

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

August 18, 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 August 18, 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
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; 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.

**PUBLIC COMMENT**

**Item 1 – Receive communications from the public on items not listed on the posted agenda.** No public comment was presented.

**Item 2 – Public Comment on Agenda Items:** No public comment was presented.

**CONSENT ITEMS**

**Item 3 – Consider approval of the July 21, 2021, regular meeting minutes, the August 2, 2021, special meeting minutes, and the August 9, 2021, special meeting minutes.** Director Peterson discussed the July 21, 2021, regular meeting minutes and asked if any Board members had changes to the minutes. No changes were requested, and Director Peterson moved to approve the July 21, 2021, regular meeting minutes. Director Krueger seconded, and the motion passed 5-0. Director Krueger discussed revising the August 2, 2021, special meeting minutes on page 2, at the second-to-last bullet, to state that the line item added for the “City of Austin Required Irrigation Annual Inspection” was for \$1,200 – not \$12,000. Director Krueger moved to approve the August 2, 2021, special meeting minutes with amendment, Director Dowling seconded, and the motion passed 5-0. Director Castille discussed revising the August 9, 2021, special meeting minutes, stating that on page 1, under Item 1, the last sentence should be revised to add, “\$78,623 for a total of” before

“\$864,862....” Director Castille moved to approve the August 9, 2021, special meeting minutes with amendment and Director Dowling seconded. The motion passed 5-0.

## **REPORTS AND COMMITTEE MATTERS**

**Item 4 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following:**

- (a) payment of monthly bills and invoices and transfers of District funds:**
- (b) monthly financial report:**

Director Krueger presented the finance report, as provided in the packet. Director Krueger stated that she is working with the City of Austin, as well as Waste Connections to remove sales tax charges. Director Krueger also advised that a transfer in the amount of \$75,000 from the savings account to the operating account was needed. Director Castille asked that the District’s security invoices be sent to Trey Thompson with Pioneer Real Estate Services, instead of the District’s prior management company, Horizon HOA Management. Mr. Thompson responded, stating that he will take care of that. Director Peterson moved to approve the transfer of \$75,000 from the savings account to the operating account and the payment of bills and invoices. Director Dowling seconded and the motion passed 5-0.

- (c) quarterly investment report for second quarter:** Director Krueger presented the quarterly investment report, as provided in the packet. Director Castille asked how much District money is in a money market account. Director Krueger responded, stating that all money is in the checking account or in savings accounts with interest, and there are no money market accounts. Director Krueger moved to approve the quarterly investment report, Director Castille seconded, and the motion passed 5-0.
- (d) amendments to budgets FY2021:** Director Krueger presented the budget amendments from the August 9, 2021, Board meeting. Director Dowling moved to approve the budget amendments as presented. Director Peterson seconded and the motion passed 4-1, with Director Castille opposing.
- (e) budget for FY2022, including approval of a Resolution Adopting Budget:** Director Krueger discussed changes to the proposed budget. John Carlton of The Carlton Law Firm, P.L.L.C., advised that the budget can be adopted at the Board’s next meeting, before the District’s tax rate is set.

**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 presented the pool report, as provided in the packet. Mr. McKinley discussed the electrical issue that impacted the pump and closed the pool, reporting that a replacement pump motor has been located, likely the last in the nation, and ordered. Once received, the pump motor will be installed with the intent of having the pool repaired and open for

the following weekend. Director Peterson asked about the costs associated with the repairs. Mr. McKinley advised that the total cost estimate is \$4,200. Director Castille moved to approve the cost of \$4,200 for the pump repair, Director Peterson seconded, and the motion passed 5-0.

Director Peterson inquired about conceptual plans for Director Schauer. Director Schauer responded, stating that he needs to know how to move forward with authorization. Trevor Van Osselaer advised that Safeguard Aquatics needs the conceptual plans in order to determine the cost estimate, and the conceptual plans do not commit the District to the costs. Director Peterson stated that the cost for the conceptual plans is \$7,300. Director Peterson moved to approve the expense of \$7,300 for the conceptual plans and Director Krueger seconded. Director Dowling asked if the cost was part of the capital costs for next year. Director Peterson responded, stating that the money is available. Director Krueger advised that the expense will be reflected in the budget. The motion passed 5-0.

**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, 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:** Mr. Mowen advised that all three irrigation repairs have been completed. Mr. Mowen went on to state that he met with the Park Committee to review Lindshire Park and limbs have been trimmed at the back of Lindshire Park. Director Dowling reported that Aquatic Features will attend the Park Committee meeting next month. Mr. Mowen reported that he will be visiting the parks every other week for the next month and a half. Director Castille asked about stump grinding and if it was possible. Mr. Mowen responded, stating that TexaScapes can grind stumps and he will submit a proposal. Director Krueger advised that the stump to be addressed is on the east side of the tennis courts.

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

Trey Thompson of Pioneer Real Estate Services presented the general manager’s report, as provided in the packet. Director Castille asked about the deed restriction report that was provided in the packet, specifically the seven houses listed on the second page of the report, commenting that he is not aware of enforceable deed restrictions for that area. Mr. Thompson responded that properties cited for mowing violations in that area violate a City of Austin Ordinance.

- (a) **management services, management services contract, and related issues:** Matter was not addressed.
- (b) **use, maintenance, repair, replacement and improvement of District property and facilities including, but not limited to, buildings, restrooms, electrical systems, lighting, and parking areas:** Matter was addressed in the report.
- (c) **park and restroom cleaning and related services from cleaning contractor:** Matter was not addressed.

- (d) **pond cleaning and related services from Aquatic Features:** Matter was addressed in the report.

**Item 8 – 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 9 – Receive report from the Communications Committee and consider action regarding the following:** Director Dowling stated that there was nothing to report.

- (a) **Website content:** Matter was not addressed.

**Item 10 – Receive General Counsel report and consider taking related action:** John Carlton of The Carlton Law Firm, P.L.L.C. presented the general counsel report.

- (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):** Mr. Carlton stated that efforts to serve the default judgment on Ms. Yanez are ongoing.
- (c) **other litigation matters:** Mr. Carlton advised that there was nothing to report.
- (d) **legal investigations and other legal issues, if any:** Mr. Carlton advised that there was nothing to report.

**Item 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.** Mr. Carlton advised that there was nothing to report.

#### **OTHER MATTERS**

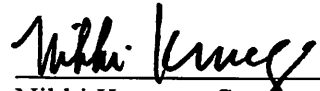
**Item 12 – Discuss and consider Board member duties, responsibilities, and actions:** Director Krueger expressed her concerns about events in the neighborhood that are sponsored by a Board member and the trouble such events cause with neighbors. Director Krueger further stated that “Tanglewood” named events appear to be District-backed events and any such events should be presented to the Board for approval. Director Krueger moved to prohibit Robbie Castille from taking any action on behalf of the District unless approved at an open meeting by the Board. Director Castille seconded the motion and the motion passed 4-0-1, with Director Castille abstaining.

**Item 13 – Discuss and consider time, date, and agenda items for the next Board meeting:** The next meeting will be September 15, 2021, at 6:00 p.m., and it will be an in-person meeting. Mr.

Carlton explained that the meeting is required to be held in-person given the expiration of the Governor's suspensions of certain provisions of the Open Meetings Act rules.

Meeting adjourned at 6:41 p.m.

(Seal)

  
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Nikki Krueger, Secretary  
Board of Directors

Date: September 15, 2021

# **EXHIBIT A**

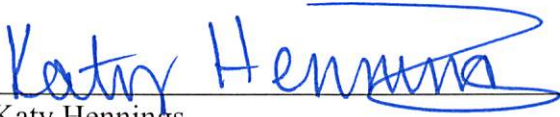
**CERTIFICATE OF POSTING FOR  
TANGLEWOOD FOREST LIMITED DISTRICT  
AT  
TRAVIS COUNTY COURTHOUSE  
5501 AIRPORT BLVD.  
AUSTIN, TEXAS 78751**

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

I, Katy Hennings, hereby certify that at 12:33 p.m. on August 13, 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 13<sup>th</sup> day of August 2021.

  
\_\_\_\_\_  
Katy Hennings

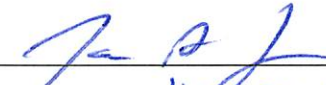
**CERTIFICATE OF POSTING FOR  
TANGLEWOOD FOREST LIMITED DISTRICT  
AT  
POOL AND TENNIS COURTS  
NEAR SLAUGHTER AND CURLEW  
AUSTIN, TEXAS 78748**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

I, JAMES SHARP hereby certify that at 1330 p.m. on August 13, 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 13<sup>th</sup> day of August 2021.

By:   
Name: JAMES SHARP  
Company: Corporate Couriers



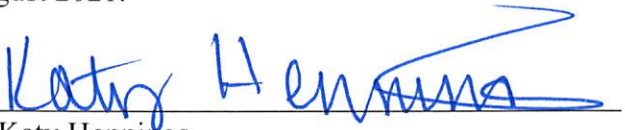
**CERTIFICATE OF POSTING FOR  
TANGLEWOOD FOREST LIMITED DISTRICT  
AT  
THE CARLTON LAW FIRM, P.L.L.C.  
4301 WESTBANK DRIVE, SUITE B-130  
AUSTIN, TEXAS 78746**

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

I, Katy Hennings, hereby certify that at 12:57 p.m. on August 13, 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 13<sup>th</sup> day of August 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 12:44 p.m., on August 13, 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](http://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 13<sup>th</sup> day of August 2021.

  
Trey Thompson  
Trey Thompson

## TANGLEWOOD FOREST LIMITED DISTRICT

### Agenda

August 18, 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, August 18, 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](http://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](mailto: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.

### PUBLIC COMMENT

1. 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.]*
2. Public Comment on Agenda Items: Members of the public may comment on any agenda item listed below. Members of the public may speak for up to two minutes per agenda

item on which they comment. Members of the public will speak on an agenda item after the item is called by the presiding officer, but before Board consideration of the item.

### **CONSENT ITEMS**

3. Consider approval of the July 21, 2021, regular meeting minutes, the August 2, 2021, special meeting minutes, and the August 9, 2021 special meeting minutes;

### **REPORTS AND COMMITTEE MATTERS**

4. 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) quarterly investment report for second quarter;
  - (d) amendments to budget for FY2021; and
  - (e) budget for FY2022, including approval of a Resolution Adopting Budget;
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;
6. 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;
7. Receive report from District's General Manager and consider taking related action, including matters related to:
  - (a) management services, management services contract, and related issues;
  - (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;
8. 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;

9. Receive report from the Communications Committee and consider action regarding the following:
  - (a) website content;
10. 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;
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;

#### **OTHER MATTERS**

12. Discuss and consider Board member duties, responsibilities, and actions; and
13. Discuss and consider time, date, and agenda items for the next Board meeting.

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)



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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.