

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

July 19, 2023

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 July 19, 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	Director	-

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; Vangie Bocanegra of Pioneer Real Estate Services; and residents of the District.

Director Peterson convened the meeting at 6:01 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.** Gene Garcia, discussed the downed tree limbs in Greenbriar Park and Tanglewood Park after the February freeze. Mr. Garcia also asked the Board about the bidding process and if the estimates are made public.

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

**CONSENT ITEMS**

**Item 3 – Consider approval of the June 21, 2023 meeting minutes.** Director Krueger mentioned a correction to the last page of the meeting minutes to replace Director Castille’s name with Director Krueger’s name as the person who announced the date of the next Board meeting. Director Krueger moved to approve the June 21 meeting minutes as amended. Director Castille seconded the motion, 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 told the Board about an invoice that was received from Bickerstaff for \$15,763.25 that was not included in the invoice packet. Director Whelan said a transfer of \$101,951.65 is needed to cover the monthly checks, bills, and invoices, Director Krueger moved to approve the check registry and transfer of \$101,951.65, including payment of the Bickerstaff invoice. Director Peterson seconded the motion, the motion passed 3-1 with Director Castille opposed.
- (b) **discuss and consider possible action regarding the FY2020 and FY2021 audit report.** Director Whelan asked about the audit status. Mr. Carlton said the audit is nearly complete and that a proposal for the audit of subsequent years can be prepared after the current audits are completed.
- (c) **discuss and consider possible action regarding proposal for FY2022 audit.** The matter was not addressed.
- (d) **amendments to the budget for FY2023:** The matter was not addressed.
- (e) **security issues including report from Travis County Sheriff's Office and renewal of contract with Travis County Sheriff's Office for 2023:** Director Krueger said she spoke with Sgt. Mirtha Mendoza, about security for the District. Sgt. Mendoza said the hourly rates for the District were low and suggested an increase to \$65/per hour and 6-hour shifts for 3 days a week. Director Krueger moved to amend the agreement with the Travis County Sheriff's Office to be \$65/per hour and 6-hour shifts for 3 days a week. Director Krueger mentioned this increase in hourly rates does not exceed the amount the District has budgeted. Director Whelan seconded the motion, the motion passed 4-0.

**Item 5 – Discuss and consider proposal presentations from property management companies for District management services.** Christiana Ennis presented the Associa proposal. Ms. Ennis said Associa has an A plus rating with the Better Business Bureau and is rated as a great place to work. Ms. Ennis mentioned Associa represents districts of many sizes, and they provide weekly updates to their clients. Ms. Ennis also said Associa has an app to access information that the District could use. Director Krueger asked about the app and how many residents in the other districts Associa represents use the app. Ms. Ennis said the app usage by residents varies from community to community. Director Whelan asked about additional meetings as he only saw 12 listed. Ms. Ennis responded they could add additional meetings as needed for no extra cost. Director Whelan asked Ms. Ennis about the 24 inspections in the proposal, and she said they provide deed restriction compliance and general facility checks. Director Whelan also asked about the committee meeting charges. Ms. Ennis replied that the company can be flexible on the charges. Director Whelan asked about how the District can avoid ending up in another situation similar to the incident that occurred with Ms. DeWile if the District decides to work with Associa. Ms. Ennis discussed Associa having new leadership and that they have added additional checks and balances since Lauren DeWilde has been with the company. Director Whelan asked if an annual audit was

included. Ms. Ennis told the Board that Associa does not do audits but that Associa can assist with any inspections required for any state mandated audits. Director Krueger said that the District has a separate bookkeeper.

Paul Meisler presented the Pioneer Beck proposal. Mr. Meisler said the company has been in business 48 years and has been kept local. Mr. Meisler said Pioneer has the ability to control and assist with accounting and payments if the District desires. Mr. Meisler said Pioneer offers the use of a company portal for no additional charge. Mr. Meisler discussed the company's day-to-day involvement, the meetings they can attend, and the deed drives. Mr. Meisler said Pioneer can be available and involved in "behind the scenes" activities with the District to prepare for meetings. Mr. Meisler explained the Pioneer portal is a tool to report issues within the community. Mr. Meisler mentioned the people in Pioneer are the product they provide. Director Krueger asked about the 48 deed drives. Mr. Meisler explained how Pioneer approaches the deed drives and site visits in the 48 visits.

Director Peterson said the Board would look at the proposals from Associa and Pioneer and get back to them. Director Krueger said the Board can consider the proposals at the August 2 special meeting.

**Item 6 - 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.** District resident Maria Dallman asked about the pool charges and mentioned she is concerned about pool repairs occurring during the summer. Director Peterson said the pool committee is in discussions with the City of Austin and the neighborhood. Ms. Dallman asked if there is a budget to repair the pool. Director Peterson responded that he is working with Mr. McKinley to get a budget estimate and that an inspector will be out tomorrow. Director Peterson assured the District that the Board is working on getting the pool repaired.

Brody McKinley, with SafeGuard Aquatics, presented the June pool report. Mr. McKinley discussed a heat stroke incident and an intoxicated person incident that occurred with the Board. Mr. McKinley said 911 was called both times. Mr. McKinley said the backup chlorine system was repaired and reinstalled and the broken step on the ladder was repaired. Ms. Dallman asked about the broken water line. Director Krueger said that Ms. Dallman's question would be addressed in the parks report.

**Item 7 – Receive report from the District's landscape maintenance contractor and Park Committee and consider taking related action:** District resident Julia Castillo said the Renaissance Park fence need repair as it is almost falling over. Ms. Castillo also discussed a median needing repair and the dumping that is occurring near the fourplex and duplex even though there is a no dumping sign posted. Director Peterson mentioned there have been volunteers helping with trash pickup and suggested calling 3-1-1. Noel Gonsalvez, a District resident, discussed the Idyllwild Park clean up and said he wanted to thank Ms. Bocanegra for working with 311 to work on the cleanup. Mr. Gonsalvez mentioned that while of the land bordering Idyllwild Park is not in the District, it impacts the use of the park. Mr. Gonsalvez said he saw a post made by Director Castille stating that Director Castille and Ms. Minjarez were responsible for the cleanup of Idyllwild Park. Director Castille said that Mr. Gonsalvez loves getting attention, and Director Krueger reminded Director Castille that it was Mr. Gonsalvez's time to address the Board. Director

Krueger addressed Mr. Garcia's comment about the Greenbriar and Tanglewood parks and Ms. Castillo's comment about the fence and said Enid Simon is no longer with Pioneer. Director Krueger said a bid could be submitted to the committees and if there is no response from the committee Mr. Garcia can contact her.

Mr. Mowen discussed the report as presented in the agenda packet. Mr. Mowen mentioned the turf has become greener thanks to the rain. Mr. Mowen also mentioned TexaScapes broke a neighbor's window while working at Howellwood Park but TexaScapes has fixed it.

- (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 Whelan discussed the water line break that caused a leak off of Slaughter. Director Whelan said the City inspector initially said the break was a City of Austin issue, but the following Monday the City of Austin said it was a District issue. Director Peterson mentioned the City of Austin turned off the water so there was no water for the pool. Director Peterson also said the pool was reopened Friday, June 30<sup>th</sup> before noon and the pool was only closed for four days. Director Whelan commented on Director Castille's post about Director Krueger and read the post aloud. Director Whelan said he would rather Director Castille be a part of the solution instead of choosing to post untrue things about the Board. Director Castille asked which parts of his statement were untrue. Director Krueger mentioned that Director Castille does post on the NextDoor application and will then sometimes quickly remove his own posts as well. Director Krueger stated that the Board communicates through its website and Facebook page. Director Krueger mentioned she was surprised to see Director Castille and Kimberly Minjarez take credit for Idyllwild Park when others had been the ones to lead the cleanup of the park.

Director Krueger discussed the crushed granite bids for Greenbriar and Tanglewood Parks that total about \$28,000 for the two proposals. Director Krueger moved to approve proposals 10221 and 10221 for \$28,000. Director Whelan seconded the motion, the motion passed 4-0. Director Whelan presented the proposal received for Kempler Park to clear all the trees in Kempler Park with a quote of \$1,075. Director Castille is concerned that there is no active certified arborist or LLC for Affordable Arbor Care. Director Peterson said the Board will investigate Director Castille's concerns and bring the proposal back at another date. Director Krueger asked Ms. Bocanegra to obtain another bid for the Kempler Park trees.

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

**Item 8– 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. Bocanegra said the flag is up and there

are currently no open work orders. Ms. Bocanegra said the pool shower has been fixed. Ms. Bocanegra also discussed the homeless camp at Idyllwild Park and wanted to thank the homeowners that called 311. Ms. Bocanegra told the Board she is working with the City of Austin to get them to pay for the repair of the pool water line leak. Ms. Bocanegra updated the Board on her progress to replace benches and picnic tables in the parks.

Director Krueger discussed bids for an ADA compliant round table for \$978.85. Director Krueger said on the last page there is a bench for \$548.85 for Tanglewood Park. Director Krueger moved to approve a round four-seater picnic table for \$978.85, an ADA compliant table with three seats for \$978.85, a long bench for \$548.85, and \$500 added for installation. Director Castille seconded the motion, the motion passed 4-0. Director Peterson asked about an invoice for the flag, and Ms. Bocanegra said the invoice will be in next month's invoice packet.

- (c) **Large event requests:** Director Krueger discussed a request for a neighbor to hold a Taekwondo class that would have a class size of less than 20 people. Director Krueger said the certificate for insurance was also submitted for the event. The Directors discussed the request and Director Whelan moved to approve the request. Director Castille seconded the motion, the motion passed 4-0. Director Krueger asked that Mr. Carlton review the submitted insurance certificate.
- (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 9 – Receive report from the Communications Committee and consider action regarding the following:**

- (a) **website content:** Director Krueger mentioned the most recent audit is on the website and there is also a link to view the District newsletter.
- (b) **newsletter:** Director Krueger said the committee is working on the August newsletter. Director Krueger also mentioned the September 23<sup>rd</sup> movie in the park being the Princess Bride and will begin at 8:30 p.m. Director Krueger also said that she looks forward to implementing and using the Pioneer application.

**Item 10 – Receive General Counsel report and consider taking related action regarding the following:** Mr. Carlton said Gunnar Seaquist was at the meeting to present a report to the Board.

- (a) **pending contract issues, open records requests, and election matters:** The matter was not addressed.
- (b) **other litigation matters:** The matter was not addressed.
- (c) **legal investigations and other legal issues, if any:** The matter was not addressed.

- (d) **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 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.** The matter was not addressed.

**Item 12 – 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.

**Item 13 – Discuss and consider Plaintiff's Verified Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction in the matter of Kimberly Minjarez vs. Tanglewood Forest Limited District; Ron Peterson, Nikki Krueger, Brian Whelan, each in his or her Official Capacity as Directors of Tanglewood Forest Limited District.** Mr. Seaquist updated the Board on the Minjarez lawsuit and said the court denied the plaintiff's application for temporary injunction that would have required the Board to recognize Ms. Minjarez as a Board member during the pendency of the lawsuit. Mr. Seaquist said there are no currently no pending orders in effect and the case is still moving forward. Mr. Seaquist also stated that there are issues regarding judicial resolution, regarding the District's rights and obligations related to the Board vacancy that the court needs to resolve. Mr. Seaquist said the Board could most cleanly and effectively address the remaining issues if they chose to seek an affirmative claim for relief. Director Krueger moved to move forward with an affirmative claim seeking judicial resolution of the District's rights and obligations related to the Board vacancy. Director Whelan seconded the motion, the motion passed 3-1 with Director Castille opposed.

#### **OTHER MATTERS**

**Item 14 – Discuss and consider Board member duties, responsibilities, and actions.** Mr. Gonsalvez said that it is his understanding that Board members must live and reside in the district, at the address used on the application. Mr. Gonsalvez said it is not legal or ethical to rent a unit in the District and live in a million-dollar residence on FM 1626 and claim a \$300,000 homestead exemption. Mr. Gonsalvez also questions Director Castille's ethics in supporting Ms. Minjarez, who is a convicted felon. Mr. Gonsalvez also asked Director Castille how ethical it is for him to be a sitting Board member when he is named as a defendant in a lawsuit that the Board is involved in. Director Castille said he would pass on commenting on this item. Director Krueger mentioned all Board members get to speak on every agenda item. Director Castille said he knew Director Krueger would shut him down, so he signed up for items. Director Krueger said Director Castille stated in his NextDoor post that she is not an elected Board member and that she was not elected. Director Krueger said that she was appointed to fill a vacancy and the Board appointed her in November 2020. Director Krueger mentioned the last person that Director Castille ran with was not qualified and did not live in the District so the Board appointed her to fill the vacancy.

**Item 15 – Discuss and consider time, date, and agenda items for the next Board meeting.** The Board announced a special meeting will be held on August 2, 2023, and that the next regular meeting will be held on August 16, 2023, at 6:00 p.m. Director Krueger thanked everyone for

attending the Board meeting and explained the public comment requirements and signing up to comment on agenda items.

The meeting adjourned at 7:15 p.m.

(Seal)

A handwritten signature in black ink, appearing to read "Brian Whelan", written over a horizontal line.

Brian Whelan, Secretary  
Board of Directors

Date: August 23, 2023