

STATE OF TEXAS

COUNTIES OF POTTER

AND RANDALL

CITY OF AMARILLO

On the 27th of May 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	3	3
Tracy Byars	Yes	44	42
Allyson Flaming	Yes	3	2
Jason Burr	Yes	9	9
Josh J Langham	Yes	3	3

CITY OF AMARILLO STAFF:

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

OTHERS IN ATTENDANCE:

Todd Boykin, Colonies HOA
Bill Chudje, FIMC
Brittany Stephens, FIMC
Zane Oliver, Property Owner
Robert Keys, Property Owner
Luke Austin, Colonies Resident
Cleve Turner, TLA

ITEM 1: Approval of Minutes from the April 25, 2022 Meeting

Tracy Byars moves to approve the minutes as presented. Clark Damon seconded. The vote passed unanimously.

ITEM 2: Discuss landscape maintenance contract

Jason Burr gave a quick summary of events with the maintenance contract. He stated that Amarillo Integrated had turned in their 60 day notice, and that the Colonies HOA had met and voted to recommend to the City and to the PID board to rescind the contract. Jason then asked for Justin to give the board an idea of what would happen moving forward with that. Justin stated that he had a letter that he would read that would address the issues and answer some of their questions. He then read the letter that is notated below in quotations.

“The City of Amarillo has been made aware that the Colonies’ HOA Board met on May 25, 2022 to discuss and vote on the landscape maintenance contract. It is our understanding that the Board unanimously voted to recommend to the PID Board that the contract with Amarillo Integrated be terminated immediately. The City will need documentation of this HOA vote. As mentioned in previous communications, this landscape maintenance contract is between the Colonies’ HOA, the City, and the Contractor.

Upon receipt of the documentation showing the HOA’s vote, the City will initiate the process of rescinding the contract. This process will require a release be signed by the Contractor, each member of the Colonies HOA Board, and the City. Once all releases have been signed and returned to the City, it will be necessary for the Amarillo City Council to then vote on the contract’s termination.

On May 16, 2022, Amarillo Integrated submitted their 60-day notice. Until these 60-days have expired, or the Amarillo City Council have voted to terminate, the landscape maintenance contract is still in effect and valid. Therefore, Amarillo Integrated is to adhere to the terms and legal obligations of the contract.

The City must comply with state law in the procurement of these landscape maintenance services. We understand there have been casual discussions that services can be procured as an emergency. The parameters for emergency procurement are defined in Local Govt. Code section 252.022. The cancellation of an existing contract is not included as a reason for emergency procurement. The City will commit to an expedited process of three weeks for advertising once the bid documents are updated but be aware that vendor questions can extend the bid opening time, which is beyond the City's control.

Any private discussions or agreements made with landscape companies/contractors outside of the procurement process will not be eligible for reimbursement from the City or PID funds. Any reimbursement from the PID to the Developer, as defined in the PID Petition, must follow procurement law."

Clark Damon asked who wrote this letter, and based off what. Justin stated he wrote it himself with legal council from the city attorney. Clark asked for clarification on when the 60 days began, Justin stated it began on May 16, 2022. Jason clarified that whichever happened first, City Council voting to terminate the contract, or the 60 days came to pass, that was when the contract would be terminated, and Amarillo Integrated would continue their work until then. Justin confirmed. Jason stated that they needed to take care of recommending that they rescind the contract.

It was asked what needed to be provided to the city in order to move forward. Justin stated they would need documentation from the HOA showing what the vote was. Clark asked if an e-mail would suffice. Justin answered that yes it would. Clark asked if he hadn't been provided that yet. Justin stated no that he'd e-mailed Josh Sluder requesting this information and had not heard back from him. Jason stated that Josh was out of town. Matt Boykin stated that FIMC was preparing the minutes from that meeting. Justin stated that it was his understanding that if the HOA provided that documentation to FIMC, then that should be fine, but it can't come from only FIMC. It was asked if the minutes needed to be signed by the HOA. Justin explained that they would need two things, the documentation from the HOA showing the vote, and the documents that needed to be signed by all the HOA members, Amarillo Integrated, and the City. Then it would go to City Council. Cleve Turner asked if it was already on a Council agenda. Justin stated no, the HOA documentation would have to come first, and then the release would have to be signed by everyone, then they could put it on the next City Council Agenda. Cleve Turner asked if there would have to be any additional postings in the paper or notice given. Justin and Leslie stated that the typical City Council Agenda would cover this. Cleve asked if this could be a consent agenda item. Leslie stated it depended on the council and what they wanted because they make that determination. Leslie stated that June 14th is the next council meeting.

Jason asked if Rockrose could contract someone at any time so long as it doesn't interfere with Amarillo Integrated doing their job until the contract is terminated. Leslie stated that yes, that was fine. Jason stated that Amarillo Integrated was still putting the same amount of effort into their work as before, and there was no noticeable dip in quality of work. It was stated that they were already working on the PID packet for the new bid that would come after the contract with Amarillo Integrated was terminated. Todd Boykin asked to make sure that the city had no issue with a contractor being hired by the developer to perform maintenance at the Colonies during the bidding process for

a new Landscaper. Leslie Schmidt said the city had no issue with this as long as the developer understands that there will be no reimbursement by the PID. Todd Boykin asked that this was noted in the minutes.

Jason stated that outside of the PID Cleve was working with Custom Gardens to put together a scope of work. Cleve stated that he met with Calandra to discuss an interim scope of work so that it's ready. Jason said that the City, the HOA and the Contractor had been mentioned, but asked for clarification on whether the PID needed to do anything for the termination of this contract. Leslie stated that the PID Board is an Advisory Board for the City Council, so the recommendation from the PID board would go to the City Council to consider. Clark asked if the PID board would be able to approve the bid package before it was released.

Todd asked for a time frame. Cleve stated that he hoped to have a bid package ready in a few weeks. Cleve also stated his concern was that the purchasing process that led to some of the issues that happened, and that it needed to be recrafted, and that might take a little more time. Leslie stated that depends on what Cleve meant by recrafted because the city can only do certain things by law.

Luke Austin asked if he could speak to that and stated that he actually talked to Floyd about this, and he already had an extensive bullet list that he wanted to change to improve this process, and he encouraged whoever was handling this to meet with him more than once in order to get the city contract modified to prevent this. He gave the example of taking more weight off the price and moving it towards qualifications which is what got them in this situation to begin with. The second was a pre-bid meeting, and if you wanted to place a bid, you were required to be at that meeting to ask questions in a timely manner and tighten the scope around the ability to ask questions there. Cleve stated that there was a pre-bid meeting it just wasn't mandatory. Luke stated that the goal of things like this was to make the process so strict that it would weed out the people who really weren't serious about their bids. Cleve stated that he agreed with that, and there was a very narrow list of contractors who were qualified or have the capacity to service the Colonies, his worry was that if they made it too strict, there would be no bids.

Jason asked Leslie, if they as the board were allowed to be in the room with the contractors. Leslie said that they have never had that done before, but she didn't know that it could be done. Jason stated that he would like to know if they could have a committee or something, because they sit down to look at the contractors, and they had questions like, "Based on the community opinion of this contractor, do you believe that they are qualified?" However, two of the contractors, they had never heard about, never had seen them other than what they put as references. He stated that they couldn't even call their references. He stated that they had no idea who these people were or what they do, or their ability to do this. He stated that he would like that question answered before they went through that process.

Todd Boykin asked if they were in fact months away from that and asked again his previous question about the time frame of the full process. Justin stated that once they received the specs from Cleve, they would need to send it out for advertising, which was typically longer than three weeks, but the city was shortening that time to expedite the process, but as previously stated, any vendor questions could extend that opening time. Todd stated, three weeks, and the possibility of it being extended, and asked how much that might be. Leslie stated that there was no way to really predict, but normally it's 90-120 days depending on if it goes smoothly or not, but it was difficult to predict anything. She stated that if they can get it done quicker than 90 days, then they would

do that. Todd Boykin stated that he just wasn't familiar with the procedure and asked if a vendor did ask a question, what standard was there on limiting the amount of time, or if there was one. Leslie stated that normally they would send out a question to all of them and had to get answers back from all bidders. Todd asked who 'they' was, and Leslie answered that it was the Purchasing Department. Cleve stated that they were not allowed to field questions directly, so the Contractor asks the question of the Purchasing Department, they forward the question on to the Colonies, then they craft the answer, send it back to Purchasing, and then it is forward out to everyone who has checked out plans etc. so that everyone has the same information.

Clark asked if they would have a chance to view the contract from purchasing before it's released. The answer was yes. Leslie stated that the PID Board approves the contract before it goes to city council. Jason stated that he didn't think that they were months away from a pre-bid meeting, but he did feel they were months away from a recommendation to City Council.

It was asked if there was a way to establish a deadline for the question period for vendors. Leslie stated that they have deadlines for those things. Cleve stated that they had to submit their questions within a bracket of time before the bid date, which allows them time to research the question, craft an answer, and send it out to the applicants. It was asked if they could do ask questions multiple times, and Cleve stated yes it can, and they can ask as many questions as they can, up to the deadline which is usually ten days prior to the bid dates. Jason stated that one of the things that they were talking with Cleve about was attempting to simplify the bid package a little bit. Cleve stated that yes, he's trying to clear up some of the language. Clark asked if there was a requirement that the estimate would be itemized.

It was asked how the Bid Date was set. Leslie stated that was entirely up to the Purchasing Department and stated that it was important to remember how many bids were going through the city of Amarillo, and that the City is giving them as much of an expedited process as they can.

Clark asked if they wanted to be on the City Council for June 14th, he asked when they would need all the documents back to the city. It was stated at least a week and a half before. Jason asked if that meant by the 3rd and Leslie confirmed. He asked what the date would be if they did not make the June 14th Council date, and Leslie stated it would be two weeks after. Justin stated the next meeting would be on the 28th.

It was stated that Council could push something through if it was an emergency and asked if there was a way that the City Council could proceed. Leslie stated that she did not think City Council would call a special meeting for this. It was clarified that they meant pushing the bid process through sooner, Leslie stated that this was all in the court of Purchasing. It was asked if the Mayor and the Council Members could push it through purchasing faster. Leslie stated that, even city projects that needed to be done quickly, you can not get it within 30 days, because there is a process that has to go through with deadlines.

Clark walked through the process of what they needed one more time to make certain that he, and the board, understood what needed to be done. It was asked if the signatures from the HOA board could be digital, and Leslie stated they required physical signatures.

Luke stated that one signature from the President of the HOA should be sufficient, and he's collected signatures before, and that's sometimes very difficult. He stated that he

had talked to Floyd, and it was his understanding that the signature of the HOA President should be sufficient. Leslie stated that she would get together with Todd, and they would work out what they wanted and needed to do for the proper documentation.

ITEM 3: Consider termination of landscape contract.

Tracy Byars motioned to terminate the landscape contract, Josh J Langham Seconded. The motion passed unanimously.

ITEM 4: Discuss ongoing PID improvement maintenance items.

Brittany stated that Renu was about to start staining the bridge, and that she was going to get back with the electrician next week for the lights on Valcour.

ITEM 5: Discuss future agenda items

There was a comment made about the meeting for the budget on June 7th.

ITEM 6: Adjourn meeting

There being no further business, the meeting was adjourned.