



**Construction Advisory Committee
MINUTES**

**REGULAR MEETING
Tuesday, December 14, 2010**

**The Construction Advisory Committee convened in a regular meeting on Tuesday, December 14, 2010
505 Barton Springs Road, 13th Floor, Director's Conference Room, Austin, Texas.**

Chairman Prisant called the Board Meeting to order at 10:08 a.m.

Board Members in Attendance:

Martin Prisant – Chairman

Emily Timm – Vice Chairwoman

Conrad Masters

Gaynell Wilson

Members Absent:

Ira Crofford

Eddie Hurst

Calvin Williams

Staff in Attendance:

Howard Lazarus, Director - Public Works Department

Gordon Bowman, Attorney – Law Department

Susan Garnett, Executive Assistant - Public Works Department

Rosie Truelove, Acting Director - Contract and Land Management Department

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

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

Felecia Shaw, Contract Development Analyst - Contract and Land Management Department

1. CITIZEN COMMUNICATION: GENERAL

None

2. APPROVAL OF MINUTES

Changes to the 10/26/2010 minutes were requested by Chairman Prisant and Vice Chairwoman Timm to request that Board Member Crofford be taken off the minutes as he was not in attendance. Vice Chairwoman Timm also requested that the change be made to reflect that Mr. Barba was advised by the City's Law Department to not provide signs to contractors for posting in accordance of the rest break

ordinance.

3. NEW BUSINESS

4. OLD BUSINESS

- a. The Construction Advisory Committee revised bylaws were approved on Board Member Master's motion, Board Member Wilson's second on a 4-0 vote.
- b. Ms. Truelove presented Contract and Land Management's findings of the Wage Compliance Program Assessment and Comparison to Comparable Texas Jurisdictions. In conclusion, Ms. Truelove said she would follow up with the committee on the \$60 per day wage violation fee with the cities of Corpus Christi and Houston. Chairman Prisant requested a copy of the ordinances from those cities which dictate the collection of the fee.

Chairwoman Timm requested that the University of Texas and Harris County also be included in the follow up report in which Ms. Truelove agreed to, provided contact can be made.

- c. Mr. Bowman, Attorney for the City of Austin, discussed the City's enforcement of wage compliance violations with the committee. He explained that the City can make an initial determination if a contractor is in violation of wage compliance, but has no ability to influence the final decision. He further explained that the City is required to withhold the fee and should do so if necessary; however, settlement is encouraged between the contractor and employee and is usually achieved, therefore requiring the City to return the wage violation fee to the contractor.

Chairman Prisant asked Mr. Bowman what process could potentially be utilized so that a contractor can be taken off of a bid list after three to four violations, as well as if the City could collect a fine of any kind.

Mr. Bowman replied that the \$60 per day fee is what the City uses for wage violation in addition to probation and suspension provisions for seriously breached contracts, but reiterated that once compliance is achieved and a settlement is made, the City must refund the \$60 restitution.

In conclusion of the discussion, Chairman Prisant requested that the City include a question in the contractor evaluation process that would encourage a more in depth review of contractors.

- d. Mr. Lazarus updated the committee regarding his meeting with Code Compliance on the City's rest break ordinance, addressing the issue of calls made to the City's 3-1-1 line with Mr. Calebrese, Mr. Barba, Mr. Rhodes and Mr. Goode. It was decided that after three calls to 3-1-1, Code Compliance will send an investigator to the site in question along with a letter to the contractor. Workers will also be allowed to file a complaint with the municipal court. A written protocol will be forthcoming from Mr. Rhodes.

5. FUTURE AGENDA ITEMS

- a. Approval of 2011 Construction Advisory Committee regular meetings calendar.
- b. Discussion and approval of new bylaws per City Ordinance.
- c. Discussion and possible action in January on safety forms with the Contract and Land Management

Department.

- d. Mr. Lazarus will provide an update on the City's rest break ordinance regarding sign postings and procedures following three phone calls to 3-1-1. A written protocol will also be provided by Mr. Rhodes
- e. Committee update on the Contractor Evaluation Process.

6. NEXT MEETING (January 18, 2011)

PLEASE NOTE: ALL REGULAR MEETINGS IN 2011 WILL BE HELD IN THE BOARDS AND COMMISSIONS ROOM (RM 1101) AT CITY HALL, 301 W. 2nd Street.

ADJOURN

- *A motion to adjourn at 11:36 a.m. was made by Board Member Masters.*