

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR SPECIAL COUNCIL MEETING  
OF  
TUESDAY, DECEMBER 20, 2005  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Sanders at 10:06 a.m. The meeting was adjourned by Mayor Sanders at 11:43 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-present
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant
- Clerk-Maland (er)

FILE LOCATION:            MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor-present
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell requested that an invocation and flag salute be conducted for Tuesday's meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:09 a.m.)

PUBLIC COMMENT-2:

Jarvis Ross commented on the new Mayoral staff's retirement benefits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:12 a.m.)

PUBLIC COMMENT-3:

Phil Hart commented on the Audit Committee's activities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:15 a.m.)

PUBLIC COMMENT-4:

Andy Berg commented on the Audit Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:18 a.m.)

COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-601: First Amendment to Agreement with Electronic Evidence Discovery Inc. for Electronic Repository to Support City Audit Committee Document Productions.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-395)                      ADOPTED AS RESOLUTION R-301147

Authorizing the City Manager to execute the First Amendment to the Agreement between the City of San Diego and Electronic Evidence Discovery, Inc., for additional electronic files to be included in the electronic repository that the U. S. Securities and Exchange Commission (SEC), U. S. Attorney's Office (USAO) and City Audit Committee (CAC) will use to conduct their independent investigations, for an amount not to exceed \$272,300, under the terms and conditions set forth in the First Amendment to the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase the scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the First Amendment to the Agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

On September 12, 2005, the City Council approved Resolution Number R-300822 authorizing the City Manager to enter into an agreement with Electronic Evidence Discovery, Inc. (EED) to create an electronic document repository to support the City Audit Committee's independent investigation. Using the best information available at the time, City staff estimated that up to 2,175,000 paper documents and 160 gigabytes (GB) of electronic files would be produced and stored in this repository. Included within the electronic files are GroupWise Email archives, Microsoft and Corel Office documents and Adobe Acrobat (pdf) documents.

Extensive efforts on the part of the Audit Committee and City staff to obtain all relevant documents have resulted in an additional 80 GB of electronic files being compiled that were not included in the original cost estimate. City staff are also anticipating that the U. S. Attorney and U. S. Securities and Exchange Commission (SEC) will need online access to all or portions of the repository, resulting in an additional online production. The additional cost for EED to process, store and produce these documents online is \$272,300, bringing the total contract cost to \$999,800. With these additional documents, the electronic document repository being provided to the City Audit Committee will contain approximately one-half million electronic files totaling 237 GB in size, and another 1.9 million pages of scanned paper documents.

Ewell/Arellano/HS

Aud. Cert. 2600315.

Staff: Howard Stapleton – (619) 533-4766  
Anita Noone – Assistant City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:18 a.m. – 11:32 a.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO AUTHORIZE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$272,300 FOR ELECTRONIC EVIDENCE DISCOVERY WITH DIRECTION BY MS ATKINS THAT ALL EXPENDITURES SHALL BE SUBJECT TO A REVIEW BY THE CITY MANAGER; AND REQUEST THAT THE CITY ATTORNEY REVISE THE CONTRACT LANGUAGE IF NECESSARY TO REFLECT THE CONDITION. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, District 8-vacant, Mayor-yea.

ITEM-602: Amending the 2006 Legislative Calendar to Adjourn the Scheduled City Council Meeting of January 9 and 10, 2006.

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-579) ADOPTED AS RESOLUTION R-301148

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2006 through December 31, 2006, to adjourn the regularly scheduled City Council meeting of January 9 and 10, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:33 a.m. – 11:36 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-ineligible.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Sanders at 11:43 a.m. in honor of the memory of:

Marchanae Johnson as requested by Council Member Young,  
Gloria Lira s requested by Council Member Young,  
Donald Knoell as requested by Council Member Frye, and  
Henry A. Boney as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:36 a.m. – 11:43 a.m.)