

**MINUTES**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**MORENO VALLEY COMMUNITY SERVICES DISTRICT**  
**CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT**  
**AGENCY OF THE CITY OF MORENO VALLEY**  
**MORENO VALLEY HOUSING AUTHORITY**

**SPECIAL CLOSED SESSION 4:30 PM**  
**November 19, 2013**

**CALL TO ORDER** - The Special Meeting (Closed Session) of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, and Housing Authority was called to order at 4:40 p.m. by Mayor Tom Owings in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

Mayor Tom Owings announced that the City Council receives a separate stipend for CSD meetings.

**ROLL CALL**

Council:

Tom Owings	Mayor
Victoria Baca	Mayor Pro Tem
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Absent

Yxstian Gutierrez	Council Member
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Staff:

Jane Halstead	City Clerk
Suzanne Bryant	City Attorney
Michelle Dawson	City Manager

**PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA**

Mayor Tom Owings opened the agenda items for public comments; there being none, public comments were closed.

The City Attorney Suzanne Bryant announced what items will be discussed in the Closed Session:

1. Pursuant to Government Code 54956.9(d)(1), the City Council will go to Closed Session to discuss with outside Counsel Brian Walter the case listed on the agenda: Early, et al. vs. City of Moreno Valley, et al. City

Attorney Bryant will not be in Closed Session on this matter at all as she is conflicting off on this matter because she is named as a defendant and has requested defense indemnity. Brian Walter will be handling this case for the City. He is present upstairs in the City Manager's Conference Room.

2. The other item listed in the Closed Session agenda is Dr. Yxstian Gutierrez's *request regarding the Application For Leave to Sue in Quo Warranto filed by Basil Kimbrew, Radene Ramos Hiers, Deanna Reeder V. Council Member Yxstian Gutierrez before the Attorney General of the State of California.*

City Attorney Bryant said that she doesn't anticipate any reportable action, but she also defers to Brian Walter handling the earlier case on behalf of the City.

Mayor Tom Owings stated that because he is mentioned in the same lawsuit, he will recuse himself in the earlier matter and not participate in the Closed Session.

## **CLOSED SESSION**

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority was held in the City Manager's Conference Room, Second Floor, City Hall. The City Council met in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

The Closed Session was held pursuant to Government Code:

- 1 SECTION 54956.9(d)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
  - a [Early, et al. v. City of Moreno Valley, et al.](#)
- 2 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 1

[Dr. Council Member Yxstian Gutierrez's request regarding the Application For Leave to Sue in Quo Warranto filed by Basil Kimbrew, Radene Ramos Hiers, Deanna Reeder V. Council Member Yxstian Gutierrez before the Attorney General of the State of California.](#)

## **REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY**

The following reportable action was announced at the beginning of the November 19, 2013 Study Session:

The City Attorney Suzanne Bryant reported the following from the Special Closed Session meeting held on 11/19/13 at 4:30 p.m. – she was told that there was no reportable action. The item regarding Yxstian Gutierrez was not discussed.

Council Member Stewart reported that he recused himself from the first item in consideration of the fact that he doesn't know all the information regarding the lawsuit and involving of Mr. Geller. He was an employee of Mr. Geller's law firm at that time, and Marcelo Co and Tom Owings were his clients. He did a couple of appearances for Marcelo Co. He did not know what that would involve; therefore, he recused himself until later when the matter comes up again and we can take a look at the details.

## **ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned to Regular Study Session at 6 p.m. by unanimous informal consent.

Submitted by:

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Jane Halstead, City Clerk, CMC  
Secretary, Moreno Valley Community Services District  
Secretary, City as Successor Agency for the Community Redevelopment Agency of  
the City of Moreno Valley  
Secretary, Moreno Valley Housing Authority