

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

April 19, 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 April 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

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 6:10 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. Doug Boots, a District resident, had a question about having eggs for personal use and was curious about how to work with the Board for approval to keep chickens, since their neighbors are fine with it. Mr. Boots asked about Section 2 of the SPA. Director Castille said there was a change in the City of Austin property code. Megan Moore mentioned there was a canvassing opportunity with Ryan Alter on the upcoming election.

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

CONSENT ITEMS

Item 3 – Consider approval of the March 15, 2023 meeting minutes and the revised December 12, 2022; January 18, 2023; and February 15, 2023 meeting minutes. Director Peterson mentioned the January 2023 meeting minutes were not in the agenda packet. Director Krueger mentioned changes to the March 15, 2023 meeting minutes. Director Krueger moved to approve the March 15, 2023 minutes with revisions and the December 12, 2022; January 18, 2023; and February 15, 2023 meeting minutes as revised. Director Peterson seconded the motion, and the

motion passed 4-0. Lucas Lee, a District resident, asked about recording the meeting. Director Castille said it was okay to record the meeting as long as it does not interfere with the meeting. Director Krueger mentioned that The Carlton Law Firm records the meeting and provides meeting minutes.

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, including the updated check register. Director Whelan informed the Board that the Armbrust and Brown invoice for \$2,437.50 was received late so the updated invoices total is \$75,831.75. Director Krueger explained that the Pioneer invoice needs to be adjusted to account for removal of one of the larger bulletin boards. Director Whelan moved to approve a transfer of \$76,000 and to pay all invoices, including the Armbrust and Brown invoice and the adjusted Pioneer invoice. Director Krueger seconded the motion, and the motion passed 3-1 with Director Castille opposed.
- (b) **discuss and consider possible action regarding the FY2020 and FY2021 audit report.** The matter was not addressed.
- (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:** The matter was not addressed.

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 routine maintenance was completed for the month. Mr. McKinley said they are prepared for the pool opening day, which is Saturday, April 22. Mr. McKinley explained the options for repairing the lights. Mr. McKinley said that option one would be to replace the gaskets, and the fixtures themselves may still need to be replaced. Mr. McKinley told the Board option two would be to replace the fixtures, bulbs, and gaskets, so the lights could be usable since it gets dark by 8pm. Mr. McKinley said the third option would be to wait until the pool season progresses and then make the pool closing time earlier so the lights aren't needed as much. Director Krueger said the estimated price for the full replacement of the lights is about \$12,500. Mr. McKinley said fixing only the gaskets and bulbs would cost about \$2,950. Director Krueger said she would like to approve quote #1292 for \$12,500. Director Peterson is opposed to the expense and would rather leave the lights off and close at 8pm. Director Krueger mentioned she can update the website with the new pool information. Director Krueger moved to adjust the pool hours with no repair. Director

Castille seconded the motion, and the motion passed 4-0. Director Peterson said the pool fees will remain the same.

Item 6 – Receive report from the District’s landscape maintenance contractor and Park Committee and consider taking related action: Sharon Ture, a District resident, said she lives on Lindshire next to the Duck Pond and requests an adjustment to the drainage to redirect the rain water flow of Lindshire Park. Ms. Ture explained they have had to trench their backyard as the water flows through their property and has knocked their fences down. Director Krueger said the Parks Committee will review the water flow and get back to Ms. Ture. Director Whelan discussed a truck fire that happened in Idyllwyld Park near City of Austin property and mentioned there is an arson investigation. Director Whelan said the City of Austin had been contacted and the truck was removed. Charlie Mowen, with TexaScapes, presented his report. Mr. Mowen explained that the ladybug release was completed and that a car uprooted one crepe myrtle and damaged another in the median on Slaughter Lane. Mr. Mowen said TexaScapes will remove the trees. Mr. Mowen mentioned he is waiting for the weather to improve to apply the ant bait and that all new trees are still alive.

- (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 began to discuss the Garrison Park trashcans that the City of Austin placed. Director Whelan said he has spoken with the City and has contacted the company the City used for recycling trashcans and the company quoted \$40,000-\$50,000 for the entire parks system. Director Whelan also mentioned that bids for the broken tree limbs above 8ft were received. Director Whelan said one bid of \$11,505 for Greenbriar Park was received, and that the bid seems reasonable. Director Castille asked what the original bid was. Director Whelan said the original bid was approximately 50% higher. Mr. Lee, District resident, asked about getting trashcans and a park in Section 5. Director Whelan said he will contact CapMetro regarding the trashcan at the bus stop in Section 5.
- (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 ordered a shelving unit for Greenbriar storage and replaced the rubber fall mats at Greenbriar as well. Ms. Simon mentioned this would be the last meeting she would attend for the District. Director Peterson said the District will miss Ms. Simon and thanked her for the restroom sign. Ms. Simon told the Board she had the magnetic lock inspected. Ms. Simon informed the Board that the push bar works but the magnetic lock does not and would cost \$648 to repair. Director Krueger moved to approve estimate 1751 for \$648 for the magnetic lock repair. Director Castille seconded the motion, and the motion passed 4-0.

- (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:

- (a) **website content:** The matter was not addressed.
- (b) **newsletter:** Director Krueger said the newsletter is out and addressed to Tanglewood Forest Limited District neighbors.

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):** 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. 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.

Item 12 – 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 Disitrcct. Mr. Gonsalvez said he would like to see Director Castille not involved in the case and would rather Ms. Minjarez speak for herself. Mr. Lee asked about the status of the removal and appointment of a new Director in the April 3rd meeting. The Board said the April 3rd meeting did not take place.

OTHER MATTERS

Item 13 – Discuss and consider Board member duties, responsibilities, and actions. The item was not addressed.

Item 14 – Conduct annual review of Code of Ethics and financial investment, travel and professional services policy. Mr. Carlton reviewed the current policy. Director Castille asked if any of the policies have changed, and Mr. Carlton said this is just an annual review and there have been no changes to the policy presented. Mr. Lee asked if all members of the Board are bonded and all Board members responded they are. Director Krueger moved to approve the annual review. Director Castille seconded the motion, and the motion passed 4-0.

Item 15 – Review and confirm District Investment Office Training. Mr. Carlton mentioned Director Whelan will need to complete the training and the Carlton Law Firm will provide information on how Director Whelan can complete it.

Item 16 – Review Resolution Regarding Public Participation at Open Meetings and make changes as appropriate. Mr. Carlton reviewed the resolution with the Board. Director Krueger moved to approve the resolution. Director Whelan seconded the motion, and the motion passed 4-0.

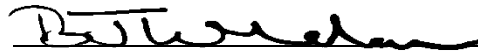
Item 17 – Review and approve quarterly investment report for 1st quarter. Director Whelan presented the investment report. Director Krueger said she would prefer the quarterly report to be written up and presented next month.

Item 18 – Discuss and consider contract for district management services. Director Krueger said the Pioneer contract is up for renewal in September 2023 and wants the District to consider any additional property management company options. Mr. Carlton mentioned the District would need 30-60 days to transition to a new management company. Mr. Carlton told the Board the Law Firm would find a request for proposals for the Board's consideration at the May meeting.

Item 19 – Discuss and consider time, date, and agenda items for the next Board meeting. The next regular meeting will be held on May 17, 2023, at 6:00 p.m.

Meeting adjourned at 6:50 p.m.

(Seal)



Brian Whelan, Secretary
Board of Directors

Date: May 17, 2023