

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

January 19, 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 January 19, 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; Charlie Mowen of TexaScapes; and Leslie Boykin, a resident of Tanglewood Forest.

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. No public comments.

CONSENT ITEMS

Item 3 – Consider approval of the December 16, 2021, regular meeting minutes. Director Castille stated that Item 7 mentions Ms. Linda Klar several times and that her name should be reflected correctly as Ms. Acuña. Director Krueger moved to approve the December 16, 2021, 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 advised that a payment of \$249.62 is needed to pay for a late invoice from the City of Austin. There are also three invoices with taxes, but Ms. Giles is calling and working on them. The A-1 Services invoice number 4695 for \$1974 was pulled, it included a charge for repainting graffiti that should not be included in that invoice. Invoice 4696 for \$280 is a duplicate and has been removed. Director Krueger commented that the \$280 seemed like a significant charge for the swing repair, and she asked that Mr. Thompson look into alternative vendors and obtained itemized invoices. The new total for A-1 Services is \$1519 instead of \$1974. Director Krueger continued, stating that the two Spectrum invoices and two Waste Connection invoices are due to the meetings falling in between the due dates. Ms. Giles has asked that the Finance Committee approve two months in advance for both Spectrum and Waste Connections to get ahead of the billing cycle. Director Krueger explained that the Pioneer invoice #2510 is for the reimbursement for the Holiday Party expenses paid by Mr. Thompson, it also includes \$166 to pay for the post office box, and several charges for activities Mr. Thompson participated in, post office trips, and other trips outside of going to board meetings that she was not expecting. She suggested adding an item to discuss the Pioneer contract next month. Director Krueger stated that Mr. Thompson is going over 50 hours, and that attending Committee meetings is something for which he is not getting paid. Director Krueger would like to better understand what time is being spent by Mr. Thompson and the associated fees. Director Krueger further stated that she would like to wait until next month to approve a portion of the Pioneer invoice after the Pioneer Services Contract has been reviewed. Director Krueger moved to pay the monthly charge of \$3,350.00 plus \$269.40 which is the total covering the Holiday Party reimbursement to Pioneer. Director Dowling requested an email with the Pioneer contract to the Directors so that they can all review the contract. Director Krueger stated her appreciation for Mr. Thompson doing activities that were not covered by the contract but says she has also asked him not to do so. She further stated that it could create a problem with charges being brought up that were not previously being charged. Director Krueger said that the final amount to be paid to Pioneer was \$3,619.40. Director Castille had a question about invoice #4818 from A-1 Services for tree trimming and said that he suggests paying it, but also noted that there are several deficiencies. Director Castille stated the A-1 invoice should be paid, but that A-1 should come back and complete the tree trimming. Director Peterson asked for a motion to approve the invoices as discussed. Director Dowling made a motion to approve the payment to Pioneer for \$3,619.40, the preapproved Spectrum and Waste Connection invoices and the A-1 services invoice with changes that were mentioned, along with all the other invoices. Director Krueger seconded the motion, and the motion passed 4-0-1, with Director Castille abstaining from the vote. Director Krueger moved to approve a transfer of \$54,000 from the savings account to the checking account, with Director Castille seconding the motion. The motion passed 4-0-1, with Director Castille abstaining from the vote.

- (b) **amendments to budget for FY2022:** Director Krueger stated that the audit fee should be increased from \$12,000 to \$12,500 and the pond maintenance provided by Aquatic Features was increased from \$300 to \$315 a month, leading to a new total of \$3,780 from the previous year's total of \$3,600. She further stated that the Aquatic Features contract was provided in the agenda packet for review. Director Dowling made a motion to approve the amendments as stated, and Director Castille seconded the motion. The motion passed 5-0.
- (c) **security issues including report from Travis County Sheriff's Office:** Item not addressed.
- (d) **Review and approve quarterly investment report for 4th quarter of previous year.** Director Krueger discussed the investment reports for the savings account, reserve account, and the pool account. Director Krueger explained that they were able to increase the pool account from the Safeguard pool fees and the insurance check they received. Director Castille asked if any of the investments were in CDs. Director Krueger said that there are no CDs. Director Castille stated that their investment currently is at a 0.004% rate of return but if they placed the investments into CDs they could get a potential rate of 0.05%, which is about twelve and a half times what they are currently earning. They can try to circumvent the early withdrawal penalties by taking out 80 separate \$10,000 CD's, that would incur a smaller penalty upon redemption and would create more interest monthly. The current investments are currently making \$251 a year in interest and making the change could earn up to \$2,5000. Director Krueger stated that it would be discussed at the next finance meeting. Director Krueger also asked Mr. Carlton if an investment in CDs would be possible. Mr. Carlton responded that they are free to invest in CDs if the Board so chooses. Director Castille discussed some CD terms and interest rates. Director Krueger made a motion to approve the 4th quarter investment reports. Director Dowling seconded the motion made, and the motion passed 5-0.

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. Director Peterson stated that Brody McKinley was not able to attend, but his report is provided in the agenda packet. Director Dowling said that they need to make sure the dates and times for the pool are correct along with a plan for how the pool will be run in the summer. Director Peterson mentioned his concern about the cost increase in supplies and other costs as well. Director Schauer agreed with Director Peterson's concern about the increase in costs. Director Schauer asked if the proposed fee increase was 7%, and Director Peterson noted that it would be a 7.5% increase.

- (a) **2022 Service Contract with SafeGuard Aquatics, LLC:** Director Peterson stated that the SafeGuard contract was up for renewal and he would like to discuss the contract with Mr. McKinley before a decision is made. Director Peterson has requested that this item be addressed at the next meeting. Director Castille asked for a draft of the contract to be presented to the Board. Mr. Carlton stated that he would present the contract in the next meeting packet.

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 December activities, as provided in the packet. Mr. Mowen reported that there were no real highlights to report. Mr. Mowen said that a large branch broke at Gazebo Park, which TexaScapes will repair. Mr. Mowen stated that they will be preparing a proposal as requested by the Parks Committee for three trees and three shrubs to be planted. Mr. Mowen recommended they use mulch in April. Director Dowling asked Mr. Mowen to bring a proposal for the Parks Committee to review in March.

The Board returned to Item 1, and recognized Leslie Boykin who spoke of her candidacy for County Court at Law #6.

The board then continued with Item 6 - Director Castille asked if TexaScapes does low voltage landscape lighting. Mr. Mowen stated that, yes, they do. Director Castille stated he had a motion to preapprove money to pay for work to be done regarding the low voltage lighting at the Greenbriar Park. Director Schauer asked how much it might cost for low voltage lighting. Mr. Mowen said that TexaScapes would need to review the proposal and prepare bids. TexaScapes has not done low voltage by itself, it is usually part of a larger residential project. Director Dowling mentioned they could speak with Mr. Mowen at the Parks Committee meeting about this proposed project. Mr. Mowen asked if it would be for a particular area, and Director Castille stated that most of the park is dark except the pavilion and another small spot. Director Castille discussed wanting to make a motion to pay for or sponsor weekly ladies self-defense classes to be held in Tanglewood Park. Director Castille said that he could obtain more information on pricing if the Board was interested. Director Peterson asked if the self-defense classes would be an ongoing class or a seminar. Director Castille said that he would suggest a six-week series in the spring or summer. Director Peterson mentioned that his main concern is keeping up with Park and Pool responsibilities, and he has mixed feelings about the motion. Director Peterson suggested the motion be discussed next month. Director Krueger said it may open up many requests and doesn’t want to do anything that is gender specific. Director Schauer voiced his concern about liabilities issues regarding the self-defense classes. Mr. Carlton mentioned there would need to be a discussion with the insurance company regarding potential liabilities. Mr. Carlton stated that the District has governmental immunity, but it does not prevent the District from being sued. Director Dowling thinks that an independent contractor could offer self-defense classes but the District should not. Director Krueger mentioned that self-defense classes would be more appropriate for the Sheriff to offer as a safety project. Director Castille withdrew his motion but would like the Board to discuss this again in the future.

(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:** Matter was not addressed.

(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, management services contract, 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:** 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 following work orders: the graffiti cleanup; the Greenbriar Park door; the swing chain; and the park lights. A-1 Services' light check bids were received, but they were vague. The bids were sent back to A-1 to get a more detailed breakdown.

The graffiti at the power station at Manchaca was referred to the City but is not a priority for the City, likely because of the COVID pandemic. Director Dowling asked if one part of the graffiti area belonged to the District and it was a drainage area that the District maintains. Director Castille suggested they switch back to the black paint and mentioned that black paint was not tagged as much as the lighter colors. Mr. Thompson mentioned that grey is close to concrete color. Director Krueger mentioned trying to keep everything consistent. Director Castille asked that area painted black needs to be covered with grey next time there is tagging in the Little Basin Park so that it can match the rest of the paint.

Mr. Thompson stated that the chairs at the tennis court have been completed. Mr. Thompson further stated that some of the signs that were put up in Lindshire Park were placed incorrectly and he will have the contractor come back to fix it. Mr. Thompson stated that the swing work order was completed. He further stated there was nothing to report regarding Aquatic Features.

Mr. Thompson commented that the compost bins were discussed in the last Parks Committee meeting and that they are not part of the contract with the waste disposal company. The compost bins can be put on the curb and the City will take them away Monday morning.

Mr. Thompson stated that EPE does not handle social media management and he has been looking for other companies that can handle that. Director Dowling said that the social media topic should be discussed at the Communications Committee meeting and then addressed at the next Board meeting.

Mr. Thompson further stated that the pole pads were installed in the playscape in early January. Mr. Thompson presented the quote received from Fun Abounds for the mulch barrier and drop zone for \$22,429. Director Krueger suggested obtaining quotes from other vendors. Director Dowling stated that the Parks Committee needs to review the quote.

Mr. Thompson said that the City of Austin looked into the irrigation bill for Lindshire Park and found no leak in the drainage ditch. Mr. Thompson called the City of Austin, and the City was to come out in November and December; however, each time Mr. Thompson calls the City has no updates or notes. He has continued to escalate the issue.

Mr. Thompson reviewed the tree trimming quotes but said they would need to revisit the proposal since the vendor does not want to remove the sales tax. Director Dowling will bring back the integral quote for tree trimming at the next meeting.

Mr. Thompson presented the Clean Green power washing quote. The Board discussed the proposed quote and Director Krueger moved to approve the power washing quote of \$550. Director Castille seconded the motion, and the motion passed 5-0.

Director Castille stated that the District is paying \$23 a month just for the water meter at Renaissance Park to be read, even though they have not had water usage over the past year. Director Castille suggested the Board shut off the Renaissance Park water meter to avoid incurring the \$23 fee. Director Dowling responded that if the Board shuts off the meter it cannot have the water meter turned on again at Renaissance Park without paying all the associated fees. Director Castille stated that given the facts the Board should do nothing. Director Schauer mentioned that the water meter would be updated once Renaissance Park received a digital meter.

- (c) **park and restroom cleaning and related services from cleaning contractor:**
The matter was not addressed.
- (d) **pond cleaning and related services from Aquatic Features:** Director Castille made a motion to approve the changes to the Aquatic Features agreement subject to its review and approval by The Carlton Law Firm. Director Krueger seconded the motion, and the motion passed 5-0.
- (e) **report from General Manager and Deed Restriction Committee regarding enforcement of deed restrictions with the District:** Mr. Thompson reported that as of January 13, 2022, the deed drive report has less than 100 violations. Mr. Thompson said that some areas are starting to look better, and new stage 3 violations have been referred to The Carlton Law Firm. Director Krueger mentioned that there are tree limbs everywhere because of the windstorm. Director Krueger further commented that if the deed drive was conducted on January 13th, it might be too close to the storm and there is not enough time to address the limbs. Mr. Carlton explained that the more serious letters only go out about 60-90 days after a violation has been noticed and not corrected. Director Castille asked if they should increase the frequency of the deed drives, and Mr. Thompson responded that an increase would not necessarily improve the situation. Mr. Carlton reviewed the deed drive process for the Board.
- (f) **restrictive covenants review and notification process:** Matter was not addressed.

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

- (a) **website content:** Director Castille made a motion to purchase a meeting “Owl” to stream the monthly Board meetings. The meeting “Owl” would cost about \$900-\$1,100. Director Dowling said the Board would need more information or a proposal. Director Castille explained the process that the meeting “Owl” would use to project the meeting. Director Peterson also stated he would like more information to consider the motion and suggested that the item be tabled and addressed at the next meeting. Director Castille’s motion was tabled.
- (b) **newsletter:** Director Dowling mentioned that the Communications Committee is working on content for the newsletter, and she anticipates the next newsletter going

out in February or in March. Director Castille suggested that the Communications Committee change the way the newsletter is distributed by using bulk mailing with the postal service. Director Castille mentioned that the postal service has a feature that allows the selection of certain streets to mail to, which would save the District in mailing fees. Director Dowling stated the Communications Committee is in the process of “burning it all down” and starting over. She also mentioned going back to the tri-fold flyer. Director Castille mentioned that the tri-fold flyer was hard to read due to the color saturation. No action was taken.

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 are no contract issues, no records requests, and no election matters to address.
- (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):** John Carlton of the Carlton Law Firm P.L.L.C., updated the Board on the third phase of the deed letters and compliance.
- (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 there was nothing to report.

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 stated there was nothing to report.

OTHER MATTERS

Item 11 – Discuss and consider Board member duties, responsibilities, and actions. This item was tabled.

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 February 16, 2022, at 6:00 p.m.

Meeting adjourned at 7:11 p.m.

(Seal)



Nikki Krueger, Secretary
Board of Directors

Date: February 16, 2022