

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

April 20, 2022

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 April 20, 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 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 – Eagle Project presentation by Andrew Wolff from Troop 505.** Andrew Wolff gave a presentation regarding his proposed Eagle Project to make improvements to Greenbriar Park. Mr. Wolff proposed adding a butterfly garden and sound garden to the park. Mr. Mowen quoted a price of \$750-\$1000 for irrigation of the corner that will have the butterfly garden. Director Krueger thanked Mr. Wolff for meeting with the Parks Committee and for redesigning the project. Mr. Wolff stated he would like to complete the project in May of this year. Director Krueger moved to pre-approve up to \$1,000 for irrigation at the site of Mr. Wolff’s project. Director Castille seconded the motion and the motion passed 5-0. Director Peterson asked if the city would need to mark any important lines. Mr. Mowen suggested Mr. Wolff call DigTex or 811 at least 48 hours before doing any digging to mark any water or gas lines. Director Castille asked who would have to maintain the project after it is completed. Mr. Wolff stated the District would need to maintain the Butterfly and Sound garden once it is complete.

**Item 2 – Receive communications from the public on items not listed on the posted agenda.** No public comments.

**Item 3 – Public Comment on Agenda Items.** Brian Whelan signed up to speak on Item 8.

## CONSENT ITEMS

**Item 4 – Consider approval of the March 16, 2022, regular meeting minutes.** Director Dowling mentioned there should be a change to Item 3. Director Dowling would like to clarify that the \$25,000 proposal for trees in Lindshire Park was not approved since it was being rebid in parts. Director Schauer said Item 4(a) regarding the mulch needed to be changed from TexaScapes to Sunscapes and that Director Castille made the inquiry, not Director Schauer. Director Schauer moved to approve the March 16, 2022, regular meeting minutes with corrections to Item 3 and 4(a). Director Castille seconded the motion, and the motion passed 3-0-2 with Directors Peterson and Krueger abstaining.

## REPORTS AND COMMITTEE MATTERS

**Item 5 – 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 included in the packet. Director Krueger discussed the new check register that was presented with a change for M. Mendoza's line item. Director Krueger further discussed being uncomfortable with the A-1 Services checks drawn for invoices #4695 and #5222. Invoice #4695 was for \$175, for repainting concrete a solid color, and invoice #5222 was for \$1,412.50 regarding graffiti. There was no breakdown for invoice#5222, and it is the largest bill of this type. Director Krueger would like more information before approving the two invoices. Director Castille asked if they could make payments for the other A-1 Services invoices or if the Board should withhold payment of all A-1 invoices. Director Krueger suggested only withholding the payments for invoices #4695 and #5222 and paying all others. Director Krueger also mentioned needing to transfer \$60,000 for bill payments. Director Castille moved to approve payment of all invoices except invoices #4695 and #5222 and to approve of the \$60,000 transfer to the operating account for bill payments. Director Krueger seconded the motion, and the motion passed 5-0.
- (b) **amendments to budget for FY2022:** Director Krueger stated there are no amendments to discuss.
- (c) **security issues including report from Travis County Sheriff's Office:** Director Krueger stated there were no security issues to discuss.

**Item 6 – 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 presented the report as provided in the agenda packet since Mr. McKinley was absent. Director Peterson described a request from Rachel Leinen to reserve the pool Friday, May 27 or Saturday, May 28 for two hours starting at 10:30 am for a birthday party. Ms. Leinen estimates about 40-50 people will attend the birthday party. Director Dowling pointed out that the pool does not open until noon on Saturdays, and they would have to hire additional lifeguards for those hours. Director Peterson said he discussed the request with Mr. McKinley and

it could be done if it was just the pavilion being reserved. Director Castille wanted to confirm that Ms. Leinen wanted to reserve just the pavilion area and not the pool. (39:52) Director Dowling further suggested they research the pool history regarding the Saturday opening hours and pricing. Director Krueger agreed with Director Dowling's suggestion to research the pool's reservation history and prices charged. Director Castille recalled there being a \$75 fee for reserving the pool room. Director Schauer asked about any additional costs if they open the pool earlier than normal. Director Peterson stated he spoke with Mr. McKinley and opening earlier could be done and they could section off any areas as needed. Director Dowling suggested paying for the lifeguards needed if outside of normal pool hours. Mr. Carlton suggested developing a pool policy for consistency and discussing the questions with the SafeGuard Aquatics. Director Peterson said the Pool Committee will discuss the pool policy and bring back information to discuss at the May Board meeting. Director Dowling mentioned that the pool registration system is online and running.

Director Peterson mentioned that the pool vacuum was not working. Trevor VanOsselear is trying to fix it and Director Peterson has asked Trevor VanOsselear to investigate the cost for a new pool vacuum. Director Dowling mentioned that the Dolphin robotic cleaner was purchased 2 years ago. Director Schauer mentioned that there is no warranty on the pool vacuum as the warranty only lasted for one year. Director Peterson is attempting to repair the vacuum and will have an update at the next Board meeting.

**Item 7 – 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 March activities, as provided in the packet. Mr. Mowen explained that they have fertilized the beds and picked up the excessive oak leaves that had dropped, put out ant bait, had the annual ladybug release at each of the parks, and added mulch to the parks that required mulch. He also discussed the 2 irrigation issues at Lindshire Park. One was the biennial inspection that is due in July, and the second was that the smart meter at Lindshire Park that showed a spike on the watering day. Director Krueger suggested marking the irrigation days in the system to avoid the meter showing a spike or suggesting a leak happened. Mr. Mowen said he would calculate the estimated water use in a typical watering cycle and report back to the Board. Mr. Mowen will also fertilize the turf this week.

Director Castille noted that a resident had trimmed trees near the tennis courts and left debris on the courts. Director Castille stated he believes the resident cut down three large hanging branches since she had been waiting for the District to trim them and she got tired of waiting. Director Dowling asked if Director Castille gave her approval to cut the branches, and he replied that he did not. Director Peterson asked if Director Castille knew the name of the resident that cut the trees, and Director Castille said he did not know. Director Dowling mentioned there was nothing else to report regarding the parks.

- (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 the following proposal: Proposal #10010 for \$3,697.80 for infill planting at 5 parks. Mr. Mowen walked the parks with the Parks Committee members and prepared the proposal for parks they believe need additional trees. Director Dowling discussed the items on the proposal. Director Castille stated he was inclined to approve the proposal and suggested increasing the budget for Lindshire Park by \$600. He also mentioned there are a few beds at the

back of the pond that are empty and asked if those were left empty until the work regarding the flood was completed. Mr. Mowen mentioned that it could be addressed later. Director Krueger made a motion to approve proposal #10010 for \$3,697.80, and Director Castille seconded the motion. The motion passed 5-0.

- (b) **consider amendments to the Park Rules:** Matter was not addressed.

**Item 8 – Receive report from District’s General Manager and consider taking related action, including matters related to:** Mr. Whelan, a district resident, addressed the Board and asked if the Lindshire Park improvements will be developed in the 2023 budget, and noted there is a light that is permanently on in Lindshire Park. Director Krueger explained that Mr. Thompson is aware of the light at Lindshire Park, and the vendor went to repair the light but had gone to the wrong park. Mr. Thompson mentioned that the photocell in the light was replaced, but it does not have a timer. Director Castille mentioned that because the light was under a structure the photocell was always on. Mr. Whelan asked what happens when a resident sends a request for information using the Tanglewood Forest Limited District website. Mr. Whelan had sent a request using the website but did not receive a response. Mr. Thompson explained that he receives an email notifying him of the resident’s inquiry and then creates a separate responsive email string to respond. Mr. Whelan thanked the Board for the fountains working. Director Dowling suggested Mr. Whelan attend one of the Parks meetings to discuss the Lindshire Park budget.

- (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:** Mr. Thompson discussed the work order list that was provided in the packet. Mr. Thompson explained that the globe at Woodland Park was fixed. Mr. Thompson also mentioned that he will get a proposal for the timer for the light at Lindshire Park that was addressed earlier in the meeting.

Mr. Thompson described the pool gate bid that was received from All American for \$3,300 to repair the pool gate. Director Dowling mentioned that the bid seems too expensive. Director Castille asked what kind of lock it is. Director Peterson mentioned he just wanted a push bar on the gate to keep it closed when it gets windy. Director Dowling stated she wants to obtain two other bids and noted they have until May to decide. Director Castille suggested using Compound Security. Director Peterson suggested speaking with Mr. Meisler.

Mr. Thompson reviewed the Sunscapes mulch barrier bid. Director Dowling found the bid to be expensive. Director Krueger agreed with Director Dowling and would like to obtain additional bids. Director Castille would like to see a bid from TFR and Playtime. Mr. Thompson said he tried to get bids from landscape companies. Director Castille wants a bid from someone other than Sunscapes.

Mr. Thompson reviewed estimate #6785 for \$12,422 regarding the Gazebo from Texas Backyard Structures. Mr. Thompson mentioned that Texas Backyard Structures cannot haul off old the gazebo. Director Castille prefers to pay the Texas Backyard Structures estimate #6785. Director Krueger moved to approve estimate #6785, and Director Dowling seconded the motion. The motion passed 5-0.

Director Dowling will consider tearing down and hauling off the gazebo at the next meeting.

Mr. Thompson stated there was a white Cadillac that was abandoned in the Tanglewood Park parking lot. It was reported to the City of Austin on April 7<sup>th</sup> and April 11<sup>th</sup>. Director Dowling suggested contacting security about the abandoned vehicle. Director Krueger will contact Lt. Mendoza with the Travis County Sheriff's Office about the abandoned vehicle.

- (c) **Large event requests:** Mr. Thompson reported on the Girl Scouts of America's event scheduled for April 23, 2022. The Girl Scouts would like to use signs on park grounds for the carnival. Director Dowling asked Mr. Thompson to put the carnival information on the communications boards. Director Krueger inquired about the port-a-potty removal. Mr. Thompson responded that one port-a-potty was removed, and he will bring it up at the Parks Committee meeting.
- (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:** Mr. Thompson stated there was nothing to report on this matter at this time.
- (f) **report from General Manager and Deed Restriction Committee regarding enforcement of deed restrictions with the District:** Mr. Thompson updated the Board on his deed drive report. Director Dowling requested that the Board receive a digital copy of the deed drive report. Director Peterson said he had received several complaints about the second and third violation letters arriving within a week of each other. Mr. Thompson responded that he would review the violation letters on a case-by-case basis. Director Peterson also asked about the work needed to get correct addresses and names for the violation letters. Mr. Thompson said that they have just changed systems on April 1st. Director Krueger mentioned one of the issues was that the tenant's name and information did not match the address, some owners had moved and were not updated in the database. Director Schauer received two violation letters, but those letters were for another house on his street. Director Schauer expressed concern for the District taking legal action against homeowners when they have not been made aware of the violations they need to address. Director Castille suggested reinstating the Deed Restriction Committee.

Director Dowling mentioned that they are spending about \$2,000-\$3,000 a month to send the violation letters. Director Schauer stated his concern about the violation letter process and money wasting. Mr. Carlton explained The Carlton Law Firm's process and how they notify the homeowner/tenant prior to taking any legal action. The Carlton Law Firm will not begin any legal action until they can confirm the homeowner/tenant has been made aware of the violation. Director Castille asked about the software that geo-tags on the photos. Mr. Thompson said that he does the deed drive-bys personally and uses the software on his phone. Director Castille asked how the deed drive geo-tags could be fixed and if having an additional person helping could make the geo-tagging more accurate. Director Schauer recommends holding off on any additional violation letters at this point. Director Peterson asked Mr. Thompson to speak with Mr. Meisler to provide assistance for deed drives.

Director Schauer also mentioned that there is a need to update the names on the violations list. Director Schauer asked Mr. Carlton what the best way to obtain the correct owner information for each address would be. Mr. Carlton mentioned that The Carlton Law Firm check the Travis County Appraisal District website to verify the address and owner information. Director Castille further asked about what needs to be done to help with the deed drive-bys and violation letters. Mr. Thompson responded that he believes it is a software issue and he will get additional help for the deed drive-bys. Director Dowling said there is a need to fact check the violations and include the actual code violation in the letter so the owner or tenant can look up the violation in the applicable code. Director Schauer asked if the same violations were violations of the City of Austin codes. Mr. Thompson responded to Director Schauer that he believes they are.

Director Krueger asked Mr. Thompson to explain the “cure remaining” column of the deed drive report. Mr. Thompson stated that the cure column explains how many days are left to cure the violation. Director Krueger also mentioned that some violations were on the list twice for the same violation with different cure times. Mr. Thompson asked if the Board would like to put a temporary hold on the legal action but allow the deed drives to continue. Director Dowling suggested holding off on legal enforcement until the inspection system is revised. Director Peterson asked how many violation letters are sent prior to legal action being taken. Mr. Thompson replied that he sends three violation letters before compiling a list to provide to The Carlton Law Firm. Director Krueger wanted Mr. Carlton to confirm that legal action is not taken without approval from the Board. Mr. Carlton stated that once the Firm received the violation list, letters are sent out and the Firm waits for Board approval prior to the initiation of any litigation. Mr. Carlton also mentioned he believes people may be ignoring the violation letters until they receive the letter from The Carlton Law Firm and then call the Firm to work out the issues. Director Castille asked if there would be anything stopping Mr. Thompson from sending certified letters on his end before the issues are escalated to The Carlton Law Firm. Mr. Thompson confirmed that he sends his violation letters via first class mail, and he confirmed the violation letters are cumulative for the same violation. Mr. Carlton confirmed for Director Schauer that the way the letters are sent is not the issue, it is the owner and address information that is the biggest breakdown in the process. Director Castille asked if it would be a conflict of interest if a Board member were on the Deed Drive Committee. Director Dowling responded that since most of the Board members live in the District it would be a conflict of interest. Director Castille said it would seem to him it would only be a conflict if the Board member demonstrated that they did not want to enforce the deed restrictions and that Board member was on the Deed Drive Committee. Mr. Carlton mentioned that a conflict would arise if a Board member had a violation and did not enforce the deed violation or step down from the committee. Mr. Carlton further explained that the Board would not face any legal conflicts for being on the committee. Mr. Carlton also mentioned there had been historical issues with Board members being on the committee.

Mr. Whelan suggested contacting Anderson Mill Limited District as they have a very similar situation regarding the deed drives and inquiring how they handle the

process. Director Castille made a motion to continue the deed drive process without escalating violations to The Carlton Law Firm, with Mr. Thompson to review the process to discuss again at the next meeting. Director Krueger seconded the motion and the motion passed 5-0.

- (g) **contract for management services with the District:** The matter was not addressed.

**Item 9 – Receive report from the Communications Committee and consider action regarding the following:**

- (a) **website content:** Director Dowling stated that she will update the website with the approved pool information.
- (b) **newsletter:** Mr. Thompson updated the Board on the newsletters saying the newsletters were sent out and they should get to the mailboxes soon. Director Dowling said that there was no newsletter for approval this month, but there will be a summer newsletter for approval at the May meeting. Director Krueger was concerned about the timing of the newsletters and that they should be timelier. Mr. Thompson will update the Communications Committee. Director Dowling said they should simplify the newsletter and they can continue to improve the process.

**Item 10 – Receive General Counsel report and consider taking related action regarding the following:**

- (a) **pending contract issues, open records requests, and election matters:** Matter was not addressed.
- (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):** Director Peterson mentioned there would likely be a City of Austin code violation at the residence.
- (c) **other litigation matters:** Mr. Carlton advised that there was nothing to report.
- (d) **legal investigations and other legal issues, if any:** Matter was not addressed.

**Item 11 – 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.** Matter was not addressed.

#### **OTHER MATTERS**

**Item 12 – Discuss and consider action to approve Andrew Wolff’s Eagle Project.** This item was addressed in Item #1.

**Item 13 – Discuss and consider Board member duties, responsibilities, and actions.** The matter was not addressed.

**Item 14 – Discuss and consider revisions to the District’s Code of Ethics.** The matter was not addressed.

**Item 15 – Discuss and consider time, date, and agenda items for the next Board meeting.** The next regular meeting will be held on May 18, 2022, at 6:00 p.m.

Meeting adjourned at 7:34 p.m.

(Seal)

A handwritten signature in black ink that reads "Nikki Krueger". The signature is written in a cursive style with a large, looped 'K'.

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Nikki Krueger, Secretary  
Board of Directors

Date: May 18, 2022