



**Construction Advisory Committee
MINUTES**

**REGULAR MEETING
Tuesday, November 16, 2010**

**The Construction Advisory Committee convened in a regular meeting on Tuesday, November 16, 2010
505 Barton Springs Road, 13th Floor, Director's Conference Room, Austin, Texas.**

Vice Chairman Ira Crofford called the Board Meeting to order at 10:06 a.m.

Board Members in Attendance:

Martin Prisant – Chairman

Emily Timm – Vice Chairwoman

Ira Crofford

Eddie Hurst

Calvin Williams

Gaynell Wilson

Members Absent:

Conrad Masters

Staff in Attendance:

Howard Lazarus, Director - Public Works Department

Keri Juarez, Assistant Director – Public Works Department

Susan Garnett, Executive Assistant - Public Works Department

Leon Barba, Assistant Director, Planning and Development Review Department

Frank Mays, Contract Compliance Manager – Contract and Land Management Department

Rolando Fernandez, Acting Assistant Director - Contract and Land Management Department

Kathie Harrison, Auditor – Office of the City Auditor

1. CITIZEN COMMUNICATION: GENERAL

None

2. APPROVAL OF MINUTES

The minutes from the meeting of 11/16/2010 were approved on Board Member Hurst's motion, Board Member Wilson's second on a 5-0 vote.

3. NEW BUSINESS

4. OLD BUSINESS

- Leon Barba, Assistant Director of the Planning and Development Review Department, discussed the implementation of the City's rest break ordinance with the committee. The ordinance went in to effect on August 27, 2010. Contractors must be in compliance of the rules posting by January 5, 2011, and any comments regarding the ordinance must be submitted to Sylvia Arzola no later than February 6, 2011.

Vice Chairperson Timm asked how the City planned on enforcing the posting of signs at construction sites. Mr. Barba answered that he and his team are responsible for the inspection of pre-construction site plans and commercial building plans, and said he would begin implementing pre-construction site inspections immediately. He also explained that workers interested who observe the non-compliance of construction contractors can notify the City by calling 3-1-1 and obtaining a referral to the Municipal Court. Vice Chairperson Timm voiced concerns that this is not accessible enough for workers and may place an unnecessary burden on the Municipal Court. She suggested that an initial phone call to 3-1-1 prompt an on-site visit by a Code Compliance officer in which Howard Lazarus, Director of Public Works, agreed to meet with the Code Compliance office to see if that was a feasible option.

Vice Chairperson Timm also requested to include the phone number to call to report non-compliance in the signs posted on construction sites. Mr. Barba responded that he had already discussed this with the City's Law Department and was advised not to do so. He said he would make another request and send a memo to the committee with the outcome of this discussion and provide a contact name from the City's Law Department. Mr. Barba also agreed to provide a sample of a sign for posting on the City's website.

- Rolando Fernandez, Acting Assistant Director of the Contract and Land Management Department (CLMD), discussed the committee's request to applying an administrative fee for voluntary corrective action of City contractors. Rolando said the City's Law Department advised that the City would not be able to charge this fee. Rolando said he would have a representative from Law join the committee in a future meeting to further discuss this issue and also explore other avenues to accomplish the same goal.

The committee requested that CLMD provide the committee with staff ratios compared to similar departments in other comparable cities.

- Frank Mays, Contract Compliance Manager of CLMD, informed the committee of the reorganization of the department. Frank mentioned that CLMD had created a new position for a wage compliance officer and that the emphasis of his work for the last three months has concentrated on site visits and checking for wage compliance.

5. FUTURE AGENDA ITEMS

- The committee asked City Auditor, Kathy Harrison, if the Auditor's Office is involved in the City's selection of contractors and the prevailing wage process. Kathy responded that this was not

included in the work plan of the Auditor's office for this year.

- The discussion and possible of action regarding the Wage Compliance Program Assessment and Comparison to Comparable Texas Jurisdictions will be added to the December 14th agenda.
- The committee requested the participation of a representative from the City's Law Department to join the next meeting on December 14th to work with the committee in developing a solution to help prevent wage violation.
- The committee requested a report back from Howard Lazarus on his meeting with Code Compliance regarding the City's rest break ordinance.
- The committee requested that staff from CLMD participate in a future discussion of safety forms and would like to add that the requirement of 10-hour OSHA training, effective September 1, 2010, be added to these forms. This discussion is scheduled to be included on the January 18th agenda.
- The committee would like to work with City staff to develop a dashboard report to provide to the Mayor and Council on a quarterly basis.
- The committee requested a discussion with CLMD staff about how Job Order Contracting is executed.

6. NEXT MEETING (December 14, 2010)

ADJOURN

- *A motion to adjourn at 11:36 a.m. was made by Chairman Prisant.*