



City Council Meeting
04-10-23

**Item
6.C.**

Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Kristin Riesgo, Acting Community Services Director

Approved by: Steve McClary, City Manager

Date prepared: March 23, 2023

Meeting date: April 10, 2023

Subject: Malibu Farmers Market Fee Waiver

RECOMMENDED ACTION: Consider whether to approve the request from the Cornucopia Foundation to waive the facility use and permit fees for Malibu Farmers Market parking at the loki Property.

FISCAL IMPACT: Waiving the facility use and permit fees will result in a loss of revenue of \$29,091 for Fiscal Year 2022-2023 in Account Numbers 100-0000-3461-00 (Municipal Facility Use Fees) and 100-0000-3421-00 (Planning Review Fees); and \$42,120 for Fiscal Year 2023-2024 in Account Number 100-0000-3461-00 (Municipal Facility Use Fees). Events generate revenue for the City, and waiving these associated fees limit potential revenue.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023.

DISCUSSION: The Cornucopia Foundation (Foundation) has served the Malibu community for over 20 years by coordinating the Malibu Farmers Market and providing residents with fresh and healthy food options. The Malibu Farmers Market is in the Civic Center area, with over 25 vendors every Sunday.

The Malibu Farmers Market has operated at the County of Los Angeles (County) property near the Malibu Library since 2000. Due to spacing and parking issues on the County property in addition to Santa Monica College satellite campus construction, Council approved relocating the event to Legacy Park through July 2, 2023 and waived \$22,031 in fees for Fiscal Year 2022-2023 and up to \$900 in fees for Fiscal Year 2023-2024. As part of the approval, Council requested financial documents from the Foundation for future fee waiver requests.

On December 13, 2021, Council approved an amendment to Title 17 of the Malibu Municipal Code (Ordinance No. 495) to extend temporary Farmers Market parking on the Ioki Property. Ordinance No. 495 expires once the Certificate of Occupancy is issued for Santa Monica College or on January 1, 2024. As part of the approval process, the Foundation submitted a Temporary Use Permit (TUP) for the Ioki Property, which expired on February 19, 2023.

On January 12, 2023, the Foundation submitted a TUP to extend the use of the Ioki Property through January 1, 2024. The Foundation is requesting a 100% fee waiver and submitted financial documentation (Attachment 1).

The fees associated are 19 days of event parking in Fiscal Year 2022-2023 include the following:

<u>Fiscal Year 2022-2023</u>	
<u>Type</u>	<u>Rate</u>
Facility Use (\$1,514/day)	\$28,766
TUP Application	\$325
Total	\$29,091

The fees for Fiscal Year 2023-2024 include 27 days of event parking with an approximate 3% fee adjustment, and include the following:

<u>Fiscal Year 2023-2024</u>	
<u>Type</u>	<u>Rate</u>
Facility Use (\$1,560/day)	\$42,120
Total	\$42,120

The Foundation paid \$12,437 for the facility use fees covering February 19, 2023 through April 9, 2023, and the Temporary Use Permit application fee. If Council approves the fee waiver, the City will reimburse the Foundation.

ATTACHMENTS: Cornucopia Foundation 2022 Balance Sheet and Profit Loss Financial Documentation

The Cornucopia Foundation

Balance Sheet

As of December 31, 2022

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
10201 Wells Fargo Savings - 1715	-200.29
10300 Wells Fargo checking - 1231	84,930.05
Total Bank Accounts	\$84,729.76
Accounts Receivable	
12000 Accounts Receivable	0.00
Total Accounts Receivable	\$0.00
Other Current Assets	
13000 Undeposited Funds	0.00
Payroll Refunds	-654.00
Uncategorized Asset	0.00
Total Other Current Assets	\$ -654.00
Total Current Assets	\$84,075.76
Fixed Assets	
15000 Furniture & Equipment	16,695.43
15500 Vehicles	20,600.00
15900 Accumulated Depreciation	-36,296.00
Total Fixed Assets	\$999.43
Other Assets	
19000 Assets - Cornucopia	0.00
19500 Assets - In-Kind Contributions	0.00
Total Other Assets	\$0.00
TOTAL ASSETS	\$85,075.19
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 Accounts Payable	0.00
Total Accounts Payable	\$0.00
Credit Cards	
20100 B of A MAP VISA	0.00
20110 WELLS FARGO PLATINUM Credit Card	2,464.65

The Cornucopia Foundation

Balance Sheet

As of December 31, 2022

	TOTAL
Total Credit Cards	\$2,464.65
Other Current Liabilities	
21000 Payroll Liabilities	-654.00
CA PIT / SDI	76.78
CA SUI / ETT	46.28
Employee Advances	0.00
Federal Taxes (941/944)	-13.98
Total 21000 Payroll Liabilities	-544.92
Accrued Payroll	0.00
Accrued Payroll Taxes	0.30
Total Other Current Liabilities	\$ -544.62
Total Current Liabilities	\$1,920.03
Long-Term Liabilities	
24510 Loan - Bianco	-1,405.34
24520 Loan - Melle	1,704.00
Total Long-Term Liabilities	\$298.66
Total Liabilities	\$2,218.69
Equity	
30000 Opening Balance Equity {104}	0.00
32000 Unrestricted Net Assets	79,242.46
Net Income	3,614.04
Total Equity	\$82,856.50
TOTAL LIABILITIES AND EQUITY	\$85,075.19

The Cornucopia Foundation

Profit and Loss

January - December 2022

	TOTAL
Income	
43000 Farmers Market Income	0.00
43100 Minimum Space Fee	92,710.41
43200 Sales / Rental of Product Income	395.00
43900 10% Load on Space Fee	42,830.30
43950 Event Loadsheets income	38.71
43960 Event Rent	40.71
Total 43000 Farmers Market Income	136,015.13
49500 Reimbursements and Refunds	1,091.63
Total Income	\$137,106.76
GROSS PROFIT	\$137,106.76
Expenses	
50000 Farmers Market Operating Expenses	462.60
50025 Advertising	3,129.99
50150 Sanitation & Waste Removal	2,352.86
50200 Food & Beverage	152.22
50555 Farmer's Market Permits and Fees	4,479.38
50560 Farmers Market Assistant	1,786.10
50800 Supplies & Props	2,669.18
50805 Plates/ Table Clothes	442.91
Total 50800 Supplies & Props	3,112.09
51000 Refunds Paid	1,467.66
Total 50000 Farmers Market Operating Expenses	16,942.90
60000 Administrative Expenses	0.00
60020 Accounting	5,500.00
60030 Auto Expenses	168.34
60031 Auto Insurance	2,791.03
60032 Auto Gas	3,718.42
60033 Auto Maintenance	1,055.12
Total 60030 Auto Expenses	7,732.91
60070 Bank Charges	-214.92
60080 Subscriptions/ Memberships	229.23
60090 Computer supplies,software	1,980.42
60350 Donations MADE	650.00
60352 Specific Assist to Individuals	-3,720.25
60353 Community	300.00
60355 In-Kind Contribution Expense	-1,000.00
Total 60350 Donations MADE	-3,770.25

The Cornucopia Foundation

Profit and Loss

January - December 2022

	TOTAL
60430 Insurance	0.00
60431 Insurance - Liability	1,730.65
60433 Employee Insurance	3,666.18
Total 60430 Insurance	5,396.83
60520 Business Permits / Fees	20.00
60620 Entertainment Expense	24.99
60640 Office Expenses & Supplies	586.96
60685 Postage, Mailing Service	897.17
60690 Printing & Copying	10.00
60710 Officer Salaries	42,000.00
60750 Office Salaries	0.00
60751 Bookkeeper	39,797.70
60752 Admin Assistant	3,132.42
Total 60750 Office Salaries	42,930.12
60900 Taxes	0.00
60915 Employer Payroll Tax Expense	6,912.16
Total 60900 Taxes	6,912.16
60930 Telephone (cell)	1,077.43
60970 Website	530.94
Total 60000 Administrative Expenses	111,843.99
Advertising/Promotional	150.00
Market Operating Expenses	0.00
Subcontractor	2,350.00
Total Market Operating Expenses	2,350.00
Miscellaneous	366.83
Payroll Expenses	0.00
Office Salaries	1,085.00
Total Payroll Expenses	1,085.00
Suspense	754.00
Total Expenses	\$133,492.72
NET OPERATING INCOME	\$3,614.04
NET INCOME	\$3,614.04