

STATE OF TEXAS

COUNTIES OF POTTER

AND RANDALL

CITY OF AMARILLO

On the 9th of May 2023 The Colonies Public Improvement District (PID) Advisory Board met at 10:00 AM in room 306, second floor of Amarillo City Hall, Room 306, 601 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	11	11
Luke Austin	No	4	3
Allyson Flaming	Yes	11	3
Jason Burr	Yes	17	17
Josh J Langham	No	11	10

CITY OF AMARILLO STAFF:

Justin Oppel, Development Services
Carrie Roberts, Development Services
Leslie Schmidt, Legal
Blair Snow-McCurdy, Finance
Matt Poston, Finance

OTHERS IN ATTENDANCE:

Calandra Randolph, FIMC
Andrea Vance, FIMC
Jason Habeger, TLA
Cleve Turner, TLA
Matt Griffith, Rockrose Development
Bill Chudej, FIMC

ITEM 1: Call to Order

ITEM 2: Approval of Minutes

2.A. Approval of Minutes from the March 21, 2023 meeting

Clark motioned to approve the minutes as presented. Allyson seconded. The motion passed unanimously.

ITEM 3: Items for Discussion

3.A. Discuss Financial Statement Review

Jason motioned to table this item, and Clark seconded. The motion passed unanimously.

3.B. Discuss and Consider Operations and Maintenance Electrical Services Three Year Contract

This item was a duplicate of 3.F. See item 3.F. for details.

3.C. Discuss the Request for Reimbursement from Developer for Landscape Maintenance

Jason asked if there was any update on this item. Blair stated that per finance and legal, they would not be able to reimburse Rockrose since there was not a contract in place and procurement law was not followed. Jason stated that there were months of discussion with Brian Williams, and he asked if that was his recommendation. Leslie stated that yes, that was his recommendation. Matt and Jason both stated that was the opposite of what they had been told up until that point. Leslie stated that was Brian's recommendation, that she had spoken to him that morning, and he had told her that. Matt asked what would happen to the money that was meant to be paid to the previous contractor. Leslie stated that it would stay with the PID. Matt asked for clarification if the PID board had the authority to

decide how that extra money was utilized. Leslie stated that they could use it for other things like landscaping or things needed for the PID. Matt clarified that even though this situation was directly related to the maintenance of the Colonies, the board could not choose to use it to reimburse the developer. Leslie stated that the board could use it for whatever other things they wanted to use it for. Matt asked since this was for maintenance for the Colonies, that they could use it for maintenance. Leslie stated sure, that they could. Matt stated, then there was a chance they would be able to be reimbursed some of that to the developer since that's what it was for. Leslie stated that they could not for the period between Amarillo Integrated being removed, and the acquisition of their current contractor. Matt asked if the Colonies would have been able to use the money that had been slated for payment to the previous contractor, to find a bid for maintenance to have gotten them by during that time in between contractors. Leslie stated that they cannot, because they had to go through the procurement process, and that it was determined not to be an emergency. Cleve stated that he would argue that it was an emergency. Leslie stated she understands that he would, but she was telling him that the City had determined that it was not an emergency. Jason asked why they and their attorney had been under the understanding that they were all working towards a reimbursement, and then communication ceased, and now there was a firm decision made without any communication with the attorney.

Blair then asked if Matt had any kind of bidding process when he selected the landscaper. He stated that he asked for pricing from several but went with the one that could in fact swoop in and save the day. Jason stated that he had called five different landscapers, and all of them told him that they could not handle or did not want the job. Blair asked if there was any record of this with purchasing. Jason stated that no there was nothing submitted to purchasing, because they were not given any direction or guidance for the situation. Leslie stated that this all happened because they fired the contractor that was on the job, and once that happened, everything rippled from that. She stated that there might have been other things that could have been done, but they would have had to have been involved much earlier on. Because the City did not fire them, and they were a part of the contract. Jason stated that both parties, The Colonies, and Amarillo Integrated agreed to cancel the contract, but from the point that they knew that they were going to be getting rid of their contractor, they knew they were going to have a problem until Custom Gardens took over maintenance. He stated that Rockrose stepped in because they didn't want it all to die. Matt stated that during the meeting with the City Manager's team, Bryan McWilliams, Floyd Hartman, and Jared Miller stated that they could reimburse Rockrose for the amount of money that had been left in the contract for Amarillo Integrated. He stated that for anything over that he was aware that would be a tossup.

Jason requested a meeting with the City Manager, The City Attorney, the Colonies attorney, and Matt Griffith from Rockrose to try and sort out the issue, due to them being told one thing, and now being told the complete opposite. It was decided to address this at a later date with those people.

Matt further asked if there was any way to deem this kind of situation as an emergency, because it was spending \$40,000 to prevent \$500,000 worth of damage. Leslie stated that they had looked for any other case that might be similar, and that they had found none. Blair suggested a contingency contract, and Leslie stated that the Legal department would have to investigate that.

3.D. Discuss and Consider 2023/24 Budget and 5-year Service Plan

Jason motioned to table this item, and Clark seconded. The motion passed unanimously.

3.E. Discuss Utility Water Usage

Jason motioned to table this item, and Clark seconded. The motion passed unanimously.

3.F. Discuss and Consider Electrical Maintenance Bid

Jason asked if Calandra believed they had everything they needed and were ready to vote on this. She stated she believed they had everything they needed. Jason stated that they had dozens of lights over in the Colonies, and that they were struggling to get bids for the lights. So they are approaching the thought of having a contract with an electrical contractor, with a pre-specified pricing structure. So that any time they need a light fixture fixed, they can just go speak to the contractor rather than having to try and get three bids for the light fixtures. Justin stated that the scope of work was modeled after what Parks and Rec did for similar issues with electrical.

Clark made a motion to approve the scope of work to be sent to the City's Purchasing Department. Allyson seconded. The motion passed unanimously.

3.G Discuss and Consider Flowerbed Bid

Jason explained that Jason and Cleve from TLA had put together a master plan for the Colonies flower beds. It includes every flower bed, and what can be saved, and what needs to be replaced. Jason stated they were wanting to get that out to Purchasing so that they can get that sent in to purchasing to get the ball rolling on it. The number that was applied to what that would cost would be between \$250-\$300 thousand. Jason stated that Luke is working on the budget, but they don't believe that they can pull that off in this fiscal year. Jason stated that he would like to be in a place where they could start sometime next fiscal year, after the end of winter. Jason stated that it also depended on how fast it came through purchasing.

Clark moved to approve the scope of work to be sent to the City's Purchasing Department. Allyson seconded. The motion passed unanimously.

3.H. Discuss and Consider Tree Care Bid

Jason asked for an update on the status of the Tree Care Bid. Cleve proceeded to give an update on the Tree Care Bid. He stated that there were so many variables, so they were taking an approach of outlining what they want the contract to do, as well as a very detailed unit price bid sheet that will show material, labor, equipment, and markup per tree. Cleve stated that the good thing is that they won't be paying ahead of time for something they might not need, but the bad thing was there was no assurance for how much it would be. But he felt this was the only reasonable approach on how to do it. He has also asked for an inspection once a month and reporting back to Calandra.

Clark made a motion to accept the tree care bid and send it over to purchasing. Allyson seconded. The motion passed unanimously.

3.I. Discuss the Placement of Political Signs within the PID Common Areas

She stated that they were having an issue having a political sign removed from a common area on Hillside, and she wasn't sure if there could be a rule that it wasn't allowed in the PID area, but she stated that it sounded like they could fall back on the fact that it is city property, and it's just not allowed there. Jason stated that in the board's opinion, it should be a city problem, not an FIMC problem. Justin stated that there **are** three different ordinances that address political signs, and the main one stated that it couldn't be in the right of way. He stated that realistically if a City Employee was pulling up political signs, it would be plastered all over the news, and could be skewed. So they operated that all political signs had to be removed within 30 days of the election, so they would wait the 30 days, and any signs that were still out they would go pull them. He stated that in conversations with Calandra, that it was city property and city staff *can* remove signs, just with the implications that are tied to that were not good.

3.J. Discuss and Consider Ongoing PID Operations and Maintenance

Calandra spoke on the fence repair where the city trash truck had damaged the brick. She stated that she had a bid from Joe Soliz and had the approval to move forward with that but that she had also met with Texas Masonry, and she wanted to give them the opportunity to bid on things as well. She stated that they would see where they came with the bid, and they would go from there. Justin stated that everything had been worked out with solid waste, and risk management as well. Jason stated that it was his understanding that Risk Management had not liked the contractor's cost and had requested that they get additional bids. Justin stated that he was unaware of that.

Calandra stated that she's still working on the Vexus issue, and that they were in the process of getting an estimate for the copper letters for the fountain. The dormant feeding oil for the trees was completed the last week in April. On the mulch rings, there was a consideration of potentially being a little more strategic on where they would go rather than just going through and doing them on every single tree. She stated that they were also going to be looking at the drip lines around those trees to see if they needed to keep them, or if they could cap some of them off if they weren't needed. The minute hand was replaced, but in doing so Skyrite ran over one of their light poles, so that needs to be replaced, but Skyrite will be paying for that. The fountain is up and running, and they are getting estimates on removing the dirt, silt, and vegetation under the bridge house.

Calandra stated that they were working on the areas that still needed to be seeded and sodded. She explained that TLA was going to be going out with two different colors of spray paint and mark the areas that needed to be seeded and sodded. Green Plains had provided an estimate on irrigation repairs for \$7,200. They are asking for additional information on that before providing a notice to proceed. FIMC is obtaining bids for trimming all the trees in the Colonies area, and they are getting them all trimmed now so that once they award the bid, it will be easier for the contractor to stay on track with a three-year schedule for trimming. The thirteen light poles that they had realized had lights out were being worked on to replace those bulbs with LED lights.

3.K. Discuss Future Agenda Items

There were no future agenda items mentioned other than the tabled items from this meeting.

ITEM 4: Adjourn meeting

There being no further action, the meeting was adjourned.