

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

May 17, 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 May 17, 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; Enid Simon of Pioneer Real Estate Services; and residents of the District.

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.**

Noel Gonsalvez, a District resident, said he wanted to confirm Ms. Minjarez has been removed from the Board. Mr. Gonsalvez also asked why Ms. Minjarez was sitting at the Board table when she is not a Director. Mr. Gonsalvez wanted to remind the room that Ms. Minjarez is the only person listed in the litigation regarding her being removed as a Director, the person he believes to be her benefactor is not listed. Mr. Carlton responded that the Travis County District Court has enjoined the District from taking any action to fill the vacant spot. Mr. Gonsalvez wanted to clarify that at the moment Ms. Minjarez is not considered a Director and suggested she be seated with the other District residents. Director Krueger mentioned no motions or votes would be made on her behalf. Mr. Gonsalvez reiterated that Ms. Minjarez is not a Director, cannot vote or make any motions, and cannot have a say on Board items. Director Krueger confirmed meeting minutes will not reflect any votes or motions from Ms. Minjarez. Steve Gerlofs, a District resident, said he would like to know if volunteers are covered by the District insurance when assisting with District events. Mr. Carlton said he would look into that question and obtain a response.

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

## CONSENT ITEMS

**Item 3 – Consider approval of the April 19, 2023 meeting minutes.** Director Peterson asked if the Board had any changes to the April 19, 2023 minutes. Director Krueger made a motion to approve the April meeting minutes as presented. Director Whelan seconded the motion, the motion passed 4-0.

Mr. Tim Cunningham, a District resident, asked when the approved minutes would appear on the District website and discussed the need for correcting the misuse of censor and censure. Director Krueger said that a meeting minutes update would be provided in the Communications update in item 8.

## REPORTS AND COMMITTEE MATTERS

**Item 4 – Receive report from the Finance Committee and Treasurer and consider taking related action regarding the following:** Mr. Cunningham said the 2023 budget is a PDF that can be downloaded but the PDF is not user friendly and difficult to understand. Mr. Cunningham said the budget should be in a single page format and suggests the Board revise or correct the issue. Mr. Gerlofs asked if the FY2020 and FY2021 audits have been presented to the Board yet. Director Krueger responded that the two audits are currently underway at the moment.

- (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 discussed the balance sheet with the Board and mentioned there would be an adjustment to the profit and loss page. Director Whelan mentioned the check register total for this month is \$57,438.62. Director Whelan recommended a transfer of \$58,000 from the savings to the checking to pay invoices in the check register. Director Krueger made a motion to approve the check register and approve the \$58,000 transfer from savings to checking for payments. Director Peterson seconded the motion, the motion passed 3-1-0 with Director Castille opposed. Director Castille said he is opposed to the motion as he does not think the Carlton Law Firm invoice should be paid.
- (b) **Review and approve quarterly investment report for 1<sup>st</sup> quarter.** Director Krueger mentioned the investment report was only for the reserve account and the second investment report can be considered in the June meeting. Director Krueger made a motion to approve the 1<sup>st</sup> quarter investment report for the reserve account 7607. Director Castille seconded the motion, the motion passed 4-0.
- (c) **discuss and consider possible action regarding the FY2020 and FY2021 audit report.** The matter was not addressed.
- (d) **discuss and consider possible action regarding proposal for FY2022 audit.** The matter was not addressed.
- (e) **amendments to the budget for FY2023:** The matter was not addressed.
- (f) **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 there were 51 total entries for the month of April. Mr. McKinley said there were no incidents or rescues to report. Mr. McKinley said routine maintenance and chemical checks were performed. Director Whelan asked how the current situation compares to last year. Mr. McKinley responded that there had been bad weather recently, but the turnouts have picked up since then.

**Item 6 – Receive report from the District’s landscape maintenance contractor and Park Committee and consider taking related action:** Mr. Mowen stated TexaScapes has continued to remove fallen limbs especially from drainage channels. Mr. Mowen also said there are two Myrtle trees on the Slaughter median that he suggests should be cut down and resprouted.

- (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 Peterson said there is a broken drinking fountain and the parts to repair it have been ordered.
- (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:** Mr. Gonsalvez wanted to discuss an issue with dumping at the Roxanne and Rachel Court fourplexes. Mr. Gonsalvez said he called 311 and was told the property owners were contacted. Mr. Gonsalvez would like to find a long-term solution and Mr. Gonsalvez plans to speak with Ryan Alter, the City Council Member for the District, to request additional clean up days. Mr. Gonsalvez spoke with a junk removal company called Smiley’s for clean up assistance and is worried people may see the clean up effort as an opportunity to dump more things but does not think that should stop the District from attempting to find a way to clean up. Mr. Gonsalvez would like the Board to consider using Smiley’s to clean up and received a quote of \$1,500 per truck and would like the District to put up ‘No Dumping’ signs.

- (a) **management services, and related issues:** Director Castille told Ms. Bocanegra that there is an item on the agenda regarding communication with Board members and that the Board does not want her to communicate with him. Director Castille said Director Krueger will tell Ms. Bocanegra that she should not recognize or speak with Director Castille, and Ms. Bocanegra should feel free to treat him as the other Board members do and pretend like he is not there. Director Peterson said the Board does not trust Director Castille and there are reasons for the distrust that don’t need to be mentioned at the moment.
- (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 presented the report as provided in the packet and said she will be the new community manager that works with the District. Ms. Bocanegra said Community Lock will be on site tomorrow to fix the bathroom door timer at Tanglewood Park. Ms. Bocanegra said the movie night is set for Saturday June 3<sup>rd</sup> and has confirmed with Blue Moon Cinemas and

is making sure all exterior lights are working. Ms. Bocanegra said she is working with the City of Austin regarding the homeless camp at Idyllwild Park. Director Krueger said she is looking forward to the June 3<sup>rd</sup> movie night and said the District will have popcorn and water as it does every year. Director Krueger also mentioned food and picnics are encouraged and pets are allowed if they are on a leash.

- (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:** Mr. Cunningham is concerned about the quality of the District website and said he doesn't know who the webmaster is. Director Krueger said she is the webmaster. Mr. Cunningham encourages the District to hire a professional to ensure the material on the website is easy to download. Mr. Cunningham thinks the District should look at the Anderson Mill Limited District website and suggests prioritizing website improvement.

- (a) **website content:** Director Krueger discussed the meeting minutes process and said the minutes for this meeting will be reviewed at the June meeting. Director Krueger also mentioned revisions are normally made to the minutes, the revisions go to The Carlton Law Firm, the edits are made, then the edited minutes go to Director Whelan who reviews the minutes to ensure they are edited as per Board member feedback before signing and returning to the law firm. Once the law firm receives the signed meeting minutes, they are sent to Director Krueger for posting to the District website. Director Krueger mentioned she received the revised meeting minutes from December 2022 to March 2023 today before the meeting and all will be posted tomorrow. Director Krueger explained that the meeting minutes from December 2022 through March 2023 were edited to remove every motion and vote made by Ms. Minjarez.
- (b) **newsletter:** Director Krueger said positive feedback was received about the District newsletter that went out last month and said any feedback can be sent to her District email address at [nikki@tanglewoodforestld.org](mailto:nikki@tanglewoodforestld.org). Director Krueger said the next newsletter will be going out in the July/August timeframe and residents can send content suggestions to her at her District email address.

**Item 9 – Receive General Counsel report and consider taking related action regarding the following:** Mr. Carlton explained that Director Castille sent him an email expressing his displeasure at Mr. Carlton's representation of the Board and the District and he has provided the Directors a copy of the email. Mr. Carlton stated he works at the will of the Board and said if the Board is dissatisfied to please let him know.

- (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 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 299<sup>th</sup> 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 District.** Mr. Cunningham commented on the number of agenda items on the agendas and would like to see more information on this item. Mr. Cunningham also commented on the agenda posting being 24 hours before the meeting. Director Krueger explained the agendas are posted at least 72 hours before the meetings on the District website and at the physical location. Mr. Cunningham asked that the Board expand its communication potential.

## **OTHER MATTERS**

**Item 13 – Discuss and consider Board member duties, responsibilities, and actions.** Mr. Gonsalvez said given Director Castille's past actions he thinks Director Castille will be questioning the attorney's fees regarding the case against Ms. Minjarez. Mr. Gonsalvez has reviewed comments posted on the NextDoor website and the deposition and Director Castille has stated the Board has \$300,000 in legal trying to sue a bankrupt company for \$12,000. Mr. Gonsalvez thinks Director Castille has no real idea how much the Board has actually spent on the case. Mr. Gonsalvez discussed Director Castille's relationship with Horizon HOA and mentioned all the taxpayer money being spent is because of Director Castille. Director Castille responded and said he has been gone from Horizon HOA since June of 2018, a full year and a half from the Tanglewood vs. Horizon cause of action. Director Castille also stated Mr. Gonsalvez's comment is not worth responding to as it is the same bull\*\*\*\* every month. Director Krueger mentioned that last month Enid Simon announced that she would be resigning and the District would have an agenda item to discuss the upcoming Pioneer contract renewal. Director Krueger informed the Board that Director Castille contacted the owner of Pioneer Services to tell them the District would potentially be replacing them. Director Krueger asked Director Castille not to reach out to vendors. Director Castille said Director Krueger does not have a choice and this must be the tenth time she has asked him, and Director Castille doesn't know what she needs to hear to know she is not the boss and he was elected by the taxpayers. Director Castille said he was elected to do a job and if she doesn't like it then he's sorry that she doesn't like it. Director Krueger said Director Castille

should not be contacting people in the middle of a Board meeting. Director Peterson said he was also elected, and Director Castille responded that Director Peterson doesn't get to tell him what to do. Director Peterson said he would not tell Director Castille what to do because Director Castille wouldn't listen anyway. Director Peterson mentioned Director Castille seems to think he is smarter than everyone else, and Director Castille has posted online saying that. Director Peterson apologized for his outburst.

**Item 14 – Discuss and consider request for proposals for district management services.**

Director Krueger moved to authorize The Carlton Law Firm to prepare a scope of work to share with Pioneer and three other property management firms. Director Krueger mentioned having the firms come to the June meeting to make their pitches and have the Board make a decision at the July meeting. Director Peterson seconded the motion, the motion passed 3-0-1 with Director Castille abstaining. Director Castille asked what the problem is with Pioneer that the Board wants to solve. Director Peterson said there is no specific issue and would like to look at other vendors to see what they may be able to offer. Director Krueger said vendor contracts are on a two year basis and they all end at different times.

**Item 15 – Discuss and consider time, date, and agenda items for the next Board meeting.**

Director Castille asked to add an agenda item to review and approve Ms. Minjarez's bond. There was no second. The next regular meeting will be held on June 21, 2023, at 6:00 p.m.

Meeting adjourned at 6:37 p.m.

(Seal)



Brian Whelan, Secretary  
Board of Directors

Date: June 21, 2023