

**From:** [Jacob Patterson](#)  
**To:** [City Clerk](#)  
**Cc:** [Whippy, Isaac](#)  
**Subject:** Public Comment -- 3/25/24 CC Mtg., Item No. 8C, Wiggly Giggly Issues  
**Date:** Monday, March 25, 2024 11:05:09 AM

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City Council,

You should obviously approve this contract amendment because the work was performed at staff's request and we need to pay Akeff for the work they performed. However, this expense is objectionable and should have never been incurred. We are paying an unnecessary and frankly quite problematic \$25,849.00 for playground chips that will need to be removed in short order to install the required accessible playground surface. This project was completely mismanaged by the City not simply because of the manufacturing issues--something we should seek compensation for from the supplier, including consequential damages possibly even this chip expense--but also because of improper phasing of the playground project.

The California Building Code and various relevant disability-related laws like the ADA require the City to provide accessible facilities at each phase of a project. Frankly, the playground should have never been opened without the accessible surfaces already installed and doing so exposes the City to potentially significant legal liability as a violation of the law. Now we are being asked to pay for chips that shouldn't have been installed because they do not provide an accessible surface and none of the accessible equipment can be accessed or used by visitors with different mobility needs.

The community deserves better than this from our City team. Don't get me wrong, I appreciate the great new playground and it is certainly getting a lot of use, provided you aren't in a wheelchair, but everyone deserves to be able to play in and use our updated playground and this project should have been implemented to ensure that all phases were fully accessible when opened.

Regards,

--Jacob