

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

April 21, 2021

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 21, 2021, via Zoom teleconference due to the global COVID-19 pandemic, and 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	Treasurer	Present
Kat Dowling	Secretary	Present
Robbie Castille	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; Brody McKinley of Safeguard Aquatics; Charlie Mowen of TexaScapes; and residents and non-residents of the District.

Director Peterson convened the meeting at 6:04 p.m. and took the agenda items in the order described below.

CONSENT ITEMS

Item 1 – Consider approval of the March 17, 2021, regular meeting minutes. Director Peterson moved to approve the March 17, 2021, regular meeting minutes and Director Dowling seconded. The motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

Item 2 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following:

- (a) **payment of monthly bills and invoices and transfers of District funds;**
- (b) **monthly financial report;**
- (c) **amendments to budgets FY2021;**

Director Krueger presented the monthly bills and invoices, stating that they looked good, and explained that a transfer from the money market account to the operating account in the amount of \$70,000 was needed. Director Peterson moved to approve the payment of

bills and invoices and the transfer of \$70,000, and Director Krueger seconded. The motion passed 3-1, with Director Castille opposing.

- (d) **annual review of investment policy and investment strategies and Sixth Updated Code of Ethics and Financial, Investment, Travel, Professional Services and Social Media Policy:** Director Peterson moved to approve the Resolution Confirming Annual Review of Sixth Updated Code of Ethics and Financial, Investment, Travel, Professional Services and Social Media Policy; Investment Strategies; Qualified Brokers and Designating Investment Officer. Director Castille seconded and the motion passed unanimously.

Director Peterson authorized public comment from Enrique Alvarez. Mr. Alvarez asked about Director Castille's comments on NextDoor and if the Board approved those comments. Director Peterson responded that the Board did not approve the comments. Director Castille stated that the posts were not illegal. Director Peterson advised that the comments violate the social media policy.

Enrique Alvarez requested to speak further. Director Castille asked that Mr. Alvarez be permitted to speak and Director Peterson allowed additional comment. Mr. Alvarez stated that Director Castille was a partial owner of Horizon HOA Management in the past.

Item 3 – 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 of Safeguard Aquatics presented the pool report. Mr. McKinley informed the Board that the only outstanding freeze damage is the wading pool backwash line. Otherwise, the pool is functioning and operational. Mr. McKinley reported that the pool is scheduled to open May 8th and he will plan lifeguard classes. Director Peterson stated that the restrooms in the pool house are working; however, the building needs to be repaired. Director Peterson moved to approve \$13,500 for the assessment report for the pool. Director Castille seconded, and the motion passed 4-0.

Director Peterson moved to approve \$1,450 for repairing the wading pool backwash line and Director Krueger seconded. Director Dowling asked if the backwash line was the only repair needed for the pool to open on May 8th. Mr. McKinley advised that the pool can open without repairing the backwash line. The motion passed 4-0.

Item 4 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action: Director Peterson acknowledged Brian Whelan for public comment. Mr. Whelan inquired about the trailhead for Bauerle Ranch Acres, and he informed the Board that the fountain in Lindshire Park only works in the morning and does not run late in the day. Mr. Whelan also stated that he disagrees with Director Castille's representations regarding the state of Gazebo Park, advising that he has not seen missing boards or needed repairs. Mr. Whelan went on to state that it is inappropriate for Board members to make such comments without merit. Further, Mr. Whelan advised that he believes Mr. Castille's actions are inappropriate and unethical, and he is concerned enough about the Board that the District may not need to continue. Director Peterson responded to Mr. Whelan, stating that he has spoken with the

City, and the City has delayed work on the trailhead. Director Dowling also responded, stating that she will work with Mr. Whelan to help push the trailhead project forward. Director Dowling also stated that she will work on the fountain at Lindshire Park.

Charlie Mowen of TexaScapes presented the landscaping report.

- (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 informed the Board that ant bait has been placed in the parks. Mr. Mowen further stated that he is continuing to monitor the freeze damage, and he has submitted his notes to the Parks Committee and to Trey Thompson. He also advised the Board that certain plants will need to be replaced, but that can be addressed in the future. Mr. Mowen then presented proposals 9755 and 9756 for sign bed landscaping. Director Castille stated that he is prepared to approve the proposals if Gazebo Park is approved, too. Director Krueger responded, stating that the issues are unrelated and that the gazebo in Gazebo Park is not dangerous. Director Peterson also responded, stating that the gazebo looks fine and he has had someone come out to look at it. Director Peterson suggested that repairs to the gazebo should move forward and the gazebo should be replaced next year, if necessary. Director Peterson additionally stated that it is inappropriate for a single director to take the matter on.

Enrique Alvarez requested to speak as public comment on the topic and Director Peterson approved. Mr. Alvarez asked that neighbors go to the park and take photos, noting that he will do so after the meeting. Mr. Whelan also stated that he has gone to the park and has not seen missing boards. Director Dowling thanked the residents for their comments and asked that the discussion return to the proposals for landscaping at the signs, noting that Trey Thompson will address the issues with the gazebo.

Director Dowling asked if the Board was willing to consider the proposals 9755 and 9756 for sign bed landscaping at Kempler Park and Gazebo Park, respectively. Director Krueger moved to approve proposal 9755 for Kempler Park and proposal 9756 for Gazebo Park. Director Castille seconded and the motion passed 3-1, with Director Castille opposing the motion.

Director Dowling presented a proposal for the tennis court improvement project in the amount of \$4,145, noting that the membership fees paid to date for usage of the tennis courts is approximately \$3,480. Director Castille moved to approve the proposal, Director Krueger seconded, and the motion passed unanimously.

- (b) **security contract:** Director Krueger asked when officers are supposed to patrol the District. Director Peterson responded that patrols generally occur on the weekend. Director Krueger noted that she was concerned due to increased patrol activity earlier in the year. Director Dowling requested that future discussion of

security matters be moved from the Park Committee to the Finance Committee and be listed as “security issues.”

- (c) **contract for holiday lights:** Director Dowling stated that Trey Thompson will address the holiday lights in his report.

Item 5 – Receive report from District’s General Manager and consider taking related action: Trey Thompson of Pioneer Real Estate Services presented the report.

- (a) **management services, management services contract, and related issues:** Matter was tabled and 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 reported that the pool house plumbing has been repaired. Mr. Thompson also stated that the damage resulting from leaks is simple drywall damage, which can be repaired before the pool opens. Mr. Thompson advised that the tree branch at Greenbriar Park will be removed the day after the meeting. Additionally, the gazebo at Gazebo Park will be repaired by All American Construction and construction is underway as of April 15th. Mr. Thompson also informed the Board that he will look into the fountain issue at Lindshire Park. Mr. Thompson reported that he has reached out to three vendors about the holiday lights – one vendor has not responded, one vendor requested photos, and the other vendor was very responsive and has already toured the District.

Director Dowling discussed proposals for repairing and replacing lights and fixtures within the tennis and pool areas. Director Dowling reviewed with the Board the estimate and proposal for \$4,311 for replacing the LED light fixtures at the tennis court and the pool. Director Castille moved to approve the proposal, Director Krueger seconded and the motion passed 4-0.

- (c) **park and restroom cleaning and related services from cleaning contractor:** Mr. Thompson reported that Stratus has been cleaning the bathrooms since they have reopened.
- (d) **pond cleaning and related services from Aquatic Features:** Matter was tabled and not addressed.

The Board returned to Item 4(c). Director Dowling stated that the holiday lights will be addressed at the next Park Committee meeting. Director Peterson asked how many trees are expected to be covered in lights. Mr. Thompson responded that he has requested the vendors provide options for the proposals.

The Board returned to Item 3. Director Peterson informed the Board that the District received more than \$30,000 from the insurance company for storm damage and suggested that \$45,000 to \$50,000 be set aside for repairs. Trey Thompson advised that he will calculate the total estimate for repairs and provide that information to the Board. Director Peterson stated that he is requesting

the Board authorize \$45,000 for repairs to the pool and the building. After discussion of needed repairs, Director Castille recommended the repairs proceed. Director Peterson moved to authorize up to \$45,000 for repairs to the pool and to the pool house, staying as close to \$30,000 as possible. Director Castille seconded and the motion passed 4-0.

Item 6 - Receive report from District's General Manager and Deed Restriction Committee regarding enforcement of deed restrictions within the District, including, but not limited to, notices to property owners, compliance efforts and necessary referrals to the District's legal counsel for enforcement in court: Trey Thompson presented the report.

- (a) **restrictive covenants review and notification process:** Matter was tabled and not addressed.

Item 7 – Receive report from the Communications Committee. Director Dowling stated that she had nothing to report and that Mr. Thompson is responsible for posting and maintaining agendas and minutes.

Item 8 – Receive report from the Events Committee: Director Peterson discussed the May planning session. Director Dowling commented that it was not the same as the calendar of events. Director Krueger stated that the date set for the strategic planning meeting is later in May. Director Dowling advised that no events are planned for 2021 other than the pool opening. Director Dowling further advised that she will follow-up with the District's attorney about scheduling the planning session. John Carlton responded that he will coordinate with Director Dowling to schedule the planning session.

- (a) **setting District calendar for 2021:** Matter was tabled and not addressed.

Item 9 – Receive General Counsel report and consider taking related action: Director Peterson recognized Brian Whelan for public comment. Mr. Whelan expressed concern about the volume of legal matters the District is involved in and the amount of money being spent. Mr. Whelan asked about “other litigation matters” and “legal investigations” and their meaning. John Carlton responded and stated that there were no “other litigation matters”, “legal investigations” or other legal issues to report on.

- (a) **pending contract issues, open records requests, and election matters:** Mr. Carlton advised that there was nothing to report and the matter was tabled.
- (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 to report and the matter was tabled.
- (c) **other litigation matters:** matter was tabled and not addressed.
- (d) **legal investigations and other legal issues, if any:** matter was tabled and not addressed.

Item 10 – Receive report from Special Counsel regarding *One Barton Place v. Horizon HOA Management, Lauren DeWilde et al., Cause No. D-1-GN-20-001451 in the District Court of Travis County, Texas.* Director Peterson recognized Brian Whelan for public comment. Mr. Whelan commented on the status of the criminal proceeding against Ms. DeWilde and asked if any Board members had been named in that suit. Mr. Whelan went on stating that, if so, such Board member should be removed from Board business until the case has been resolved. Director Castille asked Mr. Whelan if he thought there was a conflict of interest and further stated that there is not a conflict. Enrique Alvarez also inquired about the topic, and requested additional information be provided. John Carlton discussed the status of the civil litigation and addressed the differences between the District’s civil suit and the criminal proceeding against Ms. DeWilde.

OTHER MATTERS

Item 11 – Discuss and consider Director duties and responsibilities: Director Peterson recognized LeAnn Hilton for public comment. Ms. Hilton reported to the Board that Director Castille has been harassing her and provided an overview of his alleged behavior and her claimed interactions with him.

Item 12 – Discuss and consider appointment of Director to fill Director McCoy’s term: Director Peterson recognized Brian Whelan for public comment. Mr. Whelan expressed concern about appointing a Director that does not have the District’s best interests in mind. Director Castille asked Mr. Whelan if he believed that Director Castille owned Affordable Portables. Mr. Whelan responded that he does not trust Director Castille, nor does he believe Director Castille is a resident of the District.

Director Peterson recognized Enrique Alvarez for public comment. Mr. Alvarez spoke in support of appointing Steve Gerlofs to fill the vacant Director seat and provided a brief overview of Mr. Gerlofs contributions to the District.

Director Peterson recognized Maureen Gerlofs for public comment. Ms. Gerlofs informed the Board that Steve Gerlofs was unable to attend the meeting because he is currently working elections; however, Mr. Gerlofs is interested in filling the vacant Director position and is an asset to the District.

PUBLIC COMMENT

Item 14 – Receive communications from the public on items not listed on the posted agenda. Director Peterson recognized Billie Joe Holcomb for public comment. Ms. Holcomb advised the Board that she owns several properties in the area and looks forward to learning more about what the Board is doing for the District.

The Board entered Executive Session at 7:23 p.m., to discuss personnel matters under **Item 11** and **Item 12**.

The Board returned from Executive Session at 8:13 p.m. Director Peterson stated that no action was taken during Executive Session.

The Board returned to Item 12. Director Krueger moved to establish the process for applicants for the vacant Board position, setting a deadline of noon on April 26th for applicants to submit an application, scheduling a special meeting for 6:00 p.m. on April 29th to consider applications and requiring applicants attend the special meeting. Director Peterson seconded and the motion passed 4-0.

Item 13 – Discuss and consider time, date, and agenda items for the next Board meeting: Next regular meeting will be at 6:00 p.m. on May 19, 2021 and will be conducted through Zoom.

Meeting adjourned at 8:15 p.m.

(Seal)



Nikki Krueger, Secretary
Board of Directors

Date: May 19, 2021

EXHIBIT A

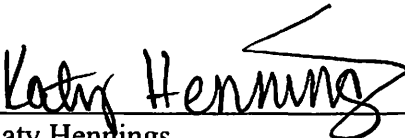
**CERTIFICATE OF POSTING FOR
TANGLEWOOD FOREST LIMITED DISTRICT
AT
POOL AND TENNIS COURTS
NEAR SLAUGHTER AND CURLEW
AUSTIN, TEXAS 78748**

**STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**

I, Katy Hennings, hereby certify that at 12:29 p.m. on April 17, 2021, I posted a copy of the attached notice of meeting of the Board of Directors at a place readily accessible and convenient to the public.

I understand that the notice was posted in order to comply with the Open Meetings provision of Chapter 551 of the Government Code and that the Board of Directors of the District will rely on this certificate in determining whether the provisions of Chapter 551 of the Government Code have been satisfied.

Witness my signature this 17th day of April 2021.



Katy Hennings

**CERTIFICATE OF POSTING FOR
TANGLEWOOD FOREST LIMITED DISTRICT
AT
TRAVIS COUNTY COURTHOUSE
5501 AIRPORT BLVD.
AUSTIN, TEXAS 78751**

**STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**

I, Katy Hennings, hereby certify that at 10:07 a.m. on April 16, 2021, I delivered the attached notice of meeting of the Board of Directors to the Travis County Clerk's Office for subsequent posting with Travis County.

I understand that the notice was posted in order to comply with the Open Meetings provision of Chapter 551 of the Government Code and that the Board of Directors of the District will rely on this certificate in determining whether the provisions of Chapter 551 of the Government Code have been satisfied.

Witness my signature this 16th day of April 2021.



Katy Hennings

**CERTIFICATE OF POSTING FOR
TANGLEWOOD FOREST LIMITED DISTRICT
AT
THE CARLTON LAW FIRM, P.L.L.C.
4301 WESTBANK DRIVE, SUITE B-130
AUSTIN, TEXAS 78746**

**STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**

I, Katy Hennings, hereby certify that at 10:09 a.m. on April 16, 2021, I posted a copy of the attached notice of meeting of the Board of Directors at a place readily accessible and convenient to the public.

I understand that the notice was posted in order to comply with the Open Meetings provision of Chapter 551 of the Government Code and that the Board of Directors of the District will rely on this certificate in determining whether the provisions of Chapter 551 of the Government Code have been satisfied.

Witness my signature this 16th day of April 2021.



Katy Hennings

**CERTIFICATE OF POSTING FOR
TANGLEWOOD FOREST LIMITED DISTRICT
ON
WWW.TANGLEWOODFORESTLIMITEDDISTRICT.COM**

**STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**

I, Trey Thompson, hereby certify that at 5:05 [TIME] on April 4/16, 2021, I posted a copy of the attached notice of meeting of the Board of Directors on the District’s internet website – www.tanglewoodforestlimiteddistrict.com.

I understand that the notice was posted in order to comply with the Open Meetings provision of Chapter 551 of the Government Code and that the Board of Directors of the District will rely on this certificate in determining whether the provisions of Chapter 551 of the Government Code have been satisfied.

Witness my signature this ____ day of April 2021.

Trey Thompson
Trey Thompson

TANGLEWOOD FOREST LIMITED DISTRICT

Agenda

April 21, 2021

TO: THE BOARD OF DIRECTORS OF TANGLEWOOD FOREST LIMITED DISTRICT
AND ALL OTHER INTERESTED PERSONS:

Notice is hereby given that the Board of Directors of Tanglewood Forest Limited District will hold a meeting on **Wednesday, April 21, 2021, at 6:00 p.m.**, via Zoom teleconference call or at the Tanglewood Pool House, 9809 Curlew Drive, Austin, Texas, for the following purposes:

Due to the state of emergency and/or local disaster caused by the COVID-19 pandemic, the Board of Directors of Tanglewood Forest Limited District may hold its meeting via telephone conference call because of the difficulty and risks of convening a quorum in one location. If initiated, the call will be recorded as required by the Texas Open Meetings Act. The public may participate in the meeting via the internet at www.zoom.us/join or by telephone at 346-248-7799 and entering meeting ID: 843 4365 8745.

Individual members of the public wishing to address the Board at a meeting held in person or over telephone / video conference must register to speak in the 15 minute period before the meeting begins by signing up on the attendance form for in-person meetings or logging into the virtual meeting and providing the information to the meeting host at least 5 minutes prior to the start of the meeting. Individual members of the public may address the Board for a maximum of 3 minutes on items not on the current agenda under public comment and for a maximum of 2 minutes per person per agenda item. Members of the public may collectively address the Board for a total of 15 minutes on items not on the current agenda under public comment. Individuals may address the Board once per item. No formal action, discussion, deliberation, or comment will be made for items not on this agenda.

CONSENT ITEMS

1. Consider approval of the March 17, 2021, regular meeting minutes;

REPORTS AND COMMITTEE MATTERS

2. Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following:
 - (a) payment of monthly bills and invoices and transfers of District funds;
 - (b) monthly financial report;
 - (c) amendments to budgets FY2021; and
 - (d) annual review of investment policy and investment strategies and Sixth Updated Code of Ethics and Financial, Investment, Travel, Professional Services and Social Media Policy;

3. 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;
4. Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action, including matters related to:
 - (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;
 - (b) security contract; and
 - (c) contract for holiday lights;
5. 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;
 - (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;
 - (c) park and restroom cleaning and related services from cleaning contractor; and
 - (d) pond cleaning and related services from Aquatic Features;
6. Receive report from District's General Manager and Deed Restriction Committee regarding enforcement of deed restrictions within the District, including, but not limited to, notices to property owners, compliance efforts and necessary referrals to the District's legal counsel for enforcement in court, and the following:
 - (a) restrictive covenants review and notification process;
7. Receive report from the Communications Committee;
8. Receive report from the Events Committee and consider action regarding the following:
 - (a) setting District calendar for 2021;
9. Receive General Counsel report and consider taking related action regarding the following:
 - (a) pending contract issues, open records requests, and election matters;
 - (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);
 - (c) other litigation matters; and
 - (d) legal investigations and other legal issues, if any;

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;

OTHER MATTERS

11. Discuss and consider Director duties and responsibilities;
12. Discuss and consider appointment of Director to fill Director McCoy's term;
13. Discuss and consider time, date, and agenda items for the next Board meeting; and

PUBLIC COMMENT

14. Receive communications from the public on items not listed on the posted agenda; *[Members of the public may sign up to speak for three (3) minutes regarding general topics or specific agenda items. If speaking on specific agenda items, citizens may speak one time per agenda item. Those desiring to speak must complete the citizen communication form supplied by the District so they may be recognized by the Board President. In accordance with the Texas Open Meetings Act, any response to a public comment that is made on an item that is not on the published final agenda will be limited to a statement of factual information or a statement of existing policy given in response to the public comment. Any deliberation or decision by the Board must be limited to a proposal to place the subject on a future agenda.]*

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney pursuant to §551.071 of the Texas Government Code; discussing real property matters pursuant to §551.072 of the Texas Government Code; discussing gifts and donations pursuant to §551.073 of the Texas Government Code; discussing personnel matters pursuant to §551.074 of the Texas Government Code; discussing security personnel or devices pursuant to §551.076 of the Texas Government Code. If the Board determines to enter executive session regarding any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision from the Open Meetings Act that authorizes the closed or executive session.

(SEAL)



Attorney for the District

The District is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call John Carlton at (512) 614-0901 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may utilize the statewide Relay Texas Program by dialing 7-1-1 or 1-800-735-2988.