

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

February 16, 2022

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 February 16, 2022, 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
Kat Dowling	Vice President	Present
Nikki Krueger	Treasurer / Secretary	Present
Robbie Castille	Director	Present
Josh Schauer	Director	Present

Also present for the meeting were: John Carlton of The Carlton Law Firm, P.L.L.C.; Trey Thompson of Pioneer Real Estate Services; and Charlie Mowen of TexaScapes.

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. No public comments.

Item 2 – Public Comment on Agenda Items. Shani Montigue-Ahmad signed up to speak on Agenda Items #6 and #7.

CONSENT ITEMS

Item 3 – Consider approval of the January 19, 2022, regular meeting minutes. Director Castille stated that there should be a revision on page 6 Item 8(b) to clarify that the tri-fold pamphlet was harder to read due to the color saturation. Director Krueger moved to approve the January 19, 2022, regular meeting minutes with corrections. Director Castille seconded, and 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:

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Krueger presented the financial report, as provided in the packet. Director Krueger stated that the Pioneer invoice in the packet was not the amount they would be paying this month. The Pioneer invoice in the packet does not reflect the partial payment approved last month. Only \$750 is due to be paid to Pioneer this month. Director Krueger advised that the taxes have been removed by the City of Austin. Director Castille expressed issues with the \$1,344 invoice, and that the pool fill line is being charged wastewater rates in addition to the water rates even though there is no wastewater. Director Castille suggested they speak with the City of Austin to convert that and have them only charge water rates. Director Krueger said that she will review the pool situation.

Director Castille asked if the Austin Tree Surgeon had completed their work. Director Krueger noticed the same. Mr. Thompson replied he had not yet spoken with Austin Tree Surgeon to have them complete their work. Director Castille mentioned that Sunscape did not have enough mulch for the project. Director Krueger stated that it was supposed to be for three inches. Director Castille responded that it was only about an inch some places. The mulch did not cover white tags on the poles. Director Castille said it must have nine inches of mulch for the industry standards. Director Dowling will review the playgrounds at the March Parks Committee meeting.

Director Krueger moved to approve a transfer of \$37,000 from the savings account to the checking account and approve all the checks presented except number 1947 to the Austin Tree Surgeon and number 1935 to Sunscape. Director Castille seconding the motion, and the motion passed 5-0. Director Krueger said that she needs to review the Profit and Loss report to adjust for some Holiday Party expenditures. Director Krueger also reached out to Julie Dornbush at Chase bank regarding the investments and will have an update for next month's meeting.

- (b) **amendments to budget for FY2022:** Director Krueger stated that there were no budget amendments to discuss. Director Castille made a motion to eliminate all ad valorem taxes to 100% disabled veterans as determined by the Veterans Administration. Mr. Carlton discussed the veteran's tax exception and stated he would further look into it and report back with information at the March meeting. Director Castille withdrew his motion regarding the veterans' taxes.

Director Castille made a motion to reduce all per diems for the Director's to one dollar per day. A discussion was held by the Board regarding the per diem motion. Mr. Carlton advised the Board regarding the maximum per diem limitations allowed by the statute and that there was no minimum. Mr. Carlton advised the Board that they could set their own per diem as long as they are within the statutory guidelines. There was no second to the motion and the motion does not pass.

- (c) **security issues including report from Travis County Sheriff's Office:** Director Krueger stated there were no security issues to discuss.

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 presented his report as provided in the agenda packet. Mr. McKinley mentioned that not much happened in January and that there were minor issues regarding a pump and valve breaking that occurred due to the February freeze but those are scheduled to be fixed. Director Dowling requested Mr. McKinley provide information that can be included in the newsletter regarding the pool lifeguards.

- (a) **2022 Service Contract with SafeGuard Aquatics, LLC:** Director Peterson proposed a two-year pool contract. Director Dowling stated that prior discussions held by the Board were to extend the contract to two years if it was in good standing for more than one year. Director Castile inquired about the price of the contract. Mr. Carlton advised that the price was reflected on page 29 of the contract. Director Krueger moved to approve the pool contract for a two-year term. Director Schauer seconded the motion, the motion passed 5-0.

Mr. McKinley reviewed the proposed fees for the coming calendar year. Mr. Carlton asked for a copy of the rate schedule. Director Peterson wants the fees to be consistent with the City of Austin costs but allow for some increase to offset any increased costs. Director Dowling asked if this means that they would be returning to normal rates. Mr. McKinley responded that yes, they will essentially be returning to pre-pandemic practices. Mr. McKinley stated that they will be using a membership system and the system costs \$3,000 annually. Director Peterson suggested they go cashless. Director Dowling mentioned that the issue with going cashless is regarding minors without access to a credit card. Mr. McKinley mentioned that there was only one issue with going cashless in 2020 and one issue in 2021. Director Dowling stated they could address the cashless issue by allowing day passes to be purchased with cash. Director Peterson said he would forward the email he received from Mr. McKinley with the pool fee information to the other Board members. Director Schauer stated that he wants a cashless policy in place so that a person with only cash is not denied entry.

Director Krueger asked a question regarding the cleaning component of the pool. Mr. McKinley said that the Board previously decided to add off-season restroom cleaning for a fee of \$125 per month. Director Dowling asked how many months are included in the off-season. Mr. McKinley answered that the off-season is 6 months. Director Castille mentioned that the cost for the cleaning is negligible and suggested changing the cleaning schedule to every month. Director Peterson agreed with Director Castille’s comment about having monthly restroom cleanings.

Director Dowling asked about using the pool for the Kocurek 5th grade graduation party. Mr. McKinley asked the Board to let him know of the graduation date once it is available. Director Krueger moved to approve the pool contract as drafted, including discussed changes, for two years. Director Dowling seconded the motion and the motion passed 5-0.

Item 6 – Receive report from the District’s landscape maintenance contractor and Park Committee and consider taking related action: Charlie Mowen of TexaScapes presented the landscape report detailing January activities, as provided in the packet. Mr. Mowen reported that they are cutting back some of the plants and limbs that hardened due to the freeze.

Director Castille moved to approve \$500 for decomposed granite to hide the coaxial cables near the garbage dumpster. There was no second to the motion. Mr. Mowen said he will review the cable issue tomorrow and bury the coaxial cable. Mr. Mowen will advise the Parks Committee if additional mulch is needed.

Shani Montigue-Ahmad addressed the Board asking about the medians at Curlew and the intersection of Curlew and Aftonshire. Mr. Mowen stated that the median is not a District responsibility. Director Krueger mentioned that it may be a school responsibility. Director Dowling said that driving lanes are a City responsibility and some are the schools responsibility. Director Peterson suggested Ms. Montigue-Ahmad call 311 for assistance with her maintenance question.

- (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 presented two proposals. Proposal #9962 addresses the installation of 6 trees located in various parks and proposal #9963 relates to mulch throughout the parks. Director Castille moved to approve proposal #9962 for \$5,159. The motion was seconded by Director Krueger, and the motion passed 5-0. Director Castille made a motion to approve proposal #9963 for \$12,847. Director Krueger seconded the motion, and the motion passed 5-0.

Director Castille made a motion to authorize a women’s weekly self defense class in Tanglewood Forest Park with Ju-Jitsu instructors from Gracie ATX Ju-Jitsu. Director Peterson stated that he does not want to get into any issues of having paid instructors and any liability issues that could arise. Director Krueger said she would prefer something that is open to everyone and instructed by someone from the Austin Police Department or the Sheriff’s Office. Director Schauer has concerns regarding liability and safety issues. There was no second to Director Castille’s motion. Director Peterson moved to not fund the Ju-Jitsu class. There was no second to Director Peterson’s motion.

- (b) **consideration amendments to the Park Rules:** 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:** 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. Montigue-Ahmad addressed the Board and stated that she has a music academy in the area that she runs in her home. Ms. Montigue-Ahmad asked the Board if they would allow the use of the Pool House as a meeting room in some capacity for her music academy. Director Dowling said that the only pool house rentals in the past have been for pool parties, but COVID

protocols have required that the pool house only be used for District activities. Ms. Montigue-Ahmad replied that she may need to reevaluate her request; and she may only need to use the pool house for an hour or two for set up and tear down and hosting a performance. Director Castille said that the Board would need to have a conversation about use of the pool house. Director Dowling would like feedback from the Pool Committee and suggested handling pool house usage on an event-by-event basis. Ms. Montigue-Ahmad mentioned her first events would be in June/July. She also mentioned that the table is problematic and estimated that the events would host about 25 people maximum. She further stated the usage of the pool house would be for small concerts, not to host lessons. Director Peterson asked Ms. Montigue-Ahmad to send the Board the dates she would like to request use of the pool house. Ms. Montigue-Ahmad said she appreciates the opportunity to reserve the pool house instead of having to deal with a first come first serve basis.

Mr. Thompson of Pioneer Real Estate Services presented the General Manager's report, as provided in the packet. Mr. Thompson updated the Board on the issue with the water fountain continuously running and not turning off. Mr. Thompson updated the Board about the Tennis Court benches and that they have not been mounted yet. Mr. Thompson has also been looking for alternative options for mulch. He mentioned that the Greenbriar playscape looks good, but he will verify if anything needs to be done. Mr. Thompson is also checking with A-1 regarding further work on tree trimming. Mr. Thompson continued with his updates, letting the board know that the City is still working on the Lindshire drainage issue.

Director Krueger discussed the Sunscape proposal and said it was for 68 cubic feet to provide 3 inches of mulch across each area. Director Castille said he has checked and stated it is not deep enough. Mr. Thompson presented quotes from Austin Tree Surgeons for tree trimming. Director Castille mentioned that another tree fell at Lindshire Park. Mr. Thompson let Mr. Castille know that he was aware of the fallen tree and that he has a photo of it. Director Dowling discussed proposal #24371 regarding Lindshire Park in the amount of \$7,800, and proposal # 24372 regarding Greenbriar Park for \$1,300. Director Castille made a motion to approve Austin Tree Surgeon proposals #24371 and #24372. Director Krueger seconded the motion, and the motion passed 5-0.

Director Castille asked about the \$25,000 proposal provided by Austin Tree Surgeon. Director Krueger said that the proposal was not reviewed by the Parks Committee and was not yet approved as it is being rebid in parts.

Mr. Thompson told the Board that the power washing at Renaissance Park has been completed.

- (c) **Large event requests:** Blanca Veley addressed the Board to discuss a Girl Scout event scheduled for April 23, 2022. Ms. Veley stated that the Girl Scouts would like to host a carnival in the Tanglewood Park. Director Krueger stated that the event would take place on the same day as the pool opening. Ms. Veley described the event and said they would set up before and take down immediately after it was completed. Ms. Veley also mentioned that she does not estimate more than 100 people to be there at a time as it is a come and go event. Director Dowling discussed

bounce house electricity issues and that they would need to dedicate a power outlet for the bounce house. Ms. Veley replied that the Girl Scouts have a generator to power the bounce house if necessary and that the Girl Scouts of America provides insurance for the event. Mr. Carlton requested a copy of the insurance policy to review. Director Krueger moved to approve the event for the Girls Scouts of America as noted. Director Castille seconded the motion, and the motion passed 5-0.

Director Dowling discussed a second event request scheduled for April 9, 2022, received from the Partners in Parenting. Partners in Parenting supports new parents trying to meet other new parents. Director Dowling said that the event may have about 200 attendees and would last from 8am to noon. Mr. Carlton suggested the Board take action. Director Castille made a motion to approve the April 9 event request pending the Parks Committee review for compliance with Park Rules. Director Krueger seconded the motion, and 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:** Matter was not addressed.
- (f) **report from General Manager and Deed Restriction Committee regarding enforcement of deed restrictions with the District:** Mr. Thompson reported that the deed drive-by was completed February 15, 2022, and they found no yard mowing issues. Director Krueger explained that one resident was ignoring the letters being sent and asked what information is being provided in the letters. Mr. Thompson explained that every letter includes a photo and notes regarding the violation being addressed. Mr. Carlton explained the process that The Carlton Law Firm uses when sending out letters regarding violations.
- (g) **contract for management services with the District:** Director Krueger discussed the Pioneer contract that was presented in the packet. Directors Krueger and Peterson met with Pioneer regarding changes for last month so that it would not be an ongoing issue and have asked Mr. Thompson to explain to how he charges his activities for the past three months. Director Krueger also stated that the Committee meetings were not addressed in the contract and the contract was up for renewal next year. Director Peterson asked the Committees to schedule meetings when Mr. Thompson is available and asks that he only attend the meetings if necessary. Director Castille asked if Mr. Thompson is under his 50 hours does he still bill \$75/hour for Committee meetings. Director Krueger responded to Director Castille saying that Mr. Thompson has not been billing a \$75/hour fee for Committee meetings if he is not over 50 hours. Director Dowling stated that they need to add Committee meetings to the contract. Director Castille asked about Mr. Thompson attending meetings via Zoom. Director Krueger said that most meetings are handled via Zoom and suggested adding 6 hours a month for Committee meeting attendance to the contract. Director Castille asked if the contract could add a cap to Mr. Thompson's time commitment.

Mr. Carlton suggested the Board take action to authorize the Finance Committee to negotiate contract revisions to integrate Committee meeting attendance and other contract terms for the March meeting. Director Krueger made a motion to authorize the Finance Committee to negotiate contract revisions and other contract terms. Director Schauer seconded the motion, the motion passed 4-0-1 with Director Castille abstaining.

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

- (a) **website content:** Director Dowling stated that she is working with Mr. Thompson on a website schedule and will bring back information for the next meeting.
- (b) **newsletter:** Director Dowling discussed the newsletter bullet points and that they will be following the original template. The Board held discussion regarding the newsletter. Director Krueger asked if this would be the only newsletter sent out. Director Dowling said it can get confusing with the District sending out their official newsletter while Director Castille continues to send out his own separate newsletter containing Director Castille’s contact information but purporting to represent Tanglewood Forest. Director Castille stated that he needed to be given a Committee assignment or else he would find ways to be annoying. Director Krueger said his sending out additional newsletters and confusing the community is why he should not be on the Communications Committee. Director Castille stated that the Board has not been open-minded about his presence, and he is on the Board to help.

Director Castille said he was disappointed and that no matter what he does or doesn’t do the Board will not trust him. Director Peterson said his struggle with Director Castille is that Director Castille has not been working well with the Board. Director Castille said that he feels the Board is upset with him because they cannot control him and that the Board needs to stop being disrespectful. Director Peterson said that the only way to be respected is to earn it, and Director Castille has not earned it yet. Director Castille stated that he had not acted like a jerk until the rest of the Board made it clear that they were only going to be jerks to him. Director Castille says that the rest of the Board gets to dictate how he acts, and if the rest of the Board wanted to be nice and let him do stuff, then he will be a joy to be around.

Director Schauer redirected the discussion back to the newsletter and unauthorized communication, stating that communication put out by directors outside of official Board capacity done is confusing to neighbors. Director Schauer continued saying that the confusion was also evident with Christmas Party, and many residents thought the Tanglewood Christmas party was happening the day after it was scheduled due to Mr. Castille’s advertisement of his own Christmas party. Director Schauer further stated that Mr. Castille advertising his own Christmas party and spreading inflammatory information such as there being snakes in the winter serves no one but Mr. Castille. Mr. Castille commented that snakes transitioning out of hibernation was very relevant. Director Castille stated that being on the Board and fighting with the rest of the Board is the biggest challenge for him and it’s the only thing in Mr. Castille’s life that brings him any stress. Director Castille offered to resign if Director Krueger resigned. Director Peterson reminded Mr. Castille that

he offered to resign in the December 2021 meeting if the Parks Committee would do their job for three months, then he would resign. Director Castille said that he stated in the November meeting if the Parks Committee did their job for three months straight then he would resign. Director Peterson said that the Committee has done its job. Director Castille said that the Parks Committee absolutely has not done their job. Director Castille said that he inspects the parks himself and there are so many things he does not bring up at the Board meetings because the numerous shortcomings would keep the Board in the meeting all night. Director Peterson mentioned that Director Castille already uses his own website to send out correspondence to every neighbor in the District. Director Castille responded that if the Board was unhappy with Mr. Castille sending out correspondence to all District residents and using his own website to communicate, the Board should do a better job than Mr. Castille. Mr. Castille said that the only difficult part of doing his job as a Board member was dealing with the egos of the other Board members, and that the work is so easy.

Director Dowling asked for approval of the newsletter content. Director Castille moved to approve the newsletter content. Director Schauer seconded the motion, and the motion passed 4-0-1 with Director Castille abstaining. Director Krueger moved to authorize the newsletter to be sent out. Director Castille seconded the motion, and the motion passed 5-0.

- (c) **Purchase of a meeting “Owl” to stream monthly Board meetings:** Item 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 stated there was one records request from Mr. Robbie Castille requesting invoices from 2019-2021.
- (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):** Mr. Carlton advised that there was nothing new to report.
- (c) **other litigation matters:** Mr. Carlton advised that there was nothing to report.
- (d) **legal investigations and other legal issues, if any:** Mr. Carlton advised that they are working on a restrictive covenant issue with the owner of 10108 Alcott Cove regarding a junk vehicle. The Carlton Law Firm will send a final letter providing 90 days for the violation to be corrected and a copy of a petition that states if they do not correct the junk vehicle violation a lawsuit will be filed against them. Director Krueger moved to approve The Carlton Law Firm to send the final letter and file suit against 10108 Alcott Cove if needed. Director Castille seconded the motion and the motion passed 5-0.

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 reported that Horizon HOA Management, LLC filed for

Bankruptcy on February 14, 2022. Mr. Castille asked about what Horizon's bankruptcy meant for the District's ability to collect the money the District claims, and Mr. Carlton answered by saying that there were individual defendants in the suit as well. Mr. Castille stated that he was aware. Mr. Carlton stated that Armburst & Brown is handling the lawsuit.

OTHER MATTERS

Item 11 – Discuss and consider Board member duties, responsibilities, and actions. Director Krueger mentioned that she emailed Director Castille regarding the hypodermic needle found in the park and that she needs the neighbor's name to contact them as Mr. Castille had blacked out the name of the neighbor when Director Castille emailed Director Krueger about the needle originally. Mr. Castille said he would need to think about it. Director Krueger stated that the Board is an open records public entity and again asked Mr. Castille to provide the name of the neighbor who saw the needle, and their communication with Mr. Castille. Director Castille asked Director Krueger to send a records request to obtain the email that shows neighbor's name. Director Krueger responded that she does not need an open records request to obtain the email correspondence between Director Castille and the person who saw the needle. Director Krueger said she does not believe it requires the additional fee that will be incurred by The Carlton Law Firm handling a records request to simply obtain the email between Director Castille and the neighbor. Director Castille said he is not refusing to comply with a legal request, but that it should be done properly. Mr. Carlton will accept a request made by Director Krueger and he will obtain the records she wants to obtain.

Item 12 – Discuss and consider revisions to the District's Code of Ethics. This item was tabled.

Item 13 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on March 16, 2022, at 6:00 p.m.

Meeting adjourned at 7:41 p.m.

(Seal)



Nikki Krueger, Secretary
Board of Directors

Date: March 16, 2022