

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

January 24, 2024

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 24, 2024, 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. Al Sommers, a member of the public that does not reside in the District, said he is endorsing Noel Gonsalvez for candidacy. Mr. Sommers said he met Mr. Gonsalvez as a soccer referee years ago and now works with him as a colleague. Mr. Sommers told the Board that Mr. Gonsalvez is tasked with handling the referee assignments for many hundreds of games for various leagues, clubs and associations, which is no easy task. Mr. Sommers also said he values Mr. Gonsalvez as a friend and mentor and noted that Mr. Gonsalvez has given equipment to young referees who cannot afford it on their own. Mr. Sommers said Mr. Gonsalvez not only assists with refereeing but also assists with many nonprofit organizations such as Meals on Wheels and volunteers his time with many Tanglewood Forest neighborhood efforts such as clean ups after storms. Mr. Sommers also mentioned that he has witnessed Mr. Gonsalvez’s character, passion, and commitment in his personal life when Mr. Gonsalvez offered to take meals and sit with Mr. Sommers’ mother who was ill. Mr. Sommers noted that Mr. Gonsalvez has demonstrated he is the type of individual that puts the interests of others ahead of his own and can be a true asset to the opportunities presented to the District Board.

Tim Cunningham, a District resident, said he read the September, October and November 2023 meeting minutes and noted that minutes are a brief summary of the Board's actions and not necessarily the interactions of the Board with each other. Mr. Cunningham said any side interactions should be taken outside and don't need to be part of the minutes. Mr. Cunningham suggested that December be the time of year to take stock of the past year and about what needs to be done in the coming year. Mr. Cunningham told the Board that the District website would be a good place to have the Board President or the Board describe its achievements and successes in 2023. Mr. Cunningham appreciates the Board's willingness to serve the community with their time, energy, and devotion to their work. Mr. Cunningham also said he has seen places where the constituents grade the Board performance and suggested that communications within the Board need to improve. Mr. Cunningham noted the lack of current audit information.

Ellen Canty, a District resident, said she is concerned about the statements made about Mr. Gonsalvez in the December meeting, about how the residents of the District are afraid of Mr. Gonsalvez and thus extra security is required at the Board meetings. Ms. Canty said the residents of Tanglewood know differently and that the statement made in December was met with booing by the residents in attendance. Ms. Canty said Mr. Gonsalvez serves the community without expectation, and without turning the suffering of others into self-promoting social media posts. Ms. Canty has known Mr. Gonsalvez for 12 and a half years. Ms. Canty said she has only known Mr. Gonsalvez to get riled up about one topic, the criminality that left unchecked could take over and bankrupt the District. Ms. Canty thanked Mr. Gonsalvez for bringing to light the practices that directly affect all residents of Tanglewood even though he has suffered numerous social media attacks, has had personal property damaged and has had his personal financial data exposed. Ms. Canty said she wants Mr. Gonsalvez to run for a Director position in the District as he would faithfully, humbly, and honestly serve all residents in the District.

Noel Gonsalvez, a District resident, said he has lived in the District since 2003 and was talked into running for the Board in 2022 but was not aware of what he was getting into. Mr. Gonsalvez said he will run for office this year but will be better prepared and will make sure everyone knows where people who are running for the District live. Mr. Gonsalvez said in the last election there were two people who ran that put addresses that were not valid addresses. Mr. Gonsalvez described a person being able to have an address and then changing the voter registration to an address within the District and that is all that is required to run for District office. Mr. Gonsalvez said he finds it hard to believe someone living outside the District would run for office for the benefit of the District and encouraged everyone to be aware of who is running for office and educate their neighbors. Mr. Gonsalvez said he believes 98% of the people who live in the District couldn't name the four Board members that are with the District right now. Mr. Gonsalvez said prior to 2022 he couldn't. Mr. Gonsalvez also said that that is what people who want to get control of the District count on and use it on social media to their benefit.

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

CONSENT ITEMS

Item 3 – Consider approval of the December 13, 2023 regular meeting minutes. Mr. Cunningham said the Board approved 3-1 and 4-0 to post Robbie Castille's and Kimberly Minjarez's depositions on the District website but doesn't see them posted. Mr. Cunningham also

expressed unhappiness with the language used in the October and November 2023 meeting minutes. Mr. Cunningham said the personal attacks should stop and have no place in the official proceedings of the community.

Director Whelan discussed adjustments to the December minutes regarding the officers that were in attendance. Director Peterson said he contacted the officer's supervisors, and the officers were approved to attend the meeting. Director Peterson noted that an officer from Bexar County and a sheriff's officer from Travis County are currently in attendance. Director Krueger moved to approve the December minutes with changes as discussed. Director Castille 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 discussed an end of year report received from Chase Bank showing the District made a total of \$602.88 in interest on the 1.5 million in the bank. Director Whelan said he has purchased a \$500,000 bond which will produce at least \$20,000 in interest for the year. Director Castille asked if the investment was a CD or bond. Director Whelan said it was one CD.

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Whelan presented the financial report and the check register as provided in the agenda packet. Director Whelan discussed invoices received late from Armbrust and Brown for \$845.00 and Bickerstaff, Heath and Delgado for \$14,150.50. Director Whelan said the total due with the late invoices is \$73,020.53. Director Whelan requested a transfer of \$70,000 to cover the payment of bills and invoices as discussed. Director Krueger moved to approve a transfer of \$70,000 to cover the bills and invoices as discussed. Director Peterson seconded the motion, and the motion passed 3-1 with Director Castille opposed due to check numbers 2423, 2439, 2440, 2441 and the Bickerstaff, Heath and Delgado invoice.
- (b) **discuss and consider possible action regarding the FY2022 and FY2023 audit report.** Mr. Cunningham said the audit for 2019 is on the website but the 2020 audit is not even though the Board has already approved the 2020 audit. Mr. Cunningham said the Board needs to get the audits completed in a timelier manner and posted for review on the District website. Director Peterson asked about the delay in the audit and Director Krueger discussed the delay due to the Horizon issues. Mr. Carlton also discussed the delay and the status of the audit.
- (c) **amendments to the budget for FY2023:** Mr. Cunningham said the FY2023 budget indicates an income of \$1,113,141.00 and budgeted expenses as \$887,629.00 and leaves a surplus of \$225,512. Mr. Cunningham would prefer that the budget is balanced and that the surplus, reserve, or overage is more clearly defined.
- (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 Travis County is doing nightly patrols as is part of the contract.

- (e) **Review and approve quarterly investment report for 4th quarter of previous year:** Director Whelan discussed the 4th quarter investment reports. Director Krueger moved to approve the investment reports as presented for accounts 7607 and 7615. Director Peterson seconded the motion, and 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 some damage to the flow switch on the chemical controller and that has been repaired. Mr. McKinley said he will evaluate the pool equipment after the freeze once everything dries out. Director Peterson asked if the autofill has been fixed and connected to the restrooms and Mr. McKinley said yes it has.

- (a) **Discuss and consider 2024 SafeGuard Aquatics contract.** Mr. Cunningham asked if the pool will be open in 2024. Director Peterson said the pool will open unless the inspector shuts it down. Director Krueger asked about any contract changes. Mr. McKinley said the contract is the same as the prior year. Director Krueger asked if the free pool days can be three events rather than specific dates. Mr. McKinley said that is acceptable. Director Krueger moved to approve the SafeGuard Aquatics 2024 contract. Director Peterson seconded the motion, and the motion passed 4-0.

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 there were only two visits done for the month and mentioned the irrigation systems were shut off before the freezes. Mr. Mowen also said the seasonal cutbacks will be after the next freeze. Director Peterson said he heard there may be another freeze next month and will keep an eye on the weather.

- (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 discussed proposal #10322 for \$1,707.65 to plant a pecan tree in Greenbriar Park. Director Krueger moved to approve proposal #10322. Director Castille seconded the motion, and the motion passed 4-0. Director Krueger also discussed proposal #10323 for \$16,262.50 for the annual mulching in the Parks. Director Krueger moved to approve proposal #10323. Director Castille seconded the motion, and the motion passed 4-0. Director Krueger noted that there may need to be a budget amendment next month.
- (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 is still working with the City of Austin for reimbursement for the water leak and brush removal. Director Peterson said that a homeless person stayed overnight at the pool house and lit a couple of fires. Director Peterson said the pool house restroom will close at 8pm and open at 7am. Director Krueger mentioned the Board can readdress

the close and open times after Daylight savings time. Director Peterson also said there was a homeless person in the port-o-potty at Greenbriar Park and was addressed with the assistance of the City of Austin police.

- (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 Onit has repaired the notice board at Greenbriar Park and the City of Austin has trimmed the trees along the powerlines in Tanglewood and Woodland Parks. Ms. Bocanegra told the Board she is still waiting on the picnic tables and that the pool house restroom now locks at 8pm. Ms. Bocanegra asked the Board if they were interested in cameras and presented some options. Director Peterson said he is going to discuss cameras with Mr. McKinley to cover the pool entrance. Director Krueger asked if they are going to get cameras and Director Peterson recommended getting them but needs Board approval. Director Krueger said she is not ready to vote on it as she has questions on monthly charges and security of equipment. Director Castille asked about the install cost estimates and Ms. Bocanegra replied that Onit said it would be \$95/hour. Director Peterson said the Board would discuss the cameras further next month.
- (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:** Mr. Cunningham said the deed restriction report is posted on the website in a summary way to show complaint status and average expense. Mr. Cunningham suggested a report be made that doesn't name the address but includes the character of violation. Mr. Cunningham noted the key is the number of complaints resolved in a given month and it sounds like more than 100 complaints are outstanding.

Ms. Bocanegra said there were close to 500 open violations when she started and said she drives twice a month and now there are only roughly 370 open violations. Ms. Bocanegra said she can produce the report with letters sent out and the stage the violation is in. Director Krueger said the deed drive report is in the agenda packet and that most of the violations are landscaping or vehicles and those are the violations that are escalating. Director Krueger asked that the violation report be printed in color for the agenda packets. Director Castille asked if the report could be regenerated to show the list of violations by type. Director Krueger said she will look at it. Director Castille asked if a motion needs to be made. Director Peterson said the communications committee will look at it but will not put-up names or addresses.

Item 8 – Receive report from the Communications Committee and consider action regarding

the following: Mr. Cunningham said that he has noticed the budgeted costs for the website is \$2,400 and the newsletter is \$6,600 and suggests spending more on the website than the newsletter. Mr. Cunningham also said the District needs to send more communication via email too. Director Krueger asked when is the earliest that election information can be sent out. Mr. Carlton said there is no restriction on early information for the election and he will have an election calendar for the next Board meeting.

- (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: Mr. Cunningham asked if a report on open records requests could be made regarding the number of requests received, the nature of the request, and discussed the public information act. Mr. Cunningham asked about the report being available on the District website and asked for information on the availability of District records. Mr. Carlton said the requests are not made to individuals but should be made to the Board and each member has a fiduciary duty to provide records.

- (a) **pending contract issues, open records requests, and election matters:** Director Castille asked about the response to his record requests and whether the District could obtain an Attorney General Opinion regarding items that can be withheld. Mr. Carlton discussed Director Castille’s questions with the Board. Mr. Carlton said there were two recent records requests from Director Castille and there is no other update.
- (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 – 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 11 – 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. Cunningham said reputation is important and people are known by the company they keep. Mr. Cunningham asked why Director Castile has closely associates with Ms. Minjarez and continues to have an association with Lauren DeWilde to the extent that he attends church with her. Mr. Cunningham told the Board that Ms. Minjarez has been arrested twice for forgery, first in California and again in November of 2023 for cashing checks totaling almost \$35,000. Mr. Cunningham also asked if those associations befit the reputation of a sitting Board member. Mr. Carlton reported the status and issuance of the Temporary Restraining Order preventing the Board from filling the vacancy to be discussed in item 12. Mr. Carlton told the Board that the Temporary Restraining Order had been issued and signed today as per Mr. Gunnar

Seaquist. Mr. Carlton also said the Board cannot appoint someone to fill the vacancy until after the Temporary Injunction Hearing is held on February 7th, 2024 at 9 am.

Director Krueger said she thinks there is a Board member that is hell bent on fighting and paying legal fees to put Ms. Minjarez back on the Board. Director Krueger said that the second arrest Mr. Cunningham referred to from November of 2023 is for an act Ms. Minjarez is accused of committing in December of 2022, shortly after she was elected to the Board. Director Krueger believes District money is being wasted due to this legal fight. Director Krueger also said that she had seen the bond in Ms. Minjarez's current criminal case, and her address is in Leander, Texas. Director Krueger asked Director Castille if he wants to go down on this mountain. Director Krueger suggested the officer who drove in from Bexar County heed Mr. Cunningham's advice about who a person surrounds themselves with. Director Castille asked what she meant by that comment and Director Krueger said it was referring to what Director Castille is paying the officer. Director Krueger mentioned that Director Castille thinks that Mr. Gonsalvez will attack Ms. Minjarez but Director Castille is the one pulling out chairs from under Mr. Gonsalvez in the meeting. Director Krueger said Director Castille is fighting with an entire District when he doesn't even live in the District. Director Krueger noted that in the deposition transcript from the first hearing on June 22, 2023, Director Castille is listed on the lease for an apartment where he, Ms. Minjarez and Mr. Robert Mandujano claimed to live. Director Krueger also noted that Director Castille's lawyer has claimed the agenda is not posted in a timely manner but Director Peterson posts the agenda at the pool house and online within the appropriate time frame. Director Krueger also noted Ms. Minjarez is not attending the current meeting. Director Peterson said perception is everything.

OTHER MATTERS

Item 12 – Discuss, consider and possible action to appoint an individual as a District Board Member to fill the existing vacancy on the Board due to disqualification. No action taken. Director Krueger said she wants to see this item on the agenda until the Board can appoint someone to fill the vacancy.

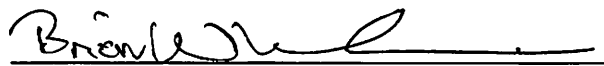
Item 13 – Discuss and consider rules of conduct during Board meetings. Mr. Cunningham asked all Board members one question — what is best for Tanglewood Forest Limited District? Mr. Cunningham said that Directors should not consider what is best for themselves. Mr. Cunningham said that given the facts of the vacancy for nearly a year, he appeals for Director Castille to encourage Ms. Minjarez to resign immediately and asks that Director Castille ask himself what is best for the District. Mr. Cunningham said if Director Castille can't answer that question Mr. Cunningham encourages Director Castille to resign.

Item 14 – Discuss and consider Board member duties, responsibilities, ethics, and actions. Mr. Gonsalvez said he appreciates everyone coming out and encourages all District residents to consider running for the Board. Mr. Gonsalvez said he can almost be assured that there will be three people on the ballot who do not live in the District. Mr. Gonsalvez said in 2022 two people ran, neither lived in the District, and in 2020 three people ran with one being disqualified and two did not live in the District, with one person making it onto the Board. Mr. Gonsalvez said if we don't stand up to run then someone else will control the Board who does not live in the District.

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 February 21, 2024, at 6:00 p.m.

The meeting adjourned at 7:05 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: February 21, 2024