

TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 2

REGULAR MEETING MINUTES

AUGUST 8, 2024

The Board of Commissioners of Travis County Emergency Services District No. 2 held a meeting on Thursday August 8, 2024 at 6:00 p.m. at the Travis County Emergency Services District No. 2 Headquarters located at 201 East Pecan Street, Pflugerville, Texas, for the following purposes.

Commissioners who attended in person: Robert Turner Randy Reese Mike Howe

Commissioners who attended via videoconference: Rico Reyes

Commissioners absent: April Griffin

The following persons were also in attendance:

Nick Perkins John Carlton Amanda Bartlett Jessica Frazier Mark Moellenberg

1. CALL REGULAR MEETING TO ORDER: *The meeting was called to order by Assistant Board Treasurer Commissioner Robert Turner at 6:00 p.m. and the minutes were recorded by mechanical means.* The meeting was held pursuant to a formal Notice of Meeting, which had been posted in accordance with the Texas Open Meetings Act at the Travis County Clerk’s Office, in the offices of the Travis County Emergency Services District No. 2 Headquarters, and on the District’s website at <https://www.pflugervillefire.org/board-of-commissioners-agenda/>.

PUBLIC COMMENT

2. PUBLIC COMMENT: *No public comment.*

SPECIAL RECOGNITION

3. CELEBRATE SPECIAL RECOGNITION OF PERSONNEL FOR EXCEPTIONAL PERFORMANCE;
 - **Kevin Wells promotion to Apparatus Specialist**
 - **Gabriel Coleman promotion to Apparatus Specialist**
 - **Mikell Kelley promotion to Apparatus Specialist**
 - **Drew Dilworth promotion to Lieutenant**
 - **Russell Pugh promotion to Apparatus Specialist**
 - **Collin Bowser promotion to Lieutenant**
 - **Christopher Montoya to Lieutenant**
 - **Victoria Swaim to Apparatus Specialist**
 - **Battalion Chief Bobby Ortiz receiving a lifesaving award;**

- **Travis County ESD# 2 Participants of the Summer Teacher Externship Program with the Workforce Solution capital area;**
- **Pflugerville ISD appreciations Travis County ESD# 2 help with Hope Pfest;**
- **Recognize and congratulate TCESD No. 2 Basketball team for placing 3rd in the Texas Firefighter Summer Games Basketball Tournament;**

Commissioner Turner recognized the named individuals in celebration of awarded promotions and exceptional performance. Chief Perkins discussed Pflugerville ISD's recognition of the District for its donations and assistance with Hope Pfest.

CONSENT ITEMS

4. APPROVE REGULAR MEETING MINUTES FROM JUNE 14, 2024 AND JULY 11, 2024;
It was noted that the July 11, 2024 minutes are not ready for the Board's approval, yet. Commissioner Turner stated that there was a scrivener's error on the posted agenda and the Board is being asked to approve the June 13, 2024, minutes because no meeting was held on June 14, 2024.

Commissioner Howe moved to approve the June 13, 2024 regular meeting minutes, Commissioner Reese seconded the motion, and it passed unanimously.

REPORTS

5. COMMISSIONERS' REPORTS, RESPONSES TO INQUIRIES, INCLUDING;
- COMMUNICATIONS WITH THE CITY COUNCIL OF PFLUGERVILLE, PUBLIC SAFETY SUBCOMMITTEE;
 - DISTRICT PUBLIC RELATIONS COMMITTEE;
 - TRAVIS COUNTY ESD COMMISSIONERS' COUNCIL REPORT;

No reports were presented.

6. RECEIVE REPORT FROM TREASURER AND CONSIDER TAKING RELATED ACTION, INCLUDING:

- APPROVAL OF MONTHLY BILLS AND INVOICES;
- APPROVAL OF FINANCIAL REPORT, INCLUDING PROCESSING OF PAYROLL;
- RECEIVE MONTHLY SALES TAX ANALYSIS REPORT;
- RECEIVE QUARTERLY INVESTMENT REPORT;
- APPROVAL OF PURCHASES FOR ITEMS INCLUDED IN THE DISTRICT'S APPROVED BUDGET;

Commissioner Howe reviewed the Treasurer's Report and noted that the Board has been provided a list of checks and payments, including a payment for Core Construction for the training facility, as well as the financial report. Commissioner Howe briefly discussed the variations in sales tax, noting that income was up 4.5 percent from last year and further commenting that this reflects four months of increases.

Commissioner Howe provided a brief overview of payroll and discussed the investment report. In addition, the purchases that were included in the budget and that are ready to be approved by the Board are included in the financial report provided to the Board.

Commissioner Howe moved to approve the Treasurer's Report, Commissioner Reese seconded, and the motion passed unanimously.

7. RECEIVE MONTHLY REPORT FROM THE FIRE CHIEF REGARDING EMERGENCY OPERATIONS RELATED TO FIRE SUPPRESSION AND EMS, RESPONSE TIMES, CALL VOLUME, PERSONNEL STAFFING AND TRAINING, MANAGEMENT ACTIVITIES, COMMUNICATIONS AND PUBLIC INFORMATION ACTIVITIES, INCLUDING:

- AN UPDATE ON THE DISTRICT'S EMS BILLING POLICY;
- AN UPDATE ON THE DISTRICT'S PLANNING DEVELOPMENT;
- AND CONSIDER TAKING ANY RELATED ACTION;

Chief Perkins stated that he is still working on his report detailing the impact to the budget in the event the District loses its sales tax. He expects to have that completed in mid-August, after additional information has been received. Chief Perkins noted that a high-level review of the impact to the budget reflects a reduction of about 40% if sales tax income is lost. Chief Perkins advised that such a hit to the budget would result in personnel cuts, a reduction or elimination of certain programs and services, and it would impact response times – which may be increased by up to 40 minutes based on reports provided. That, in turn, could impact the District's ISO rating, which is currently 1 and is the best ISO rating that can be achieved; however, areas of the District could drop to the worst rating, ISO 10. A reduction in ISO rating would negatively impact insurance costs for both commercial and residential property owners. Chief Perkins further commented that it would result in 166 positions being eliminated, held both by firefighters and civilians, and including vacant positions.

Chief Perkins then discussed Austin EMS and the dispatch solution, which is still in the process of being implemented, noting that there are instances when it is utilized and there are times when it is not. Forward progress is being made and a reduction in dispatch delay times has been reflected, but the dispatch delays are not where he would like them to be.

Next, Chief Perkins discussed the petition for creation of an overlay district for all areas of Travis County not currently in an overlay district, that was submitted by the Austin EMS Employees Association. Travis County intends to hire a consultant to evaluate the issue and that scope of work is currently being developed. Commissioner Howe inquired about the District's ability to be involved in the final decision process, as well as its ability to review materials stemming from the consultant's work. Chief Perkins responded, stating that he has asked that question, as have other ESDs, and a response has not been received, yet. With that said, he will continue to monitor and seek information. Commissioner Turner inquired about the nature of the scope of work. Chief Perkins stated that it is multi-layered, and includes a review of the current state of funding mechanisms, as well as other funding mechanisms. Further, the scope of work is expected to include a review of other deployment and delivery options, and address the question of equity across Travis County. Discussion was held with respect to the petition and scope of work.

Finally, Chief Perkins noted that a Strategic Planning meeting is scheduled for September with the Travis County ESD fire chiefs. The agenda for the meeting is expected to include discussion of Fire Code, EMS, and disaster planning and response. Commissioner Turner asked about the timing for the unified report that is presented on behalf of the ESD fire chiefs to Travis County Commissioners Court. Chief Perkins responded, stating that the report is prepared around the same time or shortly after the joint Strategic Planning and presented in October or November. Chief Perkins then discussed wildfire preparation and response, commenting that there is desire to present a separate report to County Commissioners Court addressing wildfires. Chief Perkins noted that ESDs are accustomed to addressing wildfires, which typically occur outside of the city. Commissioner Turner added that there is a significantly higher risk today for wildfires in this area than five years ago, given the tremendous growth that is occurring outside of the City of Austin.

8. RECEIVE MONTHLY REPORT FROM ASSISTANT CHIEF OF COMMUNITY RISK REDUCTION REGARDING STATUS OF FIRE CODE VIOLATIONS AND ENFORCEMENT ACTIVITIES WITHIN THE DISTRICT AND AUTHORIZE ACTION AS NECESSARY, INCLUDING THE FOLLOWING PROPERTIES AND OWNERS:
 - A. VAHID KHAMISI, 15505 N. IH-35, PFLUGERVILLE, TEXAS, 78660 (“CLUB MIAMI”);
 - B. GREG DANIELS, 15008 N. IH-35, AUSTIN, TEXAS 78728 (“FLEISCHER DRIVE”);
 - C. GLENN WILLIAMS, 6511 BRATTON LANE, AUSTIN, TEXAS 78728 (“PERFECT 10”);
 - D. BRIANA STRINGER, 20818 MARTIN LANE, PFLUGERVILLE TEXAS 78660 (“DOGJOY”);
 - E. TERRANCE S. FISHER, 112 E. HOWARD LANE, AUSTIN, TEXAS 78753 (“HANNAH’S PLACE”);

Assistant Chief Berger provided an overview of the fire code violations with the named businesses. Justice of the Peace Precinct 2 (“JP2”) has jurisdiction over A., B., and C., above. With regard to A, Assistant Chief Berger noted that he met JP2 earlier this year, on June 24th. The business is making efforts to address the sprinkler system and bar night club assembly, and an extension has been issued. On B, Mr. Daniels, the individual that owns the vacant lot upon which several fires broke out last year, failed to appear in court and a warrant has been issued for his arrest. As it pertains to the District’s code compliance, once Mr. Daniels has been arrested, District employees will then be able to speak with him to address the vacant lot and necessary clean up. As for C, the property owner had problems with its water provider. JP2 granted additional time for the owner to bring the building into compliance and an extension was issued. With regard to D, the business has an approaching deadline and, if the business owner fails to address the compliance issues by that deadline, Assistant Chief Berger will proceed with taking the matter before JP2. Item E is the highest risk facility, as it is a home healthcare residence that lacks a sprinkler system, smoke alarms and proper exits for individuals unable to self-evacuate. A Petition was filed on behalf of the District with Travis County District Court complaining about the facility and seeking an injunction. Assistant Chief Berger further noted that the District is currently moving forward with four other cases that are pending. Depending on the actions taken, the list of properties and owners will likely be updated.

Commissioner Howe asked about the deadlines associated with A and C. Assistant Chief Berger responded that the timeline varies and is at JP2’s discretion. Assistant Chief Berger continued, noting that criminal penalties can be sought from the business, in addition to civil penalties, and the District will seek civil penalties in an effort to recoup the resources spent pursuing these businesses. Commissioner Turner inquired about E, asking if anything more can be done to address the situation. Assistant Chief Berger responded, stating no – the operations department reported the facility as likely not in compliance with the fire code and an inspector was out to the property within 48 hours of that initial notification. The District has been working quickly to address the matter since that time. Commissioner Reyes commended Assistant Chief Berger on his ability to balance urgency and protecting the public with due process.

Then, Assistant Chief Berger discussed the Interlocal Agreement for Fire Marshal Services with the City of Pflugerville that was provided to the Board of Commissioners. Assistant Chief Berger discussed updates made to the service contract, noted the changes and expressed his support. Commissioner Howe inquired about the status of the City’s consideration of the agreement and Assistant Chief Berger responded, affirming that the City has been involved in negotiations and it is ready for approval and execution. Commissioner Howe moved and Commissioner Reese seconded to approve the Interlocal Agreement for Fire Marshal Services with the City of Pflugerville. The motion passed unanimously.

Before turning to Item 9, Commissioner Turner acknowledged and recognized Mr. Franks, a member of the public that was present at the meeting and a former commissioner of the rural fire prevention district that preceded the creation of the District, ESD 2. Commissioner Turner commented, briefly, on the growth and

changes that have occurred over the years, and expressed his gratitude and appreciation for the groundwork that was laid by the individuals involved with the rural fire prevention district.

9. RECEIVE REPORT REGARDING STATION #7 AND TRAINING FIELD CONSTRUCTION PROGRESS, AND DISCUSS AND CONSIDER ACTION REGARDING AGREEMENT WITH CORE CONSTRUCTION SERVICES OF TEXAS, INC., INCLUDING ANY CHANGE ORDERS OR REQUESTS FOR PAYMENT;

Chief Perkins had no updates and commented that the project is moving along nicely.

10. RECEIVE MONTHLY REPORT FROM THE DISTRICT'S LEGAL COUNSEL REGARDING PENDING LITIGATION MATTERS, CONTRACT ISSUES, AND LEGISLATIVE EFFORTS AND CONSIDER TAKING RELATED ACTION;

- CAUSE NO. D-1-GN-23-000748; DAVID ROGERS, JENNIFER PAKENHAM, AND KRISTI POWELL, PLAINTIFFS V. TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 2 BOARD, DEFENDANT;

This item will be discussed in the executive session.

DISCUSSION/ACTION ITEM

11. DISCUSS AND CONSIDER HEALTHCARE RENEWAL PRESENTATION FROM FROST AND TAKE ANY RELATED ACTION;

Mr. Patricio Perez from Frost Insurance was present and gave a presentation on the healthcare renewals. BlueCross BlueShield, the incumbent provider, proposed a 7.7% increase for medical insurance with 9.5% rate cap for the following year, and a \$10,000 wellness credit. Commissioner Turner asked for an explanation of the "wellness credit". Mr. Perez advised that it is a credit provided to cover wellness programs for the District's participating employees. Mr. Perez then provided a brief breakdown of options for dental insurance, vision insurance and basic life insurance. Commissioner Howe inquired about the cost in relation to the budget. Chief Perkins responded that the overall cost is below budget. Mr. Perez recommended the incumbent providers be renewed. Commissioner Howe expressed his appreciation to Mr. Perez for his hard work and responsiveness in completing the project.

Commissioner Howe moved and Commissioner Reyes seconded to approve renewal of the incumbent healthcare providers, and the motion passed unanimously.

The Board then changed the order of the agenda and took up Item 13, next:

13. DISCUSS AND CONSIDER THE PROPOSED FISCAL YEAR 2025 BUDGET AND FEE SCHEDULE, AND TAKE ANY RELATED ACTION;

Jessica Frazier discussed the forecasted budget that was provided to the Commissioners for their review and described the debt that the District has taken on. Ms. Frazier also provided an overview of projected revenue, discussing the volatility of sales tax and projected sales tax revenue, as well as changes in grant revenue and fire/EMS revenue provided by the State. Ms. Frazier commented that the Health and Human Services agency ("HHS") provided \$865,000 in funding; whereas, this year, \$198,000 in funding is expected. Ms. Frazier discussed the operational budget, noting that it includes the salary and benefit increases and 13 additional positions. Ms. Frazier noted that the amount of \$17 million is what would be

remaining. Commissioner Howe discussed the property tax protests related to devaluations of properties in the area.

12. DISCUSS AND CONSIDER TAKING RELATED ACTION REGARDING THE 2024 TAX RATE INCLUDING:

- ESTABLISHING THE PROPOSED TAX RATE BY TAKING A RECORD VOTE;
- SCHEDULING A PUBLIC HEARING AND A MEETING TO VOTE TO ADOPT TAX RATE;
- AUTHORIZING THE PUBLICATION OF “NOTICE OF PUBLIC HEARING ON TAX INCREASE” IN THE NEWSPAPER; AND
- ACKNOWLEDGING AND APPROVING THE POSTING OF “NOTICE OF PUBLIC HEARING ON TAX RATE” AND “NOTICE OF PUBLIC HEARING ON TAX INCREASE” TO THE HOMEPAGE OF THE DISTRICT WEBSITE;

Ms. Frazier reviewed the information that was provided to the Board of Commissioners. Ms. Frazier noted that there was an increase of 5.8% in property values. She provided an overview of the average taxable value, and detailed the no new revenue tax rate, the voter approval rate, and the unused increment tax rate. The maximum tax rate the District may adopt without conducting an election is the voter approval rate of \$0.0939/\$100.

Discussion among the Commissioners followed regarding tax rates and the impact of an election. Commissioner Reyes commented in favor of adopting the highest rate allowable without having to conduct an election, and Commissioner Howe expressed agreement.

Commissioner Howe moved and Commissioner Reyes seconded to propose a voter approval tax rate including the unused increment of 0.0939 per \$100 valuation for 2024.

*Commissioner Reyes: Aye
Commissioner Howe: Aye
Commissioner Reese: Aye
Commissioner Turner: Aye
The motion passed unanimously.*

Commissioner Howe moved to schedule the public hearing for September 12th at 6 p.m., authorize the publication of the Notice of Public Hearing on Tax Increase in the newspaper, and authorize posting of the Notice of Tax Rates and Notice of Tax Increase to the home page of the District’s website. Commissioner Reese seconded and the motion passed unanimously.

14. DISCUSS AND CONSIDER THE PURCHASE OF NEW FIREFIGHTER PERSONAL PROTECTIVE EQUIPMENT AND TAKE ANY RELATED ACTION;

Chief Perkins discussed the purchase for structural gear for 13 firefighters for primary and secondary ensemble for a total of \$97,877.02 plus \$2,000 for estimated shipping costs. The shipment is not expected until after the end of the FY.

Commissioner Howe moved and Commissioner Reese seconded to approve the purchase of personal protective equipment. The motion passed unanimously.

15. DISCUSS AND CONSIDER STRATEGIC PLANNING FOR THE DISTRICT RELATED TO FINANCIAL AND OPERATIONAL PROJECTIONS, INCLUDING:

- REVIEW OF PROJECTED GROWTH IN REVENUE, POPULATION, SERVICE DEMAND, AND IMPACT ON RESPONSE TIMES AND PROVISION OF SERVICE;
- PRESENTING REPORTS FROM THE COMMISSIONERS CONCERNING COMMUNITY INTERACTIONS AND RELATIONS,
- AND TAKE ANY RELATED ACTION;

No report.

16. DISCUSS AND CONSIDER AUTHORIZING THE PURCHASE OF TWO ENGINE FIRE APPARATUS AND RELATED EQUIPMENT AND TAKE ANY RELATED ACTION;

Chief Perkins discussed the need to purchase two engine apparatus and necessary equipment, which was budgeted to occur in FY2024. Initial prices reflect a 20% increase, and delivery is expected to occur during FY2025. The total cost is not to exceed \$2,738,290, which is slightly over budget.

Commissioner Turner inquired about the ongoing issues with the market, both in delay and costs, and asked if it was expected to persist. Discussion followed among the Commissioners, Chief Perkins and Assistant Chief Mark Moellenberg about the delivery delays.

After discussion, Commissioner Howe moved and Commissioner Reese seconded to approve the purchase of two engine fire apparatus and related equipment. The motion passed unanimously.

17. DISCUSS AND CONSIDER THE PROPOSED PROVISION OF EMERGENCY MEDICAL SERVICES TO OTHER GOVERNMENTAL ENTITIES, COST ALLOCATION, AND TAKE ANY RELATED ACTION;

No report.

Commissioner Turner announced that the Board would convene in closed session to discuss Item 10.

At this time, the Board went into Executive Session to receive legal advice from counsel pursuant to Texas Government Code Section 551.071. Executive Session convened at 7:41 p.m. and ended at 8:02 p.m., at which point the regular meeting was reconvened.

No action was taken during executive session.

Commissioner Reyes then requested to return to Item 5 and Commissioner Turner agreed.

Commissioner Reyes discussed a strategy meeting that was held the prior month and attended by City of Pflugerville Councilmembers Doug Weiss, David Rogers and Rudy Metayer, noting that it was a productive conversation and expressing his appreciation for their attendance. Commissioner Reyes continued, stating that, since that time, additional conversations have occurred with City Mayor Victor Gonzales, as well as Councilmembers Ceasar Ruiz and Rudy Metayer. Further, all of those City representatives expressed support for the District and disagreed with the efforts to conduct an election, if one occurs. Commissioner Reyes expressed his appreciation for the support of Mayor Gonzales, Councilmember Ruiz and Councilmember Metayer. Commissioner Reyes then countered that the voters care more about the positions and impact to the residents of the District than they care about the personalities that are involved.

Commissioner Reyes then referenced a portion of this year's strategy session, which was also attended by the members of the firefighters' union and City Councilmember David Rogers. Commissioner Reyes acknowledged that the union members made fiery comments with respect to Mr. Rogers. Mr. Rogers took issue with those comments, regardless of the factual basis for the statements offered. Commissioner Reyes stated that Mr. Rogers apologized to him for the disruption; however, an apology was not conveyed to the firefighters. Commissioner Reyes then stated that the District's Board of Commissioners do not speak for the firefighters' union, nor does the union speak for the District. Similarly, one Councilmember or minority group of councilmembers does not speak for the whole of the City Council.

Commissioner Reyes noted that he was expressing his opinion as a public official on an important public matter, and that he bore no malice to any of the parties involved. He then reiterated his recommendation that the parties focus on the issue at hand, which is a dramatic reduction in services to District residents if the matter goes to an election and the election is successful.

18. ADJOURN THE MEETING.

Commissioner Turner adjourned the meeting at 8:07 p.m.

The next Board meeting is scheduled for September 12, 2024, at 6:00 p.m.

Respectfully Submitted By:

Sequina Allen
Board Recorder