



**MINUTES OF THE
COMMUNITY WORKFORCE AGREEMENTS / PROJECT LABOR AGREEMENTS
(CWA/PLA) TASK FORCE**

SAN JOSE, CALIFORNIA

MONDAY, MAY 22, 2017

The Community Workforce Agreement/Project Labor Agreements (CWA/PLA) Task Force convened in Regular Session at 3:13 p.m. in the City Manager's Conference Room 1734, Towers, City Hall.

PRESENT: Assistant City Manager David Sykes, Councilmember Chappie Jones, Santa Clara & San Benito Counties Building and Trades Representative Josué Garcia, The Silicon Valley Organization Victor Gomez, South Bay Labor Council Representative Sal Ventura and Associated General Contractors of California Representative Mark Reynosa.

ABSENT: Bill Guthrie, South Bay Labor Council.

STAFF: Deputy City Attorney Arlene Silva, Director of Public Works Barry Ng, Mayor's office Budget Director Lee Wilcox, and Deputy City Clerk Kate Handford.

(A) Call to Order and Roll Call

Chair David Sykes called the meeting to order at 3:13 p.m.

It was noted that Bill Guthrie, South Bay Labor Council representative could no longer attend the meetings, and that Sal Ventura will replace Bill Guthrie as the South Bay Labor Council representative on the Task Force.

(B) Consent Calendar

B.1. Approval of Minutes: March 27, 2017.

Action: The Minutes of March 27, 2017 were approved.

Documents Filed: Community Workforce Agreements/Project Labor Agreements (CWA/PLA) Task Force Minutes of March 27, 2017.

(C) Review Information and Data requested at March 27, 2017 Meeting.

C.1. Review Proposed Definition of a PLA – Public Works/City Attorney’s Office. (Deferred from April 24, 2017)

Task Force discussion ensued on the proposed definition of a PLA.

Chair, David Sykes opened the floor for public comment.

Public Comments:

1. Louise Auerhahn, Working Partnerships USA, supports staff recommendation on the definition and requests committee consider targeted hiring on disadvantaged workforce and apprenticeships.
2. Aboubacar Ndiaye, Working Partnerships USA, spoke on workforce geographics.
3. Miguel Galarza, Yerba Buena Engineering and Construction, Inc., and representing AGC California, a Union contractor employing 70 spoke on the impact of PLAs of small businesses.
4. Forest Peterson, Stanford University (CIFE), spoke for PLA’s and wage theft, presented paper entitled *Wage Theft in the Bay Area construction industry*.

Task Force discussion ensued regarding the PLA definition ready for Council.

Action: Upon motion by Josúe Garcia, seconded by Victor Gomez and carried unanimously, the Task Force approved the City’s proposed draft definition of a PLA

Documents Filed: (1) City’s Proposed Draft Definition of a PLA dated Monday, May 22, 2017.

C.2. Presentation by Public Works Office of Equality Assurance regarding current Prevailing Wage enforcement practices. (Deferred from April 24, 2017)

Nina Grayson, Division Manager, Pubic Works Office of Equality Assurance, introduced new employee Chris Hickey and verbally presented the item.

Action: No action taken.

Documents Filed: None.

C.3. Review 5-year CIP project/cost data history and 6-12 month look ahead – Public Works. (Deferred from April 24, 2017)

Director of Public Works, Barry Ng, presented the item. Verbal addition to the document cover sheet was announced by Mr. Ng: In the past 5 years’ CIP, 26 projects were over \$5 million and 8 projects were over \$10 million.

Action: No action taken.

Documents Filed: (1) CIP Projects Awards Citywide, prepared by Public Works, dated May 22, 2017.

- C.4. Review any information on City of Long Beach and/or West Valley/Mission College PLA programs. (Deferred from April 24, 2017)

Nick Schultz, CEO of Pacific Gateway dialed in to answer Task Force members' questions on the item. Jon Cicirelli, Assistant Director Public Works, presented the item.

Councilmember Chappie Jones stated he was interested on the impact of the \$500k threshold. Mr. Schultz answered there was no negative impact on bids.

The Task Force discussed community partners, wage violations, ordinance of \$500k and above.

The Long Beach Final Annual Report will be going to Long Beach City Council this summer.

West Valley College had pilot project for PLA. The report will be going to the Board in July.

Chair David Sykes thanked Mr. Schultz.

Action: No action taken.

Documents Filed: None.

- C.5. Review information from Josue Garcia on any trade worker employment statistics (Deferred from April 24, 2017)

DEFERRED TO JUNE MEETING

D. Review Tasks and Objectives

- D.1. Guidance for June Meeting: Union/Non-union Contractor Perspectives on PLAs. (Deferred from April 24, 2017).

Chair David Sykes introduced the item and opened the floor for public comment.

Public speaker, Claire Koenig, was present representing Jon Ball from AGC California and requested to read a statement. It was agreed that the statement would be deferred to the June meeting.

Eric Christen of CFEC spoke on the achievement of PLA goals.

Action: Schedule Jon Ball Statement to be heard at June meeting. Schedule formal presentation by Renee Sloan Holtzman Sakai, LLP. Committee members to email subjects of interest to Kathy Tsukamoto.

Documents Filed: (1) No Documents Filed

E. Public Comment

Chair David Sykes opened the floor for public comments.

Nicole Goehring, ABC Norcal, spoke against PLAs and presented paper entitled *Los Angeles Unified School District Facilities Services Division, Facilities Contracts/Labor Compliance Department, Labor Code Section 1741(c) Assessments – Public Works*.

Documents Filed: (1) Designing Community Workforce Agreements as a Tool for Economic Opportunity, Working Partnerships USA, working paper draft May 18, 2017. (2) A White Paper dated December 5, 2012 entitled “Sixteen Flaws in the October 2012 Working Partnerships USA Argument for Project Labor Agreements on Community College District Construction in Santa Clara County”. (3) Los Angeles Unified School District Facilities Services Division, Facilities Contracts/Labor Compliance Department, Labor Code Section 1741(c) Assessments – Public Works hand out.

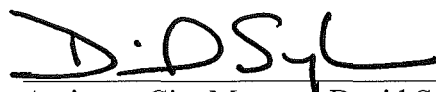
F. Next Steps

1. Submit Informational Memo to Council on status of CWA/PLA Task Force.
2. The City has retained the firm of Renee Sloan Holtzman Sakai, LLP. The managing attorney is Jonathan Holtzman and his associate Alexander Volberding will be working with the City to assist with the work on the CWA/PLA Task Force. Schedule for presentation at June meeting.
3. West Valley College PLA review.
4. Invite union and non-union contractors to June meeting to provide their perspective on PLAs.
5. Formal report out to Council in August 2017.

G. Next Meeting: June 26, 2017, 3:00 p.m. – 5:00 p.m.

ADJOURNMENT

Chair David Sykes adjourned the meeting at 4:50 p.m.



Assistant City Manager David Sykes
Chair