

STATE OF TEXAS

**COUNTIES OF POTTER
AND RANDALL**

CITY OF AMARILLO

On the 12th day of January 2022, The Greenways Public Improvement District (PID) Advisory Board met at 10:00 AM at the Llano Real Estate Group Office located at 7639 Hillside Rd, Ste 300, Amarillo, Texas, with the following people present:

VOTING MEMBERS	MEMBERS PRESENT	TOTAL NO. MEETINGS HELD SINCE APPOINTMENT	TOTAL NO. MEETINGS ATTENDED SINCE APPOINTMENT
Tommy Stafford	Yes	3	3
Stephen Carter	Yes	23	18
Jeff Greenlee	Yes	3	3
Kim Dryden	Yes	17	11
Seth Thomason	No	10	9

CITY OF AMARILLO STAFF:

Kelley Shaw, City of Amarillo
Leslie Schmidt, City of Amarillo
Devin Jones, City of Amarillo
Rich Gagnon, City of Amarillo
Alan Harder, City of Amarillo
Debbie Reed, City of Amarillo
Justin Oppel, City of Amarillo
Donnie Hooper, City of Amarillo

OTHERS IN ATTENDANCE:

Sara Nickson – HOA Manager

ITEM 1: Approval of Minutes from the October 20, 2021 meeting

Kelley opened the meeting and established a quorum. Kelley began the meeting by introducing the excessive staff from the city for the meeting, then moved on to the first item of approving the minutes. Kelley apologized for the minutes being later than normal to review, but he explained that it was a long meeting, and the minutes took quite a bit of time to type out. Mr. Jeff Greenlee motioned to approve the October 20, 2021 minutes with changes and was seconded by Tommy Stafford. The motion was approved unanimously.

ITEM 2: Discuss City of Amarillo drainage fee, history of drainage fee charges to the Greenways PID, and consider possible actions related to drainage fees

Kelley stated that he kept the same item description as the last meeting to give the board leeway to be able to discuss anything that they needed to in regard to this issue. Kelley gave a brief overview of the situation to make sure everyone was understanding the situation. In 2015 the board had a question about the drainage fees that had been enacted by city ordinance. There were some questions about what was being charged, and the board at that time as well as the developer didn't think that the drainage from the parkways into the playa should be charged a drainage fee, because Eddie had ownership of the playa lake. There was a question about if it wasn't going into city facilities, and instead going into a private playa lake, if there should be drainage fees being charged. The playa lake wasn't only owned by Eddie, and the city is actually the flood plane manager, so there has been some work done on the playa by the city. The acting City Manager at the time, Jarett Atkinson was made aware of the situation, and he said

that he didn't really agree with it, but he understood the reasoning behind the request and ultimately stated that the would suspend the drainage fee charges. From that point forward, that was the way things went, until Shane asked if there would be any refund on the charges paid previously. There was never really a clear answer, though the clear answer should have been no, and in hindsight there should have been some sort of formalized agreement on that, but there was not one made. Kelley left the department with the PIDs, and after that there was a new manager, each time someone new came on board, they would have to ask questions and get the information all over again. There was quite a bit of staff turnover, so questions were never properly answered. It was an unfortunate event on the City's side, and something they could have and should have done better. Steve brought up during the time that Cathleen oversaw the PIDs, what accounts were being charged to the Greenways PID for drainage. The list that was brought up had some accounts that weren't in the Greenways, or ones that shouldn't be paid for by the Greenways PID. Kelley stated that he felt what the board needed to know, was what the board was being charged and for what. He stated that there would not be a refund, and that the second thing they needed to know was how to move forward.

Kelley stated that Debbie and her department went on a deep dive for information to see what all has been paid by the Greenways PID and to where since 2015. He explained that is most of the packet provided, that audit showing only three ever billed and paid by the Greenways PID fund. Kelley stated that he did not know where the previous list came from, but it had been incorrect. Kim asked why there was not going to be a refund. Kelley stated that the fees were suspended, and there was no mention of any refund by anybody. It was questionable whether the fees should be suspended in the first place, and so that's why there is no refund. Kim stated that it would be difficult to explain to the Greenways residents why there is no refund. She stated that it would be frustrating for them not to fight for a refund, considering that those fees were only to pay for landscaping. Kelley stated that it's not his place to tell her whether she's right or wrong, he completely understood where she was coming from. However, the fact of the matter is when he talked with management about all of this it was stated that there was no refund originally spoken about, and not one coming. Kelley also stated that the drainage fees never should have been suspended in the first place, and if they wanted to pursue the path of trying to get a refund, then it would have to go through the city manager's office. He said he didn't even think that the ordinance gives the city manager the ability to suspend those fees, and at the time there should have been a formal document written up.

Steve stated that this problem has ragged on, in part because the board was told that the refund had been paid, so the question was where was it at. Kelley asked if Cathleen was the one who told the board that, and Steve explained it was Muff. Kelley stated that this had been talked about in the last meeting, that he felt like a wrong word had been used, or wrong context, because he felt like Muff was addressing the two accounts that were being paid by Greenways PID funds that were actually meters in the colonies. Those two meters were taken off the Greenways accounts, but they did go back and refund the PID fund the money for those two accounts.

Donnie then stated that if they felt they were paying too much for their drainage fees, they could always make a request through the utilities department for a reassessment. Donny also stated that the only type of refund was made for three months prior to the request.

Kelley went over the map that showed everything within the PID Boundary that is subject to a drainage fee. Kelley then explained that originally everything with the drainage fees ran through Hansen, and now things run through Munis code. Kelley also explained how the sidewalks were linked in Hansen, and that's what they believe the random addresses were for. It was a very consistent charge, every month like clockwork. Kelley then showed them what was being charged through the Munis system once they made the change from Hansen to Munis. He also explained that when they changed over from Hansen to Munis, they lost everything, all the notes, etc. Kelley then explained what all will be charged for going forward. Kelley explained that the ordinance is what it is, it requires charges for impervious surfaces, and

there is a specific process to follow for the future. Current city management states that things need to go back to the ordinance, and that if the Greenways wanted to change something, they should go through the proper channels. Kelley stated that the 2015-2018 are backed up by examples of what was paid and what we could see. Donnie Hooper spoke about the situation between Hansen and Munis, and how that came about and what they've done to try and correct the situation.

Kelley stated that the charges from 2019-2021 are all over the board, but what's currently there and should be charged is about \$1,600- \$1,700 a year. He stated that there has been no talk about going back and charging the back pay for that even though they had been charged far less than they should. Kim stated that she would sure hate for that payment to be brought up without the refund being given. Kelley stated of course, we just want to get this right, so from this point forward they just want to focus on having everything right for the future, according to the ordinance.

Steve asked what the Greenways was currently budgeted at for Drainage, Kim stated that it was all together with Water and Sewer. She also stated that they need to have that pulled out and be able to see where every nickel of their money goes. She stated that the struggle that the group had, was that they had to get strong push back for Kelley to actually get answers. She stated that she felt they needed to be able to see what these charges were on their monthly bill. Debbie from accounting stated that they could break those out to be able to see. Sara stated that it is just lumped into one 'water' category. Kim asked if Sara saw any other utility bills, and she stated only the water bills not things like City Admin or Electricity. Kim felt like we needed to be able to see those bills to verify the validity. Kelley stated that utility bills go straight to accounting to be paid, but the Development Services department took care of other billings like maintenance etc. Kim asked who was approving those, and Sara stated that anything she sees, she approves and submits to Kelley. Kim just stated that she feels the council really need to be able to see them. Debbie stated she could work on finding a way that showed those utilities in the most transparent way possible. Jeff stated that on the 5-year service plan it didn't show those drainage fees, Kelley stated that it's listed under the 'water' section. Kim stated it's not just this, but also the \$165,000 from Eddie Scott that came up. She stated that they're just very concerned about what money they do have.

Kelley stated that the transition was from little activity and a smaller operation to a much bigger operation. He stated that now is a good time to look into the 5-year service plan etc. Kim stated that the Colonies spent a lot of time going over every detail of their budget, and she felt that they need to look at it more. She also stated about the budget going to council and that Sara didn't even know there was a meeting. There was mention of the reimbursement to Eddie Scott, Kim stated she felt that was a city miscalculation, and now the PID residents are eating that cost. Debbie stated that they sold bonds for the majority, but there was an interest included that wasn't calculated in the initial bond amounts. Kim asked why they couldn't just tack that on to their next bond. Debbie explained that every bond was separate, they can't add anything to a city bond issue. Kim stated this issue was really causing an impact on their residents. Kelley stated that if that's something they really wanted to pursue that was something they could talk to Laura Storrs about, but that they calculated the cost on what information they were given, and then they received further information later. Kim stated that they can't just roll over and pay the full \$165,000 when they can't afford it and asked if they could pay it out or something. Steve stated that they never really knew what it was for, they were just told they had to pay it. Kelley stated that he was talking to Matt Poston and Laura Storrs about this, but it's done and serious, because this is backed by the city. Kim stated that it's difficult to be put on a stage, and if they want things fixed, but they don't have the money to do it, but there's a misunderstanding on paying back the original developer. She stated it might make people wonder why they were sitting on the board with that kind of oversight. Kim again asked about a city bond, and Kelley said that he wasn't sure about whether that was possible. Debbie stated that it might be better to come back with all the details. Kelley stated that he never passed out the detailed information, but all they did was bring the amount to the board and show that they have all the invoices to back up the amount given. Kelley further explained that the bond was issued and then the debt service goes on

their budget, and that would be paid out over time. With the new set of reimbursement requests, they were trying to figure out how they were to pay it. He stated that the agreement does not say that they have to pay it when the developer requests it, but rather when the city and the Board agreed it was feasible, however the longer they take to pay it the longer the interest will accrue. Debbie stated that there had been change in staffing, but her team, Debbie and Blair will be working on the financials for the PID Boards. She suggested putting together some details and bring back a more detailed packet of information, and perhaps could work with Sara on what all information they need. Kim asked about how they could work towards seeing current financials. Kelley stated that the financials usually are sent to him, but he recently asked for financials. Debbie stated that they are working on finishing up the PID financials. Kim stated that they would be 5 months behind if they were to meet in March. Debbie stated there was no reason they couldn't do monthly financials. Sara stated that she never sees invoices about Advertising, Professional and Admin other which is the city cost. Sara did request having more regular financials. Kelley asked if they were good where they stood today on the drainage costs.

Jeff asked for a clarification on the ownership of the playa lake because Eddie owns the lake, and the boundaries between ownership and the city. Donnie stated that the city participates in the national Flood Insurance Program (FIP) which gives the city the authority and the responsibility to regulate any areas that have a playa for flood mitigation purposes. He stated that they did work to enable it to hold more water. They did some work and are still doing work of a \$1.4 million project. Donnie stated that when the City became a part of the National Program, it gave the city authority to have drainage mitigation authority in any playas that sit inside the City of Amarillo whether they own the property or not for flood protection. Kelley stated that it becomes a city drainage facility at that point. Donnie stated that there's another on the other side of town that they are working on with the same situation. Jeff asked if that means that their authority went beyond the city limits, and Donnie stated that it extends to the edges of the ETJ. Tommy asked if that meant that the PID wasn't draining into a private facility. Donnie explained that it's not a wholly sufficient area, like a retention pond, but most of those even now slowly drain into the drainage system. Unless it's wholly self-sufficient, it's subject to this program. Kelley stated that where the rubber meets the road, is when there was flooding on 81st and homes got flooded, citizens called the City. Stephen asked if there was any plan to put pumps there. Donnie responded that it was on the CIP plan, but there are things on there constantly competing for funds.

Jeff asked to be clear what the PIDs were being charged for Drainage. Kelley explained using a map exactly what should be charged moving forward. With no further questions, Kelley dismissed the rest of the city staff.

ITEM 3: Discuss the commercial acreage calculation related to PID Budget and 5 year service Plan

Kelley stated that there was a request about the total commercial acreage, currently it's 12.5 acres, when it should be about 18 acres with everything that's been currently platted. Kelley stated that that was correct, but the last plat was completed in January, so that acreage would not reflect until next year. Tommy stated that he had looked at the engineer's signature date, not the actual recording date. There was no further need for discussion.

ITEM 4: Discuss and consider ongoing maintenance and operation of PID improvements.

Kelley asked if there was anything that Sara wanted to go over with the board. Sara stated that she wanted to bring something up that they talked about at the last meeting, they agreed to do valve replacement, and stated that the numbers have gone significantly up. Sara stated that she talked with Oscar Ramirez about putting that on hold for now because there were some other things that she would rather do with those funds. She also said she met with Acme brick about some repairs that needed to be done, and she felt it was better to work on some long-term maintenance this year. She stated that the arborist took care of the trees before Christmas and took out and replaced several trees. Kim asked about the stones that have been piled up and she's worried about someone taking them. Sara stated that she

met with someone who was supposed to come take care of those stones, but he never showed up to do the job, however she was going to get it taken care of soon. She stated that the same guy gave her a bid for \$2900 to go repaint all the lamp posts on Tuscany. Kelley mentioned the issues that the Colonies is having upgrading their irrigation to the 5G network. Sara stated that when they did their irrigation, they pay a little extra, but their upgrades are free. Tommy asked how the drainage was doing. Sara stated that she's talked to OJD and that they were planning soon. She stated that it wasn't going to be pretty, but it would be the same as the other drainage they have. There is the option of something more aesthetic, but it comes with more long-term maintenance, and the simple concrete channel is going to be the best, cleanest option. Tommy stated that they told Che that the other commercial properties that drain to them, they need to do it better, so it doesn't ruin the grass, and want it to be done right. With no further need to discuss, the meeting moved to the next item.

ITEM 5: Discuss future agenda items

Kelley double checked that everyone was looking for a formal board meeting in March. There was some discussion on dates, and it was decided on for March 10 at 10AM. Kim stated that they wanted to talk about their accounting stuff, they wanted to look at their five-year plan. There was some discussion on how the issues with the reimbursement to Eddie and the need for transparency in the accounting information. Kim stated that they really wanted to see what could be done to take the pressure off the residence. Jeff asked if they would have to issue any more bonds for any more park stuff. Tommy stated that it should be minor. Sara requested he explain what minor meant because the contract was only for the boulevard. Tommy stated that they were just trying to hide some ugly utilities, but he hoped to have this finished in August. Another future agenda item would be any future projects they wanted to talk about being done.

ITEM 6: Adjourn meeting

There being no further action, the meeting was adjourned.