



City of Pflugerville

Minutes - Final

Equity Commission

Monday, December 13, 2021

6:30 PM

100 E Main Street Suite 500, Pflugerville, TX

Regular Meeting

Equity Commission Members:

James Matlock - Chair

Shawn Douglas - Vice-Chair

Elizabeth Guillory-Medina

Daisy Delgado Castillo

Virginia Rogers

Pat Epstein

Elizabeth Montoya

1. Call to Order

Chair Matlock called the meeting to order at 6:31 PM

Present: James Matlock, Chair

Daisy Delgado Castillo, Secretary

Pat Epstein

Virginia Rogers

Sereniah Breland, City Manager

Jason O'Malley, Chief of Police

Jennifer Griswold, Library Director

2. Citizen Communication

None

In accordance with the Texas Attorney General's Opinion, any public comment that is made on

an item that is not on the published final agenda will only be heard by the Equity Commission.

No formal action, discussion, deliberation, or comment will be made.

3. Approval of Minutes

3A. [2021-1306](#)

Approval of the November 8, 2021 minutes

Jennifer Griswold, Library Director

Ms. Rogers moved to approve the minutes, Ms. Epstein seconded, minutes approved.

4. Discuss and Consider Action

4A. [2021-1307](#)

Pillars: Economic Equity; review of the City of Pflugerville Purchasing Policy

James Matlock, Chair

Chair Matlock reminded the commission about the presentation from Finance and reminded the commission about the document from San Antonio regarding Small Minority Owned Businesses.

Chair Matlock said he would like to bring in an outside source for a disparity study to be presented to Council. He indicated that he wanted the Commission to OK the request to Council.

Ms. Epstein said her husband used to do that in their work. She asked if anyone knows what a disparity study would cost. Chair Matlock said he had not done but pointed out there was no tracking of women or minority owned businesses in Pflugerville so he felt it was worthwhile.

Ms. Epstein asked if he was looking at the City's hiring or the firms the City is hiring. Chair Matlock said he didn't know who they were hiring because the data isn't tracked. He is suggesting they ask for a disparity study be done in order to get that information.

Ms. Epstein asked City Manager (CM) Breland about how many outside consultants the City hires. CM Breland said they hire many and the City wouldn't know details about them sub-contracting with minority or women owned businesses unless the firm told them that they were minority or women owned, because it is not part of the rubric.

Chair Matlock stated that there was no data on dollar amounts, or the number of minority or women owned businesses that are contracted with the City. He said there should be citywide goals set.

Ms. Epstein stated that she was assuming that all RFPs or RFQs are generated out of the Purchasing Department. CM Breland said the firm that does the design puts the package together, not the City. She gave an example of an expansion for lake Pflugerville. Even though they don't put it in the rubric, it would be something they see within the design team, but the company itself may not necessarily be minority or woman owned.

Ms. Epstein asked if, for example, they wanted to do a disparity study on the Police Department, would that originate from Purchasing or from the Department. CM Breland said it would depend on their budget and the circumstances surrounding the need for the study.

Ms. Epstein said she was agreeing with Mr. Matlock on the need for a study but was trying to understand how it fits and who is responsible. Chair Matlock said what is being missed is that Purchasing does purchasing for the entire city, so it would be in their department that the data would be tracked. CM Breland said that departments have budget discretion under certain amounts.

Ms. Epstein said she understood disparity studies to be citywide so when the

Chair is talking about recommending to Council a disparity study, it is more holistic than that one department.

Chair Matlock said he was not talking about individual budgets spending their allotment on studies. He said he is speaking about much larger projects. City Manager Breland (CM) said it goes through the Capital Budget, and that's when they go through a contractor.

Chair Matlock said in his experience, when he deals with a large design firm, they have goals in place based on several steps including, the small minority business database, their trade, discipline, ethnicity and gender. They will pull from that database for the smaller parts of the job not necessarily the entire project. That is the data that needs to be captured.

Ms. Epstein said she agreed.

CM Breland stated that she has asked Council to get an Enterprise Resource Planning (ERP) system for the City that would allow them to track more of the things the commission is interested in. She explained that the City was behind in their purchasing software. She explained that they were working towards getting a system but the problem with doing the study first is that there is no data to start from. She further stated that she has asked to add a field that would track small minority and women owned contracts. Once she can get the data in there, they could do the study.

Chair Matlock said he recognizes that the City is behind but also recognizes they have been working toward an ERP system and the traction isn't coming as soon as it should have. He stated that with that said, this is ammunition to fund that system and ensure that this is included as part of that system. But right now, what they are hearing is whispers but nothing concrete.

CM Breland said she could get concrete dates for Mr. Matlock. She said approximately 6 months before implementation. It is fully funded and was added in the FY 2022 budget.

Chair Matlock said if they just rely on the ERP to collect data on minority participation, they will end up waiting three more years and he doesn't want to wait three years for something he doesn't think is happening now.

Ms. Rogers suggested that they first set-up a form for minority and women owned business, and use that form to get the database going.

CM Breland said that form already exists. Chair Matlock said they utilize the state and a "good faith effort" which is the minimum requirement.

CM Breland said the City has access to a list that they are required to use. Chair Matlock and Ms. Rogers said they said they don't. CM Breland said it is true that they have to go to the State Comptroller's Office to get it.

CM Breland stated that minority owned businesses sign up with the state. She asked if Chair Matlock want an additional form for them to then sign up on. Chair Matlock said yes, they do it all of the time.

Chair Matlock explained that when the City creates the database, they can just

send out an invite to bid to the companies in that database that would be suitable for the job. This lets minority businesses hear about projects that they could bid on. To ensure that happens they would need to set goals.

Ms. Rogers said the state doesn't necessarily provide information on businesses in Pflugerville.

CM Breland showed the Commission a City vendor list which allows businesses to indicate if they are minority or women owned, and HUB certified. She said additionally, they look up HUB certified whenever they bid a project.

She stated that they use the state hub certified list. Chair Matlock asked what the sense is to fill out that form. Ms. Breland stated that this is within the bid package. Chair Matlock asked how would he know about this. Ms. Breland said you have to be on the hub list.

Ms. Rogers said they do not have one (list) specifically for Pflugerville. CM Breland said stated they would have that information; they are creating a list.

Chair Matlock suggested CM Breland be there during the meeting with the Purchasing Department.

CM Breland restated that her understanding from the Commission is that the City would have their own list.

Ms. Rogers said the purpose is to make sure they are using companies from Pflugerville.

CM Breland said most minority and women owned businesses know they need to be on the HUB list. Chair Matlock said Pflugerville is not small anymore.

CM Breland said that Mr. Gray indicated that he is building the list with the ERP. Chair Matlock said they needed to get someone in who has experience in building these systems (third party) with experience with minority businesses to make some recommendations.

Ms. Epstein said maybe this is more the commission needing to know what they don't know.

CM Breland said she asked Mr. Gray what they are doing with the list and he said they intend to have their own database to solicit quotes with help from the state list, and to encourage Council to solicit minority and women owned businesses.

Chair Matlock said on Pecan Street there is a multimillion-dollar project going on and that he knows several minority businesses that could do some of the smaller projects within the large project. He said his point is they are not breaking the projects down to give these minority businesses opportunity.

He said to be successful and to grow businesses they need to give them experience so they can compete with prime consultants. The City is not helping aid that effort.

Chair Matlock said a disparity study defined by Google as "A Disparity Study

determines whether a government entity, either in the past or currently, engages in exclusionary practices in the solicitation and award of contracts to minority, and women-owned, and disadvantaged business enterprises (MWDBEs).”

Chair Matlock said a third party would provide a roadmap to Council to carry it out. Doing it piecemeal is ineffective. They need to highlight this issue, not individuals.

Ms. Rogers said she felt it was too early to have the disparity study done. They need to first know where they are, know what information they do and don’t have, maybe speak with Purchasing again, but she has seen so much money spent on studies that go nowhere. Or more money than needed to be spent was spent because they were not asking the right questions.

Ms. Epstein said they can find disparity study samples; her question is leaning more to what it is they are trying to do because these studies can be massive. She said she agrees with James but they need to come in with hard data or a sample disparity study.

Chair Matlock said when CM Breland emailed Mr. Gray, he was just starting to build, he has only been here 3 months, so his list is not that long.

CM Breland said yes but there is also the state list. They don’t contract with sub-contractors

Chair Matlock said he was not asking them to contract with sub-contractors, he understands the prime contractor’s contract with sub-contractors. What he is asking it is not something that has only been done a few times. There are thousands of programs across the country that do this. With the city growing they need to step up.

Ms. Epstein said everything they do needs to reflect the racial and ethnic make-up of the community. She further stated she would like to see these businesses located in Pflugerville.

Chair Matlock said it would be great if they are, but they should be doing it because it is the right thing to do. Because the primes that are being used, don’t live in Pflugerville either.

Ms. Epstein said that often disparity studies recommend a certain percentage be minority. She said she has no problem with this and agrees that they need the data.

CM Breland asked if they wanted sample policies, award systems through a rubric, etc.

Chair Matlock said he would like an expert to come in and go through the bits of paper and find what is not there and make recommendations on what is not there.

Ms. Epstein said they need something concrete to present to Council. Ms. Epstein said without the data they cannot set the goal.

Chair Matlock said it is not one piece of evidence. They City needs to have the study in place before the ERP is in place, so they can take adequate steps to make certain the system will track what they need.

CM Breland said they will get the data.

Chair Matlock said there is not a Small and Minority Business expert in Pflugerville. He is suggesting they bring someone in to do that work, because if we don't know what to do, we haven't done it yet.

Chair Matlock stated that the commission is not there to do that level of work. Ms. Epstein said it is not the staff's job either.

Chair Matlock said they need to bring someone in and set the parameters. He suggested they decide as a Commission is to make the recommendation. He said he would look into other cities to see what they are doing.

Ms. Epstein said that was a very good idea. She said they need to come with something reasonable.

Chair Matlock said they (the City) are investing more money in investments, why aren't they investing in people?

CM Breland said she is getting a copy of the scope that Waco is working on.

Ms. Epstein said she wants to mull it over and set some criteria so they can write up a cogent recommendation to Council.

Chair Matlock asked if she is asking them to sit and develop a scope.

Ms. Epstein said she doesn't have what she wants in front of her.

Chair Matlock asked CM Breland, who it is that writes up the studies in the city?

CM Breland said whichever department is working on it.

Chair Matlock said for the next meeting they should bring Purchasing in to help develop a high-level scope, and also engineering because they are involved in writing scopes of work as well.

Ms. Epstein said a citywide disparity study is really to set a goal that whichever department this comes out of, they will use this metric.

Chair Matlock said he would look at the last 5 projects in Pflugerville over \$4 mil. Then take a deep dive to see if there were Small Minority Owned Businesses represented, what firms did they pull from the comptroller database, how many firms, what percentage did they recommend, what actually occurred, what is the delta, etc.

Ms. Epstein said she thinks they are getting at what they want to get at. She said she would like to see a diversity of service areas.

Chair Matlock said that needs to be done by a third party. He said he had

provided multiple reasons to have a third party and to make that request of City Council.

Ms. Epstein said she liked Purchasing coming in to develop the rationale before going to Council.

Chair Matlock said the issue is that they are stepping back because they have already met with Purchasing.

Ms. Epstein said this time there is a very specific focus to the meeting.

Chair Matlock said the focus should be on Small Minority Owned Businesses and if they want to take the step of meeting with Purchasing again, they can, but his fear is that they will be waiting for a system.

Ms. Epstein said the system will not be in place for 2 years.

Chair Matlock said that doesn't mean they cannot have a process and procedure first.

Ms. Epstein said she is data driven and she needs to have that data first before going to Council. She further stated that she wants it to be very well spelled out because the Council answers to voters, and while they would agree with the commission, they deserve a case that is data driven.

Chair Matlock said he agreed but the data is not there and lack of data is data.

CM Breland said they follow state procedures to advertise, once it is awarded, they do not track it. So, the data is not there to evaluate the efforts made on the solicitation, from the HUB list and from the additional list they are making.

Ms. Rogers asked if she was correct in that they don't keep records of sub-contractors.

CM Breland says yes, they hire the contractor and the contractor hires the subs.

Chair Matlock asked that Purchasing come to the next meeting to provide explanation on exactly what they do, and the numbers they have on minority contracts, and to develop a scope of work, and getting a third party in to work on it.

Ms. Epstein said she is struggling with why they don't have that data. She again reiterated that she wants the data to help make the argument.

Chair Matlock said he spoke with the Council about this to some extent, and got a lot of positive feedback.

Ms. Epstein said she agreed with him, but she thinks they need something on paper that they are held to, as a city, that recognizes the diversity of the community. She wants to be able to make a concrete argument.

Ms. Rogers asked if CM Breland could get an estimate on the cost of the study.

CM Breland said not without a scope of work, because having to start from

scratch would be more costly.

Ms. Rogers asked if it would be hundreds of thousands of dollars.

CM Breland said it would depend on what the Commission wants in regard to data.

Chair Matlock said they are going to go through samples, but were not intending to dig through 5 years' worth of files.

Chair Matlock said in city government there is a term called continuous improvement which means you don't do all of it right now, you do it over time. This is an investment in the people and it is working on a continuous improvement process. They commission can make a recommendation.

Chair Matlock called for a motion to bring in Purchasing to develop a scope of work for a third-party review.

Ms. Epstein said that's an agenda item for the January meeting and they don't need a motion, but add with the object of documenting minority participation on large projects, whether they working on a database if they are working on it

CM Breland asked if they are wanting Purchasing to come with these things in place.

Chair Matlock said if they have them bring them

CM Breland reiterated what Chair Matlock asked for including; overall participation numbers for small minority and women owned businesses, and what percentage of project dollars do those entities get.

CM Breland asked for specifics of what commission wanted, if there was anything she missed.

Chair Matlock asked what is the City doing for small and minority owned businesses. CM Breland said they set the minimum to solicit not to hire.

Chair Matlock stated again he wanted to get with Purchasing to develop a scope of work for a third-party study.

CM Breland said when they hire individuals who bid out the construction, they probably have that information.

Ms. Rogers questioned focusing on big dollar projects because that is not where the greater numbers of small business people are.

Chair Matlock gave another example of a large contract and participation percentages, and how significant it is for small women or minority businesses.

Ms. Rogers stated that the fact that the City uses minority businesses for smaller purchases is also important. She said it should be policy.

Chair Matlock said that's pennies when they could be making quarters. Ms. Rogers said there are more smaller businesses out there than large.

Chair Matlock said they are bringing in Purchasing, developing a scope, make a recommendation to Council.

4B. [2021-1308](#)

Second December meeting discussion

James Matlock, Chair

Ms. Rogers moved to cancel the second meeting in December. Ms. Epstein seconded. Motion passed.

Adjourn

Adjourn 7:54 p.m.

Respectfully submitted,

Jennifer Coffey Griswold
Library Director

Approved as submitted on January 10 ,2022