



PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

CALL TO ORDER

Commission President Thomas Moak called the Regular Commission Meeting to order at 2:00 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

The following were present:

Board Members: Thomas Moak, President
Don Barnes, Vice-President
Skip Novakovich, Secretary

Staff Members: Tim Arntzen, Chief Executive Officer
Tana Bader Inglima, Deputy Chief Executive Officer
Amber Hanchette, Director of Real Estate and Operations
Nick Kooiker, Chief Financial Officer/Auditor
Larry Peterson, Director of Planning and Development
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant
Lucinda Luke, Port Counsel

PLEDGE OF ALLEGIANCE

Commissioner Moak led the Pledge of Allegiance.

APPROVAL OF THE REVISED AGENDA

MOTION: Commissioner Novakovich moved to approve the Revised Agenda as presented; Commissioner Barnes seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

PUBLIC COMMENT

No comments were made.

CONSENT AGENDA

- A. Approval of Direct Deposit and E-Payments Dated April 3, 2018**
Direct Deposit and E-Payments totaling \$119,475.55
- B. Approval of Warrant Registers Dated April 10, 2018**
Expense Fund Voucher Number 100001 through 100037 for a grand total of \$128,332.75
- C. Approval of Regular Commission Business Meeting Minutes March 27, 2018**

MOTION: Commissioner Novakovich moved for approval of Consent Agenda as presented; Commissioner Barnes seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

REPORTS, COMMENTS AND DISCUSSION ITEMS

A. *Vista Field Update*

1. *DPZ Memo*

Mr. Peterson reported at the March 27, 2018 Regular Commission Meeting, DPZ identified seven items that should be incorporated into the Vista Field development:

- Pop-up-retail;
- Pedestrian Bridge Details;
- Public Park (Phase 2);
- Street Names;
- Landscaping Details;
- Street/Pathways Details;
- Central Area Revision to Accommodate Vista Arts Center evolution.

Mr. Peterson outlined details from Ms. Plater-Zyberk's April 5, 2018 memo from the New Orleans work session (Exhibit A).

Mr. Arntzen suggested the Commission discuss each item from Ms. Plater-Zyberk's memo and let staff know your thoughts. Then, staff can work through each item once we have Commission direction and report back at a later date. Mr. Arntzen stated it is his objective to keep the project moving forward for bid and construction beginning this fall.

Pop-up Retail;

Mr. Peterson stated Phase 1A will include basic infrastructure, such as power and water clean-up for food trucks and other vendors, which will be beneficial for future construction. DPZ suggested that the pop-up retail should be placed next to the hangars for approximately 3-5 years. The temporary pop-up retail will generate vibrancy in Phase 1A and once Phase 1A is built out, the pop-up retail will move to Phase 2 and the former site becomes a building. The pop-up retail becomes a portable catalyst to create vibrancy for each phase.

Commissioner Novakovich believes including pop-up retail is a great idea and will be a reason for the community to come to Vista Field and is what will bring them back.

Commissioner Barnes supports the recommendation by DPZ to include pop-up retail.

Commissioner Moak inquired how staff will need to research pop-up retail and inquired what that means.

Mr. Peterson stated staff needs to research the programming of space and find someone who can create the vibrancy and activity for the development. Additionally, staff will need to see if the area has enough pop-up retail vendors, not just food trucks, to fill the space.

Commissioner Moak stated it is important to have a variety of vendors, not just food-trucks, to appeal to the community. Commissioner Moak agrees that it is important for the Port to

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

find someone who can assist in programming and can utilize social media to drive people to the development.

Pedestrian Bridge/Drivable Woonerf and Public Park (Phase 2);

Mr. Peterson stated DPZ suggested reusing the metal decking from the runway for the pedestrian bridge. Additionally, the crossing over the Woonerf should have a surface treatment that emulates wood grain to make it look less like a culvert. Lastly, DPZ moved the main water feature (initially centered off intersection), which is now centered between the two intersections and the Vista Arts Center.

Commissioner Novakovich likes the idea of reusing the metal decking on the pedestrian bridge and stated it stands out and ties back to the history of Vista Field.

Commissioner Barnes agrees with reusing the metal decking for the pedestrian bridge and likes the realignment of the water feature. However, Commissioner Barnes expressed his concern for the potential for creating a habitat for water fowl with the water feature. Commissioner Barnes suggested that the pedestrian bridge should be reviewed for potential artistic design/elements.

Commissioner Moak likes that the water feature has been re-centered and is now a focal point. Commissioner Moak inquired how much decking the Port has available and how much will be utilized throughout the development.

Mr. Peterson estimated that the Port has about 27,000 square feet (1/2 acre) of metal decking and about 200 square feet would be used for the pedestrian bridge.

Commissioner Moak prefers not to use an airfield theme for Vista Field and believes the Port should continue to look to the future, not the past.

Commissioner Barnes inquired if there will be artwork placed at Vista Field.

Mr. Arntzen believes an additional, smaller water feature will be placed in the plaza area, near the pop-up retail; however, staff is working diligently on the budget for the basic infrastructure for Phase 1A, and once the roads are in, he will work with Ms. Carter on a large art object.

Commissioner Moak referred to the Port's Art Policy and stated once the Port sells properties, we will have the budget for art.

Mr. Arntzen stated the Art Policy stipulates funding from land sales; however, once the bid for infrastructure is in, if there are funds remaining, those could go to artwork, prior to land sales.

Commissioner Moak inquired if there is a location set aside for a large piece of artwork.

PORT OF KENNEWICK

REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

Mr. Arntzen will work with Ms. Bader Inglima and Ms. Carter in regards to potential locations, funding, and timing for artwork; however, he has instructed staff to focus on infrastructure for Phase 1A.

Mr. Peterson stated there are four locations in Phase 1A for future artwork sites that have power, and are not irrigated.

Mr. Arntzen requested to address *Street names and Logo* at a later date.

Landscaping Details/Street/Pathway Details/Woonerf to the East:

Mr. Peterson briefed the Commission on suggested roadway landscapes, colors and treatments.

Commissioner Moak inquired if the renderings that will be shown at the April 19, 2018 Special Meeting will show more detail.

Mr. Peterson stated the conceptual renderings will show several areas at different perspectives and scales. Mr. Peterson stated some of the landscaping is removed, so that one can see the architectural detail.

Commissioner Moak likes the direction of landscaping details, streets and pathway details and the woonerf to the East.

Commissioner Barnes likes the shift in parking and new placement for the woonerf.

Mr. Arntzen stated the Commission will have an opportunity to view the conceptual renderings on April 19, 2018 that we have discussed today. Mr. Arntzen informed the Commission that staff has addressed #9, *Additional activities in the area* when we addressed pop-up retail and sighted Mark Blotz from the Clover Island Inn as an example of a person who curates activities.

Small Cottages:

The group toured Ocean Springs, Mississippi as an example of potential residential development for Vista Field.

Commissioner Moak stated there is a demand in the market for smaller residences in a vibrant area.

Mr. Peterson stated Vista Field is very unique because of the Urban Mixed Use zoning and technically the area is considered a commercial district that does not require a large frontage areas.

Detailing:

Mr. Peterson stated Ms. Plater-Zyberk suggested the Port be cost conscious and not require builders to add details that do not relate to our regional market.

PORT OF KENNEWICK

REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

Commissioner Moak stated the Collaborative Design Process will allow staff to work with the developers and compromise on certain elements.

Mr. Arntzen stated the challenge will be finding a happy medium with the developers/builders, the homeowners and the architects. Mr. Arntzen indicated that Mr. Mehaffy is working on a report that the Port can distribute to builders which define the details and elements for Vista Field.

Mr. Peterson stated the report is a shortened version of the Master Plan and the key elements will be broken down and expectations will be clearly defined.

Mr. Arntzen appreciates the Commission discussion and has enough direction to continue moving forward. Logo and street names will be placed on a future agenda for Commission discussion.

2. *Consideration of a Project Labor Agreement*

Mr. Arntzen reported that he was recently contacted by a local union representative who asked if the Port would consider entering into a Project Labor Agreement (PLA) for the Vista Field construction. The current Port policy and practice is to follow the Washington State Prevailing Wage Act. A PLA is an agreement entered into by the municipality and the union, which states the municipality would bid a project according to union rules. Mr. Arntzen outlined the pros and cons of a PLA in a memo which is attached as *Exhibit B*.

Ms. Luke stated Mr. Arntzen's memo and comments were very balanced and on point. Ms. Luke reported that she has experience negotiating Collective Bargaining Agreements (CBA), which are similar to PLA's, but with a defined project.

Commissioner Novakovich inquired if the Port were to enter into a PLA, what would the delay cost the Port.

Mr. Kooiker stated it is hard to quantify; however, at this time the Port is currently paying Parametrix approximately \$15,000 a month in construction design fees and would request halting the design until the PLA is negotiated.

Mr. Arntzen stated the Port would need to halt the design work, because we would ultimately be backtracking and there could be potential changes to the plan.

Commissioner Barnes stated if the Port were to elect to enter into a PLA, he inquired how long the negotiation process, and draft and review of the PLA would take.

Ms. Luke stated in her experience with CBA's, negotiations can vary substantially depending on the parties and how easily they come together. CBA's can take anywhere from 3 to 6 months to 3 years.

PORT OF KENNEWICK

REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

And while Commissioner Moak stated this is a PLA, not a CBA, Ms. Luke stated some of the components are the same.

Commissioner Moak opened the floor for public comment and asked the public to alternate between pro and con views when speaking about the Port entering into a PLA with the union for construction at Vista Field.

PUBLIC COMMENT

Cal Coie, 705 South Oklahoma Street, Kennewick. Mr. Coie worked in the construction industry for 50 years, both union and non-union. The Port already pays the prevailing wage and when you enter into a union negotiation, you will cut out a lot of contractors in the Tri-Cities. Mr. Coie believes the project will cost more money in the long run if you enter into a PLA and when a municipality pays prevailing wage, the contractor pays the sub-contractors and signs the Affidavit of Wages Paid. Mr. Coie believes it is foolish for the Port to consider entering into a PLA.

Steven Wiley, 3172 Willow Point Drive, Richland. Mr. Wiley, representative for the Art Center Task Force (ACTF), stated they have been carefully estimating the cost to construct the Vista Arts Center (VAC). Unlike a lot of public projects, the funds for the VAC will be raised from the private support system. The ACTF has been working with LMN Architecture on each line item, including labor. It was concluded that if the ACTF utilized union labor for the construction of the VAC, the project would cost beyond what could be raised and essentially kill the project. Mr. Wiley is sympathetic to union wages, but the ACTF is building something for the public and will not make a profit or receive funding from taxes. Most of the people on the ACTF are volunteers and to make the VAC viable, we will utilize volunteer labor, and to impose this kind of requirement on our project would effectively kill the project. Mr. Wiley strongly urges the Commission not to impose such a requirement on projects built within the Vista Field development.

John Swope, 1201 South Roosevelt Street, Kennewick. Mr. Swope has managed several major industrial projects since 2000, both union and non-union and has had excellent and poor results from both. Mr. Swope stated the Commission needs to set aside the question of union and non-union and put the emphasis on the evaluation of the contractor.

Boyce Burdick, 414 Snyder Street, Richland. Mr. Burdick questions the timing of this and stated the Port needs more time to consider a PLA and it would be more practical at later phases, not Phase 1, especially if it will set bidding and construction back. Mr. Burdick believes it is crucial for the public to see construction at Vista Field and the project moving forward.

David Robison, 3601 North 20th Avenue, Pasco. Mr. Robison has worked over 35 years in construction in California and Washington and has had experience with PLA's. Mr. Robison does not believe this is a pro or con conversation, but a conversation about what is right for Vista Field. Mr. Robison stated a PLA is not the place Vista Field, which has been engineered to the public's specific requirements. The "Save the Date" flyer for the April 19, 2018 Special Commission Meeting depicts what the Port envisions for Vista Field; the structures, the residences and the businesses that the public asked for. Vista Field is a place where the community can gather, walk, work, and live, and nothing about the community is complex. Mr. Robison stated PLA's represent complex projects and engage multiple agencies, and are generally

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

related to bridges and highways. The community, the Commission, and staff did not engineer a project specific to a PLA. To integrate a PLA at Vista Field would encumber the entitlement of this project and preclude the very community their abilities to develop the very project you promised them. A PLA would not enhance your outcome of Vista Field in accordance to the vision of this community. Additionally, the Commission would need to integrate the PLA into the current documents and specifications, which would mean the Commission would not go out for bid in the next few months. To integrate a PLA into the construction documents would require legal counsel and the expertise of architecture/engineering firms who have the ability to avoid conflict between the documents. The delay could take anywhere from 6-12 months and that kind of integration would be at the expense of the public. Mr. Robison does not see the benefit of implementing a PLA for Vista Field, because it was not engineered to consider a PLA.

No Further Comments.

Commissioner Novakovich is concerned about the timing of this request and stated the Port has been transparent throughout this process. In the five years the Commission has been discussing the redevelopment at Vista Field, the union has never brought up a PLA. Mr. Novakovich believes a PLA would create exclusivity, eliminate bidders, and increase the cost of redevelopment.

Motion: Commissioner Novakovich moved to adopt the current, long standing, Port of Kennewick policy of Customs and Practice in bidding all Port-bid Vista Field area development construction contracts, including, but not limited to, infrastructure and buildings, according to Washington State Prevailing Wage Law; Commissioner Barnes seconded.

Discussion:

Commissioner Barnes stated the Port has a policy in place which states that our projects are designed, specified, bid and constructed, under the Prevailing Wage Law. If the Commission does not take any action on the PLA, the Port policy remains in place.

Commissioner Novakovich stated that is correct; however, if this topic were to come up again, the motion puts an end to any PLA discussion. Commissioner Novakovich would like to have a motion that states the Port will maintain the policy for Vista Field.

Commissioner Moak wishes the proponents of the PLA were here today, to express their views and respond to comments and concerns of staff and the public. Commissioner Moak stated there are concerns but he does not agree with some of the objections that were raised. Commissioner Moak would like to understand PLA's a little better and believes there could be some benefits to a PLA. Commissioner Moak stated the union is not here to voice the benefits and he is not an expert and cannot speak to the public's concern. Commissioner Moak stated there is legitimate concern and a variety of different items that could delay Vista Field. Commissioner Moak cannot support moving ahead with a PLA when a union representative is not present to speak on the topic and how the union would advance the Port's vision. Commissioner Moak cannot advance the PLA; however, he cannot support the motion and does not agree with the position, and agrees with Commissioner Barnes, the Port already has a policy in place and no action is necessary.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

Commissioner Novakovich believes the motion is essential, so that a PLA does not come up again and encumber the public with additional costs, whether those costs are for the design team, staff time or additional attorney costs. Commissioner Novakovich believes it is important to put the topic to rest.

Commissioner Barnes stated with respect to Commissioner Novakovich's comments, it only takes a new Commissioner for the motion to be rescinded, and cited the history of the Executive Office of the President of the U.S. Commissioner Barnes stated there are many debatable categories surrounding a PLA, but he does not believe a PLA is right for Vista Field, which has been used for complex projects, such as the Port of Pasco Airport remodel. The Port has had a long history of successful projects, designed and constructed under the Prevailing Wage Act/Policy. Additionally, the Port has been working on Vista Field for five years and the union has not come forward until now. Commissioner Barnes could not support a PLA for Vista Field and does not believe it is the right project for a PLA.

With no further discussion, motion does not pass. All in favor 1:2 (Novakovich; Barnes & Moak).

Mr. Arntzen asked for a point of clarification and stated going forward, he will approach Vista Field as a prevailing wage project and when negotiating with the ACTF for the VAC, there will not be a deed stipulation. Furthermore, the prevailing wage policy will apply to all residential and commercial land sales.

Commissioner Moak stated nothing has changed, the prevailing wage policy stands.

Commissioner Barnes stated all Port projects are subject to prevailing wage.

Mr. Arntzen stated the union may request a PLA again and he wanted to verify with the Commission that any project related to Vista Field will fall under the Port's prevailing wage policy, with no stipulations on deed transfers of property.

Commissioner Barnes stated that is correct. Commissioner Barnes verified with Ms. Luke that the policy states the Port follows the Washington State Prevailing Wage Law.

Ms. Luke stated that is correct.

Commissioner Barnes stated to deviate from our policy the Port would need to take action on an existing policy. Commissioner Barnes confirmed that Mr. Arntzen does not have authority to negotiate an agreement, because it would be inconsistent with Port policy.

Ms. Luke stated that is correct; however, if Mr. Arntzen is approached by the union again, it would be incumbent upon him to inform the Commission.

Commissioner Barnes would like the opportunity to further research and discuss at a later date.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

RECESS

Commissioner Moak recessed the meeting at 3:56 p.m. for nine minutes and will reconvene at approximately 4:05 p.m.

Commissioner Moak Reconvened the meeting at 4:05 p.m.

REPORTS, COMMENTS AND DISCUSSION ITEMS (continued)

A. Oak Street Land Sale Proposal

Ms. Hanchette stated the Port has received an offer on property in the Oak Street Industrial Park which has been in the Port's portfolio since 1972. The vacant property is 12 acres, within the City of Kennewick limits, and is subject to City codes and zoned for light industrial. Ms. Hanchette stated the asking price is \$400,000, which is based on the appraisal that was completed in 2017. Ms. Hanchette does not believe there have been any offers on the property; however, last year there was an interested business, but they found a more suitable Port property. Ms. Hanchette stated there are many challenges with the property, such as: it sits on a flood plain, was previously leased to a local contractor who dumped construction debris on the site, and there is no road leading to the 12 acres. Ms. Hanchette stated the offer came through a local real estate firm, on behalf of a small entrepreneurial firm with two principals. The proposal is to develop the 12 acres into an industrial business park and install infrastructure and extend utilities, prior to developing the property. Ms. Hanchette reported that the firm has interested parties and at full build out, the park may create up to \$15,000,000 in annual sales and approximately 66 jobs created. The Port's Standard Purchase and Sale Agreement allows for the following: a 90 day feasibility period, a repurchase option if the buyer does not start construction within 18 months, 5% refundable earnest money deposit, and a \$500 non-refundable administration fee. The firm is asking for a 12 month feasibility period because of the challenges to the property and further marketing purposes. Ms. Hanchette stated the Port needs to dispose of some Russian Olive trees, but the property is being sold "as is."

Commissioner Barnes confirmed that the offer is requesting a 12 month feasibility period versus the Port's standard 90 day feasibility period.

Ms. Hanchette stated that is correct; however, the Port has extended the feasibility period previously.

Commissioner Novakovich confirmed the appraised price is \$400,000.

Commissioner Moak does not see an issue with allowing a 12 month feasibility period.

Commissioner Barnes inquired what the cost is for the Port to hold this property.

Mr. Kooiker stated the cost of irrigation is about \$5,000 per year.

Ms. Hanchette stated the Port worked with the City to remove the trees because of a homeless encampment, which created extra costs in 2017.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

Commissioner Barnes confirmed that this offer would be addressed in Executive Session.

Ms. Hanchette stated that is correct.

B. City of West Richland

Mr. Arntzen reported that Ms. Bader Inglima is currently working on an article regarding the City of West Richland for the Port's newsletter, which addresses the past, present, and future projects. Additionally, Mr. Arntzen met with Mayor Gerry regarding a joint meeting between the Port Commission and City Council. Mr. Arntzen stated Mayor Gerry believes it would be more productive to continue working administrator to administrator. Mr. Arntzen is currently completing a memo regarding the recent input from Mayor Gerry about funding the infrastructure to the boundary of the racetrack.

C. Opportunity Fund

a. List of Potential Projects

Mr. Arntzen stated the Port allocates an opportunity fund in the budget for projects that may be significant, but arise after the work plan and budget. Currently, the Port has \$100,000 allocated for the 2017-2018 Budget and here are a few items for consideration:

- Duffy's Pond: Environmental Proposal; \$25,000;
- JF Engineering Contract: \$12,000 for research on all community bids to narrow down construction costs for Vista Field;
- Makers Architecture; \$7,000 for the Clover Island Master Plan Refresh;
- ECONorthwest: \$9,000 for an Economic Feasibility Report for Clover Island with the 1135 investment.

Commissioner Novakovich inquired if the Duffy's Pond was for planning only.

Mr. Arntzen stated the proposal will include a report and course of action for Duffy's Pond, but not the actual clean-up work.

Commissioner Novakovich stated all of the suggestions are beneficial to the Port and should be completed.

Commissioner Moak asked how the JF Engineering contract will add value.

Mr. Arntzen stated previously the Port has utilized an engineering estimate software to run the numbers for a construction project and found the estimate to be too low. Mr. Arntzen believes Mr. Fetterolf will be able to meticulously vet the numbers for Vista Field.

Mr. Peterson stated the contract includes gathering data from all local municipalities on projects over the last 3 years that pay prevailing wage and deal with unit pricing, in an effort to break down the actual costs versus using the estimating software.

D. Commissioner Meetings (formal and informal meetings with groups or individuals)

Commissioners reported on their respective committee meetings.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

E. Non Scheduled Items

1. Commissioner Novakovich gave a Washington Public Ports Association Legislative update:
 - The basic CERB program was increased to \$13,000,000 and the CERB broadband program was increased to \$10,000,000;
 - Port Broadband Authority (HB2664) advanced through the legislative process and was sent to the Governor's office for signature;
 - Tourism Promotion (SB5251) was signed by the Governor and creates and funds a state tourism program by establishing a tourism board, and directing 0.2% of the sales tax on lodging, rental cars, and restaurants. The state funding portion is limited to \$2,500,000 per year;
 - Campaign Contribution Limits (HB 2647) died on the Senate floor calendar and will be addressed next session;
 - Public Works Contracting Authority (SB 6329) clarifies the port's authority to use unit-price contracting as well as establishes a bid limit so ports are no longer required to get multiple bids for public works projects less than \$40,000.
2. Ms. Bader Inglima reminded the audience of the Special Commission Meeting on April 19, 2018; Vista Field, Infrastructure Unveiling of Phase 1 Plan and Renderings. The meeting will take place at the Bechtel Boardroom at the Tri-Cities Business and Visitor Center at 6:00 p.m.. Ms. Bader Inglima asked that the Commission arrive close to the starting time, so as not to engage with the public.

The Latino Heritage Mural Celebration will take place at Columbia Gardens on May 23, 2018 at 2:00 p.m..

F. Columbia Drive

a. Columbia Gardens Way- Bid Update

Mr. Peterson reported that construction plans for Columbia Gardens Phase 2A are complete and were advertised on April 1, and 8, 2018 and bid results are due on April 19, 2018 at 2:00 p.m. Mr. Peterson stated the bid package includes: the loop road (Date Street and Cedar Street Extensions and Columbia Gardens Way), trail access, landscaping and wall along Columbia Drive, the gateway approach, 30 parking spaces, 6 food truck spaces and plaza, and utilities and one alternative is included for a 300 foot screening wall adjacent to the mobile home park.

PUBLIC COMMENTS

Boyce Burdick, 414 Snyder Street, Richland. Mr. Burdick stated the new location for parking near the UPS facility for the Vista Arts Center is perfect for the performers and believes the parking plan is a step in the right direction.

No further comments were made.

PRESENTATION

A. Anti-Harassment Training; (Exhibit C)

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 10, 2018 MINUTES

COMMISSIONER COMMENTS

No comments were made.

Commissioner Moak anticipates the Executive Session will last approximately 10 minutes, Minimum Price, per RCW 42.30.110(1)(c) with action anticipated. Commissioner Moak asked the public to notify Port staff if they will return after the executive session so staff can advise if the session concludes early.

Commissioner Moak recessed the Regular Commission Meeting at 5:03 p.m.

EXECUTIVE SESSION

A. Minimum Price, per RCW 42.30.110(1)(c)

Commissioner Moak convened the meeting into Executive Session at 5:03 p.m. for approximately 10 minutes.

Commissioner Moak adjourned the Executive Session at 5:10 p.m. with anticipated action.

Commissioner Moak reconvened the Regular Commission Meeting at 5:11 p.m.

Motion: Commissioner Novakovich moved to set a minimum price on the Oak Street property of \$375,000, and instruct staff to establish a Purchase and Sale Agreement for Commission approval; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

ADJOURNMENT


With no further business to bring before the Board; the meeting was adjourned 5:12 p.m.

APPROVED:

PORT of KENNEWICK
BOARD of COMMISSIONERS



Thomas Moak, President



Don Barnes, Vice President



Skip Novakovich, Secretary

Exhibit A

VISTA FIELD REDEVELOPMENT DPZ Design Details "Mini" Charrette

Progress Update to Commission

April 10, 2018



PORT of KENNEWICK

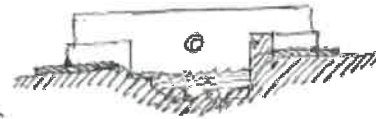
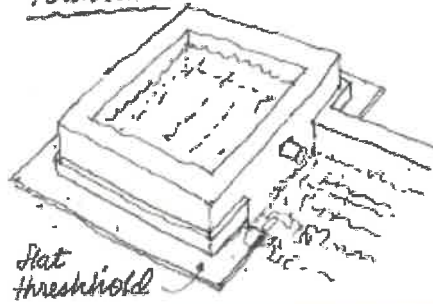
VISTA FIELD REDEVELOPMENT DPZ Design Details Charrette

Discussion Topics

1. Pop-Up Retail *{must wait until April 19th}*
2. Pedestrian Bridge Details
3. Public Park (Phase #2)
4. Street Names *{addressed in CEO's memo}*
5. Landscaping Details
6. Street/Pathway Details
7. Central area revision to accommodate VAC evolution

VISTA FIELD REDEVELOPMENT DPZ Design Details Charrette

Fountain:



North Elevation:

(instead of gap that may be unattractive when water not flowing, pipe centered on closed basin is suggested. pipe - terra cotta or theme metal

VISTA FIELD REDEVELOPMENT DPZ Design Details Charrette

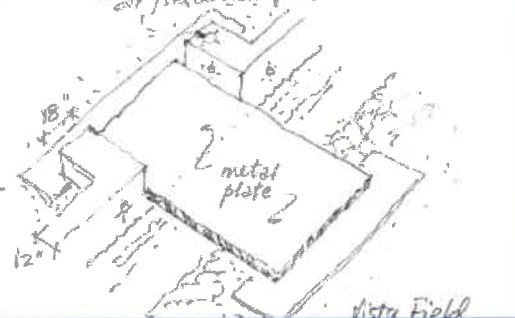
Wall-side Stair:

Flat threshold at top step to keep gravel away from stair

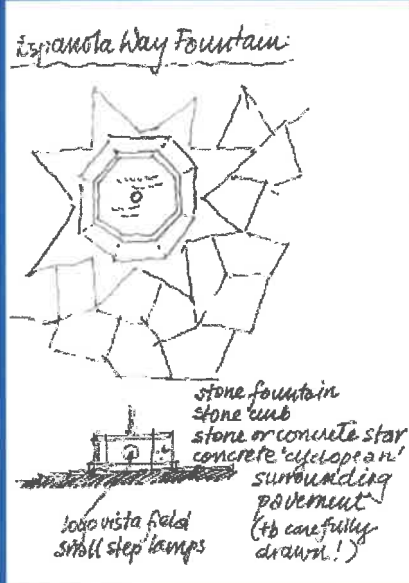


Pedestrian Bridge:

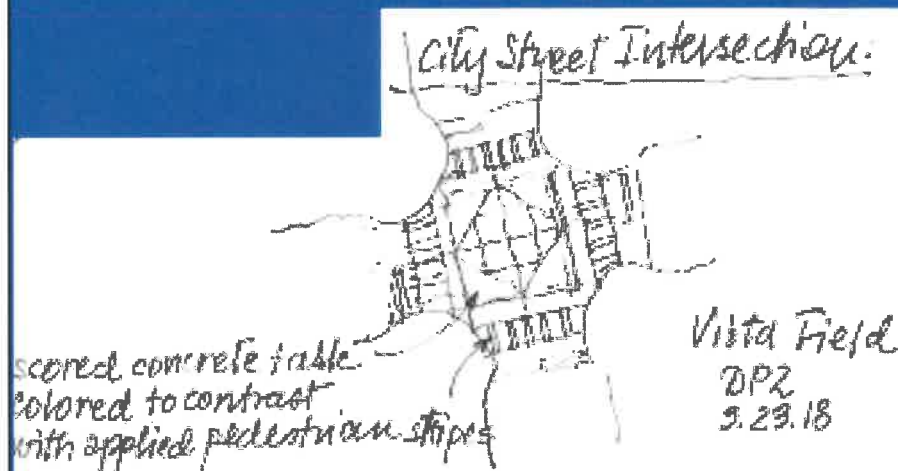
flat threshold both sides - stone or concrete



VISTA FIELD REDEVELOPMENT DPZ Design Details Charrette



VISTA FIELD REDEVELOPMENT DPZ Design Details Charrette



Central Area Revisions to accommodate VAC Evolving Design

Evolving Vista Arts Center (VAC):

- Nov. 2014** Charrette Concept was relocation of Corporate hangar “Bones” to site adjacent the FBO building for VAC;
- Aug. 2015** Offsite roadway extension forgone, Grandridge “Scissors” access established and VAC moved to heart of project;
- Aug. 2017** Arts Center Task Forces consultant LMN releases “Art Walk” concept with building recessed from street;
- Mar. 2018** DPZ team revise Central Area to accommodate ACTF concept;

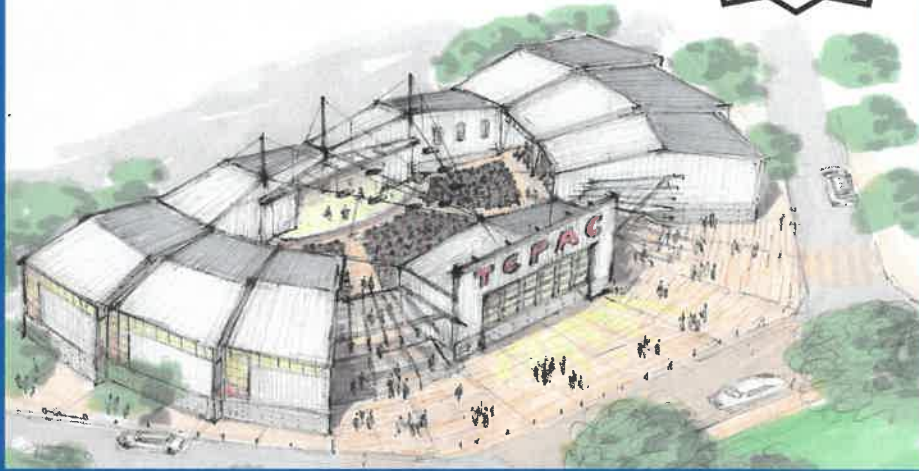
Central Area Revisions to accommodate VAC Evolving Design

November
2014



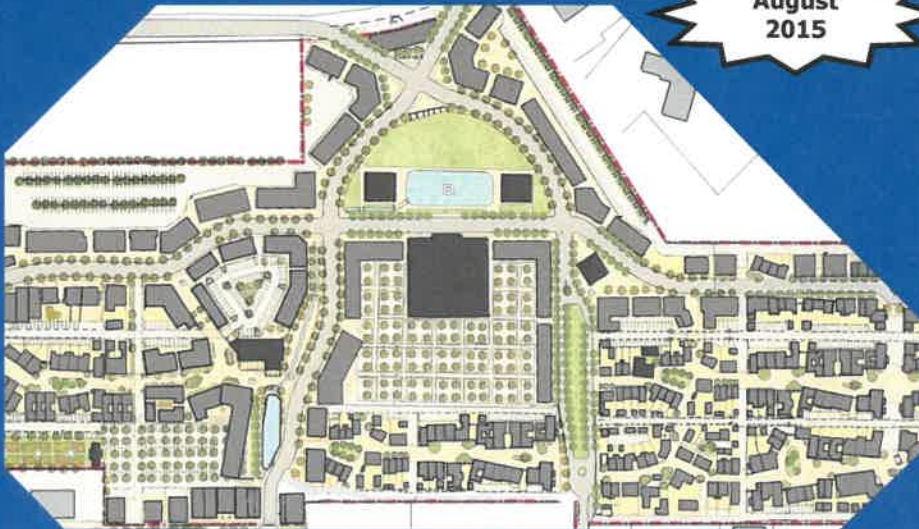
Central Area Revisions to accommodate VAC Evolving Design

November
2014



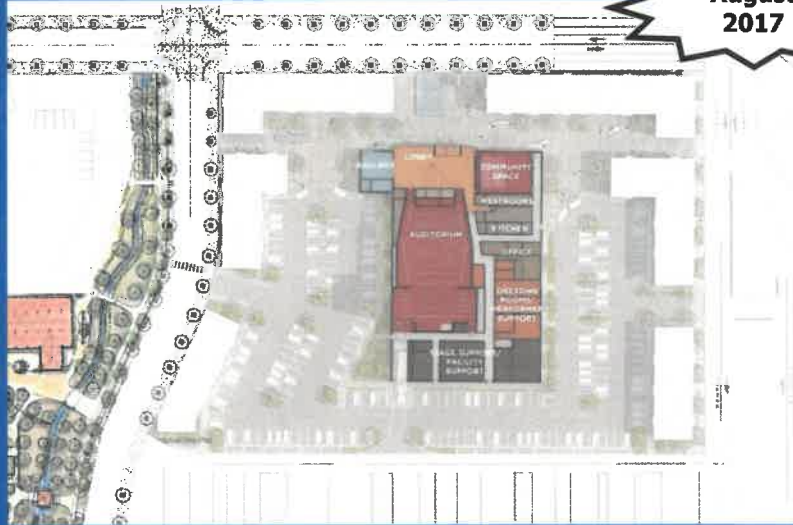
Central Area Revisions to accommodate VAC Evolving Design

August
2015



Central Area Revisions to accommodate VAC Evolving Design

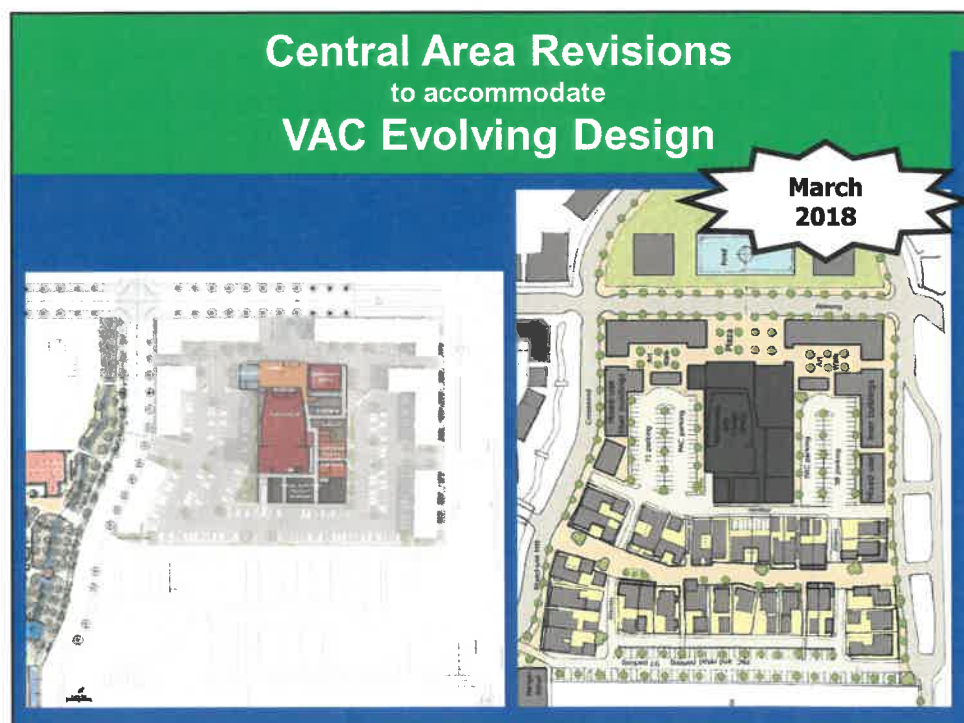
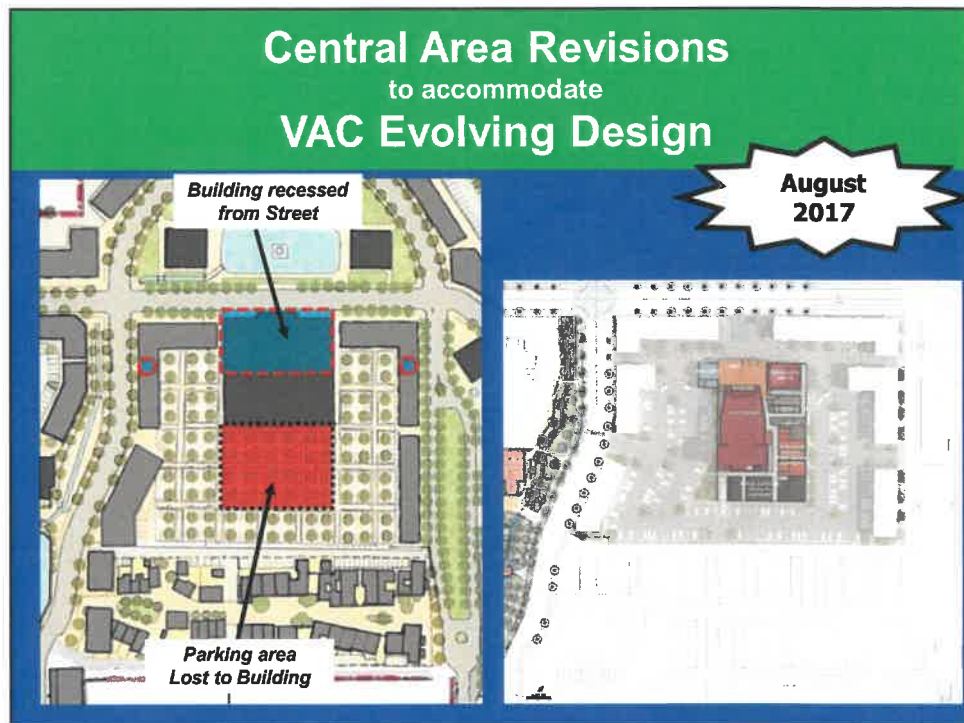
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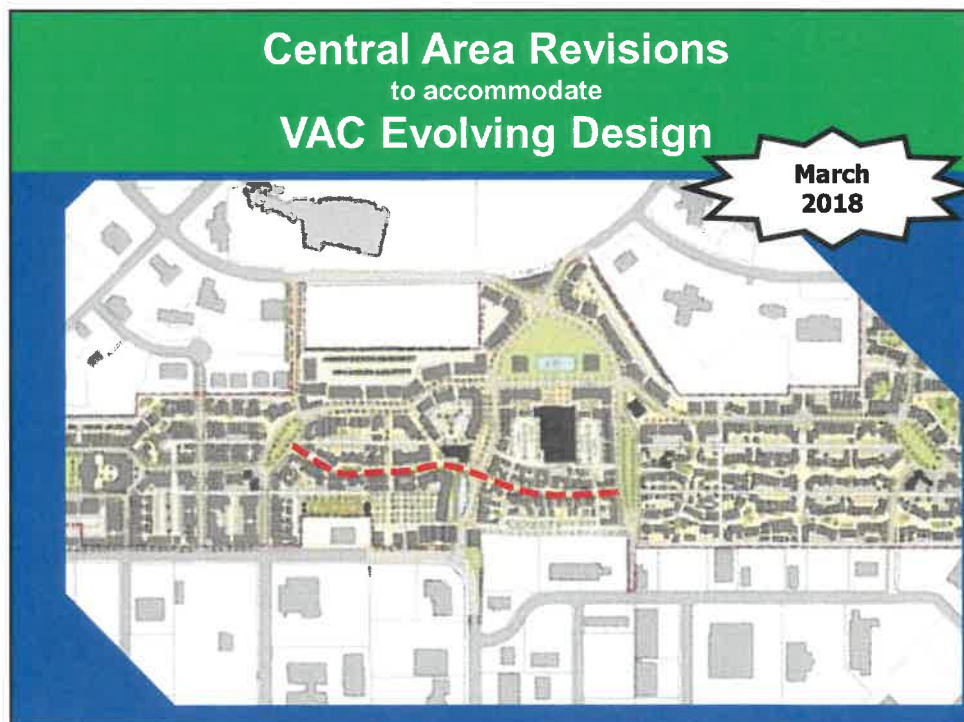
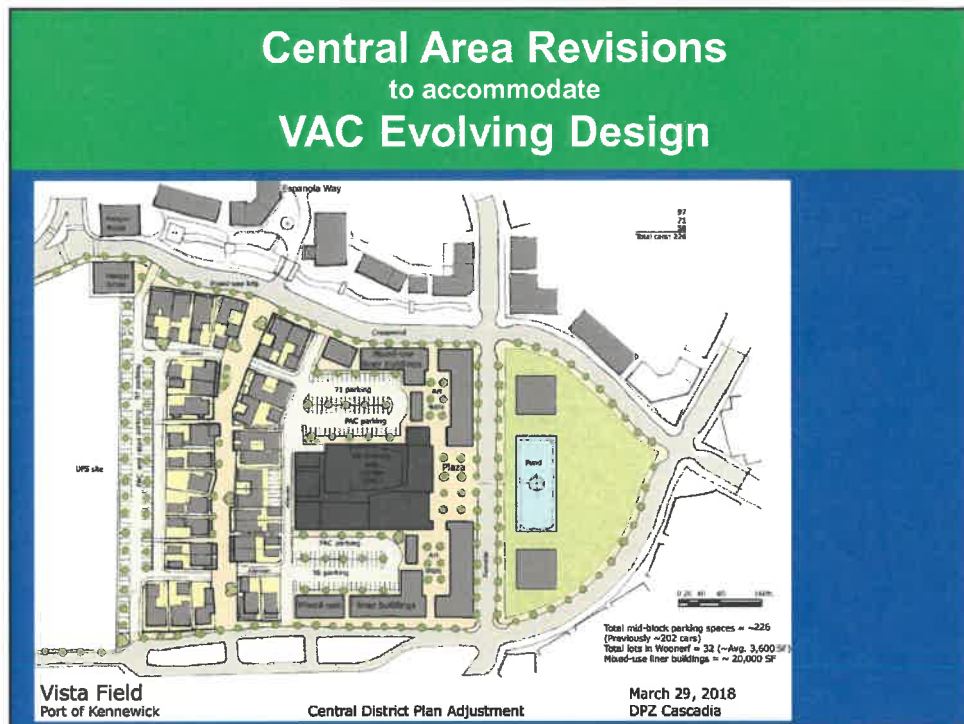


Central Area Revisions to accommodate VAC Evolving Design

August
2017







MEMORANDUM

To: Port Commission

From: Tim Arntzen, CEO

Date: 04/06/2018

Re: Vista Field Project Labor Agreement

Attachment: DPZ E-Mail

I was recently contacted by a local union representative who asked whether the port would bid Vista Field area construction pursuant to a Project Labor Agreement (PLA). I have also talked briefly to others about PLAs. Because I personally and professionally have no experience with PLAs, I have copied information from the **Congressional Research Service** related to PLAs. "*Pros and Cons of Using Project Labor Agreements*", by John Moran, Principal Analyst (November 2, 2011). Hopefully this information will be helpful to the commission:

As I understand it, a PLA is a collective bargaining agreement that applies to a specific construction project and lasts for the duration of the project. Essentially, it guarantees the project will use union labor. Governments can require PLAs. Also, private sector companies may choose to enter into PLAs for a specific project or series of projects. That way any contractor interested in submitting a bid knows the job will require union labor.

A PLA generally specifies the wages and fringe benefits to be paid on a project, and it usually includes binding procedures to resolve labor disputes. PLAs typically include a provision barring unions from striking and contractors from locking out workers. A PLA generally requires (1) contractors to hire workers through a union hiring hall or (2) employees to become union members after being hired. A PLA applies to all contractors and subcontractors on a project.

There is considerable debate between the opponents and proponents of PLAs. Opponents say PLAs are anti-competitive and increase costs. Proponents say they ensure decent wages, a quality workforce, and timely completion of projects within budget.

Pros:

Proponents of PLAs argue that the agreements have several advantages, including that they:

- provide uniform wages, benefits, overtime pay, hours, working conditions, and work rules for work on major construction projects;
- provide contractors with a reliable and uninterrupted supply of qualified workers at predictable costs;
- ensure that a project will be completed on time and on budget due to the supply of qualified labor and relative ease of project management;
- ensure no labor strife by prohibiting strikes and lockouts and including binding procedures to resolve labor disputes; and

- may include provisions to recruit and train workers by requiring contractors to participate in recruitment, apprenticeship, and training programs for women, minorities, veterans, and other under-represented groups.

Cons:

Opponents argue that PLAs have several disadvantages, including that they:

- increase costs by mandating union wages and work rules and inhibiting competition;
- are anti-competitive because nonunion contractors may choose not to bid because either their members would be required to join a union if the contractor wins the bid or the contractor would not be able to use its own workers if the PLA required hiring through the union hiring hall;
- are inherently unfair to nonunion contractors and nonunion employees;
- hinder the use of nonunion contractor training programs that may operate more efficiently and are job specific, instead of union apprenticeship programs of a fixed duration; and
- are unnecessary because of existing prequalification procedures that screen contractors that bid on public projects (i.e. state prevailing wage law).

Current port policy (Custom and Practice) is to bid its construction contracts (infrastructure and buildings) according to state prevailing wage law. Prevailing wage is generally higher than non-prevailing wage (i.e. private sector wage). In selling land, the port allows the purchaser to develop the land according to best economic practices (i.e. non-prevailing wage law). There is no requirement that the private developer follow prevailing wage law. In most cases, the private development costs substantially less than the port prevailing wage development.

Question Presented:

Should the port bid Vista Field area development according to Custom and Practice or should the port adopt a new policy requiring Vista Field construction to be bid according to a Project Labor Agreement?

Analysis:

If the commission directed Vista Field development be conducted according to a PLA, what would the terms of the PLA encompass?

Applicability.

It is conceivable that a PLA could apply to all Vista Field area development, public and private. A few questions are:

Port Development. Assuming the commission approved a PLA development process, would it impact the port's infrastructure construction and development costs (higher or lower costs)? Would it increase or decrease the number of potential bidders?

Third Party Development. Would a PLA bid requirement apply to port infrastructure only, or would it to apply to land transferred by the port to third parties (e.g. residential and commercial lots; Vista Arts Center)? How might third party developers view a PLA?

PLA Consistency with Charrette Process.

The Vista Field planning process (including the charrette) guides Vista Field's development. In the charrette, DPZ championed the notion of cutting red tape, lean development and streamlining regulations. DPZ advocated making the Vista Field building process open and available to all. What impact, if any, would a PLA have on the Vista Field core concepts?

Timeliness.

Currently, at Commission's direction, port staff and consultants are working at full speed to finalize Vista Field construction plans; to submit them for city review; to determine costs, and to bid phase one infrastructure by this fall. And PLAs are complicated. The port has extensive experience bidding projects, large and small according to Custom and Practice, but not according to a PLA. Should the commission direct the CEO to pursue a PLA, staff and consultants would need time to familiarize themselves with that process and its requirements. Staff and consultant resources would need to be assigned to the PLA process, impacting the current "full speed ahead" approach with respect to plan review and bidding.

Please instruct me whether you want the Vista Field construction process to be:

(a) implemented according to Custom and Practice (e.g. prevailing wages on port-bid construction; no land transfer requirements) or;

(b) implemented according to a project labor agreement.

From: [Tim Arntzen](#)
To: [Tana Bader-Inglima](#)
Subject: FW: Follow-up to meetings
Date: Thursday, April 05, 2018 9:24:38 AM
Attachments: [Vista Field NOLA Meeting Notes \(04-05-2018\) .docx](#)

From: Elizabeth Plater-Zyberk [mailto:epz@dpz.com]
Sent: Wednesday, April 04, 2018 3:36 PM
To: Tim Arntzen <TA@portofkennewick.org>
Cc: Larry Peterson <LPeterson@portofkennewick.org>; Laurence Qamar <l.qamar@comcast.net>; Michael Mehaffy <michael.mehaffy@gmail.com>; Senen Antonio <senen@dpz.com>
Subject: Follow-up to meetings

Dear Tim,

I understand that a proposal has been made to require all construction at Vista Field to be performed by union-only contractors, and that you have asked us to give our recommendation on possible cost impacts.

First of all, we have to stress that we are not experts on local cost issues and impacts.

Second, we do not wish to meddle in local political issues, and we would defer to the members of the community who participated in the charrettes as much better placed to decide this kind of issue than we are.

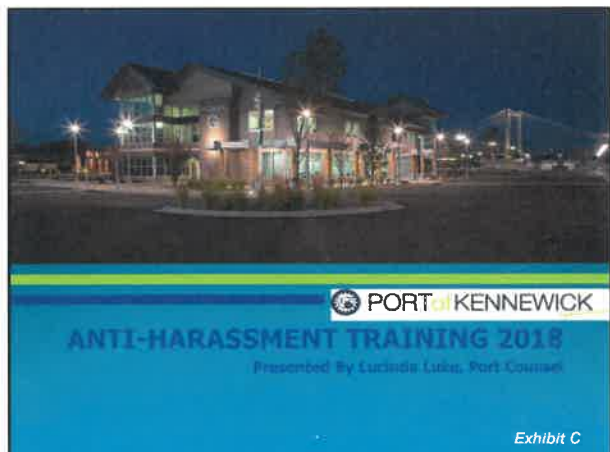
Having said that, as a general rule, we would normally recommend that any bidder that is able to provide a qualified low bid, certainly including a union shop, should be able to do so.

At the same time, a restriction on qualified bidders always raises the possibility of increased cost, and this is no less true for a union-only requirement. Such a restriction may make it more difficult to achieve some of your affordability goals for the project.

I welcome any questions you may have.

Lizz PlaterZyberk

Elizabeth Plater-Zyberk, FAIA
Partner
DPZ CoDESIGN
305 644 1023
epz@dpz.com



Why Anti-Harassment Training?

- Reinforces the Port's commitment to maintaining a respectful work environment
- Reminds staff and commissioners of the Port's current anti-harassment rules and procedures
- Helps commissioners and staff understand expectations

Federal & State Anti-Discrimination Laws

- Title VII of the Civil Rights Act of 1964
- Americans With Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Equal Pay Act (EPA)
- Genetic Information Nondiscrimination Act (GINA)
- Washington Law Against Discrimination

These laws also prohibit retaliation against persons who complain of discrimination or participate in an investigation.

Who is Protected?

The Port's guidelines follow Federal and State laws that provide protection to persons on the basis of

- Race
- Color
- Religion
- Sex (including gender identity, pregnancy and sexual orientation)
- Veteran or military status
- National origin
- Disability (physical or mental)
- Citizenship
- Age (age 40 and above)
- Genetic information
- Other protected status

Protection Applies To...

- Recruiting & Interviewing
- Hiring
- Promotion
- Demotion & Job Transfer
- Compensation
- Training
- Discipline
- Benefits administration
- Termination

Port's Staff Handbook

On January 1, 2016, the Port's CEO adopted a staff handbook setting forth guidelines for the Port's staff.

Port's Anti-Harassment Guidelines

The Port's Staff Handbook, Part 2.0, Subpart 2.3, states:

The Port does not tolerate verbal or physical conduct by any employee, vendor, client, or customer of the Port that **harasses, disrupts, or interferes** with a Port employee's work performance or that **creates an intimidating, offensive, or hostile work environment**.

Responsibility of all Employees

All employees are responsible for helping to assure that the Port avoid harassment.

If an employee feels they have experienced or witnessed harassment, they are to notify the CEO immediately.

The Port forbids retaliation against anyone who has reported harassment.

Supervisor & Director Responsibility

Supervisors and Directors are responsible to keep the workplace free of **any** form of harassment, and in particular, sexual harassment.

No quid pro quo – that is, no supervisor or director may threaten or insinuate that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

What constitutes sexual harassment?

- Unwelcome sexual advances
- Requests for sexual favors,
- Sexual assault, and
- Other physical, verbal, or visual conduct based on sex

Specific Examples of Sexual Harassment

- Sexual propositions or innuendo
- Suggestive comments
- Sexually oriented "kidding" or "teasing"
- Jokes about gender-specific traits
- Obscene language or gestures
- Display of obscene visual material
- Unwelcome physical contact

Other Unlawful Harassment

- **Verbal:** Derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds.
- **Visual/Non-Verbal:** Derogatory posters, cartoons, drawings or emails; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures.
- **Physical:** Unwanted physical contact including touching, interference with an individual's normal work movement, assault.

Zero Tolerance

- **Any** of the conduct listed above, or other offensive conduct
- Directed at individuals **because of** their protected status
- Is prohibited

Reporting Prohibited Behavior

- Any employee who believes that any employee's or non-employee's has engaged in harassment
- Responsible to report the harassment as soon as possible
- Report or complaint verbally or in writing

Who do you to report to?

The report or complaint should be made to the CEO or to the CFO.

If the complaint involves the CEO, the report or complaint should be made to the President of the Board of Commissioners.

What happens next?

- Port's policy is to investigate all such complaints thoroughly and promptly.
- Port will attempt to keep the complaints and the terms of their resolution confidential.
- Employees are required to cooperate in any investigation.

...Result of the Investigation

If an investigation confirms that harassment has occurred, the Port will take corrective action, including such discipline up to and including immediate termination of employment, as is appropriate.

Rule Against Retaliation

The Port prohibits **any form of retaliation** against employees for bringing bona fide complaints or reports of harassment, providing information about harassment, or participating in the investigation of a complaint or report of harassment.

Reporting Retaliation

Immediately report retaliation to the CEO or to CFO.
If the report involves the CEO, the report should be made to the President of the Board of Commissioners.
Reports may be made in writing or verbally.
Individuals found to have violated the Port's no-retaliation policy will be subject to discipline, up to and including termination.

False Reports

If an investigation shows that the complaint, report, or any information provided during the investigation was clearly false, the individual who provide the false information will be subject to disciplinary action, up to and including termination.

