



Building an Equitable Economy

Gustavo J. Cruz, Jr.
Chair

Marcelino Alvarez
Commissioner

Felisa Hagins
Commissioner

Michi Slick
Commissioner

Serena Stoudamire Wesley
Commissioner

Ted Wheeler
Mayor

Kimberly Branam
Executive Director

This document represents the official meeting record of the June 18, 2024, Prosper Portland Board of Commissioners (Board) meeting held in person and via Zoom. The full video recording of this meeting can be found at:

https://www.youtube.com/watch?v=Ri_KuJUeE58

At approximately, 3:04 p.m., Harmony Quiroz, Chair of the Tax Supervising and Conservation Commission (TSCC) convened the TSCC public hearing.

1. Information Item: Tax Supervising and Conservation Commission (TSCC) Public Hearing on and Certification of the Fiscal Year 2024-25 Approved Budget

TSCC Commissioners and Staff presenting this item:

Chair: Harmony Quiroz

Commissioners: Tod Burton, Allison Lugo Knapp, Matt Donohue, Dr. Mark Wubbold,

Staff: Allegra Willhite, Tunie Betschart

The TSCC held a public hearing on Prosper Portland’s fiscal year (FY) 2024-25 Approved Budget. During the public hearing the TSCC provided an opportunity for public testimony and engaged with the Prosper Portland Board members. TSCC Staff found the budget estimates to be reasonable for the purposes stated and in substantial compliance with budget law and suggested no recommendations or objections to the FY 2024-25 approved budget.

Char Quiroz called for a motion to authorize the TSCC to sign the Certification Letter as recommended. Dr. Wubbold moved and Mr. Donohue seconded the motion.

At approximately 3:56 p.m., TSCC Chair Harmony Quiroz adjourned the TSCC public hearing.

2. Call to Order and Roll Call

Chair Gustavo Cruz called the Prosper Portland Board meeting to order at approximately 4:03 p.m. Pam Feigenbutz, Prosper Portland Board recording secretary, called the roll:

Chair Gustavo Cruz	PRESENT
Commissioner Marcelino Alvarez	PRESENT
Commissioner William Myers	PRESENT
Commissioner Michi Slick	ABSENT
Commissioner Serena Stoudamire Wesley	PRESENT

Chair Cruz read the following statement: “As required by State law, Prosper Portland has provided an opportunity for the public to access and attend this meeting in person; there is

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also, a YouTube live stream video of the meeting, and the public has had the opportunity to arrange in advance to provide virtual testimony. At this time, the public may provide written testimony to the Commission by emailing ProsperCommissioners@ProsperPortland.us.”

3. Commissioner Reports

Commissioner Alvarez

- Nothing to report

Commissioner Myers

- Nothing to report

Commissioner Stoudamire Wesley

- Nothing to report

Chair Cruz

- Nothing to report

4. Executive Director Report

Chabre Vickers, Director of Equity, Policy, and Communications provided the report in Executive Director Branam’s absence.

- June 19 is the Juneteenth Freedom Celebration at the MESO Maker’s Market
- City Council unanimously passed the Economic Impact Statement resolution on June 12
- Prosper Portland and the Portland Housing Bureau are exploring opportunities for potential new Tax Increment Financing districts in the Central City and East Portland
- The Affordable Commercial Tenanting Grant is available in the Interstate Corridor TIF District
- June is Pride Month
- The 14th edition of My People’s Market June 8-9 had 150 vendors
- Portland has been chosen to host the inaugural Rockstar Energy Open, taking place from August 23 to August 25 at Waterfront Park
- Congratulated Chair Cruz on his reappointment for his next term as Prosper Portland Chair and welcomed Felisa Hagins who will begin her term as a Prosper Board member in July

5. Meeting Minutes

Chair Cruz called for a motion to approve the May 21, 2024, Prosper Portland Board meeting minutes. Commissioner Alvarez moved and Commissioner Myers seconded the motion.

AYES: Alvarez, Cruz, Myers, Stoudamire Wesley

NAYS: None

6. Public Comment for Items Not on Agenda

Faythe Aiken, AFSCME Union President, described how she enjoys working at Prosper Portland, how her career has benefited and requested the board to consider the hard work of Prosper Portland employees when considering the contract in July.

Laz Romankiw, AFSCME union member, shared his journey to Portland and to Prosper Portland.

REGULAR AGENDA

7. Action Item: Resolution 7533 - Adopting the Annual Budget of Prosper Portland for the Fiscal Year Beginning July 1, 2024, and Ending June 30, 2025; and Making Appropriations

Prosper Portland staff presenting this item:

Tony Barnes, Chief Financial Officer

With this action, the Prosper Portland Board formally adopted Prosper Portland’s fiscal year (FY) 2024-25 Recommended Budget, effective July 1, 2024. The Prosper Portland Board’s adoption of the FY 2024-25 Recommended Budget represents the final phase of the FY 2024-25 budget process, which began in November 2023

Mr. Barnes reviewed the budget timeline, City Council actions, and compared the requested and approved budget items. Mr. Barnes continued by summarizing the changes to the budget resources and requirements.

Chair Cruz called for a motion to approve Resolution 7533; Commissioner Myers moved, and Commissioner Stoudamire Wesley seconded the motion.

AYES: Alvarez, Cruz, Myers, Stoudamire Wesley

NAYS: None

CONSENT AGENDA

8. Action Item: Resolution 7534 - Approving Interfund Loans for Fiscal Year 2024-25

9. Action Item: Resolution 7535 – Authorizing Amendments to a Lease with Portland Mercado, LLC, for the Property Commonly Known as the Portland Mercado Located at 7238 SE Foster Road

Chair Cruz called for a motion to approve Resolutions 7534 and 7535; Commissioner Myers moved, and Commissioner Stoudamire Wesley seconded the motion.

AYES: Alvarez, Cruz, Myers, Stoudamire Wesley

NAYS: None

REGULAR AGENDA

10. Action Item: Resolution 7536 - Approving the Gateway Action Plan Update

Prosper Portland staff presenting this item:

Brian Moore, Development Manager

Joel Devalcourt, Project Manager I

With this action, the Prosper Portland Board formally adopted the Gateway Action Plan Update (Action Plan Update), a five-year community-driven plan for investing tax increment finance (TIF) resources in the Gateway Regional Center TIF District. The Action Plan Update is expected to go before City Council for final review and adoption in summer 2024.

Mr. Devalcourt reviewed the updates to the Action Plan and highlighted the strengths, opportunities, weaknesses, and threats. Mr. Devalcourt described the vision and inspiration received via community input.

Mr. Devalcourt continued by sharing a framework to stabilize, activate, and diversify community. Lastly, Mr. Devalcourt reviewed the Action Plan budget.

Chair Cruz invited forth guest testimony.

Frieda Christopher, Co-Chair Gateway Advisory Committee, and property owner in Central Gateway for more than 30 years, is a community member who has been involved in Gateway for many years. Ms. Christopher emphasized the Action Plan Update was fully community driven and supported adoption.

Chair Cruz called for a motion to approve Resolution 7536; Commissioner Myers moved, and Commissioner Stoudamire Wesley seconded the motion.

AYES: Alvarez, Cruz, Myers, Stoudamire Wesley

NAYS: None

Chair Cruz requested Resolution 7538 be presented prior to Resolution 7537.

11. Action Item: Resolution 7538 - Adopting an Updated Prosper Portland Construction Business and Workforce Equity Policy

Prosper Portland staff presenting this item:

Brian Moore, Development Manager

With this action, the Prosper Portland Board formally adopted an updated Prosper Portland Construction Business and Workforce Equity (CBWE) Policy. This action updates the CBWE Policy by:

- Adjusting the Business Equity Policy (BEP) thresholds to acknowledge increased construction costs and preserve BEP goals without impacting smaller project and grant recipients that may struggle with compliance.
- Introducing a new Alternative Path within the Workforce Training and Hiring Program (WFTHP) for firms new to public projects to progress toward implementing the full workforce training and hiring program.

- Providing more detailed requirements for comprehensive anti-racism, anti-harassment programs on-site as part of worker safety, as well as anti-wage theft policy requirements.
- Mirroring the City of Portland’s (City’s) Regional Workforce Employment Agreement policy by introducing Community Workforce Agreement language for Prosper Portland-led public infrastructure projects.
- Adding edits for clarity throughout the policy.

Commissioner Stoudamire Wesley requested increased repercussions for contractors who withhold wages.

Commission Myers asked whether there was a higher level of oversight of contractors who have Bureau of Labor and Industry (BOLI) infractions.

Ms. Abuaf stated on-site oversight could be increased.

At approximately, 5:05 p.m., Commissioner Stoudamire Wesley departed the meeting.

Chair Cruz invited forth public testimony:

Santino Juarez, member, Western State Carpenters, stated workers observe things not seen by those not on site. Mr. Juarez stated developers receive tax breaks, and believes they are incentivized to bring labor brokers to the job. Mr. Juarez stated he doesn’t see enough written in the policy that holds contractors responsible and stated BOLI is understaffed and asked what is in place to protect the working class.

Jesus Saucedo stated he observes wage theft, and noted the policy language needs to be strengthened. Mr. Saucedo provided suggested language to the Board (See Attachment 1).

Chair Cruz called for a motion to approve Resolution 7538; Commissioner Alvarez moved, and Commissioner Myers seconded the motion.

AYES: Alvarez, Cruz, Myers

NAYS: None

Resolution 7538 will be effective July 17, 2024.

12. Action Item: Resolution 7537 - Adopting an Amended and Restated Prosper Portland Green Building Policy

Prosper Portland staff presenting this item:

Wendy Wilcox, Construction & Compliance Manager

With this action, the Prosper Portland Board formally approved updates to Prosper Portland’s Green Building Policy (Policy) in alignment with Advance Portland: A Call for Inclusive Economic Growth. The amended Policy will support equitable development while furthering the actions prioritized in the City’s Climate Emergency Workplan. The amended policy:

- Increases the economic threshold for supported projects and land sales;
- Extends to all building types;
- Increases program options for certification in alignment with the City of Portland;

- Outlines a tiered approach to Policy requirements based on building square footage;
- Adopts sustainability targets for smaller projects;
- Allows for meaningful alternative options for projects seeking support at later stages of design and development; and
- Clarifies Policy application and reduce ambiguity.

Chair Cruz called for a motion to approve Resolution 7537; Commissioner Myers moved, and Commissioner Alvarez seconded the motion.

AYES: Alvarez, Cruz, Myers
NAYS: None

Resolution 7537 will be effective July 17, 2024.

13. Action Item: Resolution 7539 - Commending Willy Myers for His Years of Service

With this action, the Prosper Portland Board commended and shared appreciations to Willy Myers for his service as a Prosper Portland Commissioner.

Special guest, Angela Rico, Senior Policy Advisor, Commissioner Rubio, thanked Commissioner Myers on behalf of the City of Portland and Commissioner Rubio's office.

Chair Cruz called for a motion to approve Resolution 7539; Commissioner Alvarez moved, and Commissioner Myers seconded the motion.

AYES: Alvarez, Cruz, Myers
NAYS: None

14. Adjourn

There being no further business, Chair Cruz adjourned the Prosper Portland Board meeting at approximately 4:45 p.m.

Approved by the Prosper Portland Commission on July 10, 2024



Pam Feigenbutz, Recording Secretary

SECOND READING AND ADOPTION

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA ADDING
CHAPTER 2.72, "CONSTRUCTION CONTRACTOR AND
SUBCONTRACTOR REPORTING" TO TITLE 2 OF THE
CHULA VISTA MUNICIPAL CODE TO ENHANCE LOCAL
COMPLIANCE WITH LABOR STANDARDS

WHEREAS, the City of Chula Vista (the "City") desires to create a culture of safety, accountability, and legal compliance to increase transparency and ensure that labor standards are upheld; and

WHEREAS, California Business and Professions Code Division 3, Chapter 9 requires all persons performing contracting work on any project valued at \$500 or more in combined labor and material costs to be licensed by the Contractors State Licensing Board; and

WHEREAS, unlicensed contractors lack accountability and compete unfairly with licensed contractors who operate with bonds, insurance, and other responsible business practices; and

WHEREAS, the City strives to protect human rights, protect workers' rights, and end labor exploitation by identifying labor violations and unqualified operators; and

WHEREAS, enhancing local compliance with labor standards protects public health, safety and welfare and is in the best interest of the City and its residents.

NOW, THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Chapter 2.72 is added to the Chula Vista Municipal Code to read as follows:

Chapter 2.72

CONSTRUCTION CONTRACTOR AND SUBCONTRACTOR REPORTING

2.72.010 Title

This chapter is known as the "Construction Contractor and Subcontractor Reporting Ordinance," may be cited as such, and will be referred to herein as "this chapter".

2.72.020 Purpose and Intent

The purpose of this chapter is to protect the public health, safety, and welfare by enhancing local compliance with the California Business and Professions Code.

2.72.030 Definitions

When used in this chapter, the following words and phrases shall have the meanings ascribed to them below. Words and phrases not specifically defined below shall have the meanings ascribed

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to them elsewhere in this Code, or shall otherwise be defined by common usage. For definitions of nouns, the singular shall also include the plural; for definitions of verbs, all verb conjugations shall be included.

“City” means the City of Chula Vista.

“City Manager” means the City Manager of the City of Chula Vista, or designee.

“Code” means the City of Chula Vista Municipal Code.

“Contractor” means the prime contractor or general contractor for the Project.

“Director of Development Services” means the Director of Development Services of the City of Chula Vista, or designee.

“Emergency Utility Permit Work” means work performed pursuant to a utility permit on an emergency basis in order to ensure the continued safety and reliability of public utilities.

“Inspected Work” means the scope of work to be performed, subject to issuance of a Permit and inspection by the City. Work performed on a Project that is not subject to a Permit and inspection is excluded.

“Permit” means any building permit, mechanical permit, plumbing permit, electrical permit, demolition permit, [land development permit](#), grading permit, construction permit, utility permit, or fire permit issued for a Project.

“Permittee” means any property owner, property owner’s authorized agent, or licensed contractor who obtains a Permit for a Project.

“Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination of Persons acting as a unit.

“Project” means A) a residential or mixed-use development consisting of twenty or more dwelling units; B) a non-residential development that proposes 20,000 square feet or more of tenant improvements or additional new gross floor area; or C) utility work in the City right-of-way, excluding Emergency Utility Permit Work.

“Qualifying Subcontractor” means a subcontractor of any tier performing the Inspected Work.

2.72.040 Reporting Requirements

A. **Acknowledgement.** As a condition of Permit issuance, the Permittee shall affirmatively acknowledge their obligations pursuant to this chapter.

B. **Duty to Provide Information.** As a condition of receiving City inspections or participating in a City pre-construction meeting, the Permittee shall, under penalty of perjury, submit the following information to the City prior to each Contractor or Qualifying Subcontractor starting work on the project:

1. The identity of each Contractor and Qualifying Subcontractor that will perform the Inspected Work, whether a sole proprietor, independent contractor, company, or other entity.
2. For each Contractor and Qualifying Subcontractor so identified:
 - a. Scope of Inspected Work to be performed.
 - b. State contractor's license number, license category, and license expiration date, if a license is required by the California State Licensing Board to perform the identified Scope of Inspected Work.
 - c. City business license number and expiration date.
 - d. State and federal tax identification numbers.
 - e. Valid worker's compensation insurance information, including policy number and expiration date.
 - f. Any previous and/or pending enforcement actions resulting from violations of state or federal labor law, along with any penalties paid, criminal convictions, or judgements related to the provisions of the California Labor Code or the Federal Labor Standards Act. Permittee may provide a sworn attestation from a Contractor or Qualifying Subcontractor to satisfy this requirement.
3. For work performed pursuant to a utility franchise agreement with the City, without a Permit, the information required pursuant to subsections 2.72.040(B)(1) and 2.72.040(B)(2) shall be submitted to the City concurrent with providing notice of such work.

C. **Duty to Update Changed Information.** At any time between Permit issuance and final inspection, if a change occurs in any information submitted to the City pursuant to Section 2.72.040(B) of this chapter, the Permittee shall submit updated information to the City within 72 hours of Permittee's knowledge of such change, excluding weekends and Holidays.

2.72.050 Penalty for Violations

- A. It shall be unlawful for any Permittee to fail to comply with the requirements of this chapter.
- B. City shall withhold inspections for any Inspected Work until such compliance is achieved.
- C. The Director of Development Services may issue a stop work order if more than one violation of this chapter is committed in connection with the same Permit. A stop work order issued pursuant to this chapter shall be made in writing and served on the Permittee via certified mail. Notice of such stop worker order shall also be conspicuously posted at the job site of the subject Permit. Continued violations of this chapter committed in connection with the same Permit may result in extended stop work periods, up to and including 180 days.

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D. The penalties specified in this section shall be the sole penalties available under local law for a violation of this chapter.

E. In accordance with CVMC [15.04.015](#) and [15.06.080](#), no Person shall perform work or cause work to be performed prior to issuance of a Permit.

2.72.060 Effective Date

This chapter shall apply to all Permits for which a Permit application is received by the City on or after January 1, 2024. No enforcement action shall be taken pursuant to this chapter until July 1, 2024.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Tiffany Allen
Assistant City Manager

Jill D.S. Maland
Lounsbury Ferguson Altona & Peak
Acting City Attorney