

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING

Monday, November 18, 2013

APPROVED: These Minutes were approved on May 5, 2014.

ADJOURNED REGULAR MEETING:

CALL TO ORDER:

Mayor Espinoza called the Adjourned Regular Meeting of the City Council of the City of La Habra to order at 4:44 p.m. in the Administrative Conference Room 106, located at 201 E. La Habra Boulevard, La Habra, California.

COUNCILMEMBERS PRESENT: Mayor Espinoza
Mayor Pro Tem Beamish
Councilmember Gomez
Councilmember Blazey
Councilmember Shaw

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Hannah
City Attorney Jones
City Clerk Mason

- I. Conduct interviews for one vacancy on the Planning Commission with a term expiring March 31, 2017.

The City Council conducted interviews for one vacancy on the Planning Commission with a term expiring March 31, 2017, with Jerry Powell, John Kremer, and Lavenia Wilson. Mr. Richard Castro cancelled his interview appointment.

RECESS: Mayor Espinoza called a recess at 5:32 p.m.

RECONVENE: The City Council reconvened at 5:37 p.m. for Closed Session. All members were present. City Attorney Jones, Assistant City Manager/Director of Finance and Administrative Services Sadro, and Assistant to the City Manager Ferrier were also present.

II. ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:

None

III. CLOSED SESSION: Mayor Espinoza announced the Closed Session as listed below. Councilmember Gomez left the room during the discussion of item “a.” Council convened as follows:

City Manager Hannah explained that an item occurred after the posting of the agenda and asked that it be added to the agenda.

MOVED by Councilmember Gomez, seconded by Mayor Pro Tem Beamish and CARRIED UNANIMOUSLY 5-0 TO ADD AN URGENT CLOSED SESSION ITEM TO THE AGENDA AS ALLOWED BY GCS 54954.2.(b)(2) DUE TO CIRCUMSTANCES ARISING AFTER THE POSTING OF THE AGENDA AS NOTED UNDER LETTER “d” BELOW.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Gomez,
Councilmember Blazey, Councilmember Shaw

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

- a. Conference with Legal Counsel potential litigation per Government Code Section 54956.9(d)(2) (3 cases) Facts and Circumstances: Dispute of ownership and obligation to maintain streets adjacent to several schools with and within the following school districts: Fullerton Joint Union High School District, La Habra City School District and Lowell Joint School District. Locations: La Habra High School - Idaho Street between Highlander Avenue and Whittier Boulevard, Highlander Avenue between Idaho Street and Monte Vista Street, Monte Vista Street between Highlander Ave and Whittier Boulevard; Sonora High School - Palm Street; Washington Middle School - McPherson Street and Third Avenue; El Cerrito School - Hillside Street; Sierra Vista School - Whittier Avenue; Ladera Palma School - Brookdale Avenue; and Olita School - Briercliff Drive and Cajon Drive.
- b. Conference with Legal Counsel potential litigation per Government Code Section 54956.9(d)(4) (1 case).
- c. Conference with Real Property Negotiator per Government Code Section 54956.8-Property: 341 South Hillcrest Street, 350 South Hillcrest Street, 215 E. La Habra Blvd; City Negotiator: Don Hannah, City Manager; Negotiating Parties; The Gary Center, Community Resources Care Center (CRCC), and Historical Society Museum; Under Negotiation: Price and Terms.

Councilmember Gomez noted that he served on the Board of the Old Settler’s Historical Society and abstained on the discussion regarding the Old Settler’s Historical Museum.

URGENCY ITEM:

- d. Conference with Real Property Negotiator per Government Code Section 54956.8 – Property: 100 – 120 E. La Habra Blvd.; City Negotiator: Don Hannah, City Manager; Negotiating Parties; California Venture; Under Negotiation: price and terms.

IV. ADJOURNED: Council reconvened from Closed Session at 6:26 p.m. There were no announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 6:26 p.m.

REGULAR MEETING:

CALL TO ORDER:

Mayor Espinoza called the Regular Meeting of the City Council of the City of La Habra to order at 6:30 p.m. in the City Council Chambers, located at 201 E. La Habra Boulevard, La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Councilmember Blazey

COUNCILMEMBERS PRESENT: Mayor Espinoza,
Mayor Pro Tem Beamish
Councilmember Gomez (left the meeting at 7:14 p.m.)
Councilmember Blazey
Councilmember Shaw

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Hannah
City Attorney Jones
City Clerk Mason
Deputy City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Beautification Award to 536 Greenwood Avenue, Melissa Jarrett.
- b. Beautification Award to 510 Willow Street, Tommy and Jacque Mejia.
- c. Beautification Award to 351 Pinehurst Avenue, Ole and Lilia Garay.
- d. Beautification Award to 306 Florence Avenue, Stewart Bruckner.

Mayor Espinoza invited Community Services Director Failla, Beautification Committee Vice-Chair Praster, and Committee Members Gonzalez, Sharp, and Perkins to assist in presenting the Beautification Awards. Award recipient Melissa Jarrett was not in attendance to receive her award.

- e. Presentation by Orange County Superior Court - Grand Jury Recruitment.

Orange County Grand Jury Representatives April Lancaster and Berry explained the recruitment process for the Orange County Grand Jury and invited the community to participate.

II. PUBLIC COMMENTS:

Municipal Water District of Orange County Representative Bret Barbre expressed his appreciation to City Manager Hannah for his services with the City and stated it was a pleasure working with him.

III. CONSENT CALENDAR:

Moved by Councilmember Gomez, seconded by Mayor Pro Tem Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE CONSENT CALENDAR ITEMS III.A.1 THROUGH III.A.9.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Gomez,
Councilmember Blazey, Councilmember Shaw

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

A. PROPOSED ITEMS:

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.
2. Receive and file Planning Commission Minutes of:
 - a. August 12, 2013
 - b. September 23, 2013
 - c. October 14, 2013
3. Approve City Council Minutes of October 21, 2013.
4. APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1747** ENTITLED: AN ORDINANCE of the City Council of the City of La Habra AMENDING TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE LA HABRA MUNICIPAL CODE, CHAPTER 15.04 - 15.18, 15.24, 15.32, 15.40, Sections 15.40.030, 15.44.010 - C, 15.60.010 - A, 15.68.020 - 15.68.030, ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, GREEN BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, AND ENERGY CODES AND THE 2012 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS.
5. Approve and authorize the City Manager to execute the agreement between the City of La Habra and the County of Orange for the transfer of 2013 Justice Assistance Grant (JAG) funds in the amount of \$11,716.

6. Authorize the City Manager to execute the Fiscal Year 2013-2014 Memorandum of Understanding between the City of La Habra and the County of Orange for Public Safety Realignment and Postrelease Community Supervision cost reimbursement to local law enforcement agencies for enhanced services and other authorized expenditures
7. Approve Plans and Specifications and award construction contract for the School Radar Speed Feedback Signs Project to Myers & Sons Hi-Way Safety, Inc. in the amount of \$49,380.60 and reject all other bids; and authorize City Manager to execute an agreement with Myers & Sons Hi-Way Safety, Inc.; and authorize staff to issue a purchase order to Myers & Sons Hi-Way Safety, Inc. in the amount of \$54,318.65 which includes a 10% contingency.
8. Approve resolution authorizing the submittal of the La Habra Union Pacific Rail Line Bikeway Project for right-of-way acquisition phase I to the Orange County Transportation Authority for funding under the 2014 Bicycle Corridor Improvement Program; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5606** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY FEDERAL TRANSPORTATION ACT FOR THE LA HABRA UNION PACIFIC RAIL LINE BIKEWAY PROJECT.
9. WARRANTS: Approve Nos. 00093835 through 00093994 totaling \$1,169,313.00.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider ordinances amending Title 18 "Zoning" and Title 5 "Business Taxes, Licenses, and Regulations" of the La Habra Municipal Code as follows:

Planning Manager Roy Ramsland presented the report. He stated that the purpose for the amendments/modifications was to clarify unclear or confusing code language, maintain compliance/consistency with state law, and to protect the public welfare. He reviewed the proposed amendments. He reported that the Planning Commission conducted a public hearing on the proposed amendments and voted 4-0 recommending that the City Council adopt the proposed ordinance.

Council discussion included: confirmation that the setting of a time limit of six months on various discretionary applications was sufficient time to encourage applicants to complete projects in a timely manner; clarification of the proposed modification of Section 18.14.070 minimum parking stall size requirements; clarification of the proposed modification of Section 18.16.040 to permit water elements and public art in the landscaping setback area; clarification that the proposed modification language regarding Section 18.040.30 automobile service and repair "*Internal*

motor or drive train repairs may be performed only when they are incidental to other repairs being performed and they may not be done as a regular repair service” does not prohibit businesses in La Habra that rebuild engines, but classifies them under commercial repair classification; and clarification regarding the classification of ham operators under radio antennas.

Mayor Espinoza invited the public to testify at 7:02 p.m. There was no public testimony.

- a. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE FIRST READING OF **ORDINANCE NO. 1748** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGES AS LISTED in item "A"

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Gomez,
Councilmember Blazey, Councilmember Shaw

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

- b. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE FIRST READING OF **ORDINANCE NO. 1749** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING AMENDMENTS TO SECTION 5.04.610 OF TITLE 5 "BUSINESS TAXES, LICENSES AND REGULATIONS" OF THE LA HABRA MUNICIPAL CODE PER EXHIBIT A.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Gomez,
Councilmember Blazey, Councilmember Shaw

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VI. CONSIDERATION ITEMS:

1. Consider appointment to fill one vacancy on the Planning Commission with a term expiring March 31, 2017.

No staff report required by Council.

Mayor Espinoza invited the public to testify. There was no public testimony.

Mayor Espinoza opened the nominations for appointment to the Planning Commission to fill one vacancy with a term expiring March 31, 2017. Councilmember Gomez nominated Jerry Powell and Mayor Pro Tem Beamish nominated John Kremer.

Moved by Councilmember Gomez, seconded by Mayor Pro Tem Beamish, and CARRIED UNANIMOUSLY 5-0 TO CLOSE THE NOMINATIONS TO FILL ONE VACANCY ON THE PLANNING COMMISSION WITH A TERM EXPIRING MARCH 31, 2017.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Gomez,
Councilmember Blazey, Councilmember Shaw
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

A roll call vote was taken, and the vote was 5-0 as follows: TO APPOINT JERRY POWELL TO THE PLANNING COMMISSION WITH A TERM EXPIRING MARCH 31, 2017.

COUNCILMEMBER SHAW: JERRY POWELL
COUNCILMEMBER BLAZEY: JERRY POWELL
COUNCILMEMBER GOMEZ: JERRY POWELL
MAYOR PRO TEM BEAMISH: JERRY POWELL
MAYOR ESPINOZA: JERRY POWELL

2. Consider the lease of the City facility located at 350 South Hillcrest Street to the Community Resource Care Center, 341 South Hillcrest Street to the Gary Center, 215 East La Habra Boulevard to the La Habra Old Settlers Historical Society, and 981 North Euclid Street to Help for Brain Injured Children.

Councilmember Gomez noted that he would be abstaining on discussion and/or action regarding the lease of the City facility at 215 East La Habra Boulevard to the La Habra Old Settlers Historical Society. He expressed that he was uncomfortable regarding previous discussions regarding the leases with the non-profits. He suggested that Council remove the item from the agenda and schedule a study session for open discussion with the non-profit organizations.

Mayor Pro Tem Beamish stated that he respectfully disagreed with Councilmember Gomez. He explained the history of the long-term leases of City facilities with the non-profit organizations. He indicated that negotiations of new leases with the non-profits began to include the requirement for the non-profits to pay their utilities.

Moved by Councilmember Gomez, seconded by Councilmember Shaw, and FAILED TO APPROVE SCHEDULING A STUDY SESSION WORKSHOP WITH ALL THE NON-PROFIT ORGANIZATIONS BASED ON ADDITIONAL INFORMATION PROVIDED REGARDING FACILITIES.

Said motion FAILED by the following roll call vote:

AYES: Councilmember Gomez, Councilmember Shaw
NOES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Blazey

ABSTAIN: NONE
ABSENT: NONE

Councilmember Gomez stated that he refused to participate and left the Council Meeting at 7:14 p.m.

Community Services Director Failla presented the staff report and Powerpoint presentation. He thanked Assistant to the City Manager Ferrier and Housing and Economic Development Manager Padilla-Smyth for their assistance with the staff report.

Council discussion included: confirmation that the General fund currently pays utilities, property taxes, and earthquake insurance costs for the non-profit facility leases; compared the proposed lease terms and options to the current month-to-month terms; reviewed the City's options should the non-profits choose not to renew the facility leases, which included confirmation that the current leases would remain in place and the City could advise the non-profit organizations that the City would no longer pay for utilities and remove the City's name on all utilities; and confirmation that closed session communication regarding the Civic Center cannot be discussed.

Mayor Espinoza invited the public to testify at 7:33 p.m.

Kent Roberts, 1874 Dorothea Road, La Habra Heights, stated he has been a Board member of the La Habra Boys and Girls Club and the Friends of the Children's Museum for approximately 30 years. He noted that he is also a Board member on the Community Resource Care Center (CRCC) and President of the Old Settler's Historical Society. He indicated that he was asked to represent the non-profits. He expressed his opposition to the proposed leases stating they desired a 10-year lease with a 9-year option. He described the need for long term leases. He submitted two handouts and reviewed the history and operation of the non-profit organizations in the City.

Council discussion included: expressed appreciation to Kent Roberts for his years of service to the non-profits; acknowledged the valuable services of the non-profits; support of non-profits paying utility costs; the potential use of CDBG funds for facility improvements for the La Habra Boys and Girls Club, the Old Settler's Historical Museum, and other non-profit's improvements; potential options available should there be an exigent circumstance; potential development of City buildings and the need to include relating language in the proposed lease agreements; the need for cost recovery of property taxes and insurance costs by the non-profits; declined the Gary Center's request for first option on the Boxing Club facility should it become available, the value of and relationship with the non-profit organizations, confirmation that the Help for Brain Injured Children (HBIC) currently has a 5-year lease with a 5-year option at its discretion; and review of the proposed lease terms.

Councilmember Blazey read the following:

"For the record, I met with Kent no fewer than two times and I have a great deal of admiration for his commitment to the non-profit organizations. I have to say that both were similar in length to his comments tonight and I came away with a very firm impression of the value of the non-profit organizations and why the matter needed to

be handled in a certain way. From my perspective, the points are well understood. I have to add that neither occasion was much of a dialog. It was pretty much me being talked at, not with, and so now that I am up here on the dais, I have the opportunity to explain my position and I am going to do that.

As elected representatives of all members of the La Habra community, we have a stewardship responsibility to make sure the resources belonging to all residents are managed in the interest of the entire community and to the best of our ability. Let us review briefly how we got here. At the depth of the great recession, City staff conducted thorough analyses of all expenditures to find any savings that would help to avoid further cuts to essential services, and I am talking police, and other things that the City has to do that we needed money to find. It may not be known to all that one of the first groups of non-profit organizations for which the City was paying utilities and had to pony up were the youth sports leagues; who found themselves suddenly having to raise thousands of dollars a year just to be able to keep the field lights burning, and I do not see them here tonight to comment, which is unfortunate. Staff also discovered that most of the utilities in publicly owned facilities leased to non-profit organizations for a dollar a year, as we already know, were being paid by the City's taxpayers. Consequently, a voting majority of the Council directed staff to advise the organizations that they would be responsible for their own utilities going forward.

As was revealed in the staff report, the City also pays taxes and insurance costs on the structures without any cost recovery, and as you heard, this is not being proposed in the leases. It was an item that appeared in our warrants last month and if any of you would like to take the time, I encourage you to go see Tamara Mason, our City Clerk, and ask her how much we do pay in taxes for public facilities. As a consequence of having to pay for their utilities, the organizations and their representative, Kent Roberts, requested leases of a longer duration than the current year-to-year leases with a 90-day notice to vacate. After much attempted negotiation, we are now at the impasse we find ourselves about the length of the leases and the terms of renewal.

Now the reasons I have heard and understand for demanding longer terms and placing the renewal option solely with the non-profits organizations revolve principally around the perceived burden placed on the non-profit organizations when trying to secure donor funding. Kent claims that donors, especially major donors, will be reluctant, if not completely unwilling, to support any organization with the proposed leases. Mind you, until tonight we had no evidence that any such donor is staged to make a major contribution, or that said donor is being dissuaded by the City's lease term. We have mentioned that these leases can be re-opened if you were to come forward with a major donor, and that would certainly be taken into consideration, but let us still consider this argument for a moment.

Any non-profit in any community renting its facilities faces the exact same obstacle. Unless a non-profit owns its facility it will always have to disclose that it is under a lease to a potential donor. On the other hand, organizations in the city-owned facilities that lease for one dollar per year can point out that not having to pay rent allows them to devote more of their donor's contributions to services provided. Staff analysis shows us that if one of the organizations were to rent comparable square footage in the open

market, they would be paying between \$38,000 and \$95,000 per year. Now using a middle-ground price per square foot, the same organization has saved over \$500,000 in the last 9 years, and this considerable savings permits more of a donor's contributions to support programs directly. Or as I think probably has been the case, the organization has been able to use those saved dollars for capital improvements.

So let us stop for a moment and think where those capital improvement dollars might have come. Even though they were not directly given by the City, they can be attributed to savings not having to spend on programs directly. The argument for renewals at the organization's unilateral discretion, and at the proposed lengths, would give the non-profits not one 10-year lease, but a total of 19 years, if they exercise that option and all without the community having any say in the matter. Despite what Kent says, I can think of no property owner that would agree to give a tenant such leverage, or should I say control. Allowing the organizations complete control over renewals is bad public policy because it incurs opportunity cost, and by opportunity cost, I refer to the ability of the community to manage its own facilities as it sees best.

For example, what if the City was presented with a mandate or identified other legitimate needs requiring possession of a facility. Terms of the proposed language would prevent the community from making a smooth transition in occupancy. In essence, this is an opportunity lost, hence the term opportunity cost. What if the non-profit experienced a major shift in the Board of Director's membership that decides to take the organization in a direction not in the best interest of the community? Lease terms of such a great length, and allowing the non-profit to renew at their discretion, would prevent the community from intervening at the end of a reasonable term. These are opportunities lost and they come at a very great cost. Granted, it can be argued that these examples are speculation, but I hold that they are no less speculative than a hypothetical donor who may be dissuaded by lease terms.

A moment ago I mentioned a smooth transition in occupancy these lease terms afford. With them, an organization would be provided ample notification that could potentially have to relocate at the end of a lease term, should the City deem it necessary. Without the proposed renewal terms, the City would have to invoke the exigency clause and evict; possibly on short notice. Now if the community, who is sitting in the audience tonight, and those watching at home thinks the current rouse is messy, imagine the anger and animosity that is going to occur under the circumstances of us declaring an exigency. A bit of explanation with respect to exigency since this was not fully spelled out, so I want to make it clear. To address the concerns voiced by the organizations that the City could unilaterally terminate their leases, Council proposed language restricting the City from unilateral termination with three exceptions: an organization goes into default; the City is facing a fiscal emergency or exigent circumstances, a determination which would require a vote of four out of the five Councilmembers; or if the City requires the property for legitimate government purpose. It would be far better for all if the scheduled end of the lease permitted the termination rather than having to resort to such strong action.

That this situation at times has been framed as the City versus the organizations issue is unfortunate for several reasons. First, it fails to recognize the support and the

resources the City has and continues to provide the organizations. Second, it fails to recognize the time and treasure that each Councilmember, including me, has given to these organizations. Third, it fails to recognize the considerable thoughtful reflection and deliberation my colleagues and I have given to this matter. Finally, it has a chilling effect, unnecessarily harming positions on both sides.

Now, I fully support the terms that are proposed tonight for the following reasons: each of the length of the terms provides the organization with reasonable stability and allows the appropriate level of control for the community. If there is an occasion where that level of stability needs to be improved in some way, I am fine with having the leases come back and be renegotiated. Over the course of the 50 years that many of these leases have been here, not once has the City stepped forward and said we are taking that back from you, and I really do not anticipate us doing that. They are currently on one-year leases and so I just do not see us doing that. Failure to come to negotiated terms will result, as was pointed out a little earlier tonight, with the organizations to continue to operate under those current year-to-year leases with a 90-day termination clause. These current leases provide none of the safeguards against unilateral termination, and create far greater uncertainty in the quest for donations in the proposed new leases.

Council has tried long and hard to come to terms we feel meet the terms of the organizations and protect our community's interest. If an organization refuses to accept the proposed terms, I am prepared to move that we direct staff to continue the current leases, year-to year, with a 90-day termination; or in the case of the Old Settler's Museum 180-day termination. Since the current leases do not include a utility payment requirement, I would also move that the City terminate all utility services immediately so the organizations can establish service accounts in their own names. In conclusion, the time has come to conclude this matter, and preferably in an amicable manner."

Council expressed their appreciation for the non-profits and their services.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Blazey, and CARRIED 3-1 TO APPROVE :

- a. A 5-YEAR LEASE WITH COMMUNITY RESOURCE CARE CENTER (CRCC) AND THE GARY CENTER, WITH A 5-YEAR OPTION BY THEIR SOLE DISCRETION, PLUS ONE ADDITIONAL 5-YEAR OPTION BY MUTUAL CONSENT REQUIRING A 4/5TH VOTE OF THE CITY COUNCIL TO DENY THE RENEWAL TERM.
- b. A 5-YEAR LEASE WITH THE OLD SETTLER'S HISTORICAL MUSEUM, WITH A 5-YEAR OPTION BY MUTUAL CONSENT REQUIRING A 4/5TH VOTE OF THE CITY COUNCIL TO DENY THE RENEWAL TERM; AND A STIPULATION THAT THE LEASE CAN BE CANCELED WITH 180 DAY NOTICE DUE TO PENDING VIABLE DEVELOPMENT OF THE CIVIC CENTER COMPLEX; ADDITIONALLY, THAT REPLACEMENT SPACE OR A FACILITY WOULD BE FOUND THAT THE MUSEUM COULD MOVE INTO UNDER THE SAME LEASE TERMS.
- c. DECLINING THE GARY CENTER'S REQUEST FOR FIRST OPTION ON THE BOXING CLUB FACILITY SHOULD THE BOXING CLUB VACATE THE FACILITY.

- d. TO ALLOW HELP FOR BRAIN INJURED CHILDREN (HBIC) TO AMEND THEIR LEASE AGREEMENT THAT HAS A 5-YEAR LEASE WITH A 5-YEAR OPTION AT THEIR SOLE DISCRETION TO REFLECT THE SAME TERMS OFFERED TO THE GARY CENTER WHICH WOULD INCLUDE A 5-YEAR MUTUAL OPTION WITH A REQUIREMENT FOR A 4/5TH VOTE OF THE CITY COUNCIL TO DENY THE RENEWAL TERM.
- e. RELATING PROPERTY TAX AND INSURANCE EXPENSE OF THE LEASED FACILITIES TO BE PAID BY ALL NON-PROFIT ORGANIZATIONS.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Blazey
NOES: Councilmember Shaw
ABSTAIN: NONE
ABSENT: Councilmember Gomez

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- The Mayor's Community Hours will be on Friday, November 22, from 11:00 a.m. to 1:00 p.m. at Big Lots, located at 1020 West Imperial Highway, and Saturday, November 23, from 11:00 a.m. to 1:00 p.m. at the La Habra Library, located at 221 East La Habra Boulevard. The Mayor is also available by appointment.
- Children's Museum Target free Sunday theme "Festival of Lights" - December 1 from 1:00 p.m. to 5:00 p.m.
- The La Habra Chamber of Commerce "Shop Local and Win" program from Friday, November 1 through December 20.
- Annual Tree Lighting Ceremony – Monday, December 2 at 6:00 p.m. on the steps of City Hall.
- La Habra Children's Museum "Breakfast with Santa" on Saturday, December 7 and Sunday, December 8 at 8:30 a.m., 9:45 a.m. and 11:00 a.m.
- Operation Santa began on Monday, November 15 at 1241 East La Habra Boulevard. Donations can be dropped off Monday through Friday from 1:00 p.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 1:00 p.m.
- City Planning Commission will hold the General Plan, Environmental Impact Report and Climate Action Plan public hearing on Monday, December 9 at 6:30 p.m. in the Council Chambers.
- The City Council will meet again on Monday, December 2, and Monday, December 16 at 6:30 p.m. in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Shaw congratulated Jerry Powell on his appointment to the Planning Commission. He requested the meeting being adjourned in memory of his grandmother Juanita Gallagher who was born in 1930 and passed away November 17, 2013 at 83 years of age.

Councilmember Blazey commended staff regarding approval of Items III.7 and III.8 on the Consent Calendar. He thanked the community and staff for hosting the Veteran's Day celebration; Councilmember Gomez for bringing in Wink Martindale as the guest speaker; and Cheryl Cooley, Ernestine Zapian, Carrie Surich, and Melissa Flores who presented the service members street banners to our new veterans. He thanked Raul Luna and all of the volunteers who were recognized at the Veteran's Day ceremony for bringing "The Wall That Heals," and especially to those who kept watch over the wall. He apologized for missing the event due to being out of town.

Mayor Pro Tem Beamish discussed the compromise regarding the non-profit organizations, the increase of the strength of their leases, and the decisions made being good public policy. He encouraged the public to attend the Planning Commission meeting on December 9, 2013 at 6:30 p.m. regarding the General Plan Update 2035. He stated the General Plan Update document is available to review prior to the meeting on the City's website and at the La Habra Library.

Mayor Espinoza expressed condolences to Councilmember Shaw for the loss of his grandmother Juanita Gallagher. She thanked staff for the Veteran's Day celebration. She suggested a bicycle rental option for the new bike trail like there is at the California State University Fullerton campus.

X. ADJOURNMENT: Mayor Espinoza adjourned the meeting at 9:26 p.m. in memory of Councilmember Shaw's grandmother, Juanita Gallagher, to Monday, December 2, 2013, at 5:30 p.m. in the Administrative Conference Room 106, followed by the Regular Meeting at 6:30 p.m. in the City Council Chambers.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk