

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

November 16, 2022

THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

The Board of Directors of Tanglewood Forest Limited District (“District”) met in regular session, open to the public, on November 16, 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; Enid Simon of Pioneer Real Estate Services; and residents of the District.

Director Peterson convened the meeting at 6:01 p.m. and asked all meeting attendees and Directors to turn off their cellphones. Director Peterson 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.

Director Castille signed up to comment on items not listed on the posted agenda but did not speak. Brian Whelan, Director Elect, spoke regarding Director Castille’s business associates. Director Elect Whelan stated that there was no need to “save” Tanglewood Forest, because crime rates are rising across the City in conjunction with the population increase, and crime within the District is not worse than other areas of the City. Director Elect Whelan further stated that the District likely sees proportionately less crime, considering the diversity of housing within the District. Director Elect Whelan commented that the District needs to be protected from the theft of taxpayer money. Tim Cunningham, District resident, advised the newly elected Directors to be careful what they wish for and said he would like to see accountability for the newly elected Directors. Mr. Cunningham said that meeting minutes help keep the Board accountable, and he would like to have the meeting minutes available to the public sooner. Enrique Alvarez, District resident, wanted to wish Director Peterson a happy Veterans Day. Mr. Alvarez further mentioned that Director Castille posted on the Next Door app saying that the Austin Police Department responded to a call for voter intimidation at a polling location. Mr. Alvarez wanted to clarify the situation and said that the police were called, but the dispute was regarding parking. Mr. Alvarez was speaking to Director Castille about where Director Castille parked, because Director Castille parked on the

grass near a church. Mr. Alvarez was served with a paper, but was later told by law enforcement that it was not a valid criminal trespass warning. Mr. Alvarez stated he was served papers because Director Castille accused him of voter intimidation.

Noel Gonsalvez, a District Resident, said he made a mistake trying to find out which school Director-elect Minjarez's child went to, and that he should've focused on Ms. Minjarez's residence. Mr. Gonsalvez is going to continue to contest the election results based on multiple candidates lying about their residences and criminal backgrounds. Mr. Gonsalvez asked the Board to remove Director Castille for aiding and abetting candidates with perjuring their candidate applications and election fraud. Mr. Gonsalvez requested Director Castille be removed from the Board for spending money on candidates in violation of Texas election laws, including creating a website for the candidates and purchasing Facebook ads. Mr. Gonsalvez cited Texas Election Code provision §276.018 as the basis for contesting the Director election. Mr. Gonsalvez also stated Director Castille should be removed for seeking to undermine the Board, for violations of the District's ethics guidelines, and misrepresenting some of the candidates during the recent Director election. Additionally, Mr. Gonsalvez said Director Castille should be removed from the Board due to his involvement in several lawsuits such as: Castille Group LLC v. Los Arboles HOA, Horizon v Edgewick, Castille Group LLC v. Edgewick.

Item 2 – Public Comment on Agenda Items. Addressed in items below.

CONSENT ITEMS

Item 3 – Consider approval of the September 21, 2022 and October 19, 2022 regular meeting minutes. The Board discussed corrections to the October 19, 2022, meeting minutes. Director Krueger made a motion to approve the October 19 meeting minutes with changes. Director Schauer seconded the motion, and the motion passed 5-0.

Director Peterson discussed the September 21, 2022 meeting minutes. Director Krueger moved to approve the September 21 meeting. Director Peterson seconded the motion, and 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: Director Krueger presented the third quarter investment report. Director Schauer moved to approve the third quarter investment report as presented. Director Krueger seconded the motion and the motion passed 5-0.

Director Krueger presented bids received for the District's holiday event on Friday, December 16th from 6pm-8pm. Director Krueger discussed the bids for the Santa and train, as included in the packet, and that the movie will be How the Grinch Stole Christmas. The District will provide popcorn and cocoa for the attendees. Director Krueger said Enid Simon with Pioneer has estimated the total costs to be less than \$2,500. Director Krueger moved to approve the bids, the date and time for the holiday event, and the movie for the event. Director Peterson seconded the motion and the motion passed 5-0.

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Krueger presented the financial report as provided and

discussed the supplemental invoices received from Bickerstaff Heath Delgado Acosta for \$1,714.50, and The Carlton Law Firm for \$8,830.00. Director Krueger requested a transfer of \$40,000 to pay the invoices and bills. Director Schauer moved to approve the invoices, supplemental invoices, and the \$40,000 transfer. Director Dowling seconded the motion and the motion passed 4-0-1 with Director Castille abstaining.

- (b) **amendments to the budget for FY2022:** Director Krueger discussed an amendment to reallocate items within the budget. Director Krueger moved to approve the amended FY2022 budget amendment. Director Peterson seconded the motion, the motion passed 5-0.
- (c) **amendments to the budget for FY2023:** The item was not addressed.
- (d) **security issues including report from Travis County Sheriff's Office:** Mr. Cunningham asked why the security report is addressed with the financial items. Director Krueger stated that all vendors report to various Committees, but Security and Pioneer report to the Finance Committee. Mr. Cunningham asked if the security reports are available to the public. Director Dowling responded that the detailed reports are not available. Mr. Cunningham asked about the costs for security and hours worked by the Sherriff's Office. Director Krueger explained that the District pays annual security fees to the Sherriff's Office.

Officer Perez with the Travis County Sheriff's Office arrived and addressed the Board. Officer Perez said that there were no issues the past month other than a car that was illegally parked, and the homeless camp in Idyllwild Park.

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. Maureen Gerlofs, a District resident, said she wanted to remind the Board to weatherize the bathrooms and water fountain. Director Peterson mentioned they would also need to weatherize the irrigation system. A District resident asked why Director Castille was texting during the meeting while reports are being presented and discussed.

Brody McKinley of SafeGuard Aquatics reviewed the October report as provided in the meeting packet. Mr. McKinley discussed maintaining pool chemicals and Director Peterson asked about the pool weatherization. Mr. Mowen said that there was no need to weatherize the pool and tarps can be used if there is a hard freeze.

Item 6 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action:

- (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 discussed the October report with the Board. Mr. Mowen mentioned that irrigation has been reduced for the winter. Director Krueger presented a quote for trimming the trees around the fence line. Director Krueger

moved to approve \$650 to take care of the trees. Director Schauer seconded the motion and the motion passed 5-0.

- (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: Mike Canty, a District resident, commented that Director Castille could be copying and sending out financial information in his text messages during the Board meeting. Mr. Canty asked the Board to make the text messages Director Castille sent available to the public.

- (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:** Ms. Simon discussed the cost to repair the broken lights at the monument sign. Director Dowling asked if the Board is prepared to repair the lights and cages at Little Basin. Director Krueger requested better quotes for repairs and for the total to be calculated and presented to the Board at later meeting. Ms. Simon described the proposals for a message board at Tanglewood Park for \$880.00 and at Greenbriar Park for \$1,378.85. Director Dowling mentioned the Greenbriar board is okay, but needs refurbishment. Director Krueger asked about needed repairs at Greenbriar Park. Director Krueger moved to approve \$880.00 to repair the Tanglewood message board and look for additional quotes for the Greenbriar board. Director Dowling asked if the current Tanglewood message board would be removed and if Ms. Simon would need to ask about including the removal of the current board in the proposal. Director Castille seconded the motion, but the motion was withdrawn and will be added to the December agenda.

Ms. Simon said that the tennis court lights have been scheduled to turn on at 5:15 p.m., the graffiti at the bathroom has been cleaned, and the tree trimming was approved earlier in the meeting. Director Dowling suggested using Tree Surgeons as the District has used them in the past. Ms. Simon mentioned that she contacted Austin 311 to address the homeless camp in the Idyllwild Park triangle. Ms. Simon said she was referred to Austin Police Department – South Patrol - Frank Sector to clear out any homeless individuals in the area. Director Dowling said that the strip at Idyllwild belongs to the City of Austin and not the District. Ms. Simon stated that the benches for Gazebo Park are arriving soon and will be stained to match the gazebo. Ms. Simon also mentioned that the old gazebo lights have been capped and the junction box has been installed.

Jude Ryan, a District resident, stated she likes the gazebo, but it needs to have seating. Director Krueger replied the benches are set to arrive in November and will be stained the same color as the gazebo. Ms. Ryan asked if it was possible to have trash containers at the gazebo and no littering signs in the neighborhood.

- (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:** Ms. Simon said the deed drive has been added to the agenda packet.

Item 8 – Receive report from the Communications Committee and consider action regarding the following: Marcos Olmos, a District resident, asked about the seasons changing and any communications for winter and cold weather preparedness. Director Schauer asked if Mr. Olmos was requesting that the Board provide guidance to the community. Mr. Olmos said communications could provide information to the community about any upcoming severe weather and how to prepare. Director Dowling said that it can be difficult to budget for various updates in the newsletter but encourages community involvement in staying prepared. Director Dowling said the Board does try to include helpful information in the newsletters.

Mr. Gonsalvez requested that the Board create procedures to notify the public about the monthly meetings with signage throughout the community. Mr. Gonsalvez also asked that the Board actively hold quarterly meet and greets with the neighborhood. Mr. Gonsalvez said he would like the Board to notify the public of upcoming elections at least 6 months in advance on the bulletin board, via the District website, and with signs in the District. Finally, Mr. Gonsalvez asked to join the Communications Committee.

- (a) **website content:** Director Dowling mentioned that the website will be updated after the new Directors are sworn in. Director Dowling said that she will work with The Carlton Law Firm in allowing the firm access to post agendas to the District website.
- (b) **newsletter:** Director Dowling mentioned that the newsletter information was preapproved last month and the only new items the newsletter may have would be regarding the holiday party and new Board member information.

Director Dowling mentioned the newsletter is ready to go, but she needs the new Board member information and approval to send out the newsletter. Director Krueger moved to approve the newsletter with holiday party information and new Board member information if available. Director Schauer seconded the motion, and the motion passed 5-0.

Item 9 – Receive General Counsel report and consider taking related action regarding the following: Mr. Gonsalvez requested the Board and the District’s general counsel submit notifications to residents about any upcoming Board elections at least six months in advance. Mr. Gonsalvez also requested background checks be completed on all applicants. Mr. Gonsalvez asked the Board and the District’s general counsel prohibit anyone with a criminal background to run for the Board.

Mr. Carlton stated that there was no report for the Board this month.

- (a) **pending contract issues, open records requests, and election matters:** The matter was not addressed.
- (b) **District’s process for legal action and legal action on deed restriction enforcement (including Tanglewood Forest Limited District v. Ninfa Yanez,**

Cause No. D-1-GN-19-007074 in the District Court of Travis County, Texas):
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. Ms. Pilgreen asked about Director Castille's involvement in the Horizon lawsuit. Director Castille says he is no longer involved with Horizon. Director Castille said the Board meeting is not a court room or debate hall. Ms. Pilgreen said the meeting should be open to having questions asked to the Directors. Mr. Gonsalvez asked Mr. Carlton about Director Castille's involvement in the lawsuit. Mr. Carlton responded that the District hired separate counsel, but he can look into it and prepare a report for the Board next month.

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 299th District Court of Travis County, Texas. Mr. Gonsalvez asked Mr. Carlton about Director Castille's involvement in the lawsuit. Mr. Carlton responded that the District is not a party to the case and has no information to present pertaining to the item at this time.

OTHER MATTERS

Item 12 – Discuss and consider Board member duties, responsibilities, and actions. Mr. Gonsalvez commented on Director Castille's business expertise and explained the additional lawsuits Director Castille is involved with. Mr. Gonsalvez said he believes Director Castille should be removed from the Board for violating District guidelines. Mr. Gonsalvez asked the Board what action the Board can take if a Board member violates the District ethics guidelines.

Item 13 – Discuss and consider revisions to the District's Code of Ethics. Ms. Pilgreen said she agrees with Mr. Gonsalvez's points throughout the meeting. Mr. Gonsalvez reiterated he would like the Board to come up with policies to address when a Board member violates District guidelines.

Item 14 – *Canvass Returns of the November 8 2022 Director Election and Approve the Order Canvassing the Returns of the November 8, 2022 Director Election.* Mr. Carlton reported to the Board that the canvass results have not been made available by Travis County yet. Mr. Carlton said that the election results cannot be canvassed until the results are received. Director Krueger suggested that the Board meet again on Monday, November 21, 2022, at 6 p.m. to canvass the results. No action was taken to adopt the Order Canvassing the Returns of the November 8, 2022 Director Election.

Mr. Gonsalvez requested the Board file suit against Kimberly Minjarez and announced that if the Board does not, he will. Mr. Gonsalvez questioned why Director Castille solicited only the candidates he chose and why Director Castille accused Ms. Pilgreen and Mr. Gonsalvez of running a negative campaign.

Item 15 – Approve and accept statements and oaths of office for elected Directors. Mr. Gonsalvez said the Board should require proof of residence in the District of at least one to two years prior to running for election or a more stringent requirement than what is currently in place. Mr. Gonsalvez asked the Board to require candidates show proof that they are not involved in any civil litigation. Mr. Gonsalvez also asked for Director Castille’s text messages sent during the Board meeting to be made public. Mr. Gonsalvez told the Board he will be running again in 2024. No action was taken on this item.

Item 16 – Action regarding election of officers for board. Ms. Pilgreen stated that she agrees with Mr. Gonsalvez’s comments. Mr. Gonsalvez thanked the Board for allowing him the opportunity to get involved with the District. No action was taken on this item.

Item 17 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on December 12, 2022, at 6:00 p.m. A special meeting to canvass election results will be held on November 21, 2022, at 6:00 p.m.

Meeting adjourned at 7:05 p.m.

(Seal)

Nikki Krueger, Secretary
Board of Directors

Date: December 12, 2022