

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, JULY 14 AND 15, 2008  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULTS OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Karen Heumann and Chief Deputy City Attorney Huston Carlyle report the results of the Closed Session Meeting of July 14 and 15, 2008, as follows:

**CLOSED SESSION MEETING FOR MONDAY, JULY 14, 2008**

Closed Session Items were heard on Tuesday, July 15, 2008.

**CLOSED SESSION MEETINGS FOR TUESDAY, JULY 15, 2008**

Closed Session was held twice: 9:00 a.m. - 10:00 a.m. and again @5:20 p.m.

**ROLL CALL - MORNING SESSION (9:00 A.M. -10:00 A.M.):**

Present: Council President Peters, Council President Pro Tem Madaffer, and Councilmembers Faulconer, Atkins, Young, and Frye

Absent: Mayor Sanders (Absent for Item CS-4.)  
Councilmember Maienschein - Dist. 5 (Absent for morning and afternoon sessions)  
Councilmember Hueso - Dist. 8 (Absent for Items CS-1, 3, 4, and 5.)

**CLOSED SESSION ITEMS – MORNING SESSION (9:00 a.m. – 10:00 a.m.):**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *City of San Diego v. Sunroad Enterprises, et al.***  
San Diego Superior Court Case No. GIC 877054

DCA assigned: C. Brock

Report: Nothing to report

**CS-2 *Grace Church of North County v. City of San Diego, et al.***  
United States District Court Case No. 07-CV-419H (RBB)

DCA assigned: C. Fitzgerald

Motion: Appeal.  
Moved: Council President Peters - Dist. 1  
Seconded: Councilmember Frye - Dist. 6  
Vote: 7/0 [Passed]  
Absent: Councilmember Maienschein - Dist. 5

Report: Below is the report out from Closed Session made by Chief Deputy  
City Attorney Huston Carlyle in Open Session at @ 5:11 p.m.

Today, the City Council voted in Closed Session on Item CS-2, *Grace Church of North County v. City of San Diego, et al.*, United States District Court Case No. 07-CV-419H (RBB), to appeal the May 9, 2008 Federal District Court ruling which held that the City “implemented a land use regulation in a manner that imposes a substantial burden on the religious exercise of Grace Church.”

The motion was made by Council President Peters and the second by Councilmember Frye. The motion passed 7 to 0 with Councilmember Maienschein absent

**Public employment - performance evaluation, pursuant to California Government Code section 54957(b)(1):**

**CS-4 Title: Independent Budget Analyst**

DCA assigned: A Deputy City Attorney is not assigned to this matter.

Report: Nothing to report

**Conference with Legal Counsel – existing litigation, pursuant to California Government Code Section 54956.9(a):**

**CS-5 *Friends and Concerned Citizens of University City, et al. v. City of San Diego***  
SDSC No. 37-2007-00078058-CU-TT-CTL

Report: Nothing to report

**CLOSED SESSION – AFTERNOON SESSION (Started @5:20 p.m.):**

**ROLL CALL - AFTERNOON SESSION**

Present: Council President Peters, Council President Pro Tem Madaffer, and Councilmembers Atkins, Young, Frye, and Hueso

Absent: Mayor Sanders (Absent - Afternoon Session for Item CS-3.)  
Councilmember Faulconer - Dist. 2 (Absent - Afternoon Session for Item CS-3)  
Councilmember Maienschein - Dist. 5 (Absent for morning and afternoon sessions.)

**CLOSED SESSION ITEM (Continued from Morning Session.):**

**Public employment - performance evaluation, pursuant to California Government Code section 54957(b)(1):**

**CS-3 Title: City Clerk**

DCA assigned: A Deputy City Attorney is not assigned to this matter.

Report: Nothing to report

REPORTED BY: \_\_\_\_\_

Karen Heumann  
Assistant City Attorney