

## STATE OF TEXAS

## COUNTIES OF POTTER

## AND RANDALL

## CITY OF AMARILLO

On the 2<sup>nd</sup> day of February 2022 The Colonies Public Improvement District (PID) Advisory Board met at 10 AM in room 203, second floor of the Jim Simms Bldg., 808 S. Buchanan St., Amarillo, Texas, with the following people present:

| VOTING MEMBERS  | MEMBERS PRESENT | TOTAL NO. MEETINGS HELD SINCE APPOINTMENT | TOTAL NO. MEETINGS ATTENDED SINCE APPOINTMENT |
|-----------------|-----------------|-------------------------------------------|-----------------------------------------------|
| Clark Damon     | Yes             | 1                                         | 1                                             |
| Tracy Byars     | Yes             | 42                                        | 40                                            |
| Allyson Flaming | Yes             | 1                                         | 1                                             |
| Jason Burr      | Yes             | 7                                         | 7                                             |
| Josh J Langham  | Yes             | 1                                         | 1                                             |

### CITY OF AMARILLO STAFF:

Justin Oppel, Development Services  
Devin Jones, Development Services  
Leslie Schmidt, Legal

### OTHERS IN ATTENDANCE:

Calandra Randolph, FIMC  
Brittany Stephens, FIMC  
Cleve Turner, TLA  
James Shelton, TLA  
Matt Griffith, Rockrose.

### ITEM 1: Approval of Minutes from the June 24, 2021 meeting

Jason Burr called the meeting to order and explained that the previous meeting was very quickly put together to discuss budget related items to fix the emergency issue, and that's really all it was, a quick meeting to approve. He asked if there were any questions on the minutes from the previous meeting. Tracy Byars motioned to approve the minutes as presented, Josh Langham seconded the motion.

### ITEM 2: Discuss ongoing PID improvement maintenance items

Jason gave the floor to Calandra to discuss the ongoing maintenance items. Calandra stated that she provided them some information to go over, including the spreadsheet that she updated from June, including items that were discussed at that meeting but no action was taken. There were many things being discussed at the previous meeting that took precedence, but there were many questions for TLA that needed clarification.

Calandra stated that the first order of business to look at was the damage at the end of Spartanburg cul-de-sac, and it was difficult to get around that cul-de-sac if there was another car parked at the end of the street. However, the grass has grown over the damage, and Calandra wasn't sure if the board wanted to pursue the fix that TLA had planned. Cleve stated that if you cut that corner when it's wet, then the problem will continue to get worse if it's left the way it is. Something needed to be done, even if it was just a concrete cap, or something along those lines. Jason asked if Custom Gardens was to blame for this, and Cleve stated he didn't want to point fingers at anyone. Jason stated that they had some flexibility in which they can use their funds to fix issues with. He stated that in the past if it was a small cost like 2-4 thousand dollars worth, they just wanted to fix it and continue on, however this was estimated at about \$16,000 a while back, and there was no new bid. Calandra stated that she didn't want to move forward with anything until the board had discussed and decided what they wanted to do about this issue. Jason stated that he thought they needed to go through everything that needed to be done, and then prioritize. Jason then explained to the new board members that they had a 5 year budget,

that was revisited and approved every year to make certain that they would have enough funds down the road, and be able to project projects out a year or two if they needed to.

It was suggested to do an arc and pavers in order to keep people from parking on it and destroying the surface, as well as to match the rest of what had been done in the Colonies so far, and keep it from looking like they had just come in to cheaply fix the issue. Cleve stated that if they were going to ask for an updated price they might as well ask for both options.

Calandra stated the next set of items, was for Botany and Agriculture, and she turned it over to Cleve to explain. Cleve stated that they were assessing the pine trees one by one because some of them were damaged by the freeze, and sometimes they grow laterally, and sometimes that's okay, but some of them are damaged and will never recover. He stated that all the damage was from the deep freeze last February, and though those trees are fairly cold hearty for this part of the world, that freeze was severe and rapid, and the plants simply weren't prepared for it. Cleve stated that he consulted with 12 different arborists, who had PhD's from universities around the state, and they all recommended waiting until at least last fall to do anything as far as feeding and pruning, just to see what would come out. Cleve stated that's the reason for the delay, but they are going around and assessing each individual tree. Jason asked what the estimate of time would be. Cleve stated it should be towards the end of the month.

The roses are diseased, and as far as Cleve knows, there is no cure for it, so the only solution is ripping them all out and putting them in the landfill, but the treatment that they tried about a year ago didn't work at all.

Jason stated that there was no reason to rework the drainage channel other than aesthetic purposes, as it functions just fine the way it currently is. It would be very costly to change it, and it would be best to wait until those upstream lots are no longer just dirt.

Calandra stated that they had a homeowner repeatedly calling and asking about the staining of the bridge house. Calandra brought updated pricing from two different sources. The board did not agree with one contractor that wanted to use wood putty in the cracks on rough cedar. Jason asked if it needed to be retreated every now and then. Cleve also stated that they did not need it to be scraped, that it just needed to be stained. Jason asked if perhaps there was a better way to ask them to bid for it to get what was needed and not have it bid out like a paint job. The decision was to ask for it to be power washed and stained.

The board moved on to the next item, which was the Valcour Drive ground lighting. Calandra passed this over to Cleve as well to explain the situation. Cleve stated the issue was that with the mowing, the light fixtures being short domes, they've been damaged by the riding lawn mowers used by their landscape company. Many options had been looked at, between replacing the lighting fixtures, to expanding the concrete around the light fixtures to keep them from being hit quite so easily by the riding lawn mowers.

Cleve talked about how the controllers were having to be updated to the 4G controllers for irrigation, since the 3G had been shut down. The opinion was to get it done because it needed to be done. They have been trying to get the controllers to work properly, so that overwatering wouldn't happen. It was stated that since the controllers have been put in, in a single area, they watered \$1000 less in a year. It was also requested to check into whether the PID could be charged the commercial water rate verses the residential water rate. Leslie stated that Finance does a quarterly summary, and the finance director could look at what they are looking at for these rates.

Cleve stated they were supposed to save a lot of money with the smart watering, however it had been to this point a reactive issue. When someone called in, they adjusted, but from now on TLA also has control, not just Amarillo Integrated, so they can monitor the watering and adjust as necessary rather than just being reactive. Cleve stated that the business of cranking the water up

because it's not perfectly green needs to stop, for funding's sake if nothing else. Clark asked if a motion needed to be made to use the \$7000 for the irrigation system. Leslie said that the agenda was just set up to discuss, not to consider, so if that's what they decided to do as a consensus, they could do it, but they did not need to make a motion for it.

Calandra stated that on the tree lighting, she had gotten an updated bid from McCracken. She stated there were 6 that needed to be replaced, but the updated pricing was \$7,870 to replace those lights. Calandra stated that McCracken has not had a chance to go back out and verify that there aren't more out. Jason asked if that was something they needed to lump in with the rest of the Valcour lighting to make it one project. Cleve stated that he would do it all at one time. Jason asked if any of the concrete and lighting work could be done in February/March, or would it be better to wait for April/May. Steve stated getting it done in February and March, it would be cooler, and they wouldn't have to worry about the watering getting in the way. Jason asked if this lighting was a priority. Cleve stated that he didn't feel it was as high a priority as replacing trees and shrubs that were more visible. He suggested that they wouldn't be able to do the landscape all at once, they'd have to bracket it and do some in the spring, fall, next spring, just take it a piece at a time. He stated that if they felt like they had received a lot of decimation here, downstate, and in Oklahoma, in the nurseries where they were all grown, they were wiped out there too, so the supply was not high either. Jason asked if Calandra had any complaints about the Valcour lighting. Calandra stated that no, not recently, but the whole reason they investigated this was because residents were complaining about them not working.

There was a brief discussion of what the budget items were and how much was in each item. Cleve stated that they would provide a list of everything they wanted to do for the landscape for them, so they would be able to prioritize them. Jason suggested that the board members need to sit down with Matt and look at the budget again, for a refresher for the old board members, and informational for the new board members.

It was stated that they would get the irrigation modems would be taken care of. Jason asked about the damage to the brickwork coming in off Hillside. Calandra stated that they were working on getting that fixed. Jason stated so the board was aware, the HOA was working on getting more and better cameras to monitor the area to hopefully be able to catch things like that happening in the future, and the HOA will oversee them. Calandra stated, on that note, since those cameras would be on PID property, if the City would have any issue with that. Justin asked if they would be on poles or on fences. Calandra stated mostly on poles, in common areas. Justin stated he'd double check on whether that was alright and get back to them.

ITEM 3: Consider for recommendation PID landscape maintenance agreement addendum for tree care

Cleve stated that he disagreed with this one. Calandra explained this came to her from Kelley before he left, and let Justin take the floor. Justin stated that after TLA did the bid specs, the bid was sent out and the city received the bids back from Amarillo Integrated, Custom Gardens, and Ramirez. Justin stated that once they got some bids back, there was some questionable language that needed to be updated. So, the purchasing department made some changes to the contract and sent them back out. Justin stated that for Keith Stewart, the initial bid packet that came back before the tweaking of the term language, included a base bid of \$109,000 then a spreadsheet that included the tree maintenance for \$56,000. Once that language was sent out, he returned the second bid, which did not include the tree spreadsheet, and the total bid was \$276,000. Justin stated that he supposed, Keith was unable to do the tree maintenance for this \$276,000 quoted price. The addendum that's included in the agenda, is for that additional \$56,000, which brought the total around \$333,460. Justin stated that even with that new total, the bid was significantly less than the bid that came in second, and that this was the low bid. Calandra stated that Ramirez was \$576,000. Justin stated that where they were at now, that it was now for the board to decide

and consider whether they were going to accept that addendum into the contract. Justin stated that Amarillo Integrated would not be able to prune and maintain the trees without this additional addendum.

Cleve stated that he felt like this was a legal issue, because Amarillo Integrated stated that they didn't see an itemized list of what needed to be done, but it was part of the base bid. Jason said the most important part, was if they were doing a good job. Calandra said it really hadn't been long enough to tell. Cleve stated that it was an interesting situation to set expectations with them for what needed to be done for the PID. That the first few months, they were just not acceptable, but he felt like they got them to understand what the expectation was. Jason asked if they had been open to suggestions, and Cleve stated yes they were. Clark asked for an example. Cleve stated that they were not edging at first, but it was in the contract. Mowing, and not catching the clippings, and leaving it all over the sidewalks. Cleve stated that they had a lot of high school kids working for them, and it just took someone a little older with some authority to let the know they can't do those kinds of things. He stated that he felt things were straightened out, but they would see come spring. However, he vehemently objected to the addendum for more money to prune the trees, and that he felt like they were breaching the contract.

Jason stated he never received anything except for the bid that was for \$109,000 and the spreadsheet of \$56,000. Cleve wanted to know why the bid wasn't written for the whole amount, and why they had to have a separate spreadsheet for \$56,000. Justin stated that was the original bid, the second bid did not come in with the spreadsheet, and they go off the most recent received, which was the \$276,000. Cleve stated that this was a big boy's game, and when contractors leave something out, they have to eat it. Jason stated that when it was still him, Tracy, and Calandra, they were concerned how he was going to be able to do the job requested for the cost quoted, but they were the low bid, and it sounded like they were in a breach of contract. Cleve stated he didn't want to break anybody, but somewhere in the purchasing and legal process with the City, somebody dropped the ball. Calandra stated that she believed they were told they weren't supposed to turn in the tree care. Cleve said that it was in the general specifications of the bid, on a contract for three years, so that they whole thing could be done in three years. Jason stated that the trees were separated out because they weren't doing the trees, they were subcontracting it out. Jason verified that the contract was written for the \$276,000, and the spreadsheet was not included with the \$276,000, and now they've realized they still need that \$56,000. So it went from \$175,000 to \$340,000. Cleve stated no, he didn't agree with that at all. Clark asked how it went from \$109,000 to the \$276,000 to begin with. Jason stated that something happened behind the scenes that nobody was privy to. Jason wondered if that kind of money was even in the budget. Calandra stated that their contract fee was set at \$180,000, because that's what they'd expected it to be.

Leslie asked why it was rebid and where the \$276,000 came from. Jason stated that no one knew, other than the fact that Amarillo Integrated came in and had undercharged themselves to begin with, and that the board had no clue where the \$276,000 came from or knew anything about it. Cleve stated that he had heard that Amarillo Integrated stated that they wanted extra money to do the trees, but he rejected that because it was in the general conditions of the contracts. Jason asked if Cleve had any discussions with Keith about this. He had not, and Jason asked if he needed to have a discussion with him about it, or if he did not want to be a part of it. Cleve stated that he wanted to have a discussion with somebody from purchasing and legal to know what happened. Jason agreed, that they needed to know what happened, and needed to know where that discussion came from. Leslie stated that she would check with purchasing and see what happened as well. Leslie stated she'd have to go back and look at the wording of the contract to see if they were breaching it. Clark asked if they would have to terminate the contract with them if it was in breach since it was a public bid. Leslie stated that she would check into that, as it depended on the wording what they would need to do.

Jason then stated that the \$276,000 was for a 40 month contract, not annually like they had thought. He stated that they showed \$109,000 annually, plus the spreadsheet. Jason stated they

wanted to know how the purchasing department rates cost, etc, so they know why Amarillo Integrated was awarded the bid. Jason wanted to work things out at the end of the day. Cleve agreed, but what's fair is fair and what's right is right.

Leslie suggested they table the item until the next meeting since the agenda item did call for action. Jason agreed and asked when everyone could meet next. Leslie suggested towards the end of March or early April if they were looking for financials.

Josh made the motion to table, Clark seconded. Unanimously decided to table the discussion until the next meeting.

ITEM 4: Discuss future agenda items

Calandra stated that the budget was something that needed to be discussed next meeting. Jason stated that the new board members should probably sit down with Alyson and take a look at the budget, as it was very helpful.

ITEM 5: Adjourn meeting

There being no further business, the meeting was adjourned.