

General Comment

From: ericdchristen@gmail.com
To: [council](#); [Marcus Bush](#); [Ron Morrison](#); [Jose Rodriguez](#); [Ditas Yamane](#); [Luz Molina](#)
Cc: [Public Comment](#); [Clerk](#); [Shelley Chapel](#); [NBCUniversal San Diego Desk](#); david.garrick@utsandiego.com; info@voiceofsandiego.org; [KPBS](#); [News Fox5sandiego](#)
Subject: Your first PLA covered project is a disaster. And your staff now wants to bid the project PLA-free.
Date: Sunday, April 14, 2024 11:21:43 AM
Importance: High

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Dear National City City Council,

I tried to warn you (see below for email sent to you when you voted for the PLA in November).

Now we have the results from your first project put out under the PLA (see below).

But at least those union donation checks for your campaigns cleared.

Eric Christen
Executive Director
Coalition for Fair Employment in Construction
www.opencompca.com



On November 7, 2023, the City Council of the City of National City entered into a Project Labor Agreement (PLA) with the San Diego County Building and Construction Trades Council and Associated Signatory Craft Unions. The PLA, which went into effect on December 14, 2023, applies to public projects with a construction value of at least \$1,000,000.

On March 21, 2024, only one bid was received on the first project to be covered by the PLA in the amount of \$7,785,997.87, which was more than double the Engineer's Estimate of \$3,665,000 for project construction.

Staff contacted the 15 contractors who expressed interest in bidding the project but who did not (only one bid was received) to gain a better understanding as to why they did not submit bids. Staff received responses from eight of the 15 contractors. **Five of the eight contractors cited PLA requirements as the primary reason they did not bid the job.**

Per Section 3.2 Exclusions of the PLA, the City reserves the right to reject all bids and readvertise the project not as a Covered Project or Covered Contract and not subject to this PLA for the following reasons:

(h) there were less than three qualified bidders; and
(l) the lowest apparent responsive and responsible bid is 10% or greater than the Engineer's estimate.

The City Engineer is responsible for implementing capital improvement projects consistent with applicable laws, including the California Public Contract Code, local ordinances and other public contracting requirements including the City of National City PLA. Based on the exclusions stated above, the City Engineer has rejected the one bid received and will be readvertising the project as a Non-PLA contract by the end of April 2024.

<https://pub-nationalcity.escribemeetings.com/filestream.ashx?DocumentId=5887>

From: [REDACTED]

Sent: Tuesday, November 7, 2023 12:18 PM

To: council@nationalcityca.gov; mbush@nationalcityca.gov; rmorrison@nationalcityca.gov; jrodriguez@nationalcityca.gov; DYamane@nationalcityca.gov; LMolina@nationalcityca.gov

Cc: publiccomment@nationalcityca.gov; Clerk@nationalcityca.gov; schapel@nationalcityca.gov

Subject: What you can expect should you approve a bigoted union-only Project Labor Agreement (PLA)

Importance: High



National City Council:

With your vote tonight for a Project Labor Agreement (PLA), you'll be formalizing the open discrimination against the 90% of the local construction workforce who choose to be union-

free. Should this solution in search of a problem be approved, I wanted to share with you an example of what you can expect to occur on your projects the PLA applies to in the future.

This example, ironically, is being presented tonight up in Los Angeles County at the Mt. San Antonio Community College District where staff will be making this presentation. Among its findings are the following:

- The PLA is causing an increase in construction costs.
- The PLA is not making a difference on the issue of “local hire” and in fact might be harming it.

Here is an example from one of staff’s slides:

Project Bid Results – Minor Construction after the CWA

- *5 projects - Minor Capital Improvements, Alterations, Scheduled Maintenance*
- *Cost estimates were developed by architects/engineers and college staff*
- *Allowance for inflation at 5% per year for up to 2 years was added to the estimate*
- *5 prime contracts - values range from \$127,000 to \$3,772,000*
- *15 total bidders averaging 3 bidders per contract with 3 withdrawals*
- *The total of all contracts awarded is \$8,002,000*
- ***The total of all projects is 32.2% above the estimated cost***

This consistent pattern of much higher bid prices suggests that Mt. SAC would benefit from negotiating a higher cost threshold for implementing the CWA for minor projects

Here’s to hoping you do what’s best for workers and taxpayers v big labor special interests who fund your campaigns.

Eric Christen
Executive Director
Coalition for Fair Employment in Construction
www.opencompca.com
858-431-6337

Item 8.1

From: [Derrick Brandt](#)
To: [Public Comment](#)
Subject: Action Item 8.1
Date: Tuesday, April 16, 2024 2:49:02 PM

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Honorable City Council Members,

As a representative for GB Capital Holdings, along with Pier 32 Marina, Pier 32 Waterfront Grill, Point Loma Marina, Jimmy's Famous American Tavern, and San Diego Mooring Company, I am writing to express our concerns regarding the proposed amendments in AB 2783. Our entities, as tenants of the San Diego Unified Port District in National City, San Diego, and Coronado, appreciate the bill's intention to enhance ethical governance and accountability. However, we believe that it poses significant challenges to port tenants, potentially affecting our operations and our economic contributions to the community.

Our experience with the San Diego Unified Port District has shown it to be an effective organization that engages well with the communities it serves, including its customers and tenants. The bill's requirements, however, could impose substantial operational costs and constraints, possibly making the San Diego Unified Port District less competitive compared to other regional ports. This could diminish business activities and reduce the economic benefits the Port delivers to our city. Specifically, the establishment of a mandatory ethics board and increased compliance demands may lead to higher administrative costs, which would likely be passed on to tenants and customers through increased fees, rents, or the cost of goods, significantly impacting our operating budgets and service capabilities.

Historically, the San Diego Unified Port District has been recognized for its robust community engagement and effective planning. The proposed legal complexities and governance changes in the bill risk introducing bureaucratic hurdles that could slow down decision-making processes, hindering our ability to effectively engage with and respond to community needs.

Moreover, AB 2783 introduces potential legal conflicts into the port's existing regulatory framework, which could obscure rather than clarify operational transparency. While the Port has a proven track record in transparency and community engagement, the bill could undermine these advances by complicating the current operational structure.

The Port currently dedicates a portion of its budget to environmental mitigation through a 2% fund. We believe that converting industrial areas into public spaces would not be beneficial, as the economic impact of the Port's industrial properties including job creation and indirect economic benefits—is vital and irreplaceable for our region. Additionally, the lack of clear guidelines for the allocation of these funds is concerning, as it may lead to ineffective use, potentially compromising environmental health and the overall quality of life for communities near the port.

In conclusion, the San Diego Unified Port District already embodies strong principles of ethical governance. The potential negative impacts on the economic vitality of both the port and the broader community are too significant to ignore. We respectfully urge the City

Council to consider rejecting or at least maintaining neutrality regarding AB 2783.

Thank you for your time and thoughtful consideration.

Sincerely,

Derrick Brandt
GB Capital Holdings
3201 Marina Way
National City, CA 91950