



## Agenda Report

19-641

Agenda Date: 6/25/2019

### REPORT TO COUNCIL

#### SUBJECT

Action on Authorizing the City Manager to Enter into Agreements with Magical Bridge Foundation and Groundswell Landscape Architects for the Design of a Magical Bridge All-Inclusive Playground and Licensing, Community Outreach, and Fundraising

#### BACKGROUND

The Magical Bridge Foundation (Magical Bridge) has a unique combination of expertise in the field of inclusive playgrounds, commitment to raise funds towards design and construction, and the ability to facilitate comprehensive outreach campaigns to raise funds and awareness for all-inclusive projects. Magical Bridge's first inclusive playground was constructed at Mitchell Park in Palo Alto in 2015. The playgrounds are designed to meet all accessibility requirements and include unique play elements that address the needs of people with Autism Spectrum Disorder, sensory challenges, visual and auditory impairments, cognitive, developmental and physical disabilities, including the medically frail.

On April 3, 2018, the City Council adopted Resolution No. 18-8511 which approved a grant application with the County of Santa Clara (County) and delegated authority to the City Manager to execute all documents necessary to complete the scope of work, and authorized execution of a Letter of Intent with Magical Bridge, and approved related budget amendments. At that time, staff informed the Council that the consulting services and license agreement would come to Council for consideration at a future date.

The City partnered with Magical Bridge on the grant application, but it was not successful. On October 9, 2018, the Council adopted Resolution No. 18-8610 and the City submitted a new grant application that was awarded. On March 29, 2019, the City entered into a grant agreement with the County in the reimbursable amount of \$1,765,020. The Project site is approximately one acre in size and located in Central Park (Attachment 3).

The City is now ready to proceed with the project.

#### DISCUSSION

The City will be entering into two agreements, one with the Magical Bridge Foundation and the other with Groundswell Design Landscape Architects. Details of their contracts are included below:

##### Magical Bridge Foundation

Under the Magical Bridge Agreement, the City is obligated to pay Magical Bridge \$500,000 for the following services:

- Assist in community engagement
- Assist in and review project design

- License the City to use the Magical Bridge brand
- Commit to fundraise \$1 million towards the Project

In addition, Magic Bridge is entitled to earn an additional 8% in fees for each dollar it raises in donations toward the project with the goal of \$1 million.

### Groundswell Landscape Architects

The Groundswell Agreement is for \$479,500. Groundswell will:

- Provide community outreach
- Complete the schematic design
- Complete the construction drawings and specifications (PS&E)
- Provide bid support
- Provide construction support.

The City currently has \$3.7 million budgeted in the Capital Improvement Program (CIP) Budget. With the \$1.0 million to be fundraised by Magical Bridge, the project budget totals \$4.7 million.

### **ENVIRONMENTAL REVIEW**

[The Agreements for design and professional services and the action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") Guidelines section 15378 as the action being considered does not commit the City to undertake the project and future discretionary approvals are required by the City to approve the project for construction.]

### **FISCAL IMPACT**

There is currently \$3.7 million budgeted in CIP Project No. 3183 (Project). As part of the agreement with Magical Bridge, they are required to fundraise an additional \$1.0 million for the Project. Operations and maintenance of City parks is included in the Parks and Recreation Department's operating budget. The additional \$1.0 million that will be fundraised for the project will be appropriated prior to the construction award.

### **COORDINATION**

This report has been coordinated with the Parks and Recreation Department, Finance Department and the City Attorney's Office.

### **PUBLIC CONTACT**

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, e-mail [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

Meetings held related to the All-Inclusive Playground in Central Park:

- October 10, 2017, Council approved Resolution No. 17-8471
- April 3, 2018, Council approved Resolution No. 18-8511

- October 9, 2018, Council approved Resolution No. 18-8610

**RECOMMENDATION**

Authorize the City Manager to enter into an Agreement with Magical Bridge in the amount of \$500,000 and an Agreement with Groundswell Landscape Architects in the amount of \$479,500 for the Design of a Magical Bridge All-Inclusive Playground and Fundraising, and to make minor, non-substantive modifications to the Agreements, if needed.

Reviewed by: Manuel Pineda, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Agreement - Magical Bridge Foundation
2. Agreement - Groundswell Landscape Architects
3. Central Park All Inclusive Magical Bridge Playground Site