

**AGENDA
MORENO VALLEY CITY COUNCIL
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
CLOSED SESSION – 6:00 P.M.**

OCTOBER 5, 2004

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON MATTERS ON THE AGENDA OR NOT ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSED SESSION

A Closed Session of the City Council of the City of Moreno Valley will be held in the Finance Conference Room, Second Floor, City Hall. The City Council will meet 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 will be held pursuant to Government Code:

- 1) SECTION 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - a) Case: *ADAD LLC v. City of Moreno Valley, et al.*
Court: Riverside Superior Court
Case No.: RIC 374644
 - b) Case: *W. B. Walton v. City of Moreno Valley, et al.*
Court: Riverside Superior Court
Case No.: RIC 377795
 - c) Case: *Angel Mendoza, by and through His Guardian Ad Litem, Eulalia Mendoza v. City of Moreno Valley and Moreno Valley Animal Services, and Does 1 through 50, Inclusive*
Court: Riverside Superior Court
Case No.: RIC 396599

- d) Case: *Suarez v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 396766
- e) Case: *Lauren Lynn Baisden, by Dolores Baisden her guardian ad litem v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 404900
- f) Case: *Public Entity Risk Management Authority v. City of Moreno Valley, City of Palm Desert, City of Simi Valley, City of Palm Springs, City of La Quinta, City of Hemet, Coachella Valley Association of Governments, City of Rolling Hills, and DOES 1-50*
Court: Riverside Superior Court
Case No.: INC 038382
- g) Case: *Vandel Ridge v. City of Moreno Valley, et al.*
Court: Riverside Superior Court
Case No.: RIC 411064
- h) Case: *Sandra Lowe, et al v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: Case No. 416532
- i) Case: *Citizens to Enforce CEQA v. City of Moreno Valley, et al.*
Court: Riverside Superior Court
Case No.: RIC 403114
- j) Case: *Stacy Stillwell v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 408908
- k) Case: *Fitch v. City of Moreno Valley, et. al*
Court: Riverside Superior Court
Case No.: RIC 414978
- l) Case: *Joe & Joyce Teague v. City of Moreno Valley, et. al*
Court: United States District Court for the Central District of California
Case No.: EDCV 04-00926 TJH (MC)

2) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

- 3) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: 2

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

ADJOURN TO SPECIAL MEETING

NOTICE AND CALL OF SPECIAL JOINT MEETING (TELEVISED) OF THE

CITY COUNCIL OF THE CITY OF MORENO VALLEY

OCTOBER 5, 2004 – 6:30 P.M.

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley will be held on October 5, 2004, commencing at 6:30 p.m., in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

AGENDA

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **INVOCATION**
- **ROLL CALL**
- **INTRODUCTIONS**

PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA

There is a five-minute time limit per person. Please complete and submit a GOLDENROD speaker slip to the Bailiff. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

E. PUBLIC HEARINGS

- E1. RECOMMENDATION TO ADOPT RESOLUTION OF NECESSITY AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE RIGHT-OF-WAY ACQUISITION OF PROPERTY LOCATED ON THE EAST SIDE OF DAY STREET BETWEEN STATE ROUTE 60 AND IRONWOOD AVENUE – PROJECT NO. 05-41678724 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct hearing, allowing the property owner, who has requested the right to appear, to provide additional evidence to the City Council;
2. Approve and adopt the Planning Division's findings that the project is exempt from CEQA as it is classified as a Class 1 Categorical Exemption (under section 15301C and L.1), and therefore, environmental documents are not required;

3. Find that the proposed Factual Summary to Justify Findings, attached to the Staff's Agenda Request, is true and correct;
4. Find and determine that each of the statements, findings, and facts in the proposed Resolution of Necessity is true and correct;
5. Adopt the Resolution of Necessity, Resolution No. 2004-73, authorizing eminent domain proceedings; and

Resolution No. 2004-73

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Emergency Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; that the Project is an Emergency Project, which Excuses Making of a Prior Offer Required by Government Code Section 7267.2; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

6. Direct the City Attorney/counsel for the City to file appropriate action in Superior Court.

ADJOURN

RECONVENE CLOSED SESSION