



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### REPORT TO COUNCIL

#### **SUBJECT**

Approve the Agreement Renewal with Sustainable Community Gardens for Property Located at 433 Charles Street

#### **BACKGROUND**

On January 10, 2006, City Council reviewed Report to Council No. 06-013, "Explore Locations for Community Gardens and Special Agreement with Sustainable Community Gardens" (Attachment 1). The report noted the positive aspects of community gardening and a positive relationship growing with a local gardening group, Sustainable Community Gardens (SCG). The City and SCG entered into a five-year agreement whereby the City provided the exclusive use of 433 Charles Street (Attachment 2 - Location Map) for the purpose of community gardening, and SCG was responsible for the design, construction, operation and maintenance of the community gardens. City Council renewed the Agreement in Report to Council No. 10-324 on December 14, 2010 for an additional five years. Attachment 3, Fiscal Year 2014 Charles Street Gardens Report, details how the requirements of the Agreement have been met. The current five-year Agreement expired on January 30, 2016. The proposed Agreement is for a one-year term and the term may be extended in one year intervals by the City Manager.

The Parks and Recreation Commission considered this item at a noticed public hearing on February 10, 2016. The Commission voted not to support Staff's recommendation of Alternative 1, but voted 4-0 to unanimously to support a modified version of Alternative 2 - Approve the renewal of the agreement with Sustainable Community Gardens for the operation and maintenance of the Charles Street Gardens with a modification of a 5 year term with a 180 day right to terminate provision for both parties.

#### **EXISTING POLICY**

***Open Space and Recreation Sub-element*** - Policy 2.2.A.8. Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale's open spaces and recreation facilities based on community need and through such strategies as development of easements and right-of-ways for open space use, conversion of sites to open space from developed use of land, and land-banking.

2.2.B.6. Leverage available resources by pursuing co-funded and/or cooperative agreements for provision and maintenance of programs, facilities, and services, in order to maximize benefits to the community. Partners may include, but are not limited to, school districts, non-profit groups, governmental agencies and businesses.

2.2.B.1. Design programs to meet the needs of residents, allowing for nonresident participation as long as it does not take away from opportunities or resources for residents.

2.2.C.2. Support public and private efforts in and around Sunnyvale to acquire, develop and maintain open space and recreation facilities and services for public use.

**Community Engagement Sub-Element** - Policy B.1 - Encourage community involvement in the development and implementation of City and community activities, programs and services.

## **ENVIRONMENTAL REVIEW**

The renewal of the existing agreement does not constitute a project with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

## **DISCUSSION**

Sustainable Community Gardens (SCG) is a group of resident gardeners interested in organic, sustainable gardening to produce high-quality fruits, flowers and vegetables while educating the community about the positive aspects of this activity. The initial five-year agreement between the City and SCG contained several requirements of the group which have been met since the agreement began on February 1, 2006. The proposed new Agreement (Attachment 4: Agreement between City of Sunnyvale and Sustainable Community Gardens) does not change these requirements in which the City provides:

- Exclusive use of a site for the purpose of community gardening;
- Free use of a park building for monthly meetings;
- Free referrals to Sustainable Community Gardens in future Recreation Activity Guides;
- Review and approval of community gardens design, layout and construction specifications;
- Review and approval of all policies, rules, regulations, etc. for the operations of the community gardens, including garden plot assignment practices;
- Access to utilities at the site.

Consistent with the current agreement, Sustainable Community Gardens will continue to provide:

- All services associated with the operation and maintenance of the Charles Street Community Garden;
- Direct payment to Finance, Utilities Division, for utility consumption at the site;
- Plans and design specifications for review by City;
- Non-profit community gardening services;
- Notice to gardeners of the one-year term of the agreement noting the specific date of termination;
- One copy of all garden plot assignment policies, by-laws, operating manuals, rules, regulations, etc. as approved by the Director of Community Services; and,
- A yearly report that notes the number of plots in use, total numbers of gardeners participating for the previous year, their age groups, neighborhoods of residence, and the hours of

educational instruction provided for the community.

The current proposed agreement is for one year with yearly extensions negotiated by the City Manager, as this gives maximum flexibility as part of the Civic Center master plan process.

### **FISCAL IMPACT**

There is no fiscal impact to renew the current agreement with Sustainable Community Gardens on a one year extension. However, a potential fiscal impact that was noted in the report in 2006 and still applies today is that an opportunity cost is created by having the Community Gardens on City-owned parcels that could be available for other uses including revenue generation through sale. This opportunity cost was estimated to be \$6,700,000 in 2006.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **Commission Review**

The Parks and Recreation Commission reviewed this item at their February 10, 2016 meeting (RTC 15-1095). The Commission voted not to support Staff's recommendation of Alternative 1, but voted 4-0 to unanimously to support a modified version of Alternative 2 - Approve the renewal of the agreement with Sustainable Community Gardens for the operation and maintenance of the Charles Street Gardens with a modification of a 5 year term with a 180 day right to terminate provision for both parties. The Commissioners supported Alternative 2 as the group has a good history with the City and a 5 year agreement will allow the group more security and the 180 day agreement termination clause will serve the same purpose as a 1 year agreement. There was public comment supporting a longer term than the proposed 1 year agreement.

### **ALTERNATIVES**

1. Approve renewal of the Agreement with Sustainable Community Gardens for the operation and maintenance of the Charles Street Community Gardens for a one year term and authorize the City Manager to enter into yearly renewals of the agreement on behalf of the City.
2. Approve renewal of the Agreement with Sustainable Community Gardens for the operation and maintenance of the Charles Street Community Gardens with modifications as determined by Council, and authorize the City Manager to enter into the agreement on behalf of the City.
3. Do not approve renewal of the Agreement with Sustainable Community Gardens for the operation and maintenance of the Charles Street Community Gardens.

### **STAFF RECOMMENDATION**

Alternative 1: Approve renewal of the Agreement, in substantially the same form as Attachment 1 to the report, with Sustainable Community Gardens for the operation and maintenance of the Charles Street Community Gardens for a one year term and authorize the City Manager to enter into yearly renewals of the Agreement on behalf of the City.

The working relationship between the City and the Sustainable Community Gardens group, as well as the on-going programming and maintenance of the Charles Street Gardens, has progressed very smoothly since the gardens first opened in the fall of 2006. The gardens provide garden plots to Sunnyvale residents, and also provide a venue for educational classes that are open to all residents.

Prepared by: James Stark, Superintendent of Parks and Golf

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Cynthia Bojorquez, Director, Library and Community Services

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Agreement RTC between City of Sunnyvale and Sustainable Community Gardens
2. Location Map
3. Fiscal Year 2014 Charles Street Gardens Report
4. Renewal Agreement between City of Sunnyvale and Sustainable Community Gardens
5. Excerpt of Draft PRC Minutes of February 10, 2016