



THE CITY OF SAN DIEGO

CITIZENS' EQUAL OPPORTUNITY COMMISSION

MEETING MINUTES

Wednesday, April 6, 2016
6:00 – 8:00 p.m.
City Administration Building
Council Committee Room
202 C Street – 12th Floor
San Diego, CA 92101

TAPE NUMBER:

CALL TO ORDER at: 6:10 PM by Chair Warner

ROLL CALL:

Laura Warner, Chair
Kristine Custodio, Vice Chair
Lan Jefferson
Cynthia Suero-Gabler
Dan Ortiz (late arrival)
Rafael Perez
Susan Jester

EXCUSED:

Monte Jones

STAFF & GUESTS:

James Nagelvoort, Director, Public Works
Richard Leja, Deputy Director, Public Works - Engineering
Catherine Dungca, Senior Civil Engineer, Public Works - Engineering
Carrie Purcell, Principal Planner, Public Works - Engineering
Henry Foster III, Program Manager, Equal Opportunity Contracting
Claudia Abarca, Supervising Management Analyst, Equal Opportunity Contracting
Damian Singleton, Senior Management Analyst, Equal Opportunity Contracting

APPROVAL OF: Meeting Minutes of February 3, 2016
Minutes approved unanimously (5/0)

Chair Warner asked for a motion to approve February 3rd Meeting Minutes, seconded by Commissioner Custodio. Minutes approved unanimously.

APPROVAL OF: Meeting Minutes of March 2, 2016
Minutes approved unanimously (5/0)

Chair Warner asked for a motion to approve March 2nd Meeting Minutes, seconded by Commissioner Perez. Minutes approved unanimously.

Commissioner Suero-Gabler noted a correction to the March 2nd Minutes indicating she was not late. Vice Chair Custodio indicated she was the individual to arrive late to that meeting.

Commissioner Jester abstained because she did not attend the March 2nd meeting.

PRESENTATION: Public Works Department SLBE/ELBE Contracts Outreach

Richard Leja, Deputy Director, Public Works – Project Implementation
Catherine Dungca, Senior Civil Engineer, Public Works – Engineering
Carrie Purcell, Principal Planer, Public Works – Engineering

- Mr. Richard Leja, Ms. Carrie Purcell, and Ms. Catherine Dungca provided the commission with a presentation on the overview of the Public Works CIP Contracts SLBE/ELBE outreach efforts.
- Ms. Purcell stated that Quarterly SLBE/ELBE Meetings take place in March, July, and November at the Balboa Park Club to discuss updates to the Capital Improvements Program, prequalification program, and the contract solicitation process. The invitee list includes all SLBE/ELBE firms who are registered with the City of San Diego.
- Ms. Purcell stated that a networking event will take place during late summer. The focus of this event will be networking between prime contractors, subcontractors, and consultants to develop relationships for future opportunities. The invitees include SLBE/ELBEs, prime contractors, consultant, and other agencies. There will also be a Multiple Award Construction Contract (MACC) outreach event held February 29, 2016 at the Balboa Park Club. The invitees included SLBE/ELBE firms and MACC prime contractors.
- Ms. Purcell stated another type of outreach event would be based on large contracts with a significant size, scope, scale, and dollar value, which could create an opportunity for project specific outreach. The invitees for this type of outreach would include SLBE/ELBEs, contractors, and consultants.
- Ms. Dungca stated that the Public Works Department also provides information to the SLBE/ELBE firms through their CIP website.

- Commissioner Custodio asked Ms. Dungca if there was any discussion about any difficulties that people are experiencing at these quarterly meetings. Ms. Dungca indicated that there were discussions of individuals experiencing difficulty. A few of those issues were timely payment of invoices, the submittal process, and how to do business with the City.
- Commissioner Custodio asked if there was a liaison or ombudsman that business owners can contact for assistance. Staff stated that there is no one liaison or ombudsman to address those specific issues with the City and that the project manager is the first point of contact.
- Mr. Nagelvoort stated that the City's contract is with the prime not the subs and when there are disputes where the City has not paid the prime, the responsibility lies with the City. If there are disputes where the prime is paid on time, but the prime has not paid the sub and the sub is owed money, then the City can get involved. All construction projects are assigned a resident engineer who is the prime contractor's point-of-contact on a construction project and the project manager is the first point of contact for subcontractors.
- Chair Warner asked how disputes between departments are handled and stated that other meetings that are industry specific (consultants and contractors) should be transparent where anyone can attend.
- Mr. Leja stated that there are two additional meetings that Public Works conducts the (1) Consultant Quarterly meeting which is open to SLBE/ELBE consultants and the (2) Construction Quarterly Meeting that is open to SLBE/ELBE prime and subcontractors.
- Chair Warner stated that the quarterly meetings specific to E/SLBEs are a good idea. If the goal is to increase the number of certified E/SLBEs then additional meetings specific to organizations representing small businesses and individual small businesses that are not certified would be needed.
- Commissioner Jefferson asked how Public Works is tracking the success of Quarterly Meetings and the bi-annual event. Mr. Leja stated that the success of MACC from an SLBE perspective is there are mandatory requirements and that the overall success of the MACC contract delivery method is the tracking of participation.
- Mr. Nagelvoort stated that one of the challenges in Public Works is the cutoff under the SLBE Program for consultants is \$25,000 and \$500,000 for construction. Mr. Leja stated that these issues are constantly being reevaluated to see if changes that make more sense need to be made. If so, those measures will be explored in the future.
- Commissioner Suero-Gabler asked if social media is being used for Public Works outreach events. Mr. Leja stated that Constant Contact is the e-blast service that is currently being used for outreach and they do not use social media.
- Chair Warner stated that she wanted to provide full disclosure that her firm is working on outreach work for small business and that she is not advocating for more outreach. Commissioner Jester stated that the rest of us (Commissioners) are advocating for more outreach.

- Commissioner Suero-Gabler asked if there is a reason why the City doesn't hold outreach events in other parts of San Diego. Mr. Nagelvoort stated that it has to be a City facility with free parking and preferably with public transportation. He would consider the use of other facilities if they were provided free of charge to the City.
- Commissioner Jefferson stated she would like to see evening meetings since the Quarterly Meetings are conducted during the day.

INFORMATIONAL ITEMS (1): City's Equal Opportunity Commission establishment language modification, SDMC §26.16(b). City Attorney's legal review of the Municipal Code to add Woman and Disabled Veterans to Section 26.16(b) and legal review of currently listed groups represented on the Commission.

- Chair Warner stated the Commission has received the opinion from the City Attorneys' Office about diversity on Boards and Commissions including the CEOC.

INFORMATIONAL ITEMS (2): [Letter to Human Resources Director \(dated 11/4/15\)](#) in response to previous correspondence from Human Resources Director to Commission ([dated 10/8/15](#)).

- Chair Warner stated there are no updates.

INFORMATIONAL ITEMS (3): Precluded participation contract clause concerns for Architectural and Engineering Consultant Contracts raised by Small and Local Business firms during [11/4/15 Meeting \(Non-Agenda Public Comment\)](#).

- Henry Foster asked Chair Warner if she would like to carry the (1) language modification and (2) precluded participation topics on next month's agenda.
- Chair Warner stated the Commission has received information regarding the precluded participation contract.
- Chair Warner stated that the Commission has follow-up questions regarding the language modification to SDMC §26.16(b), and would like the City Attorneys' Office to attend CEOC to describe their memo regarding precluded participation.

STAFF UPDATES: Damian Singleton, Senior Contract Compliance Officer, Equal Opportunity Contracting

- Staff provided an update on the SLBE program, contracting updates, training sessions, and outreach updates. Staff referred commissioners to the upcoming MACC outreach events.

CHAIR ANNOUNCEMENTS:

- Chair Warner stated that she will be testifying before the Budget and Efficiency Committee to talk to them about the Commission's support for the disparity study.

SUBCOMMITTEE REPORTS:

- **DATA**
 - Vice Chair Custodio indicated their subcommittee has had difficulty coordinating schedules and will meet soon to submit minutes.
- **BUSINESS & POLITICAL LEADERSHIP**
 - Commissioner Perez stated that the subcommittee had conversations about the City Attorney letter, keeping diversity on the Commission, and getting the disparity study into the budget. The minutes still need to be completed.
- **PUBLIC OUTREACH**
 - Commissioner Suero-Gabler stated that it would be nice to have a shortened version of the PowerPoint the Commission received titled, “Doing Business with the City.” The subcommittee also discussed adding an item to the agenda under “information items” where Commissioners who attend public meetings (Budget & Government Efficiency, Council Meetings, etc.) can report. “Commissioners in the Community” was suggested as a name for this section on the agenda. Commissioner Jefferson submitted an article for the CEOC Corner on April 1st.
- **AD HOC ANNUAL REPORT**
 - Commissioner Jefferson stated the subcommittee prepared the draft annual report.

ADJOURNMENT: 7:21 P.M.

NEXT MEETING: May 4, 2016