

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

February 15, 2023

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 February 15, 2023, 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
Nikki Krueger	Vice President	Present
Brian Whelan	Treasurer / Secretary	Present
Robbie Castille	Director	Present
		Vacant

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 6:03 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.

Noel Gonsalvez, a District resident, said he brought cheese and peanuts since one Director called the residents “the peanut gallery” in the January meeting. Mr. Gonsalvez explained why he believes no one works for Director Castille and discussed Director Castille’s negative use of social media to lie to, bully, and intimidate District residents. Mr. Gonsalvez said that Director Castille supported Ms. Minjarez, who is a felon in California, and does not live at the District address she provided on the Director election application. Mr. Gonsalvez spoke about Director Castille being an owner of Horizon HOA Management, the District’s former property management company, when a fraudulent check was written for \$88,000 to One Barton Place. Mr. Gonsalvez reiterated that Directors Castille and Ms. Minjarez do not live in the District. Mr. Gonsalvez further said he believes Director Castille ran Ms. Minjarez and Robert Mandujano’s campaigns for them and stated Mr. Mandujano was a manager of Horizon HOA Management when the fraudulent check was written. Mr. Gonsalvez asked Director Castille what Director Castille thinks about the fraudulent check that was written since Director Castille only resigned from Horizon HOA Management the November after the check was written. Director Castille said Mr. Gonsalvez is talking about the same insults and it’s the same crap as before. Enrique Alvarez, a District resident, apologized for not attending the January board meeting. Director Krueger said she respectfully

asks Director Castille to not use his cellphone during the meeting as it is rude, and the Directors should be paying attention during the meeting. Director Castille said he does not have to listen to Director Krueger. Mr. Alvarez said that after the December Board meeting Director Castille walked by him and called him a “f***** w*****”. Mr. Alvarez also said he received a packet in the mail with Director Castille’s arrest record/criminal history and included a report that described an occurrence where Director Castille called a person involved in the reported incident a “f***** n*****”. Mr. Alvarez said the report he described backs up what Director Castille called him and that Mr. Alvarez does not expect an apology, but Mr. Alvarez will not stop fighting for the neighborhood. Drew Falconieri, a District resident, asked whether the District gave permission for a group that plays on a field behind his house on Slaughter Lane to use the field. Director Krueger responded that the property belongs to the City of Austin and the District does not control it.

Director Castille said that Mr. Alvarez should know that Director Castille records everything as soon as he leaves his vehicle and asked Mr. Alvarez if he should pull out the recoding to prove it. Director Castille said he is also Hispanic so he would not call Mr. Alvarez a wetback and he believes Mr. Alvarez was born here so that racial slur would not even apply to him. Director Castille said he told Mr. Alvarez that he “smelled weak” and that the incident was recorded. Director Castille addressed the incident Mr. Alvarez discussed and said that he has made up with and apologized to the complainant and the complainant apologized for his part in the incident as well. Director Castille also said he has police reports and videos of Mr. Alvarez running him off the road and told Mr. Alvarez to not act like he is the victim.

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

CONSENT ITEMS

Item 3 – Consider approval of the January 18, 2023 meeting minutes. The Directors discussed edits to the January meeting minutes. Director Whelan mentioned changes to item one and item eight. Director Krueger suggested a change to item 4F. Director Castille had a change to item 4A. Director Castille moved to approve the January meeting minutes with edits. Director Krueger seconded the motion, 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 Whelan presented the financial report as provided. Director Whelan mentioned the City of Austin invoices were delayed and had been supplemented to the agenda packet. Director Whelan asked if the Board had reviewed the financial report for this month and asked if the Directors had any questions. Director Whelan said a transfer of \$34,000 is needed to pay all the invoices for the month. Director Krueger moved to approve the check registry and \$34,000 transfer for invoice payments. Director Castille seconded the motion, and the motion passed 4-0.

- (b) **discuss and consider possible action regarding the FY2020 and FY2021 audit report.** Director Whelan said he has received the 2019 audit. Mr. Carlton explained that the FY2020 and FY2021 audits will be prepared now that the FY2019 audit is complete. Director Krueger moved to acknowledge receipt of the FY2019 audit. Director Whelan seconded the motion, and the motion passed 4-0.
- (c) **discuss and consider possible action regarding proposal for FY2022 audit.** The matter was not addressed.
- (d) **amendments to the budget for FY2023:** Director Whelan said there are none at this point.
- (e) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2023:** Mr. Gonsalvez said the security of the parks is the responsibility of the District. Mr. Gonsalvez also mentioned the City of Austin provides police for the neighborhood. Mr. Gonsalvez said the District pays about \$70,000 to the Sheriff's Office to have the safety of the neighborhood monitored. Mr. Gonsalvez reminded the residents that the first step in an emergency should be to call the Austin Police Department, not the Board of Directors or the Sheriff's Office. Director Castille mentioned that the Strategic Partnership Agreement states that supplemental security is the responsibility of the District. Director Peterson said he has asked the Sheriff's Office to patrol the parks and areas in between the different parks from 10pm to 6am at various times.

Director Castille asked about the Sheriff's Office invoice for security services. Director Whelan said no invoice was received this month.

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 with SafeGuard Aquatics presented the pool report. Mr. McKinley said the pool vacuum was replaced and that water has been restored to the facility since the repairs discussed in the January Board meeting were completed. Mr. McKinley also mentioned that repairs were made to the chemical feed system and it is up and running again. Mr. McKinley introduced Erin Gerbrecht, who will be the new account manager for the District.

Item 6 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action: Mr. Mowen discussed the January report with the Board. Mr. Mowen said TexaScapes's goal is to do the same thing at Woodland Park that they did at Kempler Park to address the tree limbs. Mr. Mowen stated limbs were cut and moved to the curb for the City of Austin to pick up in order to remove the limbs from all the parks. Mr. Mowen said TexaScapes does not do tree climbing and their height restriction is 8ft-10ft to make a cut. A proposal will need to be submitted for work outside TexaScapes's scope. Mr. Mowen mentioned a hole at Lindshire Park that will be filled Thursday, February 16. Mr. Mowen said the damage to an adapter will be addressed and the adapter is on District property, not in the right of way. Director Peterson asked Mr. Mowen if the District would have to be on a list for the City of Austin to pick up limbs. Mr. Mowen told the Directors that the Municipal Utility District in North Austin told

him that the City of Austin will pick up limbs next week and whatever limbs are on the curbside will be picked up.

Tim Cunningham, a District resident, asked the Board what happens in an emergency when the trees in the parks need to be taken care of and mentioned three dead trees near the electrical lines at Howellwood Park. Mr. Cunningham said he believes the situation needs emergency Board action. Mr. Cunningham also asked the Board to consider taping off Howellwood Park for public use until the dead trees are addressed. Director Krueger said the Parks Committee will look at the trees with Mr. Mowen on Thursday after the Parks meeting. Director Krueger said Mr. Mowen will be at Howellwood Park tomorrow and the limbs will likely be removed then.

- (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 proposal 10142 for \$14,263 for the annual tree and flower bed mulch and proposed the work be done after the spring leaf drop. Director Krueger suggested soliciting bids for the tree work above 8ft-10ft and would like to approve proposal 10142 for the mulch. Mr. Mowen said the mulch would be applied in late March or early April after the leaf drop. Director Krueger moved to approve proposal 10142 for \$14,263 for mulch. Director Castille seconded the motion, and the motion passed 4-0. Mr. Mowen told the Board TexaScapes had previously stockpiled mulch in the church parking lot, but they will likely now stockpile at Tanglewood Park lot until another solution is found.
- (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:** Ms. Simon presented the report as provided in the packet and said she has been reaching out to arborists for the tree limbs that need to be removed, but she has only received one bid so far. Ms. Simon told the Board that the message boards and the plastic trash can have all arrived and are ready to be installed. Director Krueger said she has created a list of other trash cans that are needed for the parks. Director Peterson said pest control is needed at the pool. Ms. Simon said she would reach out and contact the pest control company the District has previously used.

Director Krueger said she wants to set a date for the summer movie night and said several people have requested the movie be “The Goonies”. Director Krueger suggested having the summer movie night on a Saturday night in June. Director Castille suggested having the event at the end of May. Director Castille mentioned May 25th is the last day of school for Austin ISD. Director Krueger said she does not want to hold the event on Memorial Day and suggested having the event on June 3rd or 10th. Director Castille suggested having the event earlier than the 3rd or the 10th. Director Krueger asked Ms. Simon to check availability for June 3rd and

any available movies and suggested the event start at 8:30 p.m. or 8:45 p.m.

- (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:** The matter was not addressed.

Item 8 – Receive report from the Communications Committee and consider action regarding the following: Director Krueger said the Communications Committee ordered 20 meeting signs that were put out for the Board meeting. Director Krueger asked Ms. Simon to obtain quotes for a banner for the tennis courts that lists the District’s website. Ms. Simon discussed Austin Sign Works estimate #1062 and said the cost would be \$373 per banner. Director Krueger moved to approve estimate #1062 for the banner. Director Castille seconded the motion, and the motion passed 4-0.

- (a) **website content:** The matter was not addressed.
- (b) **newsletter:** Director Krueger told the Board that the next newsletter will go out in April and include summer pool hours and fees, a parks update regarding storm cleanup, information about the summer movie night, and contact information for Pioneer. Director Castille said he will have additions to the newsletter in the coming months and will email them to Director Krueger. Director Krueger said if Director Castille has any additions to the April newsletter he should address them now since the Communications Committee is already drafting the newsletter. Director Krueger also mentioned there will be another newsletter in the summer and that the newsletter will be available on the District website.

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

- (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):** Mr. Carlton said he has information to discuss with the Board in closed session.
- (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 299th District Court of Travis County, Texas. The matter was not addressed.

OTHER MATTERS

Item 12 – Discuss and consider Board member duties, responsibilities, and actions. Linda Wallis, a District resident, had her daughter inform the Board that Director Castille did unsolicited work on the trees at her house. Ms. Wallis had already scheduled people to repair the tree damage at her house and did not give Director Castille permission to do any work on her property. In addition, the work Director Castille attempted caused further damage to her roof. Ms. Wallis said Director Castille bragged about the work he did to her trees on the Next Door website and that she did not appreciate being discussed on the website. Ms. Wallis asked why Director Castille decided to do work on her trees without being asked and without permission, and when the result damaged her home. Director Castille claimed he did knock on the door. Ms. Wallis said she, her 21-year-old son, her veteran husband, and her daughter were at home that day. Ms. Wallis said Director Castille could not have knocked on her door before working on the trees because the trees were blocking the door. Director Castille asked Ms. Wallis what she wants him to do, and if she wants to submit an estimate for the damage to her roof. Ms. Wallis said she would like an apology and for Director Castille to mind his own business. Ms. Wallis said she lives on social security and doesn't have extra money to pay for the additional damage Director Castille caused to her home. Ms. Wallis said Director Castille was not helping anyone and he should not have gone to social media to brag. Director Whelan asked Ms. Wallis about her conversation with Director Castille after he had cut the trees and if he identified himself as a Board Director. Ms. Wallis said when she heard the saw, she went out and asked the older Spanish looking gentleman who he was, but the man just finished his work, pulled a tree limb, then turned and walked away and did not acknowledge what she said. Director Peterson said Director Castille did not have permission to go onto Ms. Wallis' property to do any work and that Director Castille should not have gone on Next Door and posted about it as a Director. Mr. Gonsalvez said this is another example of Director Castille's lack of ethics. Mr. Gonsalvez said his comments are nothing personal, but Director Castille does not belong on the District Board. Mr. Gonsalvez said Director Castille thinks he can go and do anything he wants to do. Mr. Gonsalvez said he will be at every Board meeting and will repeat everything Director Castille does so it can be reflected in the minutes. Mr. Gonsalvez mentioned that Director Castille has no respect for the District residents, which is shown by Director Castille calling residents "the peanut gallery". Ms. Wallis told the Board she is not expecting or looking for compensation and what has upset her the most is what Director Castille put on social media about her home and posting a picture of her home. Director Krueger said the Board does not agree with Director Castille's actions and that they were inappropriate and apologized to Ms. Wallis for the occurrence. Director Krueger mentioned Ms. Wallis is not the first resident to have their information posted on social media by Director Castille and the Board takes the issue very seriously.

Director Castille moved to censure himself due to his peanut gallery comment in the January meeting. Director Peterson said the problem is that Director Castille does not take any actions of

the Board seriously. Director Peterson asked Director Castille when he would start to take the Board seriously as they have asked him to several times. Director Peterson said Director Castille would need to ask permission to act in his capacity as a Director. Director Castille said he does not need to ask permission to act as a Director since he was elected and asked what Director Peterson doesn't understand about that. Director Krueger said Director Castille was not elected to go onto people's property. Director Krueger moved to censure Director Castille again for taking improper action as a Board member and his comments on social media as a Director. Director Castille seconded the motion, and the motion passed 4-0.

Item 13 – Discuss and take action on Texas Comptroller Special Purpose District Financial and Tax Reporting Requirement. Mr. Carlton explained the Comptroller report to the Board. Director Peterson moved to approve the report and authorize filing. Director Krueger seconded the motion, and the motion passed 4-0.


Item 14 – Discuss and consider revisions to the District's Code of Ethics. The matter was not addressed.

Item 15 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on March 15, 2023, at 6:00 p.m.

The Board entered closed session at 6:52 p.m. to received advice from the District's attorney regarding item 9(B). The Board reconvened in open session at 7:05 p.m. and no action was taken.

Meeting adjourned at 7:06 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: March 15, 2023