



THE CITY OF SAN DIEGO

**CITIZENS' EQUAL OPPORTUNITY COMMISSION**

**MEETING MINUTES**

**Wednesday, April 4, 2018  
6:00 p.m. – 8:00 p.m.  
City Administration Building  
Committee Room  
202 C Street – 12th Floor  
San Diego, CA 92101**

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**CALL TO ORDER** at: 6:07 p.m. by Chair Custodio.

**ROLL CALL:**

Lan Jefferson  
Kristine Custodio  
Rafael Perez (left at 6:31p.m.)  
Susan Jester  
Beth Kransberger  
Tony Teravainen  
Dan Ortiz (arrived at 6:11p.m.)  
Monte Jones (absent)

**STAFF & GUESTS:**

Claudia Abarca, Program Manager, Equal Opportunity Contracting  
Damian Singleton, Senior Management Analyst, Equal Opportunity Contracting  
Martha Rivera, Clerical Assistant II, Equal Opportunity Contracting

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**APPROVAL OF:** Meeting Minutes of March 7, 2018

**Motion by Commissioner Jester, seconded by Commissioner Perez, to approve Meeting Minutes of March 7, 2018. Passes by the following vote:**

**Yay:** Lan Jefferson, Kristine Custodio, Rafael Perez, Susan Jester, Beth Kransberger, Tony Teravainen

**Nay:** (None)

**Recused:** (None)

**Not Present:** Commissioners Ortiz (arrived late) and Jones (absent)

**Abstain:** (None)

**NON-AGENDA PUBLIC COMMENT:** None.

In the interest of quorum, Commissioner Perez asked to move Item 5: Action Items before Item 4: Discussion Items.

**Motion by Commissioner Jester, Second by Commissioner Ortiz**

**Item 4: ACTION ITEMS**

**A. Renaming of Subcommittees**

1. Disparity Study & Research renamed to **Inclusive Economics and Research**
  - a) Objective: Advocating for a disparity study; data collection and compilation and research.
  - b) Members: Commissioners Jefferson, Teravainen, Ortiz, and Kransberger

**Motion by Commissioner Ortiz, seconded by Commissioner Jester, to approve Renaming of Subcommittee. Passes by the following vote:**

**Yay:** Lan Jefferson, Kristine Custodio, Rafael Perez, Susan Jester, Beth Kransberger, Tony Teravainen, Dan Ortiz

**Nay:** (None)

**Recused:** (None)

**Not Present:** Commissioners Jones (absent)

**Abstain:** (None)

**B. Offsite CEOC Regular Meeting**

1. Possible Locations: Malcolm X Library, Oak Park Library, Logan Heights Library, City Heights Library
  - a. Goal is to give the community access to the Commission.
2. Possible Dates:
  - a) June 6, 2018 – Regular Meeting in the Community
  - b) July 27, 2018 – Follow-up Retreat (8:30a.m. – 12p.m.) City Heights, Logan Heights Libraries
3. Staff will follow-up and provide confirmation of venue requests.

**ITEM 5: DISCUSSION ITEMS**

**A. Rosalind Winstead Non-Agenda Public Comment from February 7, 2018**

- Commissioner Kransberger commented that Ms. Winstead provided a history of the hiring issues in general, the obstacles and challenges to achieving a more accessible/open process that would be regularly accessible in a non-obstacle with the groups that have been discussed. It is now up to the Commission to figure out the right way to approach these obstacles. One option is to sit down with City Hall and the Mayor's Office Staff and help them become aware of the issues. It was indicated at the retreat by Mayor's Office representative that there was a synergy of concerns between the Mayor's Office and the Commission.
- Chair Custodio requested that Ms. Lawrence, of the Mayor's Office, be invited to return as a guest to gather more information. Chair Custodio recommended that a short list of three to five questions be prepared by the Commission.

- Commissioner Jester reminded Commissioners that she and Chair Custodio had previously met with Ms. Lawrence to cover support for a disparity study, budget, possibilities for a study in the immediate future; estimated for the 2020 Budget.
  - Commissioner Teravainen inquired as to what accomplishments previous CEOC members have had. Ms. Abarca stated that information can be provided, but primarily the focus of previous commissions has been contracts and utilization of disadvantaged firms.
  - Commissioner Kransberger requested to sort through available data at Ms. Abarca's office. Chair Custodio requested that she attend along with Commissioner Jefferson so that each subcommittee is represented.
  - Chair Custodio requested a meeting with Ms. Lawrence in the month of May with Ms. Abarca, Commissioners Jefferson, and Jester to discuss possible budget item for a disparity study.
  - Chair Custodio requested information on the Bid to Goal program in the City of Los Angeles from Commissioners.
  - Chair Custodio requested clarification on legislation such as Prop 209 from City Attorney or Deputy City Attorney.
  - Commissioner Teravainen inquired as to the 30-day payment clause that the City has and if there are any complaints about that time frame. Ms. Abarca replied that when complaints have been received they center on a delayed payment from the City to the Prime or the Subcontractor. If the complaint is from a small business, exceeding the 30-day period could hurt the business financially. D
  - Commissioner Teravainen requested that the Personnel Director be invited to the May 2, 2018 meeting to discuss updates in the City's hiring practices. Commissioner Jester would like an update on the San Diego Police Department hiring and retention practices.
- C. Emergency Contract for Pressure Washing Sidewalks – Hepatitis A Outbreak  
*Ms. Abarca answered the Commission's questions:*
1. How was the City contract awarded?
    - Emergency – no formal advertisement process.
  2. What was the time frame?
    - Contract must not exceed the amount awarded. Staff will provide additional information on actual time frame, if noted.
  3. What was the bidding process?
    - It depends on the emergency and need. For goods and services, the City has a list of vendors that can supply in the event of an emergency and is shared with the County. If it is a construction need, contractors are placed on a list based on asset type and called on a rotational basis in the event of an emergency.
  4. What was the selection processes? Was the firm local?
    - The awarded firm is Clean Harbors. In emergency situations, there are no requirements to hire local as that may limit the issue from getting resolved. Process for award is followed as indicated in Municipal Code..
  5. How much was the contract approved for?
    - The contract was 1.3 million dollars – not to exceed.

- Commissioner Jester expressed concern about local labor not being used for this contract, and inquired about more restrictive choice. Ms. Abarca advised the Commission that they have the ability to make recommendations to the Mayor's office, but would have to gather data to help support their request.
- Commissioner Jester also inquired as to the level of skill the work force had to perform the scope of work required for the project and that local labor force should be given priority.
- Commissioner Kransberger commented that expediency is the justification for keeping systems closed for the historically underrepresented groups. The necessity for a list of changes to policy will help open the flow and pathways which will naturally show representation that is more reflective of the density of skilled work force.
- Commissioner Teravainen commented that it would be interesting to see a comparison between standard and emergency contracts.
- Chair Custodio commented that these recommendations for policy change should be a talking point when attending meetings with various groups.
- Commissioner Ortiz requested clarification for the time frame of a regular contract. Ms. Abarca explained that if an RFP (Request for Proposal) is used, it can take up to four months. If an ITB (Invitation to Bid) is used, it is based on low bid and takes about 90 days to award.
- Commissioner Ortiz requested a follow-up on the request for a list of all cooperative agreements that the City has recently entered. Ms. Abarca advised that the Purchasing and Contracting Department is compiling the list.
- Chair Custodio requested that a discussion agenda item be added for Contracts: Emergency and Cooperative – list of contracts and size for last 2 fiscal years.
- Chair Custodio inquired about the Emergency Operations List. Ms. Abarca informed the commission that the City cannot preclude any firm from joining the list, even if they are not local.
- Commissioner Kransberger commented that at the macro level to be successful in this goal, the infrastructure must be built, there must be a pipeline and bridge the theory-practice gap on how to do it. Commissioner Kransberger inquired as to how firms can get on the emergency list. Commissioner Kransberger commented the importance of discussing the macro issue and getting up to speed about if there is equity and inclusion infrastructure in the City. Commissioner Kransberger that it is generally needed in respect to hiring and things that relate to contracting and the giving of money and access to benefits.
- Commissioner Ortiz requested that a representative of the San Diego Unified School District be invited to speak about their demographic study and funding for it.

C. Council Committee Updates

- No updates were provided from Commissioners.

D. Executive Summary and Speaking Points

- Item was Tabled for May 2, 2018 Meeting

E. Inclusive Economics

- Chair Custodio requested this item remain on Agenda

**F. Annual Report**

- Chair Custodio requested this item Move to Item E. under Subcommittee Reports. Subcommittees will read: Inclusive Economics & Research, Outreach

**Item 6: STAFF UPDATES**

A. Damian Singleton, Equal Opportunity Contracting (EOC), Senior Management Analyst

- Mr. Singleton provided information on SLBE application for March 2018.
- Ms. Abarca briefly explained proposed changes to SD Municipal Code 22.3612, Minor Construction by the Public Works Department.
  - Public Works changes for any maintenance or operations type contract that is \$250,000 and below, there will be an added process to obtain a quote instead of a formal procurement process.
  - EOCP requested that an ELBE/SLBE firm be used for this type of contract. If no firm is available, a Request for Waiver form must be provided.
- Mr. Singleton updated the Commission on Outreach and Training Events as noted in the EOC Program Update.

**Item 7: CHAIR ANNOUNCEMENTS –**

Potential Joint Chamber Mega Mixer for June 13, 2018 at the Council for Supplier Diversity in Mira Mesa. (Save the date)

**Item 8: SUBCOMMITTEE REPORTS: Renamed**

- Inclusive Economics & Research
- Outreach

**Item 9: ADJOURNMENT: 7:54 p.m.**

**NEXT MEETING: May 2, 2018**