

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

November 17, 2021

THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

The Board of Directors of Tanglewood Forest Limited District met in regular session, open to the public, on November 17, 2021, 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	Absent

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 of the District, as well as non-residents.

Director Peterson convened the meeting at 6:00 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. After being recognized for public comment, LeAnn Hilton stated that while she is a resident of the Circle C neighborhood and not the District, Director Castille has been harassing her and her minor children for five years. Ms. Hilton commented that Director Castille has a criminal history and mentioned that one charge was for a hate crime. Ms. Hilton further stated that Director Castille posted defamatory information about her on his District Facebook page and posted slanderous signs in the Circle C neighborhood about her, as well. Ms. Hilton showed the sign to the Board. Ms. Hilton also stated that Director Castille does not live in the District.

After being recognized for public comment, District resident Enrique Alvarez introduced himself as a former member of the Board who has also dealt with Director Castille’s harassment. Mr. Alvarez stated that the harassment began when Valley View Landscaping’s contract was terminated. Mr. Alvarez explained to the Board that a slanderous website was created about him and using his businesses name www.austinslawenforcement.com. He believes the website was created by Director Castille. Mr. Alvarez expressed disappointment that a Board member was able to be elected, after leasing a home in the District but not living in the District. Mr. Alvarez

commented that he was on the Board for eight years and loves his neighborhood, but fears what else Director Castille may do to him.

Item 2 – Public Comment on Agenda Items. No public comments were made for any agenda items.

CONSENT ITEMS

Item 3 – Consider approval of the October 20, 2021, regular meeting minutes. Director Castille noted that a change to Item 4(a) is needed, the minutes should note that instead of the motion regarding the payments of bills and invoices passing 5-0, it should state that the motion passed 4-0-1 with Director Castille abstaining. Director Dowling stated that Item 8(a) should have the mention of her as Commissioner changed to Director. Director Krueger explained that Item 8(b) regarding the holiday event should say that Directors Dowling and Krueger can assist with the event, but that they did not want to act as a committee with Director Castille to plan the event. Director Krueger moved to approve the October 20, 2021, regular meeting minutes with amendments. Director Dowling seconded, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

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

- (a) **monthly financial report, payment of monthly bills and invoices and transfers of District funds:** Director Krueger presented the financial report, as provided in the packet. Director Krueger advised that all invoices and per diem requests are due by the first Friday of the month and asked she be informed if there is an issue. Director Krueger reviewed the check registry and noted the addition of a per diem for Director Dowling in the amount of \$692.62 and a payment due to the IRS for unemployment tax in the amount of \$141.00. Director Krueger asked Mr. Thompson about the invoices from Fun Abounds. Mr. Thompson stated that the invoices were supposed to be paid in May 2021 and were still outstanding. Mr. Thompson has confirmed with the District's accountant Terri Giles, that payments for those invoices had not been made. Director Krueger asked Director Castille if he had been to Lindshire Park to use water to fill the pond. Director Castille responded that he had not. Director Krueger noted that the water bill went up about \$600. Director Krueger stated that a transfer in the amount of \$58,000 from the savings account to the operating account was needed. Director Peterson noted that the bills from the City of Austin are estimates. Director Peterson made a motion to approve the check register, as well as the additional payments to the IRS and to Director Dowling, and to approve the transfer of \$58,000 from the savings account to the operating account. Director Castille seconded the motion, and the motion passed 3-0-1 with Director Castille abstaining.
- (b) **amendments to budget for FY2021:** Director Krueger advised that there were no amendments to the FY2021 budget.
- (c) **amendments to budget for FY2022:** Director Krueger advised that there were no amendments to the FY2022 budget.

- (d) **Security issues including report from Travis County Sheriff's Office:** There was no report from the Travis County Sheriff's Office and the matter was not addressed.
- (e) **Renewal of contract with Travis County Sheriff's Office for 2022.** Mr. Carlton explained the need to renew the contract if the services are to continue. Director Krueger made a motion to approve and the renewal of the contract for 2022, Director Dowling seconded and the motion passed 4-0.

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 advised that he is waiting on the conceptual designs for the pool improvements before preparing the drawing(s) and developing cost estimates. Director Peterson confirmed that he should wait for the conceptual designs to be reviewed and approved by himself and Director Schauer.

Item 6 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action, including matters related to: Charlie Mowen of TexaScapes presented the landscape report detailing October activities, as provided in the packet. Mr. Mowen reported that recently a cedar tree fell over and a large Hackberry tree limb fell at Greenbriar Park. Mr. Mowen commented that the February freeze damaged limbs are starting to fall because of cold fronts and storms.

Mr. Mowen reported that there is a hole developing behind the message board and a drainage pipe near the west side of the playscape that needs repair, which he has discussed with the Parks Committee. Additionally, there is a power pole down on Big Basin and TexaScapes will remove it tomorrow, November 18, 2021. Further, holes and erosion have developed in the concrete pad at Tanglewood Park. TexaScape will remove the eroded area and top it with soil. Lastly, there is a big water puddle at Woodlands Park in the southeast corner that could be irrigation related and it will be addressed tomorrow, as well. Director Dowling asked if TexaScapes had looked at irrigation issues at Lindshire Park. Mr. Mowen said he found one large rotor broken, but it was not likely to be the cause of the water bill increase. Director Dowling commented that the park is going to get a digital meter to be able to review the water usage.

- (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:** Matter was not addressed.

Item 7 – Receive report from District's General Manager and consider taking related action, including matters related to: Mr. Thompson of Pioneer Real Estate Services presented his updated report as provide in the packet. Director Dowling asked to add an additional cleaning at Renaissance Park, such that cleanings occur three times per week. Director Castille moved to approve additional cleaning at Renaissance Park, Director Krueger seconded, and the motion

passed 4-0. Director Dowling then reviewed the following work orders: a work order for various pegs in the playscape to be hammered down, a work order to check on the compost bins as they are full of trash and clutter, and work order addressing the electrical pole wire covers. Mr. Thompson advised that he will contact the City regarding the electrical box. Mr. Thompson said that the pads have been removed and he is looking for other provider companies before ordering. Director Dowling stated that they need to mitigate damage for tree limbs at the north end of Tanglewood Forest Park to raise the canopy because limbs are leaning over the path. Director Dowling remarked that the holiday lights look great.

Director Krueger mentioned that at Woodlands Park and other parks, it is obvious that things are being altered in the parks without the knowledge of the Parks Committee or the Districts' landscaper. Director Krueger stated that she received a text message from Director Castille outside of a meeting with a photo of a fence and stating that he said he took care of it. She further stated that Director Castille should not message her about items pertaining to the agenda as that would constitute a quorum. Director Castille stated that he would bypass the Parks Committee if it was a safety issue. Director Krueger told Director Castille that he needs to raise the issue with the Parks Committee at a meeting or email the Parks Committee members instead of repairing the issue himself. Director Krueger stated that Director Castille needs to stop using his business to repair issues that he sees. Director Krueger will submit the text messages she received from Director Castille for inclusion with the meeting minutes. The messages are attached as Exhibit "B". Director Krueger remarked that Director Castille's company is not authorized to work on District property, and that TexaScapes is insured to work on the property. Director Castille said that the Board is not doing its job and that he will stop if the Board starts doing its job better. Director Castille stated that if the Board could demonstrate that it could do its job for three consecutive months he would resign. Director Castille continued, stating it would be a safe bet as he does not believe the Board could do so. Director Krueger stated that Director Castille's idea of the job being done is not in line with the process that the Board follows and there are specific ways matters are addressed and approved because the Board is spending taxpayer money. Director Krueger also stated that no one has come to her and said that they have tripped on a stump after Director Castille stated that they have told her. She also stated that any work not done by TexaScapes may be a liability to the District. Director Krueger also pointed out that Director Castille taking on his own repairs or making changes without consulting the Board or the Parks Committee and is costing the District more money because the District is being charged to go and see an issue that has already been repaired. Director Castille said he works for free and so he is not costing the District any money. Director Krueger asked that Director Castille's admission of doing work on the District's property be noted in the minutes.

Mr. Thompson reported that the deed drive was completed on Saturday, November 13th, and about 100 deed violations were noted, including some violations in Stage 3. Director Peterson commented that a homeowner received a letter and responded to an issue, and Director Peterson asked that Mr. Thompson keep the Board updated on the progress.

Mr. Thompson remarked that a broken swing was fixed and the new signs at Lindshire Park are set to go up by the end of the week. The quote estimate for the gate upgrade as requested by the Pool Committee is \$2,290.47. Director Peterson moved to approve the proposal less taxes, Director Castille seconded the motion and the motion passed 4-0. Mr. Thompson stated that the Spectrum internet plan the District currently has is the lowest price it can get. Spectrum told Mr. Thompson that if the District bought its own router they can save approximately \$50 a month. Mr. Thompson

set up an account to be able to avoid having to use a credit card. The District can only pay by invoice after the 1st order which must be paid for in advance. Director Krueger stated that it should be sent to T. Giles to be paid with the December checks. Mr. Thompson asked the Greenbriar port-a-potty company to place them in a specific location that were spray painted to mark where they should be. The company is claiming that the locations were not specific enough, Mr. Thompson has escalated the issue to get a resolution. Mr. Thompson stated that the power washing at Lindshire Park was complete and also discussed the mulch proposal for the parks. Director Krueger made a motion to approve proposal 21015. Director Dowling asked if that included new pads and stakes for the landing areas. Director Castille seconded the motion, the motion passed 3-1 with Director Castille opposed. Director Dowling asked Mr. Thompson to bring the pad quotes to the next Board meeting and he responded that he would. She also asked him to look into the timing of the lights because of the time change. Mr. Thompson said he would look into that as well.

- (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:** See above.
- (c) **park and restroom cleaning and related services from cleaning contractor:** Matter was not addressed.
- (d) **pond cleaning and related services from Aquatic Features:** Mr. Thompson has not heard back from Aquatic features about his requests.
- (e) **report from General Manager and Deed Restriction Committee regarding enforcement of deed restrictions with the District:** See above.
- (f) **restrictive covenants review and notification process:** Matter was not addressed.

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

- (a) **website content:** Director Dowling distributed the newsletter content for review prior to the December release. Mr. Carlton said he saw no issues with the content. Director Krueger moved to approve the content and Director Castille seconded the motion. The motion passed 4-0. Director Dowling will present a social media proposal at the beginning of the year for the Board to review and Director Schauer offered to take hi-resolution pictures of the parks.
- (b) **holiday event:** Mr. Thompson has reviewed the holiday event vendor proposals; they are all quotes from new vendors. Director Peterson said he was in touch with the Kourcek PTA and they are not having in person meetings, their meetings are all virtual and they are happy to sponsor or advertise the event. Director Dowling confirmed the 16th of December as the event date. She also asked Mr. Thompson if he had contacted any of the other vendors. Director Castille confirmed that the event date is the 16th and not December 17th, which is the date referenced in the quote. Director Krueger moved to hire the Train Outlet and Hey Santa Man. Director Castille seconded the motion, and the motion passed 4-0. She also stated Pioneer will need to make the deposits, and the District will reimburse the company. The Board will issue checks for the final

payments. Director Dowling stated that Mr. Gerlofs will make the popcorn, Director Peterson will be there to help set up, Director Castille will have help with the hot chocolate stand, and Directors Krueger and Dowling will assist with the decorations. Director Dowling also mentioned the Santa being set up in the meeting room, and that no one was hired for pictures, but Director Krueger can reach out. She and Mr. Thompson will look for a new backdrop and decorations with a \$150 budget and will have the Communications Committee do the flyers for the event to hang on the doors.

Item 9 – Receive General Counsel report and consider taking related action regarding the following: John Carlton of the Carlton Law Firm P.L.L.C., update the board regarding the current demand letters.

- (a) **pending contract issues, open records requests, and election matters:** Mr. Carlton stated there are no contract issues, no records requests, and no election matters to address.
- (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-G N-19-007074 in the District Court of Travis County, Texas):** Mr. Carlton reported that there was no progress on the Yanez case.
- (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 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 stated there was nothing to report.

OTHER MATTERS

Item 11 – Discuss and consider engagement of auditor to conduct FY2020 and FY2021 audit. Mr. Carlton updated the Board that the auditor will present their proposals for FY 2020 and FY 2021 at the December meeting and a response to the FY2019 audit.

Item 12 – Discuss and consider Board member duties, responsibilities, and actions. Director Krueger stated that she had received direct communication from Director Castille on the poor job she is doing and she will submit that message for inclusion with the minutes as well. The message is attached as Exhibit “C”. Director Castille said that there is missing metal railing at Lindshire Park, and Director Krueger stated she has that on the list of items to address for the Parks Committee. Mr. Gerlofs mentioned he looked at the website and noticed that the tax rate and budget information need to be updated.

Item 13 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on December 15, 2021, at 6:00 p.m.

Meeting adjourned at 7:02 p.m.

(Seal)

A handwritten signature in black ink that reads "Nikki Krueger". The signature is written in a cursive style with a large, looped "K".

Nikki Krueger, Secretary
Board of Directors

Date: December 15, 2021