



# CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 3, 2012

ITEM NUMBER:

**SUBJECT:** FEE INCREASE FOR THE COSTA MESA COMMUNITY GARDENS

**DATE:** DECEMBER 5, 2011

**FROM:** PUBLIC SERVICES DEPARTMENT/RECREATION DIVISION

**PRESENTATION BY:** DONNA THERIAULT, MANAGEMENT ANALYST

**FOR FURTHER INFORMATION CONTACT:** DONNA THERIAULT, 714-754-5636

## **RECOMMENDATION:**

Adopt the attached Resolution increasing the community garden parcel rental fees and key/clean-up deposit for the Del Mar and Hamilton Community Gardens (Attachment 1).

## **BACKGROUND:**

After a recent tour of the City's Del Mar Community Garden, the Parks and Recreation Commission requested information regarding the garden history, rules and enforcement/reassignment processes. An agenda report was presented to the Commission at their meeting of November 16, 2011 (Attachment 2). At that meeting, the Commission approved a recommendation to the City Council (Minute Excerpt, Attachment 3) to increase the garden parcel rental fees and the key/clean-up deposit for the Del Mar and Hamilton Community Gardens. This recommendation was made in an effort to attract and retain dedicated and active gardeners, to encourage clearing of parcels and returning of keys, and to reduce the City's subsidy of the garden operations. The proposed fee increase as recommended by the Commission is as follows:

<b>Current Fee</b>	<b>Proposed Fee</b>
Resident/Non Profit \$30 per parcel per year	Resident/Non Profit \$60 per parcel per year
Non Resident \$60 per parcel per year	Non Resident \$120 per parcel per year
One Time Key Deposit \$20	One Time Key/Clean-up Deposit \$120

The City owns and operates two community gardens. The Del Mar Community Garden located on Del Mar Avenue has been in existence for over 10 years and has 60 garden parcels approximately 15 feet by 15 feet in size. The Hamilton Community Garden located on Hamilton Street was established in 2004 and it has 42 parcels of the same dimension. The parcels are rented by residents and non-residents for growing vegetables, flowers, fruits and plants. Each calendar year, gardeners pay the annual fee and sign an acknowledgement that they have read and will abide by the current Garden Agreement (Attachment 4) and By-Laws (Attachment 5). Both gardens are managed and monitored by the Management Analyst in the Recreation Division.

The gardeners must provide the labor, tools, seeds, plants and all other supplies, materials and equipment necessary to work and maintain the parcel, aisles and common areas. The City provides the irrigation, trash dumpster service, portable toilet service, and tree chipping (mulch) deliveries. City maintenance staff maintains the irrigation systems, fencing, kiosks, and entrance gates.

### **ANALYSIS:**

As was noted by the Commissioners that toured the Del Mar Garden, there are a few garden parcels that are overgrown with minimal or no garden activity. These parcels will be reassigned to new gardeners in the next few weeks during the annual renewal process. However, both garden locations have been experiencing a higher incidence of neglected parcels, and gardeners abandoning their parcels without clearing them or returning their garden key. This has required increased staff time to deal with this higher number of neglected and overgrown parcels.

Throughout the year when a gardener is failing to keep their parcel in a neat and weed-free condition, or when complaints are received from the neighboring gardeners, staff will notify the offending gardener by e-mail or telephone and request the parcel be cleaned within 2 weeks. If the violation is not corrected within the given time frame, a second contact is made. Contacts will continue until the violation is corrected or 3 warning/correction contacts have been made. After the 3rd contact, a termination notice is sent via e-mail, telephone or letter and the parcel is reassigned to the next person on the wait list. The reassignment process can take as long as 2 months depending on the response from the existing gardener and the person on the wait list.

Routinely, the gardeners will dispute the violations noted and will contact staff or management to discuss the violations and outcomes. Gardeners will, in most cases, request an extension of time to tend to the garden violation. Various reasons are given by the gardeners for the lack of gardening activity on their part.

In addition to garden inspections, annual renewals and reassignments, the Management Analyst handles the following garden duties:

- ◆ Resolves complaints from the gardeners or the garden neighbors.
- ◆ Responds to e-mails and phone calls requesting placement on the wait list or for garden information.
- ◆ Works with the Costa Mesa Sanitary District on planning composting workshops.
- ◆ Distributes Master Gardener educational workshop information.
- ◆ Conducts tours of the garden for interested groups or students.
- ◆ Organizes non-profit clean-up events when available.
- ◆ Works with the surrounding residents and homeowner's associations for vine and shrub encroachment and fence damage repair.
- ◆ Request needed maintenance/pest control services, mulch deliveries, and monitors the contracts for the portable toilet service.

In an effort to prevent gardeners from allowing their parcels to become overgrown or neglected, the Parks and Recreation Commissioners recommend the City increase the parcel rental fee and the key/clean-up deposit. It is hoped the higher parcel rental fee will be an incentive for the less active gardeners to put more effort into their parcels or give

them up and allow someone on the wait list to have a garden parcel. In addition, the higher parcel rental fee will provide a greater cost recovery for the City.

Staff has contacted several surrounding cities that have community gardens on public property and whose gardens are managed and maintained by city staff. The cities surveyed are Dana Point, Garden Grove, Orange and Irvine (Attachment 6). The garden parcel fees charged by these cities vary due to their size, the amenities provided by the city, and the amount of staff time spent managing the gardens.

Should the Council approve the resolution, the fee increase would be effective March 1, 2012. Since the gardeners have paid the current fee for 2012, they will be invoiced for the difference between the current fee and the approved fee.

### **ALTERNATIVES CONSIDERED:**

1. The Council could choose to change the parcel fees and key/clean up deposit to some other amount that does not exceed the reasonable cost of providing the garden program of \$206 per parcel as shown in Exhibit A to attached Resolution (Attachment 1). However, increasing the garden parcel fee higher than the proposed amount would put the fee above the fee amounts charged by the surrounding cities.
2. In addition to the fee increase, Council could choose to eliminate the portable toilet service which would result in a reduction in City costs of \$2,929 per year. This alternative is similar to the situations in the community gardens in surrounding cities. No other city provides portable toilet service for their gardens.

### **FISCAL REVIEW:**

The garden parcel fees have not been increased in over 5 years. The Parks and Recreation Commission is recommending an increase of \$30 for residents and \$60 for non-residents with an increase to the one time deposit amount. This fee increase could increase the City's annual revenue from \$3,450 per year to approximately \$6,900 per year. All revenue collected helps offset the current estimated annual cost of \$21,048 to provide the program. Reductions in service level (portable toilets) could reduce the overall program cost.

### **LEGAL REVIEW:**

The City Attorney's Office has prepared the attached Resolution and approved it as to form and content.

### **CONCLUSION:**

The City of Costa Mesa has two (2) community gardens with a total of 102 parcels assigned to community members. In an effort to attract and retain dedicated and active gardeners, to encourage clearing of parcels and returning of keys, and to reduce the City's subsidy of the garden operations, staff is recommending the parcel rental fee and key/clean-up deposit be increased.

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Finance and IT Director

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- ATTACHMENTS:
1. [Resolution](#)
  2. [Parks and Recreation Commission Report](#)
  3. [Commission Action Minute Excerpt](#)
  4. [Garden Agreement](#)
  5. [Garden By-Laws](#)
  6. [City Garden Survey](#)