



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, October 12, 2021

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting

The City Council is scheduled to hold a Worksession starting at 6:00 p.m. Please see the Worksession agenda for a list of items for discussion at the Worksession.

#### 1. Call to order

Mayor Victor Gonzales called the meeting to order at 7:03pm. Mayor Pro Tem Peña, Councilmembers Doug Weiss, Ceasar Ruiz, Mike Heath, and David Rogers were in attendance. Councilmember Rudy Metayer was not in attendance.

City staff in attendance: Sereniah Breland, City Manager; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Charles Zech, City Attorney; Trista Evans, City Secretary; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Evan Groeschel, Operations Director; Jennifer Coffey Griswold, Library Director; Melissa Moore, Finance Director; Lauren Henkes, Assistant Finance Director; Breanna Higgins, City Manager Intern.

#### 2. Opening

##### A. Pledge of Allegiance to the Flag of the United States of America

Mayor Gonzales led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America.

##### B. Pledge of Allegiance to the Texas State Flag

Mayor Gonzales led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

##### C. Moment of Silence

Mayor Gonzales observed a moment of silence.

#### 3. Items of Community Interest

Mayor Gonzales announced that he was elected to serve as President of the Texas Municipal League Region 10. He stated the region allows collaboration with other city leaders in the region and across the state. Mayor Gonzales stated that a COVID-19 vaccination clinic is held on

Wednesdays at the Library from 2pm-7pm.

Mayor Gonzales stated the Pflugerville Pfarmers Market is held on Tuesdays from 3-7pm behind the First United Methodist Church.

Mayor Gonzales stated this weekend is Deutschen Pfest in Pflugers Park.

Mayor Pro Tem Peña commended Mayor Gonzales on his election as TML Region President.

Mr. Heath reminded people to sign up for Warn Central Texas to get warnings for any weather related issues.

#### 4. Presentation

4A. [2021-1045](#)

Mayor's proclamation declaring October 2021 as Breast Cancer Awareness Month in the City of Pflugerville.

Mayor Gonzales announced he is issuing a proclamation declaring October 2021 as Breast Cancer Awareness Month and presented the proclamation to Ray Anne Evans, Executive Director of the Breast Cancer Resource Center. Ms. Evans spoke about the resource center and urged everyone to take care of their health and remember the resource center is always there to help.

4B. [2021-1081](#)

Mayor's proclamation declaring October 12, 2021 as Pflugerville ISD Teachers Day in the City of Pflugerville.

Mayor Gonzales announced he is issuing a proclamation declaring October 12, 2021 as Pflugerville ISD Teachers Day in the City of Pflugerville. He recognized those in attendance from the Pflugerville ISD Board of Trustees and presented the proclamation to August Plock, President of the Pflugerville Educators Association. Renae Mitchell, President of the Pflugerville ISD Board of Trustees stated they are grateful for all the work of the teachers.

4C. [2021-1052](#)

Recognition of Pflugerville's Texas Municipal League Public Safety Award for the Autism Buddies Program.

Mayor Gonzales provided information about the award from Texas Municipal League for the Autism Buddies program. Lt. Chet Vronka provided additional comment, stating he was proud to be able to serve all members of the community.

#### 5. Public Comment

Jim McDonald stated as part of the AP Triton report he heard the assessment state the quality of service received from ESD2 is exemplary. Mr. McDonald stated he prefers the service to be public and not private. He stated profitability is number one for the private industry and stated concerns that some decisions may be financially motivated instead of care motivated.

Nick Perkins, Assistant Fire Chief, spoke in opposition of the EMS franchise ordinance as it is currently written stating it would be illegal for ESD2 to respond as it is stated. He stated he spoke to city staff and heard that is not the intention and asked for an another look at the ordinance. He stated concerns of the impact of quality of service and to their response times if a private service is brought in.

Teri Lucas stated that the signs that say it is a forever tax is misleading and as long as people get injured an ambulance service is needed. She stated that fire department finances are on their website and reserves are for emergencies. She stated the city sued the fire department and says there are options while forcing a private for profit ambulance on the city.

Chris Wolff stated he cares about keeping citizens safe with good EMS and discussed the financial plans to move money from building fire stations to EMS. He stated a vote no for ESD17 meant a vote yes for private EMS. He stated he believes private EMS cares about people as much, but cannot provide the same service Pflugerville is receiving today.

Ronald Cunningham stated he lives in the ETJ and council took away his right to vote for ESD17. He stated he did not vote for council who is making decisions for the ETJ. He stated the language in the franchise agreement was concerning. He stated concern about the cost placed on people and family members that is not budgeted by the city. He stated concern about the billing tactics of private EMS service and urged council to look at the City of Bastrop system.

Mack Harrison stated 50 years ago a fire took out an entire block and the fire department knew it was time to move forward and now they are faced with the same choice. He stated it is best to keep the public EMS service and that the franchise ordinance would be in effect for 25 years which was after the council members would be gone. He stated Chief Moellenberg was always going to embrace modern technologies and a private service is not dependable.

Barbara Newsom stated she appreciates city council's service but does not think it is in the city's best interest to become an outsourced EMS. She stated a strategic goal for the city is to be the safety city in Texas and the best way to achieve that is to vote yes on ESD17. She stated concern that a private firm will focus on profit over response time.

Blake Brown stated as a paramedic and a firefighter he knows the department cares about the city and a lot of them live in the city and treat the patients like family. He stated that the private service is usually a passing job and does not want his family treated like that. He stated concern about response time and asked how many of them were operating ambulances during the winter storm.

Trevor Stokes stated that in 2010 the fire chief engaged the council and county directly to assess issues with ALS service and no one had solutions so there was an overly. He stated the council has attempted to suppress the votes by lawsuits. He stated the data from the valuation is study is old data from 2018. He stated council is aware of the growth in the area and heard it stated that no additional stations would be needed for ten years. He stated the city does not know how to manage public safety and discussed the experience during the winter storm.

Josh Stubblefield stated that council has made a decision to bring in for profit corporations whose sole purpose is to make money. He stated they have expensive bills and collections and this is to avoid a tax that the ESD is asking the citizens to accept. He stated the for profit corporation will fail and the firefighters will still be there to pick up the pieces. He stated they handle

emergencies and serve the community to the highest standards.

Lorrie Schutt stated outsourcing issues are common place with hidden costs and reduced quality control. She shared her experience with her company outsourcing a project stating a one and half year project became a five year project. She asked council if the goal was to be the cheapest place to live or the safest place to live. She stated they have an opportunity to make Pflugerville a great place and safe place to live.

April Griffin stated that in 2020 ESD2 notified the city of funding shortfalls and held joint meetings. She stated that council decided to ignore the petition document supporting ESD17 and voted to refuse to allow citizens to vote in the May election. She stated there is another opportunity to vote in the November election and city council is trying to prevent it with lawsuits. She stated the city does not pay for EMS and asked council to rescind the vote and ordinance.

Melody Ryan stated the ESD2 started this with stating there was a financial shortfall and discussed review of the financial statements. She stated ESD2 decided to resign from service and the city has the obligation to seek alternatives since ESD2 resigned. She stated ESD2 has refused to meet with the city council and ambulances have always been outsourced in the city. She stated that there was inaccurate forecasting and the council must do what there are elected to do to find alternatives.

Anthony Nguyen thanked the fire fighters and EMS workers for everything they do. He stated there is not any question of the performance of ESD2 and he wants to continue that level. He stated that city council was put in a difficult position due to a financial forecast that does not appear to be accurate. He stated he does not think council wants to privatize and wants everyone to look at the real numbers to try to arrive to a conclusion. He stated council was forced to do something faced with no ambulance service.

## Discuss Only

- 13B. [2021-1095](#) Discuss the Emergency Medical Services System Valuation Study as prepared by AP Triton.

Mayor Gonzales opened items 6A., 12A., and 13B. and read the items. He stated that item 13B. would be addressed first.

Ms. Breland provided information about the current situation of EMS and introduced Rich Buchanan with AP Triton. Ms. Breland stated the reason for this is because services may be removed by the end of the year. Mr. Buchanan stated the purpose of the outside firm is to give an outside perspective and they are not allowed to report anything they cannot prove. He stated it was not the goal to privatize but provide a factual based analysis.

Mr. Buchanan gave a presentation about the valuation study and provided background information on how the study came about. Mr. Buchanan described recent developments related to Travis County ESD2 and the obligation of public service entities. He stated that AP Triton conducted the study and determined that they system could provide the same level of service without increasing the tax burden on the community.

Mr. Buchanan discussed collection policies, transport rates, documentation, and payer mix as key parts of the system valuation. Mr. Buchanan answered questions from council and provided detail on the payer mix break down and projected revenue as parallel to city growth. Mayor Pro Tem Peña asked about the industry standard for response times. Mr. Buchanan stated it is based on the criteria of the areas but 8 minutes is standard top of the line across the country.

Mr. Buchanan discussed deployment analysis and service demand projections using models for dynamic staffing to meet the needs of the community. Discussion followed regarding making the system sustainable. Mr. Buchanan stated their first solution was to provide options for ESD2 to make the current system sustainable.

## 6. Ordinances Second Reading

- 6A. [ORD-0613](#) Approving an ordinance on second reading with the caption reading: An Ordinance amending the City's Code of Ordinances establishing a franchise requirement for providing emergency services within the City limits of Pflugerville; Providing for a penalty for violation therefore; and providing for an effective date.

Mr. Zech provided information about the ordinance stating the effective date was updated to January 1, 2022 and stated it can be brought back for amendment if needed. Mr. Rogers moved to approve the ordinance as written. Mayor Pro Tem Peña seconded the motion. All voted in favor. The motion carried.

### Discuss and Consider Action

- 12A. [2021-1079](#) Discuss and consider approving the selection of Acadian Ambulance Services for EMS services in the City and extraterritorial jurisdiction (ETJ) and authorizing the City Manager to enter into negotiations regarding a contract and terms.

Mr. Fletcher provided information about the process and introduced Troy Mayer, Regional Vice President with Acadian. Mr. Mayer gave a presentation about the company including growth and services, operations, and resources and discussed how Acadian can serve Pflugerville. Mr. Mayer answered questions from council about their training and compassionate billing. Mr. Mayer stated that compassionate billing is to assist the portion of the population that may have financial problems. He stated they respond to all 911 calls equally and those who are unable to pay can reach out and if they meet certain criteria the invoice can be completely eliminated or placed on a payment system. Mr. Ruiz stated he had concerns hearing about people sent to collections. Mr. Mayer stated that some people do get turned in to collections if they do not pay and do not meet the criteria of the compassionate care program. Discussion followed regarding the criteria and court orders.

Mayor Pro Tem Peña asked if the accreditation was for the entire system or based in a specific area. Mr. Mayer stated it is for the entire system. Mayor Pro Tem Peña asked about the Bastrop situation. Mr. Mayer stated they are still the providers in Bastrop as they renewed in May of this year. Discussion followed regarding the Bastrop area and issues that arose.

Mr. Mayer answered additional questions from council regarding EMT certification, how many ambulances would be available and facility transports. Mr. Mayer stated that there would be no start up costs.

Mr. Weiss stated that the number one option would be for ESD2 to continue the service by they have turned down meeting requests as recently as today. He stated the city needs something in between given the unfortunate situation of the ESD stating they will not provide service.

Mr. Weiss moved to approve the item. Mr. Rogers seconded the motion. Mr. Ruiz stated he was disappointed this is the only option brought to council and they are moving too fast. Ms. Breland provided information about the purchasing policy. Mr. Heath stated the vote does not preclude them from having those meetings and discussion with ESD2 but as they are still waiting for the meeting to occur they don't have another choice. Discussion followed regarding the process and requirements.

Mayor Gonzales called for the vote: Mr. Weiss - yes, Mr. Ruiz - no, Mayor Pro Tem Peña - yes, Mr. Heath - yes, Mr. Rogers - yes, Mayor Gonzales - yes. The motion carried.

## Reading of the Consent Agenda

Ms. Evans read the items on the consent agenda to include the captions of the ordinances. Item 6A. was pulled and discussed earlier in the meeting.

### 7. Approval of Minutes

- 7A. [2021-1070](#) Approval of the minutes of the September 28, 2021 Worksession and Regular Meeting and September 30, 2021 Joint Worksession.

The minutes were approved on the consent agenda.

### 8. Resolutions

- 8A. [RES-0927](#) Approving a Resolution with the caption reading A Resolution of the City of Pflugerville, Texas Approving a Right-of-Way License Agreement with Cielo Austin Development, LLC for Cielo North Public Improvements Project Pursuant to the Pflugerville Code of Ordinances, Chapter 96 Right-of-Way Management, Division V. ROW Licenses.

The resolution was approved on the consent agenda.

- 8B. [RES-0928](#) Approving a resolution with the caption reading: A resolution of the City of Pflugerville, Texas authorizing the City Manager to enter into a contract with Wells Fargo Bank, N.A. to provide primary depository and related banking services and establishing an effective date.

The resolution was approved on the consent agenda.

## 9. Other Actions

- 9A.** [2021-1062](#) Approving an agreement with Star Sweeping USA, Inc. for Citywide Street Sweeping Services in the amount not to exceed \$100,000 for fiscal year 2022 and authorizing the City Manager to execute same.  
**The item was approved on the consent agenda.**
- 9B.** [2021-1073](#) Approving a Professional Services Agreement with Austin Traffic Signal Construction Co., Inc. for Traffic Signal Maintenance in an amount not to exceed \$405,000 for fiscal year 2022 and authorizing the City Manager to execute same.  
**The item was approved on the consent agenda.**
- 9C.** [2021-1075](#) Approving an agreement with Halff Associates, Inc. in the amount of \$51,784.00 for professional engineering services associated with South Heatherwilde Boulevard rehabilitation as part of the 2022 Pavement Maintenance Program and authorizing the City Manager to execute same.  
**The item was approved on the consent agenda.**
- 9D.** [2021-1064](#) Approving action to award a construction contract for the Pecan at Heatherwilde Roadway Project to Lone Star Sitework, LLC. the lowest responsible bidder of five (5) bids received on September 23, 2021, in the amount of \$330,085.25 and authorizing the City Manager to execute same.  
**The item was approved on the consent agenda.**

## Action on the Consent Agenda

**Mr. Heath made a motion to approve the consent agenda. Mr. Weiss seconded the motion. All voted in favor. The motion carried.**

## 10. Ordinance Second Reading

- 10A.** [ORD-0614](#) Discuss and consider action to approve an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas amending rates for wastewater customers of all districts identified herein; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.  
**Mayor Gonzales read the ordinance caption and opened the item for discussion. Ms. Giannini provided information on the item and introduced Grant Rabon with NewGen Strategies. Mr. Rabon gave a presentation about the history and forecast of wastewater bills and stated the proposal is to make a meaningful adjustment to reinstate the relationship of rates for the district. Discussion followed regarding communication between city staff and the**

district legal team and the rate study. Mr. Weiss moved to approve the ordinance on second reading. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

## 11. Resolutions

### 11A. [RES-0923](#)

Discuss and consider action to approve a resolution nominating a candidate for the Board of Directors of the Travis Central Appraisal District (TCAD).

Anthony Nguyen stated that this position up for nomination is his current position and he is in support of Andrew Crain. He stated he spoke with him about the responsibilities and what the position entails. He stated he knows Elizabeth Montoya as well and has worked with her and while a good candidate she has also already been on three other committees.

Mr. Weiss recommended the nomination of Elizabeth Montoya. Mr. Rogers seconded the motion. Mr. Rogers rescinded the second. Mr. Ruiz seconded the motion. The vote was as follows: Mr. Rogers - no, Mr. Heath - no, Mayor Pro Tem Peña - no, Mr. Ruiz - yes, Mr. Weiss - yes, Mayor Gonzales - yes. The vote was tied.

Mr. Rogers made a motion to nominate Andrew Crain. Mr. Heath seconded the motion. The vote was as follows: Mr. Weiss - no, Mr. Ruiz - no, Mayor Pro Tem Peña - yes, Mr. Heath - yes, Mr. Rogers - yes, Mayor Gonzales - no. The vote was tied.

Discussion followed and it was decided a special meeting would be held on Wednesday, October 20th at 5:30pm to address when Councilmember Metayer would be present.

## 12. Discuss and consider action

### 12B. 2021-1002

1). Executive Session Item: Deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code regarding the purchase, exchange, lease, and/or value of real property related to Black Hawk Golf Course. 2). Open Session Item: Discuss and consider action to approve a Letter of Understanding between the City of Pflugerville and the Black Hawk Golf Course and authorizing the City Manager to execute the same.

There was no discussion on this item.

### 12C. [2021-1077](#)

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code to receive legal guidance regarding code of conduct for elected and appointed officials. 2.) Open Session Item: Discuss and consider action regarding code of conduct for elected and appointed officials.

Mayor Gonzales announced that council was retiring to executive session for item 12C. and read the item. City Council retired to executive session at 9:39pm.

Mayor Gonzales reconvened the meeting in open session at 9:48pm. No action was taken.

- 12D. [2021-1078](#) 1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville. 2.) Open Session Item: Discuss and consider action regarding litigation: Cash Construction Company, Inc. vs. the City of Pflugerville.

There was no discussion on the item.

13. **Discuss only**

[2021-1096](#)

Discuss speeding in residential areas.

Chief O'Malley gave a presentation regarding how citizens can let police know there are speeding vehicles through an online form. He stated that every concern that is brought to the department is investigated and described the results of speed studies. Mr. Heath provided Chief O'Malley some areas of concern. Chief O'Malley described previous calls of concern and stated sometimes it can be hard to tell how fast a vehicle is moving. Mr. Weiss asked what can be done to lower a speed limit. Chief O'Malley stated a traffic study would need to be in coordination with the Engineering Department.

13C. [2021-1063](#)

Discuss the City's 5-year Pavement Maintenance Program.

This item was discussed in the earlier posted worksession.

13D. [2021-1071](#)

Discuss the 10th Street Reconstruction Project schedule.

Mayor Gonzales opened the item for discussion. Mr. Weiss stated he requested the item knowing that 10th Street is on the reconstruction plan and wanted to see if council was amenable to acceleration. Ms. Giannini provided information about the process for the projects and stated the project could be accelerated about four months if it was taken out of the page for an estimate of 60-80 thousand dollars extra. Mr. Heath asked if there are any possible cost savings for materials due to shortening the time. Ms. Giannini stated it is possible but uncertain. Discussion followed regarding timing of construction and adjacent construction. Mr. Weiss asked staff to prioritize as much as possible, but not to pull it out of the bundle of projects.

13E. [2021-1066](#)

Request to place item on future agenda.

Mr. Heath requested a presentation on how to become STAR transparency certified within the next three meetings. Mr. Rogers seconded.  
Mr. Heath requested a presentation on how to start modifications on the UDC and the process within the next two meetings. Mr. Rogers seconded.  
Mr. Heath requested a presentation on policy of the city regarding safety in HOA parks within the next two meetings. Mr. Rogers seconded.

**14. Adjourn**

**Mayor Gonzales adjourned the meeting at 10:06pm**

**Respectfully submitted,**

**Trista Evans, City Secretary**

**Approved as \_\_\_\_\_ on October 26, 2021**