



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 7, 2012

ITEM NUMBER:

SUBJECT: FEE INCREASE FOR THE COSTA MESA COMMUNITY GARDENS

DATE: FEBRUARY 1, 2012

FROM: PUBLIC SERVICES DEPARTMENT/RECREATION DIVISION

PRESENTATION BY: DONNA THERIAULT, MANAGEMENT ANALYST

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

RECOMMENDATION:

1. 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).
2. Approve the amended Community Garden By-Laws (Attachment 2) and Agreement (Attachment 3) and authorize the Public Services Director to approve future amendments.

BACKGROUND:

At the November 16, 2011 Parks and Recreation Commission meeting, the Commission approved a recommendation to the City Council (Minute Excerpt, Attachment 4) 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:

Current Fee	Proposed Fee
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

At the City Council meeting on January 3, 2012, City Council considered the fee increase, and after public comment and discussion, approved a motion to bring the resolution back to the City Council along with the following:

- ◆ A revision to the Garden By-Laws that include a 30-day, non-tending limit.
- ◆ Non-residents be eliminated from the garden through attrition and that non-residents not be added to the garden wait lists.

- ◆ The \$120 key/clean-up deposit will be assessed to new gardeners only.

ANALYSIS:

The main concern as noted from the public comments at the January 3, 2012 Council meeting, is the issue of infrequent gardening activity and abandoned parcels. Over the years, these issues have required the largest amount of staff time to address. Staff has amended by-law number #2 of the existing garden by-laws to read:

“.....Parcels must be actively gardened. Parcels not actively gardened for 30 days will be reassigned.”

Staff will also establish a 3 member volunteer garden committee from each garden that will assist in drafting a “violation/reassignment” process in the next month. Once a process has been drafted, it will be reviewed and approved by the Public Services Director and will be made part of the Garden By-Laws. The garden committees will be tasked with monitoring the gardens and enforcing the garden by-laws.

Currently, the wait lists for both gardens is open to residents of Costa Mesa only. Non residents are not on the wait list and will not be added to the wait list in the future unless directed otherwise by the City Council. However, there are 13 non residents that currently have garden parcels. Per Council’s direction, these non-resident gardeners will be allowed to retain their parcel until such time as they give back their parcel. Existing gardeners who currently live in the City, but who move out of the City, will also be allowed to retain their garden parcels until such time as they give back their parcel.

In an effort to discourage gardeners from abandoning their parcels without clearing them for the next gardener, staff proposes to assess the \$120 key/clean up deposit to new gardeners assigned parcels this year, and to all current gardeners who receive a violation and correction notice issued by the volunteer garden committees. Current gardeners who actively garden and do not receive a by-law violation/correction notice will not be assessed the \$120 key/clean up deposit.

Should the Council approve the resolution, the fee increase would be effective March 8, 2012 and assessed to new gardeners in 2012. Since the existing gardeners have paid the current fee for 2012, they will be assessed the increased parcel rental fee in January 2013.

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. The nearby cities of Dana Point, Garden Grove, Orange and Irvine do not provide 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, and that the Public Services Director be given the authority to approve all future Garden By-Laws and Agreement amendments.

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DISTRIBUTION: City Staff

- ATTACHMENTS:
1. [Resolution](#)
 2. [Garden By-Laws](#)
 3. [Garden Agreement](#)
 4. [Commission Action Minute Excerpt](#)