

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 2/22/2005	Department ID Number: CS05-010

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: HONORABLE MAYOR CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

PREPARED BY: JIM B. ENGLE, DIRECTOR, COMMUNITY SERVICES *[Signature]*

SUBJECT: APPROVE TERMINATION OF VOLUNTEERS OF AMERICA LEASE OF HUNTINGTON YOUTH SHELTER

RECEIVED
 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA
 FEB - 8 P 3:38

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: There is a need to terminate the Volunteers of America lease of the Huntington Youth Shelter due to noncompliance.

Funding Source: N/A

Recommended Action: Motions to:

1. Approve the termination of the Volunteers of America lease of the Huntington Youth Shelter for cause; and
2. Direct staff to solicit proposals from nonprofit agencies to reopen and operate the Huntington Youth Shelter.

Alternative Action(s): Evaluate other uses for the Huntington Youth Shelter building.

(Continued on next page)

REQUEST FOR ACTION

MEETING DATE: 2/22/2005

DEPARTMENT ID NUMBER: CS05-010

Analysis: In 1989, a group of concerned citizens formed Huntington Beach Youth Shelter, Inc., a California charitable, nonprofit, public benefit corporation to establish, maintain, and supervise a temporary home facility for minors. This nonprofit organization entered into a lease agreement with the city for the facility then known as the "Brooks House", at 7291 Talbert Avenue and located east of the city's Central Library in Huntington Central Park. At that time, the agency entered into a twenty-year lease with rent at \$20 per year. The lease could be terminated by either party with thirty-day written notice. The organization renovated and expanded the Brooks House and began operating it as a shelter to serve local youth. They worked closely with the Police Department, local schools, and other local agencies.

In 1996, the organization requested and received Council approval to transfer the lease for the Huntington Youth Shelter to Volunteers of America (VOA). The VOA accepted all terms and conditions of the existing lease.

Last year, former Mayor Cathy Green, Police Chief Kenneth Small, and Community Services Director Jim Engle met with the Director of the VOA, Mr. James Howat, who indicated that the youth shelter had lost some significant funding and could not continue to be operated in the same manner. The city recently investigated the status of the shelter and discovered that it no longer accepts clients and has not done so for several months. The VOA has removed most of the furniture from the shelter except for one bed.

Since the VOA no longer conforms to the purpose of the lease, it has materially breached the terms thereof. The City Attorney's Office transmitted a letter (Attachment 1) to Director Howat on January 7, 2005 indicating that the city was proposing to terminate the lease and that City Council would be addressing the issue at its February 22, 2005 meeting.

Staff is recommending Council approval of the termination of the lease with the VOA, and seeks direction to begin soliciting another nonprofit agency to operate the Huntington Youth Shelter.

Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	City Attorney Letter to VOA

E-6.2

ATTACHMENT #1

E-6.3



Jennifer McGrath
City Attorney

OFFICE OF
CITY ATTORNEY
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2000 Main Street
Huntington Beach, California 92648
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Paul D'Alessandro, Assistant City Attorney
Scott Field, Assistant City Attorney
Lee Burke, Deputy City Attorney
John Fujii, Deputy City Attorney
Leonie Mulvihill, Deputy City Attorney
Sarah Sutton, Deputy City Attorney

January 7, 2005

Sent Registered Mail

Mr. James Howat
Volunteers of America of Los Angeles
628 S. San Julian Street
Los Angeles, CA 90014

re: Notice of Intent to Terminate Lease

Dear Mr. Howat:

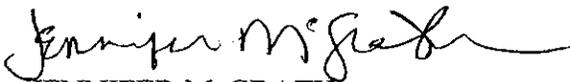
The City of Huntington Beach and your organization, the Volunteers of America of Los Angeles ("VOA") are parties to that certain lease ("the Lease") for the premises located at 7291 Talbert Avenue, Huntington Beach, California, commonly known as the Huntington Beach Youth Shelter ("the Shelter"). Pursuant to the Lease, VOA is required to use the premises as a temporary home facility for minors.

The City recently investigated the status of the Shelter and discovered that VOA no longer accepts clients at the Shelter, and has not accepted clients there for several months. Additionally, VOA has removed most of the furniture from the Shelter, including all of the beds except one. Thus, since VOA no longer performs the use contemplated by the Lease, VOA has materially breached the terms of the Lease.

Accordingly, you are hereby notified that the Department of Community Services will request the City Council to terminate the Lease, for cause, at the City Council meeting of February 22 2005. The meeting will be held at the City Council Chambers located at 2000 Main Street, Huntington Beach, California. The City Council will discuss this item at approximately 6:00 p.m., or as soon thereafter as the matter may be heard. You may appear and comment on the item at that time.

If you have any questions, please contact myself or Jim Engle, Director of Community Services, at your earliest convenience.

Sincerely,


JENNIFER McGRATH
City Attorney

cc: Hon. Mayor Jill Hardy & Members of the City Council
Dr. Penelope Culbreth-Graft, City Administrator
→ Jim Engle, Director of Community Services

PDA: 2005 letters: VOA Notice of Intent to Terminate Lease

E-6.4