



**MBE/WBE and Small Business Advisory Committee
Minutes**

**Regular Meeting
Tuesday December 7, 2010**

The MBE/WBE and Small Business Advisory Committee convened in a regular meeting on Tuesday, December 7, 2010 at 301 W. 2nd Street Room 1029 in Austin, Texas.

Chair Adrian Neely called the Board Meeting to order at 5:34 p.m.

Board Members in Attendance:

Adrian Neely, Ed Lowenberg, Barbra Boeta, Anne Harutunian, Andy Ramirez, Brian Walters

1. APPROVAL OF MINUTES

Minutes from the November 2, 2010 regular meeting were approved on a motion by Mr. Ramirez, seconded by Mr. Lowenberg.

2. CITIZEN COMMUNICATION

There were no citizens signed up to speak.

6. STAFF REPORTS

Monthly report for the Small & Minority Business Resources (SMBR) Department on request for changes and Council Awards

Veronica Briseño Lara, Director. SMBR provided a partial report to the Committee at the beginning of the meeting, and the remainder of her update later in the meeting. Ms. Lara discussed a draft resolution to be presented to the City Council regarding the policy that the MBE/WBE standards and principles are included in the City of Austin's solicitation documents and contracts for cooperative purchases.

3. NEW BUSINESS

For discussion and possible action on recommendations to City Council (2-1-163(B))

Approve revised bylaws relating to the creation of the Weatherization Subcommittee

The Committee approved the revised bylaws with a 6-0 vote, on a motion by Mr. Lowenberg, seconded by Ms. Boeta.

5. OLD BUSINESS

For discussion and possible action on recommendations to City Council (2-1-163(B))

a. Discussion regarding the Formula One Project and potential City of Austin Involvement

Adrian Neely, Ed Lowenberg, Anne Harutunian, and Andy Ramirez recused themselves from this item due to the possibility of a future contract between Formula One and the respective companies they work for in excess of \$5000 for professional fees. All named committee members sat in the audience while the discussion took place.

Ms. Lara explained that Formula One has voluntarily agreed to have an MBE/WBE Program and has hired Cloteal Davis Haynes as an Outreach Coordinator. Formula One is hosting its first MBE/WBE outreach event on December 14, 2010.

CITIZEN COMMUNICATION

Carol Hadnot, Austin Area Black Contractors Association – said that MBE/WBE goals only apply to \$13 million of the project for the service extension request. Ms. Hadnot said professional services opportunities were not available on the project. She also recommended they consider using the Construction Manager at Risk delivery method.

The Committee requested that Ms. Haynes come and discuss what her outreach plans are for this project.

b. Discussion of clarifying language in the MBE/WBE Procurement Program Ordinance regarding Commercially Useful Function

Lino Mendiola, Andrews & Kurth, LLC explained the definition of Commercially Useful Function in the MBE/WBE Procurement Ordinance.

CITIZEN COMMUNICATION

Carol Hadnot, Austin Area Black Contractors Association – expressed concern about the issue and recommended that SMBR staff closely monitor firms that are not providing a Commercially Useful Function.

c. Discussion of clarifying language in the MBE/WBE Procurement Program Ordinance regarding Like-Kind Substitutions

Lino Mendiola, Andrews & Kurth, LLC explained the definition of Like-Kind Substitution in the MBE/WBE Procurement Ordinance.

The Committee requested staff provide a recommendation on how to include violations for subcontractors in the MBE/WBE Procurement Program.

CITIZEN COMMUNICATION

Carol Hadnot, Austin Area Black Contractors Association – expressed concerns about firms not performing Like-Kind substitutions.

6. STAFF REPORTS (continued)

Monthly report for the Small & Minority Business Resources (SMBR) Department on request for changes and Council Awards

Veronica Briseño Lara, Director, SMBR, presented the committee with an update on the reports.

Ms. Lara said that she is working on compiling the No Goals report requested by the Committee at the November Committee meeting.

7. AGENDA ITEMS

- Update from the weatherization subcommittee
- Report from Cloteal Davis Haynes, regarding the Formula One project
- Discussion regarding violations for subcontractors.
- Bylaws update regarding the ability to create subcommittees at any time.

8. ADJOURNMENT

The meeting was adjourned at 7:09 p.m. on a motion by Ms. Boeta, seconded by Mr. Walters.