

STATE OF TEXAS

**COUNTIES OF POTTER
AND RANDALL**

CITY OF AMARILLO

On the 22nd day of November 2021, the Heritage Hills Public Improvement District (PID) Advisory Board met at 3:00 PM in Room 203 on the second floor of the Jim Simms Building, 808 S. Buchanan, Amarillo, TX with the following people present:

VOTING MEMBERS	MEMBERS PRESENT	TOTAL NO. MEETINGS HELD SINCE APPOINTMENT	TOTAL NO. MEETINGS ATTENDED SINCE APPOINTMENT
Perry Williams	No	11	5
Seth Williams	No	11	10
James Bentley	Yes	11	10
Aaron Johnson	Yes	7	7
Tolk Persons	Yes	1	1

CITY OF AMARILLO STAFF:
Kelley Shaw, City of Amarillo

OTHERS IN ATTENDANCE:

ITEM 1: Approval of the July 27, 2021 Heritage Hills Advisory Board minutes.

Mr. Shaw opened the meeting by establishing a quorum and briefly discussed the previous meeting. James Bentley asked if there were concerns or questions on the minutes of the previous meeting. Mr. Bentley asked for a vote, Aaron Johnson voted for and Tolk Persons abstained since he was not at the previous meeting, but he did second the approval. The vote passes with two votes for the approval and one abstaining vote. Aaron asked if they were able to talk about the weed prevention and the staking of the trees during this meeting, Kelley stated that they could talk about that in Item 3 of the Agenda.

ITEM 2: Discuss and consider a recommendation for award of BID 7106 for Phase 2 landscape improvements

Kelley Shaw stated that he sent a copy to the board of the two bids that came in for this project. Kelley stated that he accidentally sent the memo that he received that stated that the bids were incorrect, however, after a few days, they found that those bids were correct, and asked the board to disregard the memo as it was now incorrect. Kelley went over the contents of the packets. He stated that Tri-State came in at \$595,313 with the additional lighting, and Plains Builders came it at \$665,000. Tolk asked if these were the only bids, and Kelley confirmed that they were. Aaron asked if they were considering the time frame, or if they were locked in at the lowest bidder. Kelley stated that since they went with the City's Bid processing, they had to go with the lowest reasonable bid, unless there's a large issue with a contractor. Kelley stated that if they were concerned about the timing, they could go back and ask if there was any way that could be changed. Otherwise, due to city policies they would need to go with the lowest bid. He stated that he's only seen it happen once in his time of working with the city

that they didn't go with the lowest bid and that was because the lowest bidder was somehow black balled from the bidder's list. Tolk stated that the only thing that came to mind from the resident's side, was that the main thoroughfare out of the neighborhood, so they were hoping to minimize the time that road was closed. He stated that he would be open to going back to the bidders with the hope of a time constraint. Aaron stated that they had gotten Kelley's advice on time constraints when they started the bidding process. He stated that he believed it was either Kelley or James that said they might have an issue with people either not bidding on the job, or charging extra if there were time constraints present. It was asked whether that was just a general estimate of the time it would take. Kelley stated that if they said it would be done within 90 days, that it would have to be done within 90 days, unless they met certain requirements, like bad weather, and filled out a form for extra time. However if they did not do that and went over the time limit, there could be damages, etc. that the contractor was charged for. James stated that in his experience, for 90 days they would end up putting in a change order. Aaron asked about the Williams Group time for the last Phase, and James stated he thought it was for 180 days. Kelley stated that in his opinion, most of these projects are very similar, and that he's never seen one even get close to 90 days. Tolk stated that in that case, he would withdraw his suggestion. James stated that it was a valid concern as a resident, but there shouldn't be much construction that would cause extended traffic issues but should only cause issues for a day or two at most. Aaron asked if the lights would need a footing. James stated that they drill down and would not require a concrete footing.

Aaron asked about how the reimbursement would occur. Kelley stated that they couldn't discuss it on this agenda, but it could be added to the next agenda, however it had been discussed before. James stated that it was through excess funds. Kelley stated that they could talk about the funds and paying it back in the next item. Aaron stated that as far as he saw it, there was only one option to approve the Tri-State bid. Kelley stated that if they really had a problem, or a concern with anything in the paperwork, or a concern with the Contractors, they would need to discuss it, but if they didn't feel it was unreasonable, they probably needed to go with the lowest bid. Aaron stated that he reviewed the paperwork, and that he didn't have a problem with either contractor. James asked if they did a line item bid or a lump sum. Kelley stated that he thought it was a line item bid. James motioned to approve the Tri-State Bid. Tolk Persons Seconded the motion. The motion passed unanimously.

ITEM 3: Discuss ongoing PID operations and maintenance

Kelley stated that for the reimbursement situation, he stated that he would have to go back and look at the minutes to verify, but he believed that after talking with accounting and legal, he didn't believe that was something that could be done. Aaron asked if there was a benefit if more bidders would bid with a buy down. James stated that either way the contractor got paid, it was just a matter of whether it was the developer fronting the cost or the PID itself, and that when the PID already had a surplus funds, it's a little crazy to think that the developer needs to front that cost, and wait to see a reimbursement. James stated that typically in a job they did a take down anyway. There was some discussion on the way PID projects are usually funded, usually the developer fronts the cost, and the PIDs pay it back plus interest. Kelley stated that there is two ways these usually go. The PID pays it out of their excess funds, or the City issues a bond to be paid back to the developer with interest. Most PIDs do not have the excess funds to pay for the project and still have their reserve, so usually a bond is issued to lump sum pay them back, and then there are certain requirements to be met after when the reimbursement is made. James stated that having the surplus funds would be what allows them to do the take down, without accruing continued interest. Kelley stated that they would have to look at the budget, but they would be able to see in the 5-year service plan, and if they had enough funding in there, it would be fine.

Aaron brought up the staking and weed barriers, stating that it was addressed by Kris sometime back, and still hasn't been done, and some of the trees at the front were leaning. James stated that he'd talked to Williams Ditching who was the previous contractor, and that as far as their availability and material, they haven't been able to get to it, but it's not something that they need to keep pushing off, so he will do his best to follow up with it and make sure it happens. He stated that he thought they did stake off some. Aaron stated that on the original installation they were staked, but he hasn't noticed if additional trees have been staked, but there was one tree specifically on the entry that was leaning very heavily. James stated that with all the jobs that they do it's hard for them to remember, and he had to really ride them to remind them, and he would do his best to get that taken care of. Aaron asked if quality control was on their ongoing maintenance because the weeds and flowerbeds are getting a little out of hand around the signage and developed areas. He asked who that would be that they needed to talk to about that. He stated that he knew they approved the funds, but he wasn't sure who was ultimately responsible for that. James stated that would be under the maintenance contract and that would be W Real Estate. Aaron showed some pictures of what they were looking at and how unsightly it looked. James stated that yes, that would be W Real Estate, who then hires the landscapers to do those things so that was something that needed to be addressed with them. Kelley stated that if they wanted to e-mail him about that, he could forward that to Kolton at W Real Estate.

Tolk asked where responsibility lay with Phase II and Phase III for the maintenance upkeep before it's developed. James stated that was on the developer. James stated that they have someone that comes and mows those occasionally. He stated that he tries to get someone to come mow it, and the builders and subcontractors tend to throw pallets and trash out there. James stated that was something that they could talk to the HOA about and that he also talked to the builders and told them that they don't allow that. Aaron stated that it was more about the weeds and less about the pallet. He stated that at least once a week someone that lives out on Tradition posts a picture of the weeds being about knee high. Tolk stated that they were knocked down at different times, and that unfortunately some people utilize that as parking since it's not developed, and he's concerned about a fire.

ITEM 4: Discuss future agenda items

James stated that they are currently looking at Phase III with an architect, and they are in preliminary planning, the one thing that's held them up has been signage. He stated that Phase III would continue where they're stopping on Phase II. He stated that the only thing pending on that was the signage, and they still didn't have a design on the lighting yet. He stated that was something they would need to bring to the board to discuss later. He stated that as far as timing goes, it would be the first of the year before they were ready to look at it with the board. Tolk asked if during the bidding process, could they put the bid out in such a way that it was a line item to have the project for lights for Phase I and III. Kelley stated that the board could list it as an ad alternative for as many lights as they needed to for Phase I or they could do the full lights separately.

ITEM 5: Adjourn Meeting

There being no further action, the meeting was adjourned.