



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Angel Rios, Jr.

**SUBJECT:** SEE BELOW

**DATE:** April 23, 2018

Approved

Date

5-3-18

**SUBJECT: MAGICAL BRIDGE FOUNDATION AGREEMENT FOR THE EMMA PRUSCH FARM PARK ALL-INCLUSIVE PLAYGROUND GRANT PROJECT**

## RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Magical Bridge Foundation (MBF) to provide consulting design services and fundraising for a new all-inclusive play area at Emma Prusch Farm Park. The park's improvements will include new universally-accessible play equipment to replace existing equipment, new restrooms, and related improvements.
- (b) Adopt a resolution authorizing the City Manager to submit a grant application and, if awarded, negotiate, and execute a grant agreement with the Santa Clara County Open Space Authority (OSA) for an amount up to \$600,000 in funding to plan, design, and construct a new all-inclusive play area at Emma Prusch Farm Park.

## OUTCOME

A successful agreement with MBF will result in the design and construction of a new, all-inclusive playground in Emma Prusch Farm Park. Project funding will include \$1.5 million from City of San José, \$2 million from the County of Santa Clara's all-inclusive playground grant program, and \$2 million from fundraising efforts led by MBF.

## EXECUTIVE SUMMARY

This Council action directs the City Manager to negotiate and execute an agreement with MBF to provide consulting design and services and fundraising for a new all-inclusive play area at Emma Prusch Farm Park. This action will also direct the City Manager to submit a grant

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application and if awarded, negotiate and execute a grant agreement with OSA for an amount up to \$600,000 in funding to plan, design and construct a new all-inclusive play area at Emma Prusch Farm Park.

## **BACKGROUND**

In Fall 2017, PRNS staff, in partnership with MBF, submitted a grant proposal that was awarded by the Santa Clara County Board of Supervisors on January 23, 2018. PRNS was successful in securing \$2 million for improvements at Emma Prusch Farm Park and \$1 million for Lincoln Glen Park improvements. The City signed the County's all-inclusive playground grant agreements on March 28, 2018, and are awaiting the executed contract.

As the City's partner for Emma Prusch Farm Park, MBF will provide consulting services that include preliminary and schematic design, construction documents, and construction observation. It will also fundraise a net \$2 million in funds for the City to defray design and construction costs. PRNS is partnering with MBF due to its experience and success in designing and fundraising for all-inclusive parks in Palo Alto, Redwood City and Sunnyvale. The MBF is a 501(c)(3) non-profit organization founded in 2016 to bring inclusive playgrounds to Bay Area communities.

Potential funding from the Santa Clara County Open Space Authority will enable the City to build a truly inclusive park for the San José community. These funds are part of the OSA's 20% Funding Program earmarked for San José projects. If the OSA grant is not awarded, the project will continue with City funding.

Over 10,000 children in Santa Clara County have "major disabilities," and over 20,000 take advantage of special education in the county's schools. For the past several years, PRNS has focused on going "above and beyond" traditional accessibility requirements to create more inclusive playgrounds in San José. This has included enhanced accessibility at playgrounds such as Bramhall Park, Berryessa Creek Park, Newhall Park, and the Rotary PlayGarden.

## **ANALYSIS**

San José is one of the few cities in Santa Clara County that already has an all-inclusive playground park: the Rotary PlayGarden. The PlayGarden has been a huge success since opening, and many parents drive miles to experience the park with their families. Because it is the only all-inclusive park in the immediate area, the PlayGarden gets crowded at peak times. Ideally, San José would have more all-inclusive parks spread throughout the city so that people of all abilities have more opportunities to learn and play.

PRNS did not participate in a RFP process and decided to partner directly with MBF. In doing so, PRNS is leveraging the unique experience and expertise of a successful community partner

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that has a proven track record in building all-inclusive parks in the San Francisco Bay Area. Consistent with Municipal Code Section 4.12.235, unique services purchases, staff recommends MBF as a consultant because it offers a combination of design and fundraising services for all-inclusive playgrounds that is not replicated by other vendors. A competitive procurement process would require an unnecessary expenditure of City resources to secure services that are only available through MBF and undertaking such a process would be contrary to the public interest.

The City will be the lead on the construction phase for the all-inclusive playground project at Emma Prusch Farm Park.

If approved, the agreement with MBF will require unique terms:

<b>Provision</b>	<b>Approach</b>
Shared Funding	The project's estimated \$5.5 million cost will be shared between PRNS and the Magical Bridge Foundation as follows: <ul style="list-style-type: none"> <li>- PRNS will <ul style="list-style-type: none"> <li>o Secure \$2 million in net grant proceeds from the County; and,</li> <li>o Provide \$1.5 million in in-kind services and Department funds</li> </ul> </li> <li>- MBF will raise community donations of \$2 million.</li> </ul>
Compensation	MBF will be compensated through two sources: <ul style="list-style-type: none"> <li>- Four milestone payments totaling \$550,000 will be paid for project design and project management costs; and,</li> <li>- 8% of collected donations will be used to defray fund-raising expenses.</li> </ul>
Fundraising	Special terms of the proposed contract require MBF to use good faith efforts to fundraise a net of \$2 million to the City in community donations.
Intellectual Property	The City will employ additional safeguards against sharing project information in order to protect MBF intellectual property while making information available consistent with the Public Records Act.
Branding	While City and PRNS logos will be the primary park brands, in recognition of its financial and intellectual contributions, MBF trademark brands will be displayed on signs and other park publicity.
Accessibility	The project must go above and beyond the minimum standards set by the Americans with Disabilities Act.
Timing	The project must be complete in 3 years.
Maintenance	The project must be designed and constructed to support long-term playground maintenance.

In addition to funds secured through the County's All-Inclusive Playground Grant Program and those generated by MBF efforts, PRNS will seek funding through the Open Space Authority's 20% Funding Program. The 20% Funding Program includes earmarked reserves for City of San José projects, which can be accessed upon project application and approval.

### **EVALUATION AND FOLLOW-UP**

City Staff is in negotiations with MBF to finalize wording of the partnership agreement, and is asking City Council to give the City Manager the authority to approve the final agreement, when negotiations are completed.

### **POLICY ALTERNATIVES**

***Alternative #1: Do not authorize funding or partnership with MBF.***

**Pros:** Does not require spending for park improvements.

**Cons:** Inconsistent with City Council's approach of seeking and utilizing grant funds to supplement City funding in the development of projects when feasible.

**Reason for not recommending:** The proposed partnership for this grant program will leverage a \$1.5 million City investment to secure \$5.5 million in improvements at Emma Prusch Farm Park that meet an important City goal of creating inclusive facilities.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City Council's Agenda website prior to the May 15, 2018 City Council meeting. During the design process there will be further communication with stakeholders and community organizations.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

### **COMMISSION RECOMMENDATION/INPUT**

This item is not subject to the review of City commissions at this time.

**FISCAL/POLICY ALIGNMENT**

The proposed action is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

**COST SUMMARY/IMPLICATIONS**

In addition to the initial design and developmental costs, staff estimates that the operating and maintenance impact of an all-inclusive playground will be approximately \$25,000 per year for the half-acre playground contemplated for Emma Prusch Farm Park. All-inclusive playgrounds cost more to maintain due to additional inspections of the playground equipment, and the need for City staff to monitor the park during the day.

A more precise estimate of the operating and maintenance impact will be developed when plans for the park are developed. As the park will likely be completed over several years, costs for the park have been included in the 2019-2023 Proposed Capital Improvement Program (CIP) Budget published April 23, 2018.

The following table summarizes the various funding sources for this project and is referenced in the Proposed CIP Budget.

**Emma Prusch Farm Park All-Inclusive Playground Project Funding**

	Fund	Appn.	Amount
<b>All-Inclusive Emma Prusch Farm Park (Park Trust Fund)</b>	375	NEW	\$51,000
<b>Emma Prusch Park Future Projects Reserve</b>	131	8474	\$50,000
<b>Emma Prusch Park Roof Repairs</b>	131	4903	\$45,000
<b>Emma Prusch Farm Park, Ending Fund Balance</b>	131	8999	\$178,000
<b>C&amp;C Restroom Renovation Reserve</b>	382	8511	\$415,000
<b>C&amp;C CD5 Ending Balance</b>	382	8999	\$400,000
<b>Gift Trust Fund Nicolas Prusch Swimming</b>	139	2862	\$361,000
<b>Total Available City Funding</b>			<b>\$1,500,000</b>
<b>County Grant Funding</b>			<b>\$2,000,000</b>
<b>Magical Bridge Foundation Fundraising</b>	NA	NA	<b>\$2,000,000</b>
<b>TOTAL PROJECT FUNDING</b>			<b>\$5,500,000</b>

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**CEQA**

The project is Exempt from Environmental Review, File No. PP18-022, CEQA Guidelines Section 15301, Existing Facilities.

/s/

ANGEL RIOS, JR.

Director of Parks,

Recreation and Neighborhood Services

For questions, please contact Nicolle Burnham, Deputy Director, at (408) 793-5514.