

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

August 17, 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 August 17, 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.; Brody McKinley of SafeGuard Aquatics; Charlie Mowen of TexaScapes; Enid Simon of Pioneer Real Estate Services; and residents of the District.

Director Peterson convened the meeting at 6:06 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.**

District resident Enrique Alvarez addressed the Board and said he continues to be harassed by Director Castille. Mr. Alvarez stated that he was driving around his neighborhood the week prior, and that Director Castille texted him asking if he was snooping around Director Castille’s home looking for campaign ideas. Mr. Alvarez told the Board he does not respond to Director Castille’s text messages. Mr. Alvarez asked the Board if Director Castille was actually living in the District and if the address on Director Castille’s driver license says he lives in the District. Mr. Alvarez further mentioned that on July 23<sup>rd</sup> around 2:30 a.m., a person on a green motorcycle came up to his new vehicle at his home and hit his window 6 times with what seemed to Mr. Alvarez to be a law enforcement baton. Mr. Alvarez said that fortunately the person was unable to break the window, but he was able to see what happened because the occurrence was caught by Mr. Alvarez’s video camera.

Mr. Alvarez informed the Board that he saw the green motorcycle drive by his house again on August 1<sup>st</sup>. Mr. Alvarez was sitting in his vehicle and saw the person driving the green motorcycle drive by and turn to look at his house. Mr. Alvarez asked Director Castille if he has a green motorcycle. Director Castille responded that he does not have a motorcycle. Mr. Alvarez stated

that he wanted to make sure the harassment he has experienced is known and documented to the Board, in the event there's a future occurrence. Mr. Alvarez noted that this school year is the first school year in three years that he has not experienced any damages to his vehicles. Mr. Alvarez said that for the last three school years, he has either had his tires slashed or his windows broken. Mr. Alvarez stated that he believes the person harassing him wants to make him unhappy, and that Mr. Alvarez successfully avoided damage to his vehicles this school year through close monitoring.

District resident Brian Whelan spoke to the Board and thanked the Board for all they do. Mr. Whelan stated that he believed two areas of focus should be parks upkeep, including the pool, and restrictive covenant enforcement, specifically relating to property values. Mr. Whelan noted that while Tanglewood Forest is a great neighborhood, there are certain areas where ongoing restrictive covenant violations could lower property values. Mr. Whelan asked the Board to deal with the covenant violations and if the Board would consider bonds, for additional parks funding. Mr. Whelan noted that the District is one of the few districts with no bonds or debt and asked the Board to consider bonds for the upcoming November election.

**Item 2 – Public Comment on Agenda Items.** No public comments.

## CONSENT ITEMS

**Item 3 – Consider approval of the July 20, 2022 regular meeting minutes and August 3, 2022 special meeting minutes.** This item was tabled and will be addressed in the September meeting.

## REPORTS AND COMMITTEE MATTERS

**Item 4 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following:** Director Krueger introduced Enid Simon, who is the Pioneer representative. Paul Meisler attended the meeting by phone, and Director Krueger mentioned the Board can still reach Pioneer at the same phone number.

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Krueger stated the Finance committee met on Monday and reviewed the checks and late fees due to the City of Austin. She stated that Terri Giles has offered to reimburse the District for late fees. Director Castille said he believes Ms. Giles has done a good job and does not need to reimburse the District, and Director Dowling agreed. Director Krueger moved to authorize payment of the invoices and the late fees to the City of Austin. Director Castille seconded the motion, and the motion passed 5-0. Director Dowling moved to approve a transfer of \$70,000 and approve payment of the check register. Director Castille seconded the motion, and the motion passed 5-0.

Director Krueger mentioned that there was one invoice for a swing repair that when Pioneer arrived to fix the swing, the swing had already been repaired. Director Krueger asked that repair issues be brought to the District's attention and not be made without the District's knowledge.

Director Krueger asked if the Board would be willing to allow online payment for invoices from the City of Austin and preapprove automatic payments made online.

Director Peterson mentioned that the post office has asked the District to update their address. Director Dowling said the Board had previously pre-authorized online payments but withdrew that authorization due to certain financial issues a few years ago. Director Krueger stated she was ok with preapproval because the District can easily detect leaks and avoid overpayments. No action was taken.

- (b) **amendments to budget for FY2022:** The matter was not addressed.
- (c) **security issues including report from Travis County Sheriff's Office:** Director Castille asked to discuss this item in executive session. Director Peterson stated the Sheriff's department is understaffed and having difficulty getting officers. Director Castille said he wants to discuss the scheduling of officers in executive session. Director Krueger suggested inviting Lieutenant Mendoza to a Board meeting and Director Peterson agreed. Director Peterson stated that the Board will convene in executive session at the end of the meeting to discuss officer scheduling.

**Item 5 – Receive report from the District's pool operations contractor and Pool Committee and consider taking related action, including matters related to: pool operator and pool maintenance/lifeguard contract; leak repairs; pool maintenance, general repairs and upkeep; operating schedule; pool programs; pool funding; lifeguards; and rates and fees for pool use.** Brody McKinley of SafeGuard Aquatics reviewed the July report as provided in the meeting packet. Mr. McKinley mentioned that there were about 2,700 pool entries in July and no rescues. There were several patron incidents: one person was taking photos from outside the pool, another individual stormed the facility and threw facility furniture, and a man was in the park with a machete. The police were called for each of these incidents. Director Peterson described each of these three incidents to the Board. Mr. McKinley described an altercation that took place with a patron/resident who was upset about not having cash for entry to the pool. Mr. McKinley also discussed maintenance and repairs done to the pool ladder. Director Peterson asked about the pool hours schedule, and Mr. McKinley responded the pool is currently on its Fall hours schedule.

**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 July activities, as provided in the packet. Mr. Mowen explained that the shopping cart at the Gazebo was removed, a broken limb was removed at Idlewilde Park, and the piece of steel dangling at Lindshire Park was removed. He also mentioned that the stuck irrigation valve at the Gazebo was fixed, stonework completed at Lindshire and the low limbs on the sidewalk were removed. Mr. Mowen said that the down limb at Woodlands will be looked at as well. Mr. Mowen mentioned that TexaScapes visits the parks every other week now, and the sidewalk construction along Slaughter will be monitored. Mr. Mowen explained to the Board that the grass in larger parks is suffering a lot because of the heat, as are the bald Cypress trees. The smaller parks look greener because they're easier to irrigate. Director Castille asked Mr. Mowen about the butterfly garden and mentioned that there are weeds and there is a dead tree that needs to be removed. Mr. Mowen said he will look at the trees and plants in the butterfly garden.

Director Dowling mentioned that she met with Paul Meisler last week to review outstanding work and will have a big review at the September board meeting.

Director Krueger mentioned that I9 Sports has asked about using Greenbriar Park from September to May for youth sports and that they sent Mr. Meisler an insurance policy with the District's name on it. Director Dowling discussed that it is the same group as previous years, and Director Schauer

said there haven't been issues in prior years. Director Peterson mentioned his concern about the liability. Director Krueger moved to approve I9 Sports using Greenbriar Park once The Carlton Law Firm has reviewed and approved the insurance policy. Director Dowling seconded the motion, and the motion passed 5-0.

- (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:** Director Krueger mentioned that at the July meeting, the Board pre-approved \$7,500 for a new fountain at Lindshire Park. The total cost of the fountain itself is \$6,060 and with trenching and installation work, the total cost is \$8,338. Director Dowling asked to Board to consider approving the total cost of the fountain. Director Krueger moved to approve the \$8,338 total fountain cost, consisting of two different quotes as included in the agenda packet. Director Dowling seconded the motion, and the motion passed 4-0-1 with Director Castille abstaining.

Enid Simon mentioned that the new gazebo has arrived and will be scheduled for installation. The old gazebo will be removed. Director Dowling discussed that there is excessive trash in Renaissance Park. Mr. Mowen stated that they will work to remove the trash. Director Dowling said there is an invoice for lights at Lindshire Park, but it was unintentionally excluded from the invoice packet. Director Krueger mentioned it would cost around \$980 to fix the lights at Lindshire Park. Director Dowling moved to approve up to \$980 to fix the lights. Director Castille seconded the motion, and the motion passed 5-0.

Director Krueger asked Director Castille about Kelly Bruce, with the City of Austin Watershed Protection Department. Director Castille explained that Ms. Bruce conducted an inspection, but the Watershed Protection Department is not involved anymore and the Code Department is involved instead. Director Castille stated that the Code Department is going to issue an environmental citation and a fine for the pond. Director Castille said that the Code Department was unable to get in touch with the District. Director Schauer asked what contact information the Code Department had. Director Castille answered with the contact information on the District's website.

Director Krueger explained to Enid Simon the District's Committee and vendor process. There are four Committees, including Parks, Finance, Communications and Pool and the vendors report to the Committees. Director Krueger explained to Ms. Simon that since Director Castille is not on any Committees or an officer on the Board, Director Castille is not authorized to work directly with Pioneer. Director Krueger informed Ms. Simon that if Director Castille approached her individually with an issue, she should redirect Director Castille's concern to the appropriate Committee.

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

**Item 7 – Receive report from District’s General Manager and consider taking related action, including matters related to:**

- (a) **management services, and related issues:** The 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:** The matter was not addressed.
- (c) **Large event requests:** The matter was not addressed.
- (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:** The matter was not addressed.
- (f) **report from General Manager and Deed Restriction Committee regarding enforcement of deed restrictions with the District:** Director Krueger stated that the last newsletter she received was addressed correctly and that she believes Pioneer has been updating the resident database software. The Board will follow up with Mr. Meisler about getting the deed drives started again at the September meeting.

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

- (a) **website content:** Director Dowling mentioned the website will be updated with any new Board members after the election. Director Dowling would like to have a template ready to post the new Board members after the election, and a holiday template. The election packet is posted on the website homepage.
- (b) **newsletter:** Director Dowling will work with Ms. Simon regarding any communication issues. Director Dowling said the next newsletter will go out after the election so any new Directors can be added. Director Dowling would also like to preapprove the holiday party at the September meeting, so she can have a template prepared and get more content out before the holiday season starts.

**Item 9 – Receive General Counsel report and consider taking related action regarding the following:**

- (a) **pending contract issues, open records requests, and election matters:** Maureen Gerlof asked if the Board could potentially save money by renegotiating landscaping contracts. Ms. Gerlof discussed that there appeared to be more mowing occurring than necessary, given the lower rainfall this year, the need for other park maintenance, and the expense of the pool. Director Dowling stated the Board would need to consider the contract over the next year, and can contact all of its vendors about potentially cutting costs when appropriate. Director Castille said the company was not always cutting grass in the summer. Director Castille further mentioned there are always things that need to be done. Director Dowling mentioned the Parks Committee will discuss the landscaping contract at their next meeting.

- (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):** The matter was not addressed.
- (c) **other litigation matters:** The matter was not addressed.
- (d) **legal investigations and other legal issues, if any:** The matter was not addressed.
- (e) **the Attorney Generals response to The Carlton Law Firm's request for exception to R. Castille's February 4, 2022, Open Records Request and Cause No. D-1-GN-22-002141:** The matter was 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.** The matter was not addressed.

**Item 11 – Discuss, consider, and take any action necessary regarding the State of Texas v. DeWilde, Lauren (Cause No. D-1-DC-22-900009) in the 299<sup>th</sup> District Court of Travis County, Texas.** The matter was not addressed.

#### **PUBLIC HEARING AND TAX RATE ADOPTION**

**Item 12 – Conduct a public hearing on the District's proposed tax rate.** Director Peterson opened the public hearing. Steve Gerlof, a District resident, had a question about the total property values. Mr. Carlton said the total value was \$612,899,674. Mr. Whelan asked if the budget had been approved yet, and Mr. Carlton responded that the budget was approved at the August 3 special meeting. There being no further public comments, Director Krueger moved to adjourn the public hearing. Director Castille seconded the motion. The motion passed 5-0.

**Item 13 – Discuss and consider the District's 2022 tax rate, adopt an Order Levying Taxes, and authorize filing the Order with Travis County Tax Assessor/Collector.** Director Krueger moved to adopt \$0.01715 as the 2022 tax rate, adopt the Order Levying Taxes, and authorize filing the Order Levying Taxes with the Travis County Tax Assessor/Collector. Director Schauer seconded the motion, and the motion passed 4-1 with Director Castille opposed. Director Castille stated that he opposed because he does not think that a \$0.01715 tax rate will result in a sufficient amount of revenue for the operations and maintenance of the District. Director Castille additionally stated that he is aware Mr. Whelan thinks that he does not live in the District, and he does not care.

#### **OTHER MATTERS**

**Item 14 – Discuss and consider Board member duties, responsibilities, and actions.** Director Krueger reminded Director Castille that he is not authorized to speak individually with any District vendors, including Pioneer. Director Krueger asked Director Castille to not approach vendors to discuss finances or what Director Castille thinks is an appropriate workload. Director Castille responded by saying that no matter how many times he is told he is not authorized to speak individually with District vendors, Director Castille is not going to listen to Director Krueger's suggestions or orders about how to do Director Castille's job. The Board held additional discussions; no action was taken.

**Item 15 – Discuss and consider revisions to the District’s Code of Ethics.** The matter was not addressed.

*Director Peterson announced the Board entered executive session at 6:55 p.m. to discuss Item 4(c) under Section 551.076 of the Texas Government Code. The Board reconvened in open session at 7:02 p.m. Director Peterson stated no action was taken on Item 4(c).*

**Item 16 – Discuss and consider time, date, and agenda items for the next Board meeting.** The next regular meeting will be held on September 21, 2022, at 6:00 p.m.

Meeting adjourned at 7:02 p.m.

(Seal)



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Nikki Krueger, Secretary  
Board of Directors

Date: September 21, 2022