



AGENDA

PARKS AND RECREATION COMMISSION

SPECIAL MEETING

**of the
CITY OF HANFORD**

**COUNCIL CHAMBERS
400 N. Douty St.
4:00 PM, Monday, July 18, 2016**

CALL TO ORDER

ROLL CALL

FLAG SALUTE

PUBLIC COMMENT

*This is the time for citizens to comment on subject matters not on the agenda and that are within the jurisdiction of the Commission. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. A maximum of **five minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

GENERAL BUSINESS

1. Discussion - Grand Jury Report and Response to Freedom Park

ADJOURNMENT

Materials related to an item on this Agenda submitted to the Parks & Recreation Commission after distribution of the agenda packet are available to public inspection in the Parks & Recreation Office located at 321 N. Douty Street, Hanford, California 93230, during normal business hours. Such documents are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post documents before the meeting.

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Parks & Recreation office, 559-585-2525, 321 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II}



**AGENDA
STAFF REPORT**

MEETING DATE: 7/18/2016	AGENDA SECTION: 1
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SUBJECT:

Discussion - Grand Jury Report and Response to Freedom Park

FISCAL IMPACT:

ATTACHMENTS:

July 18 - Spcl Mtg Grand Jury Rpt - Freedom Park

July 18 - Spcl Mtg Response re Freedom Park GJ Rprt w-Exhibit

Freedom Park

SUMMARY

Upon hearing the public outcry concerning the Hanford Parks and Recreation Department tearing out the rubberized matting and jack-hammering the concrete under the playground equipment at Freedom Park, the Kings County Grand Jury decided to investigate. The rubberized matting made it possible for persons with disabilities to be able to access the playground.

BACKGROUND

California Penal Code §925a provides: "The grand jury may at any time examine the books and records of any incorporated city or county..."

METHODOLOGY

The Kings County Grand Jury conducted interviews with personnel from the Parks and Recreation Department. Site visits were made to Hidden Valley Park and Freedom Park in order to view the engineered bark proposed by the Parks and Recreation Department as well the current condition of Freedom Park's playground-rubberized matting. The Grand Jury also reviewed pertinent documents, attended Parks and Recreation Commission and Hanford City Council meetings.



DISCUSSION

History

In 2004 and 2005 land acquisition and design began for the proposed Freedom Park location at 2000 9-1/4 Avenue. In 2007, the park was completed at a total cost of \$3,965,662. Of the total cost, the organization **Endless Dreams Trust**, through fundraising and donations raised \$97,551 for the installation of ADA-compliant rubberized flooring under the playground equipment. The rubberized matting was a pour-in-place material, poured over a concrete foundation and covered with a multicolored sealing layer. The material had an expected life-span by the manufacturer of seven to ten years.

In 2014, during the review of the Capital Improvement Plan, the Parks and Recreation Department presented the budgetary concerns between tearing out the rubberized material and replacing it with engineered bark or re-pouring the rubberized material. The rubberized material was showing signs of degradation and was in need of repair. The Parks and Recreation Department failed to explain to the Parks and Recreation Commissioners the history surrounding the fundraising activities of the Endless Dreams Trust or the purpose behind the rubberized material.

The Parks and Recreation Commission approved the Capital Improvement Plan, which was forwarded to the Hanford City Council. The Hanford City Council, based on the recommendations from the Commission and city staff, approved the Capital Improvement Plan.

On March 10, 2016, the Parks and Recreation Department began removing the rubberized material and concrete foundation as per the Capital Improvement Plan. On March 15, 2016, the Hanford City Council halted work at Freedom Park due to public outcry until a solution could be found.



(Photo Credit: Hanford Sentinel, Gary Feinstein, 2016)

Solutions

The Hanford Parks and Recreation Department developed two solutions to needed repairs at Freedom Park:

- 1) Replace the ADA-compliant rubberized material at a cost of \$115,000 not including the cost to replace the concrete. The manufacturer states that the material has a life expectancy of seven to ten years, but only guarantees the material for five years.
- 2) Replace the rubberized material with ADA-compliant engineered wood chips at a depth of 12 inches with the initial cost of \$35,000 and an estimated monthly maintenance cost of \$2,000 - \$5,000, depending on wear and the need to add more material.

Maintenance

Rubberized Material:

The rubberized material as it is used begins to break down. High traffic areas like those under swing sets or at the bottom of slides develop cracks and holes. These holes can be repaired by pouring the material in its liquid state into the hole and “patching” the area. The Kings County Grand Jury observed one of these repairs at Freedom Park and noted that the patch was not even with and was much harder than the surrounding material. The size of the replacement patch was approximately one square foot in diameter and cost \$800 to repair.

Engineered Woodchips:

Maintenance is not an issue since the material can be raked back into place if disturbed and more added as it compacts. Cost to replace the material, as it is lost or compacts is approximately \$2,000 to \$5,000 per month, depending on the amount needed. The cost is based on bagged material versus bulk material.

ADA Compliance

One of the major public concerns about replacing the rubberized matting with engineered woodchips was the inability of those with disabilities or people in wheelchairs being able to access the playground equipment. Testing conducted by Northwest Laboratories of Seattle concluded that with a product depth of 12 inches, a wheelchair with the total combined weight of occupant and wheelchair of 226.67 pounds would be able to be pushed over the woodchip material.

Wheelchair accessibility does become an issue in regards to sidewalk to woodchip access. As the woodchips compact, the gap between the sidewalk and the woodchips increases, making it difficult for a wheelchair to regain access to the sidewalk. However, as the woodchips compact, wheelchairs are easier to push across the woodchip surface.

Safety differences:

The Kings County Grand Jury physically inspected both the woodchip material at Hidden Valley Park and the rubberized material at Freedom Park and was surprised that both materials provided an impact cushion and felt “springy”.

Testing in accordance with ASTM F1292-99 (Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground

Equipment) was conducted on both the rubberized material and the engineered woodchips. The rubberized material tested that falls up to 6 feet would be non-lethal in nature. The engineered woodchips tested that falls up to 12 feet would be non-lethal in nature.

Long-Term Cost Estimates

Since the rubberized material is guaranteed by the manufacturer for only five years, it is reasonable from a budgetary standpoint to expect to have to replace the material every five years at a cost of \$115,000 (2016 rate).

Woodchip installation has an initial cost of \$35,000 and an added maintenance cost of \$2,000 to \$5,000 per month.

At \$2,000 per month:

Overall cost for five years is \$155,000 ($\$35,000 + (\$2,000 \times 12 \text{ months} \times 5 \text{ years})$).

At \$5,000 per month:

Overall cost for five years is \$335,000 ($\$35,000 + (\$5,000 \times 12 \text{ months} \times 5 \text{ years})$).

Hanford's Solution

On April 4, 2016, the Parks and Recreation Department presented the proposals of both the rubberized material and woodchips to the Parks and Recreation Commission for their recommendation. The Parks and Recreation Commission, with the full history of the park presented, recommended accepting the solution of replacing the rubberized matting material.

On April 5, 2016, the Parks and Recreation Commission's recommendation was presented to the Hanford City Council who made the final determination that the rubberized matting would be replaced and also approved the development of "Legacy Funding" in the budget to cover the cost of future replacements.

As of April 19, 2016, the replacement of the rubberized matting was out for bid to contractors.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Grand Jury finds that there is a strong disconnect in communication between the Hanford City Departments and the Commissions to which they report. The Parks and Recreation Department focused solely on budgetary

issues in regards to Freedom Park during the Capital Improvement Budget planning process in 2014.

Recommendation 1

With the uniqueness of Freedom Park and the public drive to get the rubberized matting, more information should have been presented to the Parks and Recreation Commission prior to approval of the project. The Grand Jury recommends that City Departments be more forthcoming with information presented to the Commissions, specifically in areas with high public interest.

Finding 2

When Freedom Park was completed in 2007, the estimated life of the rubberized matting was expected to be seven to ten years, at which time the city would have to replace the material. However, no long-term budget plans were created to cover the cost of this replacement.

Recommendation 2

None. The City of Hanford has corrected this discrepancy with the establishment of "Legacy Funding" in the budget for future replacement needs of the rubberized matting.

Finding 3

The Grand Jury finds the quick action of the Hanford City Council in halting the demolition stage of the Freedom Park rubber matting to be commendable.

Recommendation 3

None

COMMENTS

The Grand Jury thanks all those interviewed during the course of this investigation. The Grand Jury was impressed at the speed in which the project was halted, solutions for a correction presented and the final determination of the Hanford City Council.

RESPONSE REQUIRED

Pursuant to Penal Code, §933.(c) and §933.05, the Grand Jury requests responses from individuals and governing groups within 90 days as follows:
Hanford Parks and Recreation Department
Hanford Parks and Recreation Commission

INVITED RESPONSES

Hanford City Council

Attachment: July 18 - Spcl Mtg Grand Jury Rpt - Freedom Park (1597 : GJ Rpt - Freedom Park)

CITY OF HANFORD'S RESPONSE TO GRAND JURY REPORT 2015-2016

FREEDOM PARK

* * * * *

The following is the response of the Hanford City Council, Hanford's Mayor, the Hanford Parks & Recreation Commission, and the Hanford Parks & Recreation Department to the Grand Jury Report for the 2015-2016 session ("the Report") that relates to Freedom Park.

Grand Jury Finding 1: "The Grand Jury finds there is a strong disconnect in communication between the Hanford City Departments and the Commissions to which they report. The Parks and Recreation Department focused solely on budgetary issues in regards to Freedom Park during the Capital Improvement Budget planning process in 2014."

City's Response to Finding 1:

The City of Hanford (City) disagrees with the finding that the Freedom Park matter is evidence of a "a strong disconnect in communication between the Hanford City Departments and the Commissions to which they report." City staff, including Parks & Recreation Department (P&R Dept.) staff, did not withhold any information from the Hanford Parks & Recreation Commission (P&R Commission).

As part of the City's budget process, a proposed Capital Improvement Plan (CIP) was presented to the P&R Commission in May 2014. The proposed CIP included the replacement of the poured-in-place fall surfacing at Freedom Park with ADA-compliant wood fiber chips. A true and correct copy of the page from the CIP presented to the P&R Commission is attached as Exhibit "A," which is incorporated herein by reference. The P&R Commission voted to recommend that the City Council approve the proposed CIP projects, including the replacement of Freedom Park's poured-in-place fall surfacing with ADA-compliant wood fiber chips.

Many members of City staff were not employees of the City in 2007 and/or held other positions when Endless Dreams Trust engaged in fundraising efforts for the installation of the poured-in-place fall surfacing at Freedom Park. For example, the current City Manager and Parks & Recreation Director were not employees of the City in 2007 and the current Parks Superintendent held a non-management position at that time and was unfamiliar with the fundraising efforts.

It is inaccurate to conclude that a "strong disconnect in communication" occurred. Rather, the P&R Commission was not informed of Endless Dreams Trust's fundraising efforts because the current staff of the P&R Dept. was unfamiliar with such efforts at the time the CIP was presented to the P&R Commission. Staff members were unable to disclose facts that they did not possess.

Further, it is inaccurate to state that the P&R Dept. was “focused solely on budgetary issues in regards to Freedom Park during the Capital Improvement Budget planning process in 2014.” In addition to the project’s cost, City staff also carefully considered public safety, compliance with the Americans with Disabilities Act, and susceptibility to vandalism when considering whether to include a new poured-in-place fall surfacing or the wood fiber chips in the CIP that was considered by the P&R Commission in May 2014. The Grand Jury Report highlights the safety issue in stating:

“The rubberized material tested that falls up to 6 feet would be non-lethal in nature. The engineered woodchips tested that falls up to 12 feet would be non-lethal in nature.”

The Grand Jury Report contains a discussion regarding projected maintenance costs associated with the wood fiber chips. The Report incorrectly states that maintenance costs would have been \$2,000 to \$5,000 per month. The maintenance costs would have been \$2,000 to \$5,000 *per year*.

The City Council, the City’s commissions, and the City’s employees owe a duty to Hanford’s residents to utilize public funds in a responsible manner that benefits the public. The wood fiber chips appeared to be the solution that would best serve the public’s interest since that option was less expensive in comparison to poured-in-place surfacing, offered better fall protection, was ADA-compliant, and was not subject to cracking and holes, which could be caused or exacerbated by park users. The money saved by the City by installing the less-expensive wood fiber chips would have resulted in additional funds that the City could have utilized for additional projects serving the public.

Recommendation 1: “With the uniqueness of Freedom Park and the public drive to get the rubberized matting, more information should have been presented to the Parks and Recreation Commission prior to approval of the project. The Grand Jury recommends that City Departments be more forthcoming with information presented to the Commissions, specifically in areas with high public interest.”

City’s Response to Recommendation 1:

As stated above, City staff did not intentionally withhold information from the P&R Commission. Members of City staff, including P&R Dept. personnel, always provide the City’s decision-making and advisory bodies, including the City Council and P&R Commission, with all relevant information pertaining to matters that are considered by such bodies. City staff will continue this practice to ensure that the City Council and the City’s commissions make well-informed decisions.

Some members of the P&R Commission may be long-time residents of Hanford and may possess a wealth of knowledge regarding the City’s parks and recreational facilities and programs. P&R Commissioners will share such knowledge with City personnel to ensure that

staff is equipped to make fully-informed recommendations to the Commission and the City Council.

The City is a team comprised of many members. Team members of all levels, including the City Council, the City's commissions, and City staff, will work together for the benefit of Hanford's residents.

The residents of Hanford are also members of the City team. In accordance with the Brown Act (California Government Code Section 54950, *et seq.*), consideration of the CIP by the P&R Commission and by the City Council occurred at open, public meetings. The CIP was identified on P&R Commission and City Council meeting agendas, and the agendas were posted in accordance with the Brown Act. Furthermore, the City Council held a hearing on the CIP in June 2014, and notice of the hearing was given to the public in accordance with the Government Code.

The public had an opportunity to review the CIP before it was considered by the P&R Commission and the City Council.

A main purpose of the Brown Act is to allow the public an opportunity to attend meetings of the City Council and the City's commissions and provide input to those bodies.

When the public shares vital information with the City it does and will continue to take such information into consideration in making decisions.

Grand Jury Finding 2: "When Freedom Park was completed in 2007, the estimated life of the rubberized matting was expected to be seven to ten years, at which time the city would have to replace the material. However, no long-term budget plans were created to cover the cost of this replacement."

City's Response to Finding 2:

The statements comprising Finding 2 are accurate.

The City budgets for the construction of new improvements and replacement of existing improvements through the CIP process. Through this budgeting process, the City assesses the availability of funds and prioritizes projects.

Recommendation 2: None

City's Response to Recommendation 2: None.

Grand Jury Finding 3: “The Grand Jury finds the quick action of the Hanford City Council in halting the demolition stage of the Freedom Park rubber matting to be commendable.”

City's Response to Finding 3:

City staff initially fielded the public's concerns regarding the demolition work and halted the work so the matter could be considered by the City Council.

The City Council acted quickly on determining the manner in which the existing poured-in-place fall surfacing would be replaced.

Recommendation 3: None

City's Response to Recommendation 3: None.

816609

Freedom Park Playground Fall Surfacing

Project Background:

This project will replace the poured in place fall surfacing at the Freedom Park playground with ADA compliant wood fiber chips.

Existing Conditions:

The existing poured in place fall surfacing is cracking and deteriorating, creating an unsafe fall surface for the Freedom Park Playground. The deterioration has begun to break down the fall surface and will begin to affect the fall height/attenuation rating of the existing poured in place surface.

Project Justification:

The fall surface is a critical part of the playground and is designed to minimize injury from falls from the playground equipment, if left un-repaired the fall surface will continue to deteriorate and create greater risk of injury and higher repair costs in the future.

Fiscal Implications:

Funds for this project will be allocated from Accumulated Capital Outlay (ACO) Reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2015	2016	2017	2018	2019	2020
Expenditure	Program or Project		Construction				
	Engineering / Inspection		3,000				
	Construction		65,000				
	Contingency		6,500				
	Department Overhead		500				
Total Expenditure		\$0	\$75,000	\$0	\$0	\$0	\$0
Revenue	Funding						
	004 Accumulated Capital Outlay		75,000				
Total Funding		\$0	\$75,000	\$0	\$0	\$0	\$0