



CITY OF SEASIDE
PARKS AND RECREATION
COMMISSION

A G E N D A

REGULAR MEETING
OLDEMEYER CENTER
986 Hilby Avenue
Monday, November 19, 2018
5:30 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**
2. **ROLL CALL ESTABLISHMENT OF QUORUM**

PARKS AND RECREATION

Bobby Maxwell	Chair
Rich Cadigan	Vice Chair
James White	Commissioner
Alicia Louise Gaines-Lynch	Commissioner
Bob Constant	Commissioner
Willie Gray	Commissioner
Michael Evans	Commissioner

3. **PUBLIC COMMENT**
Members of the public wishing to address the Parks and Recreation Commission on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.
4. **APPROVAL OF MINUTES**

A. October 15, 2018 Minutes
5. **REVIEW OF AGENDA**
If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).
6. **BUSINESS ITEMS**

A. DISCUSSION ON FUTURE OF THE SEA STARS AND HOW TO MOVE FORWARD WITH THEIR VOLUNTEER SERVICE

B. DISCUSSION ON HIGHLAND OTIS PARK

C. DISCUSS RATING SYSTEM FOR PARKS TO DETERMINE REPAIR PRIORITY

D. DISCUSS ALLOCATION OF REMAINING 2018/19 FUNDS

E. DISCUSS INTERFACE WITH CSUMB STUDENTS STUDYING POSSIBLE LINEAR PARK

7. REPORTS FROM RECREATION STAFF

8. REPORTS FROM PARKS STAFF

9. REPORTS FROM COMMISSIONERS

10. ADJOURNMENT

**Next Regularly Scheduled Meeting:
December 17,2018
Time: 5:30 p.m.
Oldemeyer Center**

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, they are asked to contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings.

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



MINUTES

CITY OF SEASIDE PARKS & RECREATION COMMISSION

REGULAR MEETING
Oldemeyer Center
986 Hilby Avenue
Monday, October 15, 2018
5:30 p.m.

1. CALL TO ORDER:

The meeting was called to order at: 5:32 p.m.

2. ROLL CALL – ESTABLISHMENT OF QUORUM:

PARKS & RECREATION COMMISSION:

Bobby Maxwell	Chair	<u> X </u>
Rich Cadigan	Vice Chair	<u> X </u>
James White	Commissioner	<u> </u> (Excused Absence)
Alicia Louise Gaines-Lynch	Commissioner	<u> </u> (Excused Absence)
Bob Constant	Commissioner	<u> X </u>
Willie Gray	Commissioner	<u> X </u>
Michael Evans	Commissioner	<u> </u> (Excused Absence)

STAFF:

Dan Meewis X Rick Riedl X Misty Bradshaw X

3. VISITORS & GUESTS:

- * Dave Pacheco – City Councilman
- * Lisa Sawhney
- * Miriam Smith

4. PUBLIC COMMENTS:

- * Miriam Smith reported that she has lived by Cutino Park for over 45 years and three generation of her family has used the park. She has concerns of how much involvement this commission has in Cutino Park. She stated that she did not the memo about the park getting fixed up.
- * Miriam Smith reported that one of her concerns is that the skate park that is going to be put in at Cutino Park will be taking away the need of a full basketball ball court with lights. She feels that the skate park should be near the Teen Center to ensure the safety of the children and to watch and make sure helmets are worn.
- * Miriam Smith reported that she feels that the planning of the design of the Cutino Park should be reconsidered due to the amount of money that is being put into the park. She feels that the community members that been here a long time that are using the park

have been overlooked. Miriam stated that the football players have been pushed aside by the soccer players because soccer is all year round and they monopolize all of the areas that they can practice. She is afraid that the upgrades to Cutino Park will cause the same problem and there is a parking issue at this park. She is not against the upgrades to this park, it is just the amount of money that is being spent on it and the demand that it will create that pushes aside a group of children that are already enjoying the park and playing basketball. She feels that they should improve on what they have a need for and not create a demand that is different.

- * Miriam Smith wanted to thank the Commission for being active in fixing up the parks in Seaside. She stated she appreciates what the Commission has done so far.
- * Lisa Sawhney reported that she has concerns about Cutino Park. She stated that it is down to about 4.5 area of land for Cutino Park after the Boys & Girls were given some land. That is a lot more than a million dollars per area when you look at seven million dollars. Lisa stated she knows that the Parks & Recreation Commission has not had a lot of input in the overall park design and what has gone on and that is concerning. The parking is also a concern.
- * Lisa Sawhney reported that she is concern about all the financing going to Cutino Park and not considering all of the parks and the ADA needs the are going to be in the millions of dollars. Lisa is also concerned that the bond was just raised for Cutino Park and she has gone on record with her concerns with the City Council and Parks & Recreation. She would like the bond be for all parks within Seaside and thinks that is critical to really a greater investment and studying the overall needs of the community.
- * Lisa Sawhney reported she is concerned that signs have not been installed or ordered and was wondering if it's no longer a priority for this commission this year. She feels that it brings unity and communicates parks properties to residents. She is not sure what the hold-up is especially knowing that there is \$200,000.00. Individual parks are being done, but not trying to have a cohesion for all of our parks. Trial usage and walking paths are another concern. Lisa stated that the dog signs and doggie stations with bags have been discussed and she feels that there has not been any action taken on this and is not sure why.
- * Lisa Sawhney brought a copy of the Parks, Recreation, and Community Services Plan To share with the Commissioners and encouraged them to review the acreage of the. Parks. She stated the plan is also online. She stated that some of the Commissioners are not aware of the plan. Commissioner Cadigan stated that they have reviewed the plan a little over a year ago.
- * Lisa Sawhney wanted to know if there was an update on the grant writing process because it is critical it is financial for future parks and upgrades and eventually connecting to the county trails as well. Lisa also asked for maintenance for the budget of the parks and the overall spend for the year.

- * Councilman Pacheco reported that the City Council has already approved doing Cutino Park. He stated that this process started three year ago. He stated there were at least Four Community meetings and it has gone to City Council at each phase. At the October 18, 2018 City Council meeting they will review the information about the construction of the park and vote on it. Councilman Pacheco stated that the Parks & Recreation Commission did provide their recommendations which pushed the process forward.
- * Commissioner Cadigan reported that the Parks & Recreation Commission had several meeting with the people of the community in regards to Cutino Park. He stated that flyers were sent out to the community. He stated that they had a workshop with the people of the community. They broke into group and looked over several designs for Cutino Park. Each group gave their input on what they wanted and needed. Commissioner Cadigan stated they had follow-up meeting and met with the designer and saw their plans. The designer did take the Commission and community considerations.

5. APPROVAL OF September 17, 2018 and October 01, 2018 MINUTES:

- * September 17, 2018 - Willie Gray/Bob Constant M/S/P
- * September 10, 2018 - Rich Cadigan/Willie Gray M/S/P

6. BUSINESS ITEMS:

a. Ellis Park and Manzanita Stuart Park Study Session:

- * A power-point presentation was presented to the Parks and Recreation Commission regarding Ellis Park and Manzanita-Stuart Park Improvements. The goal of the study session is to formulate a master plan that would guide future development at these parks.
- * Ellis is a small park located off Hilby Avenue adjacent to Oldemeyer Center. The site is heavily used by patrons of the community center for the toddler day care and senior activities. Facilities at the site include a playground, a half basketball court, a picnic area and ten horseshoe pits. Due to the poor condition of the park, the Parks & Recreation Commission recommended, and the City Council approved, allocating \$60,000 to upgrade the play structures. City staff sought additional funding through grant applications to augment these funds to provide for accessibility enhancements to the picnic area and the play structures. Since no grant funding has been received, no work has been performed at the site. However, additional grant funds are expected to be received in the future through Prop 68 revenues.
- * Ellis Park proposed improvement include the following:
 1. Demo existing Play Structure, Half Court and Horseshoe Pits
 2. Install Play Structure (5-12 yrs.) and appurtenances
 3. Install Play Structure (2-5 yrs.)
 4. Install new Multi Use Sport Court

5. Picnic and BBQ Area Upgrades
6. Install ADA Accessible Parking Space and Curb Ramp

- * An initial cost estimate for the proposed improvements, including design, is approximately \$460,000 for Ellis Park.
- * Councilman Pacheco wanted to know how the Multi Use Sport Court is compared to the Monterey's little soccer field across from their City Hall. Staff stated it is a little smaller. Councilman Pacheco also wanted to know if volleyballs poles could be added. Staff stated yes that could be done.
- * Manzanita Stuart Park is a small park (0.77-acre) that lies immediately adjacent to the International School of Monterey (formerly Manzanita Elementary School), and serves as a trailhead connecting the school with Lincoln Cunningham Park. Existing facilities at the site include a playground, sculpture, and open play area. Due to the poor condition of the play structure and its heavy use, city staff recommends upgrading the play structure.
- * Manzanita Stuart Park proposed improvement includes the following:
 1. Demo of existing Structure and Site Features
 2. New Miracle PlaySystems Structure and Appurtenances
 3. Site Grading, ADA Pathways and Flatwork
 4. Park Features (Benches, bike racks, lighting, signs...etc.)
 5. Landscaping
- * An initial cost estimate for the proposed improvements, including design, is approximately \$430,000 for Manzanita Stuart (excluding the removal of the bridge).
- * There was a discussion regarding bridge that connects two parks. The cost to make it an ADA bridge and the safety of the bridge was discussed. Enchanting the bridge was also discussed.
- * Staff and the Commissioners reviewed the presentation and express support for both Parks. Prop 68 and grants were discussed. Each person gave their input of what they want to see at each park.

b. Consider Allocating \$50,000.00 for the Preliminary Design for the Proposed Improvements to Manzanita Stuart Park:

- * Recommendation to allocate \$50,000.00 from 2018/19 budget for the preliminary design of Manzanita Stuart Park. Rich Cadigan/Bob Constant M/S/P

c. Consider Allocating \$60,000.00 for the Purchase and Installation of a New Play Structure at Durant Park:

- * A power-point presentation was presented to the Parks and Recreation Commission

regarding Durant Park and allocating \$60,000.00 for installation of a Miracle Play Structure and Entry Sign.

- * Commissioners allocated \$62,000.00 for Play Structure, Sign and Trash Cans.
Rich Cadigan/Willie Gray M/S/P

7. REPORTS FROM RECREATION STAFF:

- * Staff reported that the Halloween Bonanza is on Wednesday, October 31, 2018 from 6:00p.m. to 9:00 p.m. at the Oldemeyer Center. Seaside Economic Development is having a Zombie Prom on the 600 block of Broadway on Friday, October 26, 2018 from 4:00 p.m. to 9:00 p.m. Fall Break Camp concluded last week. Day Camp had 38 participants and Cheer Camp had 20 participants. The seniors are going on a Hearst Castle overnight trip on Tuesday, October 23, 2018 and returning on Wednesday, October 24, 2018. The Seniors Halloween Dance will be on Thursday, October 25, 2018.
- * Staff reported that they be attending the Parks & Recreation Conference on Thursday, November 08, 2018 in Morgan Hill and three of the Commissioners will be attending. Staff went on a tour at the King City Recreation Center and met with the Parks & Recreation Coordinator. The Coordinator stated that their Parks & Recreation Commissioners have several meetings a month and have fundraisers to raise money for their parks.

8. REPORTS FROM PARKS STAFF:

- * Staff reported that two weeks ago a Senior Parks Worker was hired.

9. REPORTS FROM COMMISSIONERS:

- * Commissioner Constant suggested that the Commission look at the minor needs of the parks; such as sidewalks that are buckling. Commissioner Constant stated that Marin Park looks great thanks to the neighborhood volunteers. He suggested they should consider coming up with an award to give to that community as a thank you from the City for the tremendous job they are doing. He suggested that they should consider using solar lights in the parks. Commissioner Constant also suggested that they start working on a budget request from the Commission to the City Manager.
- * Commissioner Cadigan reported that they have \$78,000.00 left of the 2018/19 budget and they should consider finishing Highland Otis Park at the next Parks & Recreation meeting. He stated that with the \$78,000.00 and maybe talking to City Council or someone else about getting an additional \$10,000.00 they could get the play structure to finish that park.
- * Commissioner Gray suggested they finish the parks that are already started for this year and then work on scheduling for next year.

* Commissioner Maxwell thanked everyone for being at the meeting and their input. He stated that he attending the last FOSPA meeting and got the list of the parks they are working on. Commissioner Maxwell also stated that he be attending the Parks & Recreation Conference on Thursday, November 08, 2018 in Morgan Hill. He stated that he agrees with Commissioner Cadigan about finishing Highland Otis Park. He stated that on October 25, 2018 there will be the Boards and Commission Appreciation Event at 5:00 p.m. at the Seaside Community Center and everyone is invited. Commissioner Maxwell stated that the Commission needs to reach out and find a grant writing person.

10. **ADJOURNMENT:** The meeting was adjourned at: 7:13p.m.

Next Special Scheduled Meeting

November 19, 2018

Time: 5:30 p.m.

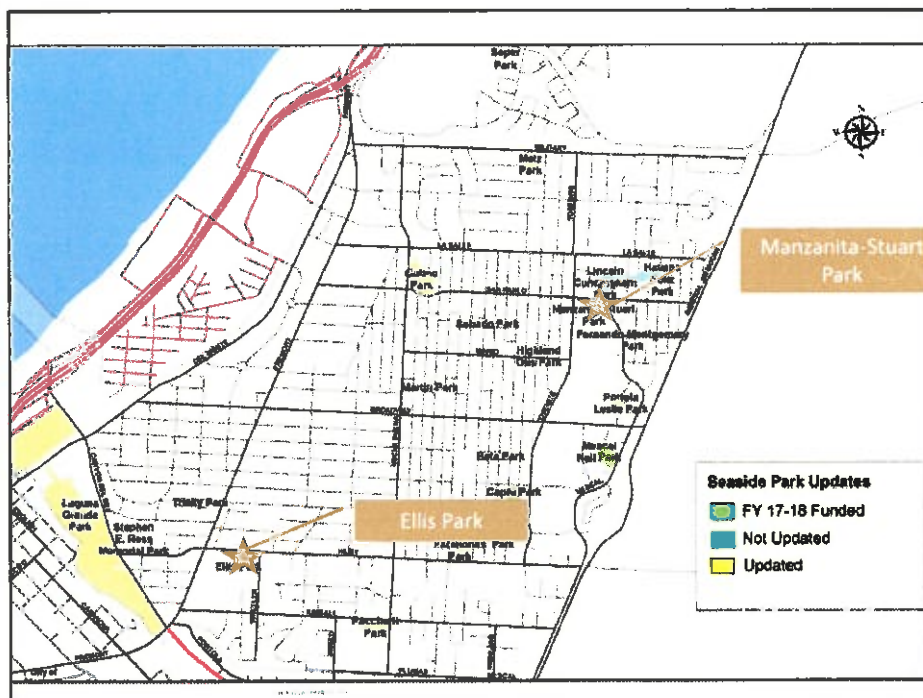
Oldemeyer Center

Attachments from
the October 15, 2018
Meeting

Study Session

Ellis Park and Manzanita-Stuart Park Improvements

Parks & Recreation Meeting
October 15, 2018



Ellis Park



ELLIS PARK
PROPOSED IMPROVEMENTS

Ellis Park Proposed Improvements
Engineer's Estimate of Probable Construction Cost

ITEM #	ITEM	UNIT	QTY	UNIT COST	COST
1	Demo Existing Play Structure, Half Court and Horseshoe Pits	LS	1	\$36,041.00	\$60,892.40
2	Install Play Structure (5-12 yrs) and appurtenances	LS	1	\$86,650.00	\$146,438.50
3	Install Play Structure (2-5 yrs)	LS	1	\$30,000.00	\$50,700.00
4	Install New Multi Use Sport Court	LS	1	\$60,000.00	\$101,400.00
5	Picnic and BBQ Area Upgrades	LF	300	\$35,980.00	\$60,806.20
6	Install ADA Accessible Parking Space and Curb Ramp	LS	1	\$22,500.00	\$38,025.00
TOTAL:					\$460,000.00

Ellis Park



Ellis Park



Ellis Park



Ellis Park



Ellis Park



Manzanita Stuart Park



**MANZANITA STUART PARK
PROPOSED IMPROVEMENTS**

Manzanita Stuart Park Proposed Improvements
 Engineer's Estimate of Probable Construction Cost

<u>ITEM #</u>	<u>ITEM</u>	<u>UNIT</u>	<u>QTY</u>	<u>UNIT COST</u>	<u>COST</u>
1	Demo of Existing Structure and Site Features	LS	1	\$ 4,500.00	\$ 7,605.00
2	New Miracle PlaySystems Structure and Appurtanances	LS	1	\$ 66,598.93	\$ 112,552.19
3	Site Grading, ADA Pathways, and Flatwork	LS	1	\$148,000.00	\$ 250,120.00
4	Park Features (Benches, bike racks, lighting, signs...etc.)	LS	1	\$13,680.00	\$ 23,457.20
5	Landscaping	LS	1	\$20,000.00	\$ 33,800.00
TOATL ESTIMATE:					\$430,030.00

Manzanita Stuart Park



Manzanita Stuart Park



Manzanita Stuart Park



Manzanita Stuart Park



Recommendation & Fiscal Impact

Ellis Park:

- \$60,000 already allocated for Design from FY2017/18 Budget

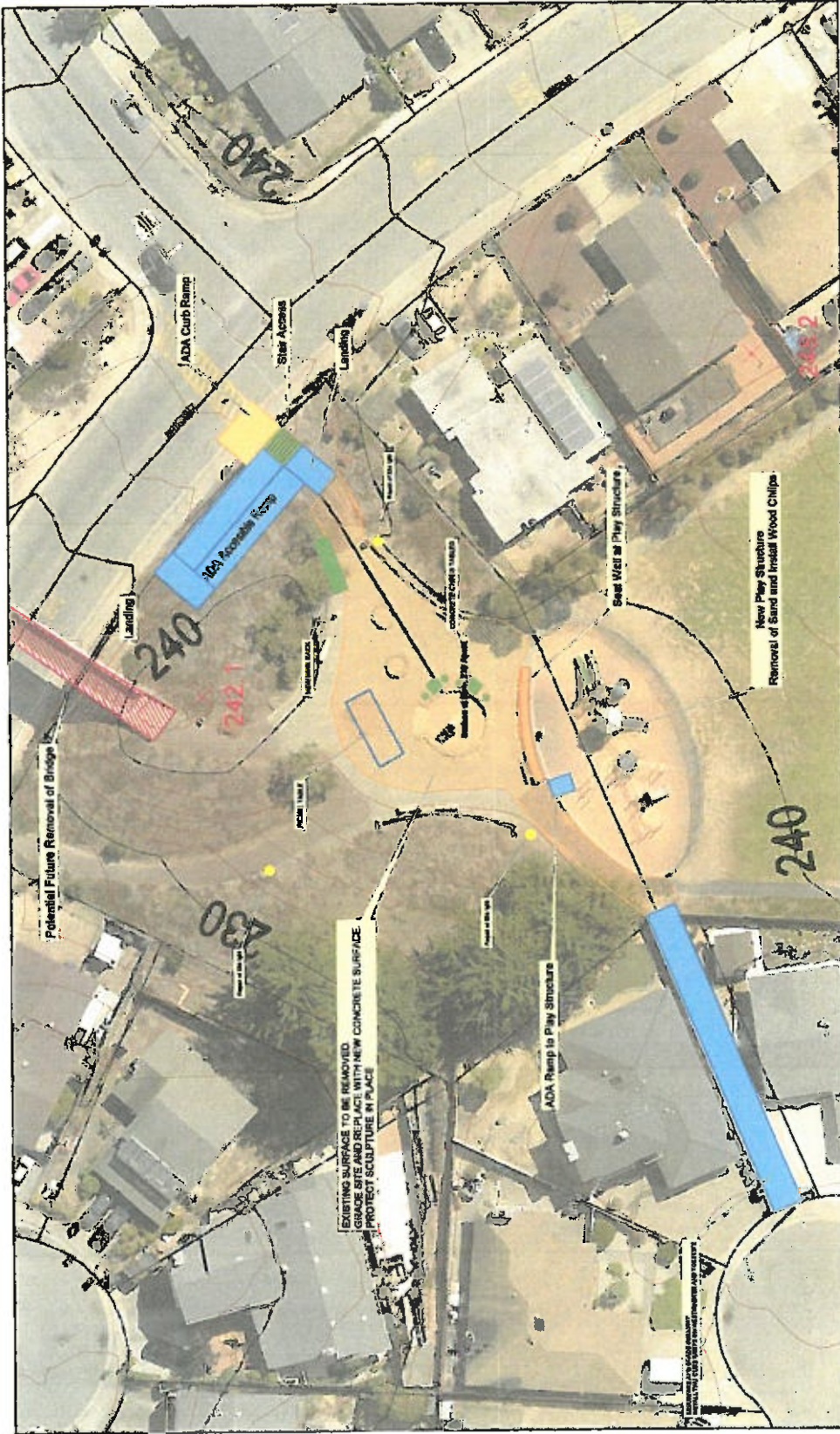
<<Site Survey in progress>>

Manzanita Stuart Park:

- * Recommendation to allocate \$50,000 from this year's budget for design of Manzanita Stuart Park



Date: 10/5/2018



MANZANITA STUART PARK PROPOSED IMPROVEMENTS

0 5 10 20 30 40 Feet

Download Path: T:\Projects\Current\Projects\Manzanita Stuart Park\Manzanita Stuart Park Improvements.mxd





City of Seaside

Seaside, CA

P18_1274_Stuart Park

September 17, 2018

Introduction

Thank you for considering Miracle Playsystems! We have included a proposal for equipment specific to your play area along with general information and the following:

1 Company Overview

2 Design Solutions

3 Cost Summary

If you have any questions regarding this proposal and accompanying information, please contact Tammie Ward at (831) 242-0063

Thank you,
Miracle Playsystems

Company Overview



Create Fun!

be you

be inspired

be informed

be better

Miracle Playsystems - Designing Play is the leading play equipment design, distribution and specialty contracting firm - providing public agencies and architects with unique and visually stunning design solutions.

Our dedicated team of sales, design and construction experts will help you through each phase of your project, ensuring the utmost quality and outstanding customer service. Our staff continually works to educate clients on the newest trends in playscape design and how to utilize them in the most cost effective way.

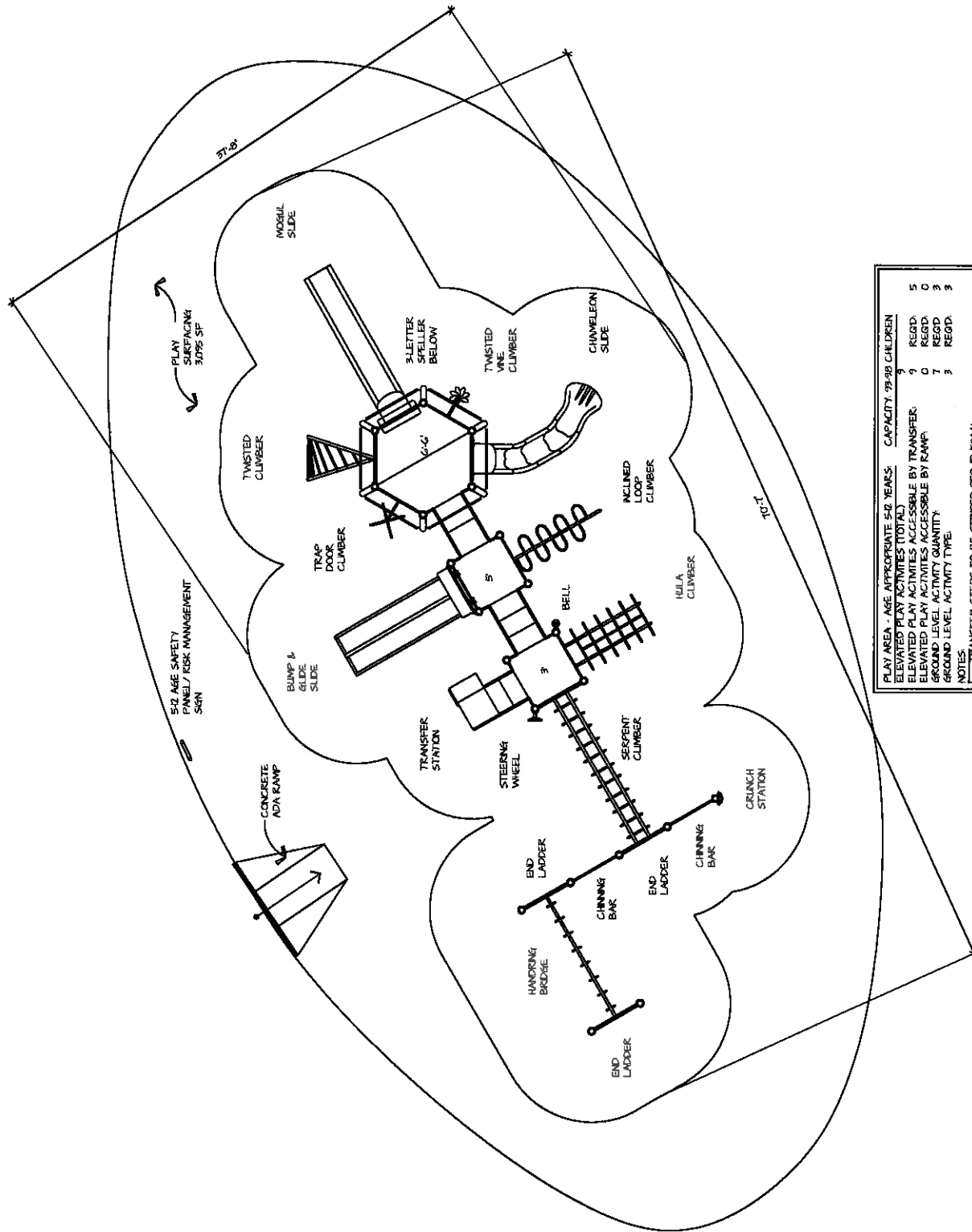
Although designing compliant playgrounds is always our primary concern, creating contemporary and exciting playgrounds for communities is our true passion.



Design Solutions

Renderings and Plan Views





PLAY AREA - AGE APPROPRIATE 5-12 YEARS		CAPACITY 99-98 CHILDREN
ELEVATED PLAY ACTIVITIES (TOTAL)	9	9
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	9	9
GROUND LEVEL PLAY ACTIVITY QUANTITY	0	0
GROUND LEVEL ACTIVITY TYPE	7	7
GROUND LEVEL ACTIVITY TYPE	3	3

NOTES:

- TRANSFER STEPS TO BE STEREO PER 18-5041
- USE ZONES FINISH SURFACE OF PLAYGROUND COMPLIES WITH ASTM F1997-99
- GROUND SURFACING COMPLIES WITH ASTM F199-99
- PLAYGROUND EQUIPMENT SHALL COMPLY WITH ASTM F1487-98
- THIS PLAY AREA MEETS CBC SECTION 18-008

MIRACLE
play systems
DESIGNING PLAY

ALL DRAWINGS ARE SUBJECT TO CHANGE AND SHOULD BE REVIEWED BEFORE FINAL SALE. ALL SITE DIMENSIONS WILL NEED TO BE VERIFIED PRIOR TO SALE AND INSTALLATION.

18-1274-Stuart-001

LINEAR FEET: 214 LF

CRITICAL FALL HEIGHT: 8'

SITE AREA: 3,095 SF

SCALE: 3/32" = 1'-0"

DRAWN BY: DT

DATE: 09-13-19

Stuart Park

Seaside, CA



Colors Used In Rendering



Stuart Park

Seaside, CA.
09/13/18

18_1274_StuartPark_001

CREATING FUN
PLAY ENVIRONMENTS
TO ENRICH COMMUNITIES





Stuart Park

Seaside, CA.

09/13/18

18_1274_StuartPark_001

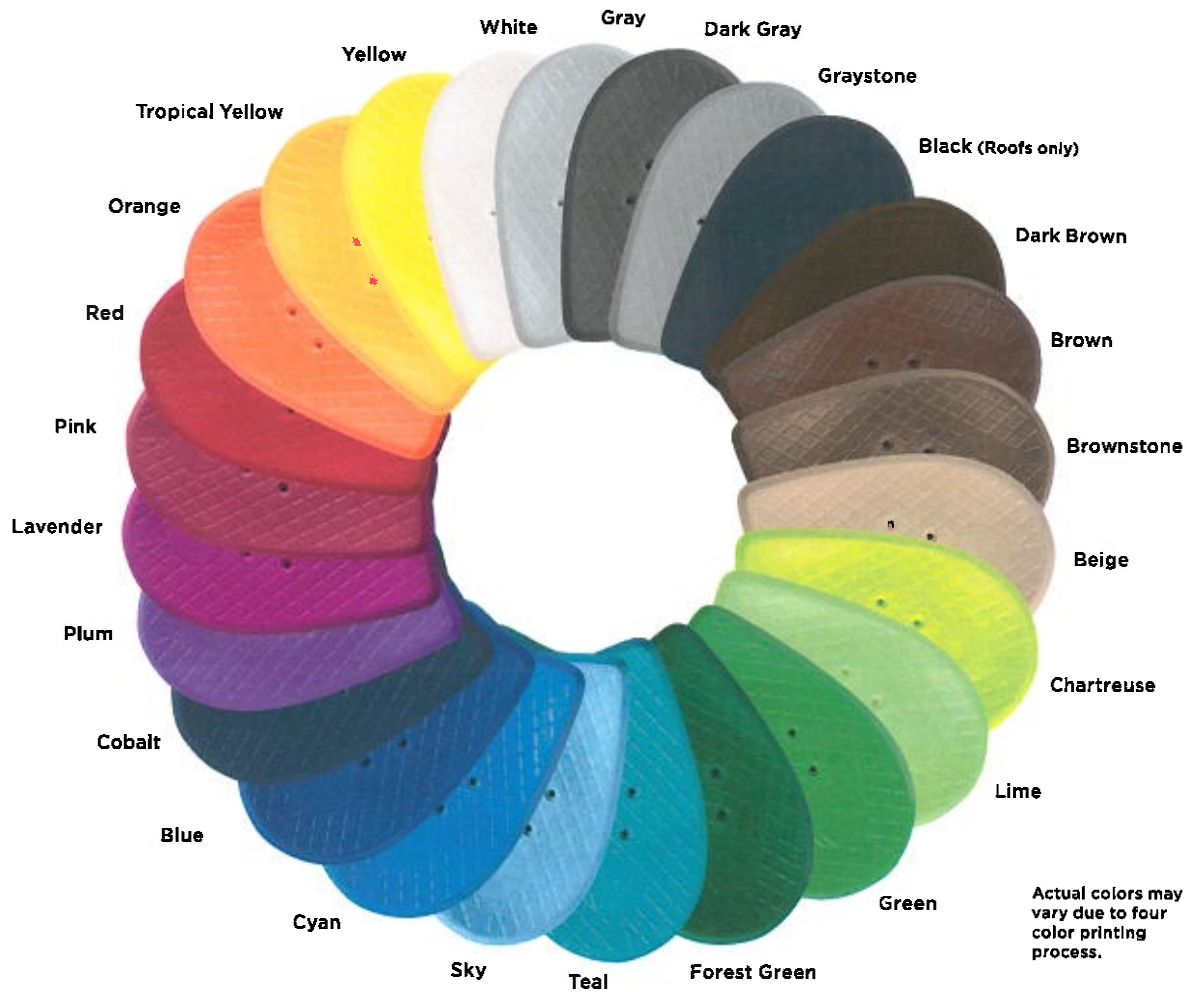
CREATING FUN
PLAY ENVIRONMENTS
TO ENRICH COMMUNITIES





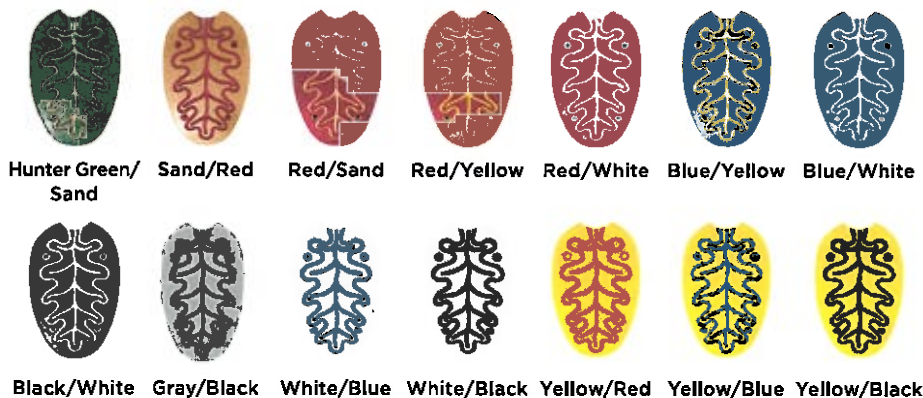
Rock-ite® Plastic Color Choices

Roofs, Slides, Big Timber® Components, Crawl Tubes, Bongos™, Bumpers and Panels.



MIRACLE® uses high quality materials and state of the art manufacturing processes. Commercial playgrounds and products are subjected to years of environmental and solar exposure. Such extreme exposure takes its toll on paints and pigments, and all colors will fade over time. So MIRACLE® does not warrant against color fading or discoloration. It is important to properly maintain your playground to ensure its longevity. Depending on environmental conditions at your location, the installation of fabric shade structures may help to delay fading and discoloration.

Mira-Lene™ Panel Color Choices



Miracle swing seat colors



Color Choices

Mira-Cote® Powder-Coated Painted Metal Color Choices Posts, Arches, Swings and Accents (Railings & Climbers).

Anti-Microbial Painted Metal Colors
This proprietary treatment helps prevent bacterial mold, algae growth and stains.



Textured Mira-Therm™ Color Choices
Mira-Therm™ coatings for Decks, Steps, Ramps, Bridges and Cargo Climbers are available in either orthophthalate-free Mira-Therm™ 2 (vinyl) or Mira-Therm™ PE (polyethylene)-based coatings with anti-microbial enhancements.



Actual colors may vary due to four color printing process.

Cost Estimates

4



September 17, 2018

PO BOX 263
ALAMO, CA 94507
Phone (800) 879-7730
Fax (510) 893-2163
Email info@miracleplaygroup.com



Job: P18_1274_Stuart Park
Name: P18_1274 Stuart Park
Number: 00003367
Type: Equipment and Install
CSL# 981433
PO:
Terms: Net 30

End User To:
City of Seaside
San Pablo Ave
Seaside, CA 93955
Delivery Contact:
Dave Fortune
Delivery Phone:
(831) 899-6829
Delivery Email:
dfortune@ci.seaside.ca.us
Delivery Address:
1249 Canyon Del Rey
Seaside, CA 93955

Bill To:
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Sub Total \$66,141.10
Freight \$650.00
Tax \$4,307.83
Total \$71,098.93

Item	Type	Qty	Rate	Total
Playground Demo and Disposal	Install	1	\$4,500.00	\$4,500.00
Equipment installation to plan per specification	Install	1	\$13,945.00	\$13,945.00
Concrete ADA ramp	Install	1	\$2,550.00	\$2,550.00
Wood Fiber Material Delivered to be Spread by Others	Install	75	\$24.00	\$1,800.00
Miracle Equipment per Plan 001 - Sourcewell (NJPA) discount applied per contract #030117-LTS + Free Freight	Equipment	1	\$48,530.00	\$42,221.10
Wood Fiber Surfacing Install Only (non-blow in)	Install	75	\$15.00	\$1,125.00

Sub Total \$66,141.10
Total Freight \$650.00
Total Tax \$4,307.83
Grand Total \$71,098.93

Company: _____
Signature: _____
Name: _____
Date: _____

September 17, 2018

NOTES:

- Footing spoils to remain on site
- Temporary chainlink fencing not included in quote, a quote can be provided upon request

• INDEMNITY

Client/Owner shall defend, indemnify and hold harmless Miracle Playsystems, Inc., its officers, directors, board of trustees, agents, or employees and each of them, from any and all claims, demands, causes of action in law or in equity, damages, penalties, costs, expenses, reasonable attorneys' fees, reasonable experts' fees, reasonable consultants' fees, judgments, losses or liabilities, of every kind and nature whatsoever arising out of or in any way connected with or incidental to, the performance of the services under this Agreement or any of the obligations contained in this Agreement ("Claims"). Without limitation, "damages" include personal injury, including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons, including, but not limited to, any employees or agents of Miracle Playsystems, Inc., or any other person; or other damages of any kind to anyone including, without limitation, economic loss, property damage and loss of use thereof. It is expressly acknowledged and agreed that each of the foregoing indemnities is independent, that each shall be given effect, and that each shall apply despite any acts or omissions, misconduct or negligent conduct, whether active or passive, on the part of, or other contractor(s); provided, however, Miracle Playsystems, Inc. duty to indemnify shall be limited to the percentage or the degree Miracle Playsystems, Inc. comparative negligence caused any damages.

STANDARD NOTES

- Price quotation is good for 90 days. Accurate color selections must be made in writing prior to equipment going into production. Colors to be confirmed with your local sales representative.
- PLEASE MAKE PURCHASE ORDER AND CHECK TO MIRACLE PLAYSYSTEMS, INC at PO Box 263 Alamo, CA 94507
- Please email/fax quotation with your signature to accept this quote and place order. Fax 510-893-2163 or email info@MiraclePlayGroup.com
- Unless otherwise specified, Miracle Playsystems, Inc **DOES NOT** include the following in this proposal:
 - Engineered drawings
 - Installation of equipment or other site amenities
 - Specialty trades, equipment, power supply required to install equipment
- Any insurance requiring in excess of \$1M/\$2M per occurrence, special insurance coverage or wording, Prevailing/Certified wage rates, local permitting, bid/performance bonds, temp fencing, geo tech surveys, playground safety inspection, equipment offload, and testing services.

TERMS & CONDITIONS

- Purchase contract terms & conditions of sale: The client/customer's acceptance and understanding of these terms & conditions and all other supporting documentation provided as part of this package is evidenced by signing of this estimate/quote.
- Payment terms: Standard terms (on approved credit), unless otherwise noted are 50% with order and balance to ship equipment (no retention). Should any changes be required to the products after order is placed, modifications or changes will be at client/customers expense. Miracle Playsystems, Inc maintains a no return policy and asks all clients to determine feature, layout and color selection prior to ordering. Should any order be cancelled after production has started a 30% restocking fee will be charged to client. Credit card convenience fee is 3.5% which will be added to all credit card charges • Lead times: Estimated lead times for the time the order is released into production until it is delivered will vary and are as follows:
 - 8-12 weeks for standard (non-custom) play features for US based manufacturers;
 - 12-20 weeks standard play features (non-custom) from European & Canadian manufacturers. Expedited Air Freight is available for additional cost (calculated on case by case basis).
 - Custom play feature lead times are determined on a case by case basis.

CONSTRUCTION SERVICES (if applicable)

Unless otherwise noted, we exclude responsibility for material delivery & offloading equipment, removal & disposal of packaging accumulated by equipment packaging, project security, landscape & hardscape repair based on access route to site, delays or returns due to layout conflicts or delay of other trades, removal of spoils from job site, locating underground: utilities, pipes, obstructions in work area, conditions unforeseen and/or not disclosed at time of estimate, permits, engineering, material testing, soil samples, CPSI. Conditions: Grades; stable, compacted & workable with 95% compaction and less than 1% grade, adequate access to site for labor, materials, tools and equipment. Estimate good for 90 days from quote or Dec. 31 of current calendar year, whichever comes first. Terms: Upon completion.

GENERAL TERMS

- THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN: Miracle Playsystems, Inc. objects to any other terms proposed by client, in writing or otherwise, as material alterations, and all such proposed terms shall be void. Client authorizes Miracle Playsystems, Inc. to ship equipment and agrees to pay the total specified. Shipping terms are FOB the place of shipment via common carrier.
- Client and owner/operator agree to indemnify and hold Miracle Playsystems, Inc. harmless from and against all liabilities, losses, penalties, damages and expenses, including costs and attorney fees, resulting from any and all claims, liens, damages, actions, suits, judgments or settlements, injuries arising or alleged to arise out of their failure, or failure of architect, contractors, subcontractors, installers, employees, agents and assigns to assemble, install, inspect and/or maintain the play equipment and impact absorbing surfacing in full compliance with each manufacturers installation instructions and safety requirements and their misuse and/or alteration of the play equipment.

Company: _____

Signature: _____

Name: _____

Date: _____



Miracle® Limited Warranty

Miracle Recreation Equipment Company warrants its products against structural failure due to defects in materials and workmanship for the warranty periods and material categories prescribed below.

1. **LIMITED WARRANTY FOR AS LONG AS YOU OWN THE PRODUCT:** Aluminum deck posts, steel deck posts, VersaLok fastening system, and associated fastening hardware.
2. **LIMITED FIFTEEN (15) YEAR WARRANTY:** All rigid steel playground components, decks, steps, and weldments, rotationally molded and sheet plastic components, plastic lumber, roof panels, and stainless steel slides, except as otherwise specified below.
3. **LIMITED TEN (10) YEAR WARRANTY:** Fabric shade steel frames.
4. **LIMITED EIGHT (8) YEAR WARRANTY:**
 - Fiberglass signage, accessible swing seats, precast PolyFiberCrete or precast concrete products.
 - Play Terrain Synthetic Turf safety surfacing against deterioration of specified attenuation performance and appearance.
 - Playcover fabric and components against rot, UV deterioration and defects in materials and workmanship (Note Exception: Limited Three (3) Year Warranty for fabric in shades of red).
5. **LIMITED FIVE (5) YEAR WARRANTY:**
 - Heavy duty diamond barrier mesh and Kidrox Climbing Rocks.
 - Miratherm PVC coating against cracking or peeling.
 - Park and Site Amenities (i.e. benches, tables, trash receptacles, etc.).
 - Steel core cable nets and rope fittings and connections (Note Exception: Warranty does not cover normal wear and tear such as fraying or fading of cable coating).
6. **LIMITED THREE (3) YEAR WARRANTY:** Flexible belting, plastic border timbers and accessories, and electronic panel speakers, sound chips, and circuit boards.
7. **LIMITED ONE (1) YEAR WARRANTY:**
 - Slashproof Swing Seats, 360° Bucket Tot Swing Seats, and Tuff Net no climbing mesh.
 - Pool slide support structures, stairways, landings, and railings.
 - All other products and components that are not specifically listed above, including, without limitation, all moving parts, such as swing hangers, swivels, chains, whirls, springs, and flexible components, and all high wear items, such as trolleys, cables, wheels, and bumper stops related to rail and cable ride products.

BUYER'S REMEDY: If any products prove defective or non-conforming under normal use and within the above-prescribed warranty periods and material categories, Buyer must promptly notify Miracle in writing at 878 E. Hwy 60, Monett, MO 65708 USA. Miracle may elect to inspect the alleged defect at Buyer's site or at Miracle's facility. Buyer shall not return products to Miracle unless authorized by Miracle to do so. Authorized returns must be properly packaged and shipped prepaid and insured, at Buyer's expense. Upon verification of warranty coverage, Miracle may elect, in its sole discretion, to repair defective or non-conforming products, or replace them by delivering products or part(s) free of charge to the site. Miracle's limited warranties do not cover the cost of labor to remove defective or non-conforming part(s) or to install repaired or replacement part(s). By use of these limited warranties, Buyer accepts their terms and limitations, and waives any rights it would otherwise have to claim or assert that such warranties fail of their essential purpose. Buyer agrees that venue for any court action to enforce these limited warranties shall be in Barry or Greene Counties in the State of Missouri.

LIMITATIONS: All warranty periods begin on the date of Miracle's invoice. Repaired and/or replacement part(s) are warranted only for the balance of the original limited warranty period. Warranties extend only to the original Buyer/end user for products purchased from Miracle or a Miracle authorized reseller, and are not transferrable.

Warranties apply only to Miracle products that are erected and installed in conformance with Miracle's installation instructions, and that are maintained and inspected in conformance with Miracle maintenance and operational instructions.

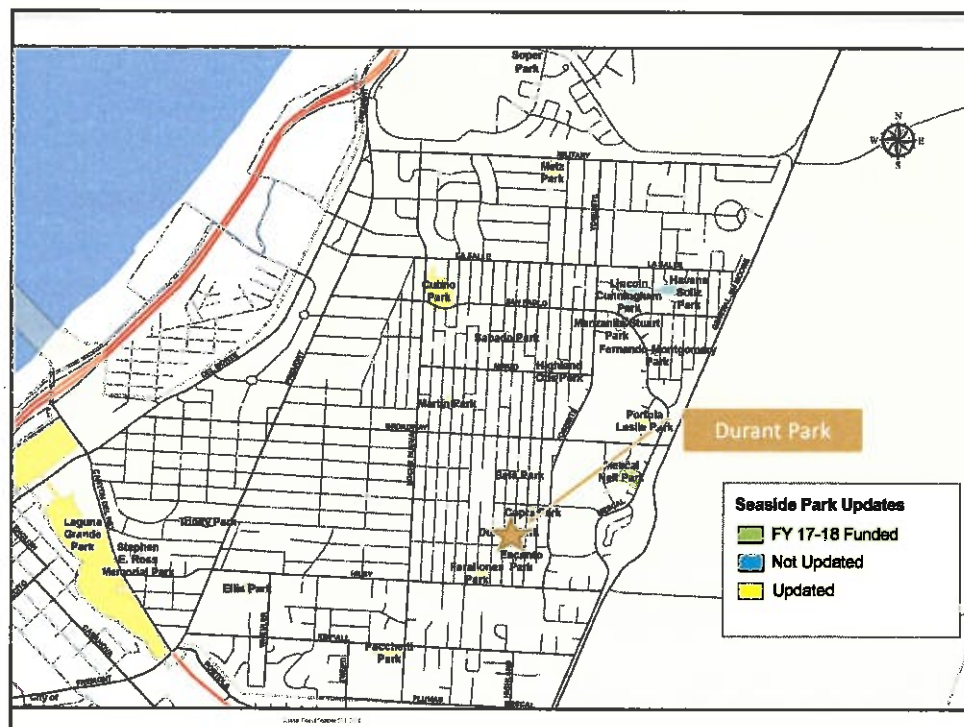
Warranties specifically do not cover Miracle products:

- for cosmetic damage or flaws occurring under normal use, such as surface scratches, minor chips, hairline cracks, dents, marring, efflorescence, color fade (except for PlayCover® shade fabric as noted above), discoloration, corrosion, fraying, or warping of recycled plastic lumber;
- that have been modified, altered, or repaired by unauthorized third parties;
- that have not been used as designed or intended, or misused;
- to which non-Miracle parts have been added or substituted;
- that have been removed from their original location and re-installed elsewhere, without pre-approval by Miracle;
- or that have been damaged due to excessive wear and tear, vandalism, abnormal use, abuse, negligence, environmental factors (such as wind-blown sand, salt spray, or airborne emissions from industrial sources), extreme weather (such as hail, flooding, lightning, tornados, sandstorms, earthquakes, or wind storms), and acts of God.

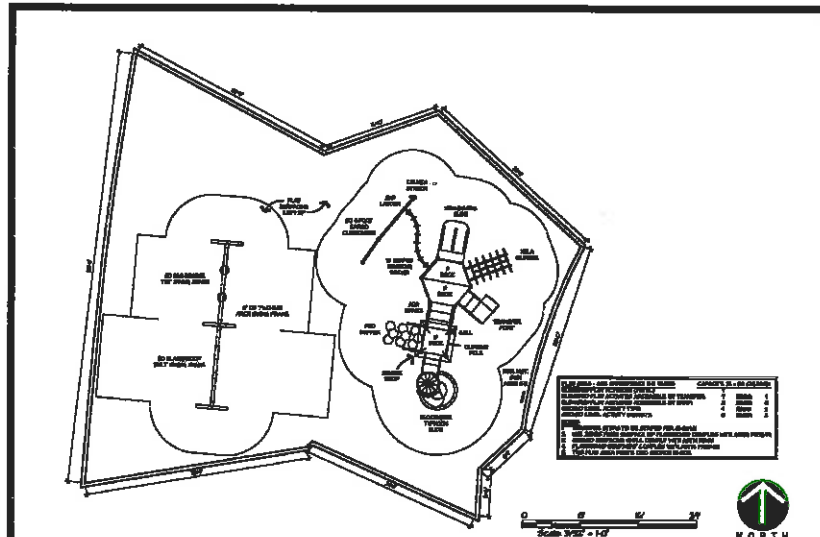
THE FOREGOING LIMITED WARRANTY IS THE SOLE AND EXCLUSIVE WARRANTY FOR SELLER'S PRODUCTS, AND IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, IN LAW OR IN FACT. SELLER SPECIFICALLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR PURPOSE, AND ANY IMPLIED WARRANTIES ARISING OUT OF COURSE OF DEALING OR PERFORMANCE OR TRADE USAGE. SELLER SHALL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL, OR PUNITIVE DAMAGES, OR ANY LOSS OF REVENUE, PROFIT OR USE, ARISING OUT OF A BREACH OF THIS WARRANTY OR IN CONNECTION WITH THE SALE, INSTALLATION, MAINTENANCE, USE, OPERATION OR REPAIR OF ANY PRODUCT. IN NO

Consider Allocating \$60,000 for New Play Structure at Durant Park

Parks & Recreation Meeting
October 15, 2018



Durant Park Proposed Layout



Recommendations

Durant Park:

- Allocate \$60,000 for installation of Miracle Play Structure and Entry Sign





Proposed Miracle Play Structure for
Durant Park
or similar