



## Agenda Report

21-151

Agenda Date: 1/26/2021

### REPORT TO COUNCIL

#### SUBJECT

Action on Adoption of an Ordinance No. 2028 Approving the Central Park All-Inclusive Playground Schematic Design in Accordance with City Charter Section 714.1

#### COUNCIL PILLAR

Enhance Community Sports, Recreational and Arts Assets

#### BACKGROUND

At the January 12, 2021 Council meeting, proposed Ordinance No. 2028 was passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, a summary of proposed Ordinance No. 2028 was published to the Santa Clara Weekly on January 20, 2021, and copies were posted in three public places.

Adoption of the proposed Ordinance No. 2028 would approve the Central Park All-Inclusive Playground Schematic Design in accordance with City Charter Section 714.1

Since 2013, the City Council has an adopted Council Pillar to “enhance community sports, recreational and arts assets.” To achieve this goal, the City’s Park & Recreation design standards promote community health, wellness, and inclusion for all ages and abilities, while supporting environmental sustainability and integration of park playgrounds with the natural habitat. In addition, the City of Santa Clara has subscribed to the World Health Organization’s “Age Friendly City” initiative.

The Central Park Arbor Center Playground is a small, 1960’s era, metal, wood and stone play space that was identified in the Parks & Recreation Facility Condition Assessment (Kitchell, 2018) as in critical condition and in need of replacement.

In 2017, the County of Santa Clara (County) initiated an All-Inclusive Playground Grant (AIPG) Program with successive rounds of competitive funding. On April 3, 2018, the City Council adopted Resolution No. 18-8511 which approved an AIPG application in Round Two and delegated authority to the City Manager to execute County grant documents, to develop a Letter of Intent with Magical Bridge Foundation, and to approve related City budget amendments.

While the County did not fund the City’s application in Round Two, additional County funding was made available, and on October 9, 2018, the Council adopted Resolution No. 18-8610 to authorize the City Manager to submit a new grant application that was successful. On March 29, 2019, the City entered into a grant agreement with the County for a Magical Bridge All Inclusive Playground in Central Park (Project) in the amount of approximately \$4.6 million. The Project is to be funded

through budgeted City Capital Improvement Program funds in the amount of \$1.8 million, the County AIPG in the amount of \$1.765 million, and additional funding of at least \$1 million to be raised by the Magical Bridge Foundation through individual, community and corporate support.

On June 25, 2019, the City approved a License agreement in the amount of \$500,000 with the Magical Bridge Foundation to assist in the Project's community engagement, design, license to use the Magical Bridge Foundation brand, and to raise one million dollars towards the Project costs. Magical Bridge will receive an additional 8% of funds raised, which are to be appropriated prior to the construction award. In addition, the City entered into an agreement with Groundswell Landscape Architects (Groundswell) in the amount of \$479,500 to complete community outreach, schematic design, construction plans and specifications (PS&E), and provide bid and construction support. The Project design team includes the Magical Bridge Foundation, the City Parks & Recreation Department, the Public Works Department, and incorporates input from the various City commissions and the community through the outreach and approval processes.

On October 15, 2019, Groundswell and the Magical Bridge Foundation introduced the Magical Bridge Playground concept and design team to the Parks & Recreation Commission, discussed how the public input and design process would work, and highlighted opportunities for the public to support the Foundation's fundraising efforts for the Santa Clara All Inclusive Playground.

## **DISCUSSION**

The community outreach involved presentations to City commissions, in-person community meeting and an on-line survey. On December 2, 2019, the Design Team presented the concept to the Cultural Commission (RTC19-1390) for review and public input. On December 10, 2019, the Design Team presented the concept to the Youth Commission. On January 18, 2020, the Design Team held a community meeting at the Community Recreation Center (CRC) and the adjacent seasonal ice rink as well as held a Project site walk in Central Park where the public comment included votes on the various playground apparatus. In addition, a community survey was posted on the City's website from February 3 to February 20, 2020 with 166 participants. The feedback was incorporated into the initial Schematic Design.

## **Schematic Design Scope & Elements**

The Schematic Design includes scope of work "A", "B", "C" and "D".

- Scope A-"Playground" and Scope B-"Restroom" will provide: a Child zone for ages 2-5, Spin zone, Swing zone, Slide mound, Imagination zone (two story playhouse), improvements to the existing amphitheater terrace seating, a donor entry plaza, improved picnic area, and rehabilitation of the adjacent existing Arbor Center Restroom. Scope A and B are within the currently funded estimated construction budget of \$2.5 million.
- Scope C-"Additional/Alternate Playground Elements" may provide: hill top area improvements, laser harp, sway boat, additional renovation to the amphitheater, a "Look Out" balcony, and adult fitness stations. While these are included in the schematic design, they may be constructed contingent upon Magical Bridge Foundation fund raising the estimated construction cost of approximately \$860,000.
- Scope D-"Additional/Alternate Walkway improvements" may provide the aesthetically desirable, but not essential for Project completion, park pathway and lighting upgrades. While these are included in the schematic design, they are contingent upon funding the estimated construction in the amount of \$130,000, which maybe available at time of award of bid based

on actual bid amounts and use of any available project contingency.

In addition, the City has approved and funded a separate CIP Project that will provide a signalized entry at Kiely Blvd./Kaiser Dr., with improved parking, ADA accessible drop-off/pick-up area, and walkway improvements to the second entrance into the Magical Bridge Playground.

### **Magical Bridge Fundraising**

Magical Bridge reports having raised an estimated \$200,000 and will continue its efforts through the award of construction which is anticipated in Winter 2021. This extended time will provide additional opportunities to identify corporate and community funds to support specific additional elements and be recognized on the donor wall.

### **Project Timeline**

It is anticipated that Construction Plans, Specifications & Cost Estimate (PS&E) will be completed by Fall 2021. The Bid & Award is anticipated to come before Council in Winter 2021. The Project Construction will be approximately 18 months, beginning early 2022. It is anticipated that the playground will open in Spring 2023.

### **Commission Action**

On October 20, 2020, the Park & Recreation Commission reviewed a presentation by the Parks & Recreation Director and Magical Bridge Foundation (Attachment 2). The Schematic Design meets the City Council approved Central Park Master Plan Update Guiding Principles, the County AIPG guidelines, and the City's research-based best practices for play and inclusionary/universal design. The Project provides the seven elements of play, addresses all required fall heights and safety zones, fits within site topography & constraints, and integrates with the existing park trees and natural elements. After discussion, the Parks & Recreation Commission unanimously recommended that Council approve the proposed Magical Bridge All-Inclusive Playground Schematic Design.

### **Council Consideration**

The Council action is consideration of the Parks & Recreation Commission's recommendation to approve the Magical Bridge All-Inclusive Playground Schematic Design as presented including Scopes A, B, C, and D. This will move the design into development of construction plans and specifications (PS&E) and engineers estimate. The current level of approved Project funding is anticipated to complete the scope of work included in A and B. The decision to include/exclude the Additional/Alternate Scopes of Work C and D will be determined at time of award of Construction Bid which is anticipated to occur in Fall/Winter 2021. This will provide time for the Magical Bridge Foundation to continue its fundraising efforts, and complete the identification of donor funded play elements and an assessment of actual construction bid costs.

### **MEASURE R**

The recommended changes to the existing Central Park may be subject to Measure R. In November 2016, voters passed Measure R, which added Section 714.1 Protection of Parkland and Public Open Space to the City Charter. Measure R prohibits selling, leasing, or otherwise disposing of parkland for a period of one hundred eighty (180) days or more, and also prohibits its use from changing, being abandoned, or discontinued without such sale, lease, disposal or changed use having first been authorized or ratified by a two-thirds majority vote of the electorate during a general municipal election for that purpose. Measure R also prohibits changes in park use for over 180 days without a majority vote of the electorate and substantial building, construction, reconstruction or development

upon dedicated parkland except pursuant to ordinance subject to referendum. The referendum process is set forth in the Elections Code.

The Magical Bridge All-Inclusive Playground Project in Central Park may be considered as “substantial building, construction, reconstruction, or development” of the existing park and playground. The approval of the Schematic Design and Central Park Master Plan Update will require an ordinance (Attachment 2) in order to comply with Measure R. It does not include a sale, lease, disposal, or change in use requiring a majority vote of the electorate.

### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15301 “Existing Facilities”, 15302 “replacement or reconstruction”, and 15303 “new construction or conversion of small structures” as the activity consists of the operation, repair, maintenance, permitting or minor alteration of existing public facilities or topographical features involving negligible expansion of use beyond that existing at the time of the lead agencies determination.

### **FISCAL IMPACT**

There is no fiscal impact from the current decision. The Central Park Magical Bridge Playground capital project (#3183) in the Parks and Recreation Capital Fund has an approved budget allocation of approximately \$4.7 million, consisting of City Capital Improvement Program funds in the amount of \$1.8 million, County AIPG funds in the amount of \$1.765 million, and Magical Bridge funding of at least \$1 million. The estimated construction costs for the proposed Schematic Design Scope A - Playground and the Design Scope B - Restroom Rehabilitation is \$2.5 million. The Scope C - Additional/Alternate playground elements - cost is approximately \$860,000 and dependent upon Magical Bridge Foundation’s fundraising effort as well as community and corporate donations. The Scope D - Additional/Alternate walkway and entrance improvements in the amount of \$130,000 is also unfunded. The remaining Project funds of approximately \$1.0 million are available and budgeted for design, administration, and permitting including mobilization, general conditions, bonding, escalation, permits, insurance, and City Project administration. Current park maintenance activities are included in the Parks & Recreation Department’s annual operating budget.

### **COORDINATION**

This report has been coordinated with the City Attorney’s office.

### **PUBLIC CONTACT**

A summary of proposed Ordinance No. 2028 was published to the Santa Clara Weekly on January 20, 2021, and copies were posted in three public places and made available for public inspection at the City Clerk’s Office.

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

Adopt Ordinance No. 2028 Approving the Central Park All-Inclusive Playground Schematic Design in

Accordance with City Charter Section 714.1

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Santa Clara Magical Bridge Playground in Central Park - Schematic Design Ordinance