



DATE: October 3, 2017

CATEGORY: New Business

DEPT.: Community Services

TITLE: **Magical Bridge Foundation Agreement**

RECOMMENDATION

- Authorize the City Manager to execute a contract between the City of Mountain View and the Magical Bridge Foundation for professional and design services related to development of an all-inclusive playground in Mountain View.
- Authorize the City Manager to apply for a matching grant for up to \$2 million through the Santa Clara County All-Inclusive Playground Grant Program.
- Approve Rengstorff Park as the preliminary site for the All-Inclusive Playground as shown in Attachment 2 to the Council report to begin community outreach, fundraising, and the public input process.

BACKGROUND

The Magical Bridge Foundation (Magical Bridge) is a 501(c)(3) nonprofit that officially formed in 2016 from the work and people that created the first Magical Bridge Playground in Palo Alto. This all-inclusive playground provides play space for community members, regardless of ability, disability, size, or age. The playground goes beyond ADA requirements by utilizing designs and equipment that help address physical, mental, and developmental needs. Magical Bridge finished the Palo Alto playground in April 2015 and is currently in a partnership with Redwood City, Sunnyvale, and Morgan Hill to provide Magical Bridge Playgrounds.

At the July 20, 2016 Parks and Recreation Commission (PRC) meeting, one of the Commissioners suggested that staff look into the Magical Bridge Playground in Palo Alto. In addition, Magical Bridge reached out to staff expressing interest in partnering with our City to develop another Magical Bridge Playground. In response, staff met with Magical Bridge and toured the playground in Palo Alto last year. Magical Bridge also presented to the PRC at the March 15, 2017 meeting to provide general information

about what is an all-inclusive playground and the general types of services that the Foundation provides.

At the September 13, 2017 PRC meeting, the Commission unanimously supported pursuing an agreement with the Magical Bridge Foundation in order to create an all-inclusive playground and to get the Foundation's support with pursuing a matching grant through Santa Clara County's All-Inclusive Playground Grant Program (Grant Program).

Santa Clara County All-Inclusive Playground Grant Program

On June 20, 2017, the County of Santa Clara Board of Supervisors approved the All-Inclusive Playground Grant Program Procedural Guide to be administered by the County's Parks and Recreation Department. In order to qualify, an agency must submit an application addressing the following components: project design, location and access of playground, maintenance plan, and project readiness/professional capability. The application is due October 18, 2017 to the County of Santa Clara Parks and Recreation Department. In order to take advantage of the Grant Program, the City Council approved \$1 million for Fiscal Year 2017-18 to build an all-inclusive playground as part of the Capital Improvement Program (CIP 18-36). This commitment allows the City to apply for up to \$1 million in matching grant funds from the County. There may be an opportunity to receive more than \$1 million in matching funds by using any donations raised by Magical Bridge between the execution of the agreement with the City and the execution of the agreement between the City and County for the use of the grant funds.

ANALYSIS

The Magical Bridge Foundation is uniquely positioned to assist the City with applying for the County's matching grant program and assist in creating an all-inclusive playground. They are the only organization in the area with experience fundraising, designing, and assisting with construction of a playground that is meant for individuals of all ability levels at any age. In addition, Magical Bridge Playgrounds are specifically designed and built to go beyond American Disabilities Act (ADA) standards and allow seamless play between those with cognitive, developmental, or physical disabilities and those without.

The City Attorney's Office, Finance and Administrative Services Department, Public Works Department, and Community Services Department have all reviewed the agreement and had multiple meetings with representatives from Magical Bridge. In addition to financial considerations regarding the arrangement with Magical Bridge,

there are also legal issues still being discussed because Magical Bridge is proposing its standard form agreement when normally the City uses its own standard form agreements when contracting with vendors and design services professionals. In this case, staff evaluated several factors when determining to work with Magical Bridge's form contract as the base document (which has been used by other cities).

Staff has identified various provisions in Magical Bridge's contract which differ from those contained in the City's standard form contract, such as warranties, mutual indemnification, dispute resolution terms, and limitations on Magical Bridge's overall liability. Staff is still discussing the contract with Magical Bridge with a focus on these terms, and anticipates some modifications to bring the terms more in line with the City's standard provisions. However, when considering whether to authorize the agreement with Magical Bridge, Council should understand it is likely the City will have some additional exposure than provided in our standard contract language.

Grant Program

To put the City in the best position to receive matching grant funds, staff is pursuing a contract with Magical Bridge Foundation before the October 18 deadline. A partnership with Magical Bridge addresses the County Grant Program requirements for a funding plan, a community engagement plan, and a design that addresses the needs of the area. Magical Bridge Foundation is recognized by the County of Santa Clara as an expert in the field of all-inclusive playgrounds and already has specific design elements that they recommend. In addition, they are a 501(c)(3) with experience at fundraising for projects like the one the City is pursuing. This will greatly help the City's grant application.

Site

Staff is proposing that the playground be incorporated at Rengstorff Park in the gazebo area between the tennis courts and maintenance building (Attachment 2). Due to accessibility, staff believes this is the primary location to be considered for the playground and will go through the City's standard community input process with public meetings during the Design phase.

Funding

The estimated cost for the playground, including payments to Magical Bridge Foundation for their services, but excluding City internal staff and administrative costs, is approximately \$4.5 million. This cost assumes a playground approximately one acre in size like the site being considered at Rengstorff Park.

The City has set aside \$1 million in CIP 18-36 as funding towards an all-inclusive playground. The remaining \$3.5 million is expected to be covered by \$1 million from the County's Grant Program and approximately \$2.5 million through fundraising by the Magical Bridge Foundation. It should be noted that in addition to the payments from the City, the Magical Bridge Foundation also assesses an eight percent (8%) fundraising fee for donations they collect. In addition to the costs of the playground and Magical Bridge Foundation, the City will need to find additional funding sources to cover the City staff costs for project and construction management as well as the City's standard 6.5 percent administrative cost.

FUNDING SOURCES		CONSTRUCTION COSTS	
City Contribution	\$1,000,000	Magical Bridge Professional Services	\$ 250,000
County Matching Grant	1,000,000	Magical Bridge Design	300,000
Magical Bridge Fundraising	2,525,000	Construction Estimate	3,250,000
		Contingency and Escalation	725,000
Total	\$4,525,000	Total	\$4,525,000

The City plans to pay Magical Bridge four milestone payments revolving around fundraising, design, and completion of the playground. A breakdown of those milestones and amounts is provided in Attachment 1.

Services

The cost of \$250,000 to the Magical Bridge Foundation for professional services covers all community engagement and fundraising efforts. These efforts include developing and executing a community engagement plan that will coincide with the City's public meetings, which are a typical part of our park design process. The community engagement efforts will facilitate Magical Bridge's fundraising of \$2,525,000 to be transferred to the City to construct the playground.

The cost of \$300,000 to Magical Bridge covers all Design services for the playground. This includes all surveys, inspections, permitting, and California Environmental Quality Act (CEQA) requirements. The City will have final decision authority over the design of the playground but must adhere to certain requirements in order to be considered a Magical Bridge Playground. Once the fundraising goal has been reached, cost estimates developed, and the construction documents have been finalized and approved by the City, the City will go to bid for construction services. As the designer and specialist for all-inclusive playgrounds, Magical Bridge will continue to provide input during the construction phase.

FISCAL IMPACT

The City committed \$1 million in Park Land funds to an all-inclusive playground project through the Fiscal Year 2017-18 CIP process, CIP 18-36. The City is planning to use that funding to apply for a \$1 million matching grant through Santa Clara County's Parks and Recreation Department. The current estimated budget does not include internal staffing costs for project and construction management and the City's standard 6.5 percent administrative cost. The City will need to commit future funding to cover these costs.

ALTERNATIVES

- Do not authorize the City Manager to execute a contract with the Magical Bridge Foundation.
- Do not authorize the City Manager to apply for the matching grant through Santa Clara County.
- Direct staff to explore other locations or organizations with which to partner for an all-inclusive playground.
- Provide other direction.

PUBLIC NOTICING

Agenda posting, and properties within 300' of the proposed site, Magical Bridge, and the PRC have been notified.

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JPdLM/BR/7/CAM/209-10-03-17CR-E

Attachments: 1. Contract Comparison with Other Agencies
2. Preliminary Site Map