

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

June 15, 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 June 15, 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 (arrived late)
Robbie Castille	Director	Present
Josh Schauer	Director	Present

Also present for the meeting were: John Carlton and Grayson McDaniel of The Carlton Law Firm, P.L.L.C.; Trey Thompson of Pioneer Real Estate Services; Brody McKinley and Trevor Van Osselaer of Safeguard Aquatics; Charlie Mowen of TexaScapes; and residents of the District.

Director Peterson convened the meeting at 6:02 p.m. and took the agenda items in the order described below.

CONSENT ITEMS

Item 1 – Consider approval of the May 19, 2021. Director Krueger moved to approve the minutes. Director Schauer seconded and 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:** Director Krueger presented the finance report and the check register of bills and invoices for payment. Director Krueger moved to approve payment of the invoices and Director Castille seconded. The motion passed 4-0. Director Krueger explained that a transfer in the amount \$100,000 from the savings account to the operating account was necessary. Director Peterson moved to approve the transfer of \$100,000. Director Krueger seconded and the motion passed 4-0.

Director Dowling arrived.

- (b) **monthly financial report:** Director Krueger advised that she has been working with Terri Giles of Giles & Shea, Inc., to reclassify District expenses, so as to improve reports. Ms. Giles reviewed the invoices issued by The Carlton Law Firm, P.L.L.C., as well as the pool study. Director Krueger moved to approve the financial statements, Director Castille seconded, and the motion passed 5-0.
- (c) **amendments to budgets FY2021:** Director Krueger informed the Board that budget amendments will be addressed at the regular July meeting.
- (d) **security issues, including report from Travis County Sheriff's Office:** Lt. Mirtha Mendoza of the Travis County Sheriff's Office postponed attendance to the regular July meeting. Director Castille stated that he would like to discuss the officer patrol hours in executive session.

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, as provided in the packet. Mr. McKinley advised that new equipment had been installed. Mr. McKinley further reported that he will be meeting with the Pool Committee over the next two Mondays, to discuss the engineering study. Director Peterson stated that he will present the financial needs for the pool at the budget meeting. It was further reported that Trevor Van Osselaer will present options for making reservations at the upcoming Pool Committee meetings. The engineering study, which includes a summary on the final page prepared by Safeguard Aquatics, has been provided for review. Director Krueger asked if the District's revenue had been transmitted. Mr. Van Osselaer responded that the District's revenue has historically been sent to The Carlton Law Firm, P.L.L.C., but that it can be sent to whatever location the Board directs. Director Peterson requested that the check be sent directly to Terri Giles. Director Krueger inquired as to where the amount should be deposited. Director Dowling stated the revenue should be deposited in the pool reserve account. Director Dowling further stated that the District's post office box should be used to deliver items to the District. Director Krueger agreed, stating that she prefers the District's checks to be sent to the District's post office box. Director Peterson responded that he is okay with sending checks to the post office box, instead of sending them to Terri Giles. The Board discussed issues related to COVID that were raised by District residents. After discussion, John Carlton of the Carlton Law Firm, P.L.L.C., explained that the District is not permitted to require masks be worn, the District may only recommend face masks be worn.

Item 4 – 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, as provided in the packet.

- (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: Charlie Mowen reported that a proposal for distributing mulch at all parks will be provided for review, with the exception of Kempler Park which has already been mulched. Director Peterson inquired about a PVC pipe that is exposed at Tanglewood Park in the topiary area. Mr. Mowen asked if the pipe in the trail. Director Peterson advised that it is in the trail, on the left. Mr. Mowen stated that he will investigate.

Item 5 – Receive report from District’s General Manager and consider taking related action: Trey Thompson of Pioneer Real Estate Services presented the report. Mr. Thompson informed the Board that the deed drive was conducted on June 11th, and he is working on the Stage 2 letter with The Carlton Law Firm, P.L.L.C.

- (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 presented a proposal for two porta potties to be placed at Greenbriar Park. Director Dowling discussed the proposal. Director Peterson asked if cleaning once per week is sufficient. Director Castille moved to approve the proposal for twice the estimated budget and grant Trey Thompson authority to review figures and increase cleaning if needed. Director Dowling seconded and the motion passed 5-0.
- (c) **contract for holiday lights:** Mr. Thompson presented a proposal for wrapping trees with holiday lights from Luminary Lights. Director Krueger stated that she likes the T3-T11 mid-canopy proposal, in the amount of \$5,400. Director Dowling advised that the District has previously spent around \$3,500, and this would be part of next year’s budget. Director Krueger moved to approve \$5,400 for holiday lights and the proposal for T3-T11 canopy wrap. Director Schauer seconded and the motion passed 4-0, with Director Castille not voting as a result of connection issues.
- (d) **park and restroom cleaning and related services from cleaning contractor:** Director Castille asked Mr. Thompson how often Stratus is putting out Mutt Mitt waste bags. Mr. Thompson responded that the Mutt Mitt waste bags are refilled twice per week, and he does not have an update from Stratus. Director Dowling stated that the Park Committee had requested Mr. Thompson to get a quote for more frequent cleaning. Mr. Thompson advised that he will get proposal for three cleanings in the main parks. Director Dowling asked about approval of cleaning at the District’s three main parks – Tanglewood, Greenbriar and Gazebo Parks. Director Krueger stated that they need to get approval and quotes for cleaning. Director Castille commented that he thinks the parks were being cleaned five times a week in 2007. Director Dowling advised that she wants to approve cleaning at Lindshire Park, Greenbriar Park, Tanglewood Park, Gazebo Park and Renaissance Park. Director Castille asked to include a maximum of \$700 per month. Director Dowling moved to approve the cleaning of all parks three times a week at a

maximum of \$3,050 per month, not including pool house costs. Director Krueger seconded and the motion passed 5-0.

Mr. Thompson presented a proposal from A-1 Services for fencing to be replaced at Woodland Park. Director Dowling commented that she thinks the proposal is good. Director Krueger moved to approve the proposal in the amount of \$1,809 for fence replacement at Woodland Park. Director Dowling seconded and the motion passed 4-0-1, with Director Castille abstaining.

Mr. Thompson presented a proposal for power-washing in the pavilion area of Greenbriar Park. Director Castille asked to approve an additional \$500 to power-wash the existing fences at Woodland Park. Director Krueger commented that it is the same person that power-washed Renaissance Park in 2019. Director Castille moved to approve Estimate #279 for power-washing at Greenbriar Park in the amount of \$1,200. Director Krueger seconded and the motion passed 5-0. Director Dowling advised that she will bring back the proposal for the fence at Woodland Park.

- (e) **pond cleaning and related services from Aquatic Features:** Mr. Thompson reported that he has requested a report from Aquatic Features but has not received a response.

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 discussed the report under Item 7, above.

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

Item 7 – Receive report from the Communications Committee and consider action regarding the following:

- (a) **Website content:** Director Dowling reported that she is working to improve the website layout and some updates have been made to the website.

Item 8 – Receive report from the Events Committee: Director Peterson stated that he would like to dissolve the Events Committee. Director Peterson moved to dissolve the Events Committee, Director Castille seconded and the motion passed 5-0.

Item 9 – Receive General Counsel report and consider taking related action: John Carlton of The Carlton Law Firm, P.L.L.C. advised that documents have been uploaded to the District’s website.

- (a) **pending contract issues, open records requests, and election matters:** Mr. Carlton advised that there was nothing to report.
- (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): Grayson McDaniel of The Carlton Law Firm, P.L.L.C., presented the report on the proceeding against Ninfa Yanez.

- (c) **other litigation matters:** Mr. Carlton advised that there was nothing to report.
- (d) **legal investigations and other legal issues, if any:** Director Castille inquired about the time entries that reference the IRS, and Mr. Carlton explained the ongoing issues that are being resolved by Terri Giles.

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 advised that there was nothing to report.

OTHER MATTERS

Item 11 – Discuss and consider update to TCEQ District Registration Form: Mr. Carlton advised that the report will be revised to combine the entries for Director Krueger. Director Castille suggested Director Schauer be appointed Secretary of the Board. After Board discussion, Director Krueger moved to approve the form with revisions and Director Castille seconded the motion. The motion passed 4-0-1, with Director Castille abstaining.

Item 12 – Discuss and consider District committees and Board members for committees: Director Peterson moved to appoint Director Schauer to the Pool Committee. Director Krueger seconded and the motion passed 5-0. Director Krueger moved to appoint Director Schauer to the Communication Committee, Director Castille seconded, and the motion passed 5-0. Director Castille moved that Director Peterson and Director Krueger stay on the Finance Committee. Director Peterson seconded and the motion passed 5-0. Director Castille requested to be appointed to a committee. After which, there was discussion among the Directors about their lack of trust in Director Castille. Director Castille responded, stating that he was frustrated that the Board has not given him any meaningful duties.

Item 13 – Discuss and consider adoption of the tax and budget planning calendar for 2021 and take any related action: John Carlton reviewed the tax planning calendar and discussed the need for a quorum to be in attendance at meetings to be held on July 21, August 2, and August 16.

Item 15 – Discuss and consider scheduling budget workshop meeting: The budget meeting is scheduled for June 24th at 6:00 p.m. Director Castille advised that he will not attend the budget meeting.

Director Castille moved to approve the tax and budget planning calendar, with the addition of a budget meeting to be held on June 24th at 6:00 p.m. Director Peterson seconded and the motion passed 4-0-1, with Director Castille abstaining. District resident, Steve Gerlofs, asked if the budget meeting would be virtual or in person. Director Dowling responded, stating that she does not know but it will likely be a Zoom meeting because there is no charge, and Director Krueger agreed.

Item 14 – Discuss District website status, availability and posting requirements and take any related action: John Carlton stated that the District’s website needs to be prepared for posting the District’s necessary notices. Director Dowling advised that she will ensure items are posted.

The Board returned to Item 13 – Director Castille asked if the February freeze damage to the pool will impact the District’s available tax rate options. John Carlton to research that question.

Item 16 – Discuss Director duties, responsibilities, and activities: Director Krueger asked that Board members communicate with committees on areas of responsibility.

PUBLIC COMMENT

Item 18 – Receive communications from the public on items not listed on the posted agenda. John Carlton advised that no one signed up for public comment.

Item 17 – Discuss and consider time, date, and agenda items for the next Board meeting: Director Dowling asked if the Board’s next meeting will be conducted by Zoom. Director Castille asked that public comments be addressed at the beginning of the meeting, so that all comments are made at one time. Director Krueger responded, stating that she thinks having public comment at the beginning of the meeting, lengthens the meeting. Director Peterson stated comments on specific agenda items should be made when the Board discusses the item; otherwise, he is okay with public comment being presented at the beginning of the meeting.

The Board entered Executive Session at 7:46 p.m., to discuss security issues under Item 2(d).

The Board returned from Executive Session at 7:57 p.m. Director Peterson stated that no action was taken during Executive Session.

The Board returned to Item 17 – The next regular meeting will be at 6:00 p.m. on July 21, 2021 and will be conducted through Zoom.

Meeting adjourned at 7:58 p.m.

(Seal)



Nikki Krueger, Secretary
Board of Directors

Date: July 21, 2021

EXHIBIT A

**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 1:26 p.m. on June 11, 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 11th day of June 2021.



Katy Hennings

**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, Kermit Ellis, hereby certify that at 1:50 p.m. on June 11, 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 11th day of June 2021.

By: Kermit Ellis

Name: Kermit Ellis

Corporate Couriers


**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 1:27 p.m. on June 11, 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 11th day of June 2021.



Katy Hennings

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

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

I, Trey Thompson, hereby certify that at 12:57 p.m., on June 11, 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 11th day of June 2021.



Trey Thompson

TANGLEWOOD FOREST LIMITED DISTRICT

Agenda

June 15, 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 **Tuesday, June 15, 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. Alternatively, individual members of the public desiring to participate in a meeting conducted by telephone / video conference may sign up by email addressed to john@carltonlawaustin.com, no later than 5:00 p.m., the day prior to the meeting and identifying the agenda item(s) on which the individual desires to speak. 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 May 19, 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 budget for FY2021; and
 - (d) security issues, including report from Travis County Sheriff's Office;
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;
 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) contract for holiday lights;
 - (d) park and restroom cleaning and related services from cleaning contractor; and
 - (e) 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 and consider action regarding the following:
 - (a) website content;
 8. Receive report from the Events Committee;
 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 update to TCEQ District Registration Form;
- 12. Discuss and consider District committees and Board members for committees;
- 13. Discuss and consider adoption of the tax and budget planning calendar for 2021 and take any related action;
- 14. Discuss District website status, availability and posting requirements and take any related action;
- 15. Discuss and consider scheduling budget workshop meeting;
- 16. Discuss Director duties, responsibilities and activities;
- 17. Discuss and consider time, date, and agenda items for the next Board meeting; and

PUBLIC COMMENT

- 18. 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.