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News | San Diego

Sunroad report, records at odds

City examined how tower was approved

By David Hasemyer and Jeff McDonald
UNION-TRIBUNE STAFF WRITERS

August 12, 2007

Top officials at San Diego City Hall knew at least four months earlier than Mayor Jerry Sanders has publicly acknowledged that the Sunroad Enterprises building near Montgomery Field violated federal height limits, according to records obtained by *The San Diego Union-Tribune*.

■ [Work may start soon to lower office tower](#)

Memos show that then-Development Services Department director Gary Halbert, assistant director Kelly Broughton, and James Waring, the chief of land use and economic development, all knew about the problem in June 2006 – before the building had reached its halfway point.

Yet Sanders has insisted that neither he nor Waring knew about the controversy until October, when the structure had reached its full height and City Attorney Michael Aguirre was preparing to issue a stop-work order on the project.

The conflict between what the mayor said and what the records reflect is among numerous inconsistencies in a report Sanders' staff produced about how Sunroad was permitted to build an office tower despite Federal Aviation Administration warnings.



HOWARD LIPIN / Union-Tribune
The Sunroad report by Mayor Jerry Sanders' office contains numerous findings not supported by records.

The investigation exonerated Sanders and his top deputies.

E-mails show that Halbert and Broughton received a detailed outline of the FAA's concerns June 19, 2006, the same day the FAA notified a senior city planner that the building, planned for 180 feet, would be a hazard to pilots landing in bad weather.

"The FAA has a significant issue" with the building, the planner wrote to Halbert and Broughton. The letter also pointed out that San Diego could lose federal airport funds if the office tower exceeded 160 feet.

The next day, Sanders called Halbert and Waring to a meeting in his office.

Halbert, now an assistant city manager in Santee, said in

Online: To read the report the mayor's office prepared on the Sunroad building, go to [uniontrib.com/ more/](#)

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an interview last week that he could not remember the meeting. If such a meeting took place, he said, it was to discuss his decision to leave the city after 27 years.

[sunroadprobe](#)

Sanders was on vacation last week and could not be reached for comment, mayoral spokesman Fred Sainz said. Sainz insisted that the meeting concerned only Halbert's possible resignation.

"I can tell you with certainty that that meeting had nothing to do with Sunroad," Sainz said.

Waring also was on vacation and not available for comment.

When Halbert was interviewed for the mayor's investigation, he clearly remembered telling Waring about the Sunroad problem. On June 29, 2006, Halbert sent Waring an e-mail saying Sunroad had promised to abide by FAA regulations, a pledge that was soon broken.

"Gary Halbert told others in (Development Services) and his boss (Jim Waring) that Sunroad would stop at 160 feet," according to a summary of the interview prepared by investigators.

The investigation conceded that mistakes were made. However, the final report contains discrepancies beyond the question of when Sanders and Waring learned of the hazard. Among them, the report states:

- Sanders "immediately rejected" the idea of steering planes over Serra Mesa to spare the Sunroad building. But a letter Sanders wrote to the FAA in May promotes that very proposal.
- City planners were not aware of the federal height limit. But e-mails between Sunroad, city staff and pilots refer to the height restriction.
- Witnesses told investigators that no favors were granted to the developer. But according to one e-mail, Broughton intervened in the approval process for Tom Story, a longtime city official who had become a Sunroad executive.
- Development Services staff "failed to timely notify senior staff." However, the city planner who received the first FAA warning notified both the director and the assistant director of Development Services within hours.
- Waring told investigators "the city never contacted the FAA" on behalf of Sunroad. But various documents show that Waring sent two experts to Fort Worth, Texas, to lobby the FAA to consider a settlement proposal from Sunroad.
- Waring told investigators that "the FAA seemed very receptive" to plans to route air traffic around the Sunroad building. FAA officials told the *Union-Tribune* they never would have approved such a plan.

The two experts who traveled to Fort Worth were James Barwick, the city's director of real estate assets, and Ted Sexton, an executive with the San Diego County Regional Airport Authority who was on loan to the city in March at the mayor's request.

In June, the mayor publicly denied that Sexton had been brought in to work on Sunroad. When challenged the next week, the mayor said he had misspoken because of errors Sainz made when he prepared a fact sheet on the issue.

According to e-mails and other records, Sanders and Waring worked privately for months to try to accommodate Sunroad rather than to

eliminate what both the FAA and the California Department of Transportation said was a threat to public safety.

On May 18, one day after he ordered his investigation, a letter from Sanders to the FAA suggested that the flight path approaching Montgomery Field be altered so the building could remain 180 feet tall. The FAA rejected that plan out of hand.

Gerald Blank, an attorney representing the Community Airfields Association of San Diego, complained Friday that the investigation missed a key point: Investigators never questioned Sanders about his claim that he opposed the idea of planes flying over Serra Mesa when the letter he sent to the FAA made that very suggestion.

“Why didn't you ask? ... Absent the mayor's response, the issue presently screams of cover-up,” Blank wrote to the city.

The mayor reversed course on the Sunroad building in June – more than a year after the FAA alerted city planners to the problem – and ordered the office tower reduced to 160 feet. The company agreed several weeks later and is expected to finish the job by Nov. 15.

In the meantime, Sunroad is proceeding with a \$40 million lawsuit against the city. No trial date has been set.

'It wasn't relevant'

The mayor's investigation into the handling of the Sunroad project was initially overseen by Sanders' chief operating officer, retired Navy Rear Adm. Ronne Froman.

Froman quit in the middle of the review, saying her work at City Hall was completed earlier than she expected. Responsibility for the investigation was handed to Jo Anne SawyerKnoll, who runs the mayor's ethics and integrity office.

According to the report, the investigators conducted interviews and examined thousands of pages of e-mails and related documents. The list of those interviewed included Waring, the mayor and more than a dozen upper-and midlevel city employees.

Nobody from Sunroad or the FAA was interviewed. Neither was Sexton, the Airport Authority executive working with the city. SawyerKnoll said he refused to be interviewed.

The report's conclusions that no wrongdoing occurred appear to be based primarily on statements from those interviewed.

For example, after meeting with Marcela Escobar-Eck, who took over for Halbert as director of Development Services, the investigator wrote simply: “There is no collusion or corruption with anyone from (Development Services) and the executives, employees or attorneys from Sunroad that Marcela Escobar-Eck has knowledge of.”

Following an interview with Sainz, the mayor's spokesman, the investigator wrote: “Mr. Sainz advised that he has no knowledge of any illegal, suspicious or questionable activities committed with the Sunroad project by any individuals.”

At one point, Sainz told the investigator he “never” uses e-mail, even though he often e-mails reporters.

The report also failed to address a critical claim made last month by Aaron Feldman, the Sunroad Enterprises owner who hosted a fundraiser for Sanders' 2005 mayoral campaign.

Feldman told the *Union-Tribune* last month that he proceeded with construction of his building despite the FAA warning because someone at City Hall assured him the FAA's concerns would be resolved. Feldman would not name the official.

SawyerKnoll said she decided against interviewing Feldman because “it was not critical to the investigation.”

She also left out any mention of the June 20, 2006, meeting of Halbert, Waring and Sanders because “it wasn't relevant.”

Vincent delaMontaigne, a former FBI agent who helped conduct the investigation, said he considered including an analysis of the various inconsistencies in his report to Sanders.

“It was decided by the city not to do that,” delaMontaigne said. “The mayor wanted me to find out what the process was. That was it. ... I was doing the job I was given.”

SawyerKnoll defended the depth and quality of the final report, saying it covered all the ground sought by the mayor.

No reprimands

On the day Sanders announced the findings of his investigation, he promised to weigh the results carefully and mete out discipline wherever appropriate. He also pledged to consider half a dozen recommendations made at the end of the report.

Nearly a month later, no one at City Hall has been fired, suspended or reprimanded for permitting an office tower to violate federal aviation-safety rules and exposing taxpayers to a possible \$40 million judgment.

Robert Stern of the Center for Governmental Studies, a Los Angeles nonprofit that works to improve governance, said Sanders' investigation should have been more independent.

“It probably would be a little better to have somebody do it who is not hired and fired by the mayor,” Stern said.

Aguirre has begun documenting the discrepancies between conclusions in the mayor's report and what is reflected in public records.

Aguirre declined to comment on the inconsistencies his office has documented to date, saying more work is needed to find possible explanations for the contradictions.

“We are not trying to point fingers,” he said. “We just want to see if the report holds up.”

■ David Hasemyer: (619) 542-4583; david.hasemyer@uniontrib.com

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By gjyglkuyg on 08/12/2007

Typical....Sanders just got caught and he BLEW his credibility....another administration going down in flames

Go get em Mike, these scoundrels need to spend a few (hundred) nights in the hoosgow with all the other convicted criminals who try to end run the city council or rob the people of San Diego.

Sunroad needs to be seriously investigated also....there's NEVER only just one roach !

Report Abuse

By abe on 08/12/2007

"contradictions", "inconsistencies"? Seems more like lying to the citizens, abuse of their respective positions, favors for the 'good 'ol boys', etc., etc. etc. Do these people deserve their jobs as public servants? Their hefty pensions? Are these people related to our illustrious Attorney General?

Report Abuse

By mrx on 08/12/2007

Sanders is a liar.

Report Abuse

By theantispanos on 08/12/2007

I wonder if that new strong mayor stuff includes 'executive privilege'? And what is it about becoming mayor in this city that makes you become a crook or incompetent?

Hey Mr Halbert, I'm not quite sure I believe that you'd forget a meeting like that, but like Aldodo Gonzalez, you're probably really really busy.

Do you think they purposely released this story while everybody involved was on vacation?

Report Abuse

By Sky173 on 08/12/2007

It all sounds like "doublespeak" to me. Sanders, Sainz, Halbert, Waring, Sexton, and even the investigators, have blatantly LIED to the citizens of San Diego. I think they should be moved to where the "Duke" presently resides. If San Diego has ANY honest politicians, then they better step up now, or be classed with the rest of the SCUM presently sitting in City Hall.

Report Abuse

By How did that happen on 08/12/2007

Where is the Anti Mike Bloggers today? Looks like these anti Mike Bloggers are part of the same group that needs to be investigated. I can see how they get so angry.

It is very entertaining to read the anti Mike blogs.

The crook never likes a good watch dog. Go get them Mike.

Report Abuse

By ssdd on 08/12/2007

Mike Aguirreeeee and his bloated self-opinion: him going after Sanders et al is like Barney Fife going after al Qaeda. It's a mixture of humorous and pathetic.

Report Abuse

By theantispans on 08/12/2007

I've got a hunch it's going to be more than just Aguirre going after him. I see wide support crossing party lines.

Will Donna Frye be mayor if they impeach or he resigns?

Report Abuse

By any_user on 08/12/2007

I wonder if the clown car will pull up to the Mayor's next press conference & the DA, Chief Of Police, Sheriff will flank him to show their support again with the same guilty looks on their faces as they sported here:

<http://www.youtube.com/watch?v=fIGzRH05KF0>

Report Abuse

By sumyunguy on 08/12/2007

Sanders and the city officials all know the truth about this situation. They just don't want to fess up, especially on record.

The "investigation" by Sanders' office is a joke. Only an independent investigation can and will find out the truth.

I pray that the City Attorney's office ends up with a case but does it quietly. It's the only way to get these lying, cheating, no good idiots that run this town. If we could only eliminate their pensions when they get caught up in situations like this.....

Make em pray, then make em pay.....

Report Abuse

By gblawyer on 08/12/2007

The "report" is a joke. As Dave Hasemyer and Jeff McDonald accurately observe, all the "investigators" did was ask the Mayor and others if they did anything wrong, and accepted and printed their responses. The reason? It was too painful to deal with the discrepancies, because they couldn't be resolved. This was cover-up, on top of cover-up, in an attempt to aid a law-breaking developer at the expense of public safety, and now the Mayor and his administration are trying to spin the situation to make it look like he rode in on his white horse and saved the day. Jim Waring's the one who assured Sunroad that the FAA concerns would be resolved. He's just not man enough to admit it, leave, and take his lumps for lousy "leadership," having his allegiance in the wrong place, and being dishonest about it.

Report Abuse

By Sniper on 08/12/2007

Just another day of feeding at the public trough. Getting fat off tax \$.

Report Abuse

By Roaming Gnome on 08/12/2007

Sanders appears to be caught in another falsehood. He is the same as all the rest of the politicians; except not as intelligent.

Report Abuse

By Christopher Hall on 08/12/2007

The SD UT said "The conflict between what the mayor said and what the records reflect is among numerous inconsistencies in a report Sanders' staff produced about how Sunroad was permitted to build an office tower despite Federal Aviation Administration warnings."

The mendaCity of San Diego!

Report Abuse

By theantispanos on 08/12/2007

If you read the conclusions at the beginning of the report, the Mayor's investigation lays part of the blame on the City Attorney.

Game On !

Report Abuse

By ghost on 08/12/2007

For the people - by the people ? mmm.....

Report Abuse

By nowburg on 08/12/2007

Sanders and Waring cannot be trusted!

Report Abuse

By any_user on 08/12/2007

Taken verbatim from the Mayor's report:

Finding:

1. City employees violated Administrative Regulation 95.60 § 3.10.

Administrative Regulation 95.60 § 3.10 provides the following:

"City employees shall not communicate with former City employees on any issue or matter in which that former employee had official responsibility or participation for a period of one year from the former employee's final date of active employment."

So the Mayor's own staff concluded that there was in fact a violation committed, but Chief Lansdowne not only refused to serve a warrant regarding Story's participation in that violation because he "saw no crime", he also leaked it to the Mayor's office & tipped off the accused giving them time to destroy evidence after consulting with the District Atty Dumanis.

Now wonder they all stood together on stage looking like the cat that ate the canary at the Mayor's press conference.

Report Abuse

By booger on 08/12/2007

I have a solution, maybe this mayor, who claimed he would clean up corruption in city hall, would think twice about public lies, deception, and cover ups if his departments salary budget was cut by \$40 million?

It's now obvious that his is not a man of his word and I have to question how useful to the city he is. Yet another good-olde-boy taking care of his own while the public pays and pays and pays.

Jerry, your staff screwed up and YOU did not do the right thing. Aguirre for Mayor! ;-)

Report Abuse

By MyAguirreItches on 08/12/2007

Hard to imagine anybody, other than the ubiquitous and oh-so-tiresome tinfoil hat crowd (see above), cares about any of this stuff. Art Bell: Where are you when we most need you?

Report Abuse

By booger on 08/12/2007

And maybe the States AG should get involved. No wonder Sanders freaked when Aguirre sent out those letters to the State AG and the FAA inviting them to investigate what happened. He and his people knew about his in plenty of time to save everyone from this mistake and instead, they protected the builder and lied about all of it for so long it will probably cost us, the citizens, \$10s of millions. Anybody else getting sick of these political frauds?

You all saw Sanders say he takes full responsibility and will get to the bottom of this. And our city AG along with the Police Chief backed him on stage. Gawd, this just looks like more of the same crap in City Hall.

Report Abuse

By sunroadsux on 08/12/2007

As a current employee of Sunroad I have to say that I am getting sick and tired of how it runs it's business. If I could leave I would, but in this market it's near impossible. Let me just say, if the City Attorneys office knew what it was doing and dug a little deeper they would know just how deep Sanders and Feldman are into each other. Aguirre check ALL of Sunroads finances....you will find something.

Report Abuse

By bundas on 08/12/2007

Aguirre for Mayor!

Report Abuse

By HoyaSaxa on 08/12/2007

*** Yawn **** Read the Pulitzer-prize winning U-T for last month's news. Anyone who takes the time to read Don Bauder's investigative reporting on this issue in the SD Reader knew this information weeks ago. In fact, per Bauder's reports, it seems like Waring, et al. likely knew of this information much earlier than June 2006.

Will the U-T ever actually hire real investigative journalists who will be allowed to report on corruption, no matter which friends of the Copleys are implicated?? (Or, as in Bauder's case, will the U-T hold onto, and stop silencing, any competent reporters that it has?). I won't be holding my breath.

Report Abuse

By Heavy Machinery on 08/12/2007

If there can be this many lies from City Hall about this one issue, this begs the question about many other issues, such as the pension mess and employee staffing.....Its been said before by the mayor that city services are not affected by the reduction of 700 employees....

Do any of you out there think city services are not really affected????? I say the city needs to quit "jamming" employees and constantly making them the scapegoat.....

Report Abuse

By Heavy Machinery on 08/12/2007

Why is the UT printing an article like this? The UT has been the "yes man" for Sanders for a long time. Could it be that the UT wants to try their hand at fair reporting.....Amazing..

Report Abuse

By enlightened1 on 08/12/2007

Nice follow up to Don Bauders San Diego Reader, City Lights article:
Did Waring Really Not Know?
Don Bauder | August 9, 2007

This all plays into the scheme to give away valuable land to Sanders developer cronies, and put the city into bankruptcy on the way out.

Very few are benefiting from what is going on here, and if you are pro Sanders you are either a developer or ignorant!

If anyone reading this who honestly cares and is interested in the truth about what is going on here, please take the time to read Don Bauders weekly column City Lights in the San Diego Reader, www.sdreader.com. It offers another take and insight from former UT Business Editor.

Wake up San Diego!!!

Report Abuse

By dreevesx on 08/12/2007

It's obvious in reading these messages that a lot of money is wasted in supporting a cumbersome judicial apparatus when its functions can be performed much less expensively by a couple of journalists and their readers.....

Report Abuse

By La Playa Heritage on 08/12/2007

<http://www.voiceofsandiego.com/articles/2007/08/11/letters/012liver081007.txt#>

Not only did Ms. SawyerKnoll not analyze the reporting by Mistery Hasemyer and McDonald of the UT, but Ms. SawyerKnoll also ignored our citizens' investigation into the matter.

Report Abuse

By bundas on 08/12/2007

another corrupt, one paper town

Report Abuse

By obrider on 08/12/2007

Donna, WHERE ARE YOU?

Report Abuse

By snowman on 08/12/2007

Looks like Sanders should have his mugshot alongside Murphy and Golding in the SD politics Hall of Shame. Can only hope the SawyerKnoll investigation was cheaper than the Kroll investigation.

Report Abuse

By CD45 on 08/12/2007

The problem for the mayor is that he can't fire any of his staff who lied about their roles in Sunroad because he is as culpable as they are.

Report Abuse

By BigDog on 08/12/2007

Where know are all those who pretended to be indignant when Aguirre said the Mayors course of action regarding Sunroad was corrupt?

I'm also waiting for the replay of Dumanis, Lansdowne and Kolendar vouching for Sanders character,

I wonder how that investigation into corruption demanded of the AG by Sanders is progressing? My guess is that, similar to the Sanders whitewash report, the AG investigation will be focused precisely and narrowly on Aguirre's allegations of corruption, and will stop well short of investigating the corruption itself. They will conclude something hokey, such as at the time Aguirre made the allegation, he did not have sufficient information to make the allegation, so the allegation was not valid.

That is the kind of splitting of hairs and games with semantics I fully expect, to avoid dealing with the elephant in the room.

Report Abuse

By okonkolo on 08/12/2007

i feel so good when the city investigates its own wrongdoing, don't you?

Sanders = (insider) business as usual

Report Abuse

By The Big Churro on 08/12/2007

Can somebody say "recall"?

Recall. Recall. Recall.

Report Abuse

By Duckman GR on 08/12/2007

I guess maybe Mike was right all along. Go figure.

"SawyerKnoll defended the depth and quality of the final report, saying it covered all the ground sought by the mayor. "

Mayor to SawyerKnoll: Don't find my guilty."

I like how the oh so respected Admiral Froman bailed halfway through the job. Do you think maybe she knew that Sanders was going to get nailed eventually?

I do.

Report Abuse

By SupremeCourt on 08/12/2007

Sanders is a crook and a liar.

Report Abuse

By SupremeCourt on 08/12/2007

Dumanis, Lansdowne and Kolendar vouching for Sanders character; like Satan vouching for Bin Laden.

Report Abuse

By Bud_SD on 08/12/2007

sunroadsux stated - "As a current employee of Sunroad I have to say that I am getting sick and tired of how it runs it's business. If I could leave I would, but in this market it's near impossible. Let me just say, if the City Attorneys office knew what it was doing and dug a little deeper they would know just how deep Sanders and Feldman are into each other. Aguirre check ALL of Sunroads finances....you will find something."

We all know there is something deeper, here. Create a new email address and use a library computer to email the city attorney directly. That will preserve your anonymity.

Report Abuse

By NativeSon on 08/12/2007

The anti-Aguirre trolls (ssdd, dreevesx, MyAguirreItches - not too many today!) are nearly as shameful and tiresome as Jerry Sanders, Jim Waring, Marcela Escobar-Eck, Fred Sainz and all their developer cronies. We're sick and tired of the corruption that appears to be a necessary aspect of the current Mayor's strong reign.

Jo Anne SawyerKnoll, appointed by Sanders to lead his "ethics and integrity office" (hard to write that with a straight face). appears to be pretty transparent with her coverup - no wonder Ronne Froman got out when she did. You would think they could do better. And the UT IS a dollar short and a day late. Don Bauder - <http://www.sdreader.com/php/cityshow.php?id=1680> - and Pat Flannery - <http://www.blogofsandiego.com> - have been way ahead of the UT writers. But at least the Small Bowtie Guy on the Editorial page didn't stop this David Hasemyer and Jeff McDonald article - wonder why? I bet he knows Jim Waring is about to resign ...

Report Abuse

By theantispanos on 08/12/2007

No matter what you think of Aguirre, this goes way beyond personalities and lands smack dab in the middle of corruption by public officials. At least we know that Aguirre will not be afraid to follow the scent, wherever it leads.

Report Abuse

By abe on 08/12/2007

Typical (Re) Publicans. They're all crooked.

Report Abuse

By sd_zoom on 08/12/2007

Sanders creditability is pretty much shot. Too bad I used to like him. The developers own him.

Report Abuse

By bubu46 on 08/12/2007

Wait a minute...wait a minute...oh never mind...too late!

Report Abuse

By American on 08/12/2007

Give them hell, Mike!!

Report Abuse

By sdrosea on 08/12/2007

No surprise here. Sanders is as much a pawn of developers as any of his predecessors, and is as crooked as any of them.

I should point out though, that the UT is delinquent in reporting this. Don Bauder's column in The Reader detailed it on Thursday. Glad to know the local rag is so serious about muckraking.

Bring back Bauder!

Report Abuse

By Same old on 08/13/2007

Sander's credibility tanks as Aguirre's climbs. But the powers that be will continue to push for this issue to be ignored. It is time for a recall election.

Report Abuse

By theantispanos on 08/13/2007

It looks like they have some of their moles here. They come on and say, oh, this is boring, this is old news. Move on. Typical neokook deflection of the issue at hand.

Report Abuse

By time on 08/13/2007

Go get em Mike! I would like to say that I have lost my respect for Sanders.....but I can't.....I never had any respect for him.

Report Abuse

By Bbabbaloo on 08/13/2007

Great reporting by the U-T. The "Cunningham" Pulitzer has incentivized them to dig deeply. Ronne Froman's reason for leaving makes no sense. She says her job was done but yet she left in the middle of the investigation!

This whole thing stinks. I'm very disappointed in the Mayor and his apparently incompetent staff. People in City Hall need to be help accountable...

U-T, keep digging!

Report Abuse

By bundas on 08/13/2007

Chief Lansdowne not only refused to serve a warrant regarding Story's participation in that violation because he "saw no crime"

HE should do jail time!!!

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