



**Construction Advisory Committee  
MINUTES**

**REGULAR MEETING  
Tuesday, February 19, 2013**

**The Construction Advisory Committee convened in a regular meeting on Tuesday, February 19, 2013  
One Texas Center, 505 Barton Springs Road, Public Works Director's Conference Room, 13<sup>th</sup> Floor**

**Chair Prisant called the Board Meeting to order at 10:00 a.m.**

**Board Members in Attendance:**

Carson Fisk  
Martin A. Prisant  
Suzanne Litz  
Shane Smith  
Calvin Williams (Arrived at 10:15)

**City Staff in Attendance:**

Howard Lazarus, Director – Public Works Department  
Jeannette Gilpin, Executive Assistant – Public Works Department  
James Snow, Assistant Director – Public Works Department  
Rosie Truelove, Director – Contract Management Department  
Frank Mays, Division Manager – Contract Management Department  
Edward Campos, Division Manager – Contract Management Department

**1. CITIZEN COMMUNICATION: GENERAL**

Patricia with Worker's Defense Project spoke about her improved experience with the City when filing a Prevailing Wage claim.

**2. APPROVAL OF MINUTES**

Minutes from the meeting of 1/15/12 were approved by board member Litz 's motion, member Fisk seconded on a 4-0 vote.

**3. DIRECTOR'S REPORT**

- a. Ribbon cutting – Hamilton Dedrick House – March 1<sup>st</sup>
- b. Southern Walnut Creek Trail ribbon cutting – end of March
- c. May/June ground breaking – Library/2<sup>nd</sup> Street Bridge
- d. June – Green Lane Project Symposium
- e. Annual Report

- f. Mar/April CAC meeting – get Committee input for Financial forecast
- g. Safety Recognition program

#### **4. NEW BUSINESS**

- a. Rosie Truelove updated the Committee on the Prevailing Wage Program. Contract Management Department will have a public meeting 2/20/2013. CMD will bring the results of the meeting to the March CAC meeting. Mr. Williams asked who determines the arbitrator in wage disputes. Ms. Truelove responded that City Council passes a resolution stating that there is enough evidence (“good cause”) of a possible wage violation. The involved parties have 15 days to resolve issue before going to arbitration. The Arbitrator is assigned without City involvement. Mr. Williams asked if the City has any action available to take against the contractor if a wage violation is determined. Frank Mays stated no, it ends in arbitration unless the contractor still doesn’t pay then it goes to civil court. Ms. Truelove added that the contractor’s evaluation is a tool that can penalize the contractor for report offenses. Mr. Prisant asked how the arbitrator knows how they can penalize the contractor. Ms. Truelove responded that the arbitrator should know the law, Texas Statue 2258. Mr. Prisant asked if CMD had researched other municipalities for their programs. Mr. Mays said yes, we have one of the more aggressive programs. Ms. Litz asked how the wages are collected after an arbitration decision. Mr. Mays responded the contractor/subcontractor pays employees and CMD receives a cancelled check as proof. Ms. Truelove added that CMD can withhold payment on the contract under general violations of contract for unpaid wages. Mr. Mays added that 80-85% of wage violations are discovered by CMD through site visits, random audits, and interviews. Mr. Lazarus said that there is a missing feedback loop from arbitration back to the City. The adjudicated determination needs to come back to CMD as a confirmed violation. The biggest hammer CMD has for penalizing a contractor is probation, suspension, disbarment recommendations to Purchasing Department. Purchasing administers the penalty but the Contractor’s Evaluation form can feed into it.

#### **5. OLD BUSINESS**

- a. Frank Mays reviewed staffing requirements. CMD has 3 FTEs; one is open and they have the ability to bring in one other staff to help. The public meeting on 2/20/2013 will help direct the hiring of the open position. Ms. Truelove stated that once we go through this process review, she will make that determination in a month or two. At this point CMD is meeting Performance Measures.
- b. Rick Wilson updated the committee on the Contractors Evaluation Worksheet. CMD will continue coordination with Purchasing since it will now be Citywide. Mr. Prisant asked for a launch date. Mr. Wilson said the form should go live May 2013.
- c. Mr. Lazarus presented the PWD Training and Career Progression Program to the committee. Mr. Williams asked if the program is in place. Mr. Lazarus said yes.

#### **6. NEXT MEETING (April 16, 2012)**

#### **7. ADJOURN**

*Meeting was adjourned at 11:30 a.m. by Chair Prisant.*