



CITY OF MILPITAS AGENDA REPORT (AR)

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| Item Title: | Consider Request from Sunnyhills Neighborhood Association to Waive Fees for Rental of Augustine Park on October 26, 2019 for its Halloween Event (Staff Contact: Mary Lavelle, 408-586-3001) |
| Category: | Consent Calendar-Leadership and Support Services |
| Meeting Date: | 10/1/2019 |
| Staff Contact: | Mary Lavelle, 408-586-3001 |
| Recommendation: | Receive Fee Waiver Request from Sunnyhills Neighborhood Association and move to waive fees of \$1,112.63 for City of Milpitas costs related to the special neighborhood Halloween event at Augustine Park on October 26, 2019. |

Background

On August 13, 2019, the City Clerk received a "Donation or Fee Waiver/Reduction Request Application Form" from the Sunnyhills Neighborhood Association. The group applied for a Special Event Permit through the Planning Department, and reserved through Recreation Services the rental of Augustine Park for this special event. Sunnyhills requested that the City Council waive City fees charged for its Halloween neighborhood event emphasizing safety from 2:00 to 4:00 PM on Saturday, October 26, 2019.

The adopted Fiscal Year 2019-20 Budget includes \$25,000 for donations, fee waivers, and events. Allocation of this money for the full Council versus individual Councilmembers was included as a discussion item for the August 20, 2019 Council meeting, however, due to time constraints, the item had been deferred to the September 17 meeting and subsequently to the October 1 meeting. Due to time sensitivity of the request in this report, this fee waiver is being brought forward for Council consideration, prior to the policy discussion. On September 3, the City Council approved two donation requests for a total of \$1,000. On September 17, 2019, the City Council approved one fee waiver of \$1,412.63 for American Cancer Society. The total amount of donations and fee waivers approved to date is \$2,412.63.

Analysis

Milpitas City Council adopted the "City Council Donation and Fee Waiver/Reduction Policy" on April 16, 2013. A copy is included as an attachment. This policy allows Milpitas non-profit organizations to request City fees to be waived up to \$1,500 or a donation amount up to \$500 to be granted upon request. The requesting groups must be local Milpitas non-profits and provide proof of non-profit status from the federal Internal Revenue Service or the state Franchise Tax Board. Groups are requested to file a follow up report with the City Clerk after the event for which the fee waiver or funds were requested.

The group submitted its application form, IRS letter, and copy of last year's event report. The location has been reserved and deposit fees paid toward costs for the picnic area and park rental at Augustine Park from Recreation Services as well as the Planning Special Event permit fee.

City of Milpitas fees requested to be waived are:

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| Park Rental fee – Recreation Services | \$180.00 |
| Special Event permit application – Planning Dept. | \$932.63 |
| TOTAL | \$1112.63 |

Fiscal Impact

\$25,000 was approved and included in the adopted FY 2019-20 City budget for City Council's Unallocated Community Promotions. If this request is approved, \$21,474.74 would remain in that line item of the current year's budget.

Policy Alternatives:

Alternative 1: Do not approve the fee waiver as requested.

Pros: The City's General Fund will not incur the costs of the fees waived and would receive revenue.

Con: Denial of the request would negatively impact the non-profit organization.

Reason not recommended: Denial of this request would negatively impact a valuable non-profit organization in the community. Denial would not allow Sunnyhills Neighborhood Association to maximize its own funds for this and other events.

Alternative 2: Defer approval of the fee waiver requested after Council's consideration of the draft Council Policy titled "Council Policy for Events."

Pros: Council would have an opportunity to discuss a comprehensive policy before taking action on any donations or fee waivers.

Con: Deferring this request would negatively impact the non-profit organization.

Reason not recommended: Deferring approval of this request would negatively impact a valuable non-profit organization in the community and would not allow the Sunnyhills Neighborhood Association to maximize its own funds for this and other events.

Recommendation

Receive Fee Waiver Request from Sunnyhills Neighborhood Association and move to waive fees of \$1,112.63 for City of Milpitas costs related to the special neighborhood Halloween event at Augustine Park on October 26, 2019.

Attachments

- a) Application Form, City fee statements, IRS letter
- b) Event Flyer
- c) Report of 2018 event
- d) Donation/Fee Waiver Policy
- e) List of Donations/Fee Waivers FY 2019-20