believes it was an attempt to threaten Mr. Gonsalvez. Mr. Canty said he finds it despicable that a sitting Board member would use his personal social media accounts to target and attempt to discredit a constituent. Mr. Canty also said photos of Mr. Gonsalvez being tired and exhausted from assisting with a neighborhood cleanup were used to insinuate Mr. Gonsalvez is a man to be feared in the District. Noel Gonsalvez, a District resident, said if anyone finds him threatening to please speak with him, he has never been arrested or called anyone a f***** n***** like a sitting Board member had. Mr. Gonsalvez also said his windows were smashed on Monday morning and said that the message of intimidation would not stop him from running in the next election.

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

CONSENT ITEMS

Item 3 – Consider approval of the November 15, 2023 regular meeting minutes. Director Krueger moved to approve the November meeting minutes as they are. Director Castille discussed Texas Rule of Evidence 609 and the fact that Mr. Gonsalvez brought up a 13–14-year-old case that Director Castille had been involved in. Director Castille also mentioned that The Carlton Law Firm is preparing the meeting minutes with items to make Director Castille look bad. Directors Krueger and Castille discussed the public comments that Director Castille made in the November meeting minutes. Director Castille said he thinks the minutes should be tabled so research can be done to determine if the Texas Rules of Evidence apply to Board meetings, if Board wants to die on that hill. Mr. Carlton said the rule Director Castille is citing is for court proceedings and does not apply because the Board meeting is not a court proceeding. Mr. Carlton also explained that the Law Firm does not decide what goes into the meeting minutes, the Law Firm has been transcribing the actions in the Board meetings for the last two years and any revisions are made and approved by the Board. Director Castille asked Mr. Carlton why when Director Castille has something to say it's not transcribed word for word but when criticism is discussed, it gets noted in surgical precision. Director Krueger reiterated that public comment is not changed by the Law Firm. Director Whelan seconded Director Krueger's motion, and the motion passed 3-0-1 with Director Castille abstaining. Director Castille asked for more details to be included on item 16 including the multiple names Mr. Gonsalvez called Director Castille to show what kind of man Mr. Gonsalvez is. Director Krueger said she is fine with the minutes as approved.

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 the new check register with the City of Austin invoices that were received just this afternoon. Director Whelan said the invoices totaled \$101,691.49 including the City of Austin invoices and Bickerstaff invoices. Director Whelan also said a transfer of \$102,000 is needed. Director Krueger moved to approve the check register and transfer of \$102,000 from the reserve to the checking account. Director Peterson seconded the motion, the motion passed 3-1 with Director Castille opposed due to his opposition of The Carlton Law Firm invoices #2398, #2415, #2416, #2417, and the Bickerstaff invoice #2419. Director Krueger discussed the Profit and Loss report and said the cost for printing flyers needs to be moved to communications from the management line item.
- (b) discuss and consider possible action regarding the FY2022 and FY2023 audit report.** There are no updates to discuss this month.
- (c) amendments to the budget for FY2023:** There are no amendments to discuss this month.
- (d) security issues including report from Travis County Sheriff’s Office and renewal of contract with Travis County Sheriff’s Office for 2024:** Director Whelan said the Sheriff’s office is conducting all night patrols of the District. Mr. Carlton discussed the 2024 agreement and 2023 amendment that had been previously approved. Director Krueger moved to approve the contract based on the last amendment. Director Whelan seconded the motion, the motion passed 4-0.

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 noted the pool is closed now and that he has sent the renewal contract for 2024 that keeps the same lifeguard schedule.

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 mentioned three trees that were planted in Tanglewood Park and mentioned that the Parks Committee requested a proposal that will be submitted in the next meeting. Mr. Mowen said that Director Whelan had contacted him about a leak in the park. Mr. Mowen said the leak was repaired today. Mr. Mowen also thanked Director Castille for his clarification on item 1. Maureen Gerlofs, a District resident, said she spoke with the lady that cleans the bathrooms in Tanglewood Park and noted that the cleaner does a wonderful job cleaning. Ms. Gerlofs asked when the bathroom times change to please let the cleaning personnel know so they can get in to clean. Ms. Gerlofs also mentioned that there are three guys with headlights at the park early in the morning that tried to take a resident’s items. Mr. Mowen told the Board that he had been contacted by Vangie Bocanegra regarding a 311 call about tree limbs blocking some signage and TexaScapes trimmed up to 8 feet. Mr. Mowen suggested a professional tree company

be contacted to trim the rest of the limbs past 8 feet. Mr. Mowen spoke with a City of Austin representative and said that the City plans to do tree work on the median.

- (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 invoices and proposals in the agenda packets. Ms. Bocanegra mentioned that she reached out to Jessica, the woman who cleans the bathrooms, and has updated her on the bathroom timer schedule. Ms. Bocanegra said the holiday party will be from 6pm-8pm this Saturday. Ms. Bocanegra told the Board she is still working with the City of Austin regarding the leak that happened and obtaining a reimbursement.

- (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 requested the Board approve graffiti removal for \$62.00. Director Krueger moved to approve the graffiti removal for \$62.00. Director Castille seconded the motion, the motion passed 4-0. Ms. Bocanegra mentioned Onit will be repairing the noticeboard at Greenbriar park as well as replacing an outlet cover. Ms. Bocanegra said the District needs a new picnic table that will cost \$1,328.00. Director Krueger moved to approve the purchase of a new picnic table. Director Peterson seconded the motion, the motion passed 4-0. Ms. Bocanegra said the table to be replaced will be at Renaissance Park. Ms. Bocanegra also discussed a broken table at Howellwood Park. Director Krueger moved to approve \$1,328 for a metal table for Howellwood Park. Director Castille 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 said there is no report this month.

- (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:** Mr. Carlton discussed the two open record requests recently been received. Mr. Carlton said there are currently requests from Director Whelan and Ms. Leann Hilton.
- (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. Carlton mentioned that Armbrust and Brown filed the dismissal in this case.

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. Carlton discussed the Temporary Restraining Order that was issued before the special meeting that had been planned for December 1, 2023. Mr. Carlton also mentioned there would be a temporary injunction hearing before the next Board meeting.

OTHER MATTERS


Item 13 – Discuss and consider rules of conduct during Board meetings. The matter was not addressed.

Item 14 – Discuss and consider Board member duties, responsibilities, and actions. Mr. Gonsalvez discussed his view of Director Castille and his ethics, mentioning the social media posts that Director Castille has posted. Mr. Gonsalvez said it is obvious to him that Director Castille does not really care about the District. Mr. Gonsalvez asked Director Castille not to interrupt him while he is speaking. Mr. Gonsalvez also noted that the law firm representing Kimberly Minjarez is the same firm that represented Director Castille in the Horizon lawsuit.

Item 15 – Discuss and consider time, date, and agenda items for the next Board meeting. The Board announced the next regular meeting will be held on January 24, 2024, at 6:00 p.m.

The meeting adjourned at 6:35 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: January 24, 2024