



**MINUTES  
PARKS AND RECREATION COMMISSION  
REGULAR MEETING  
MARCH 12, 2008**

The Sunnyvale Parks and Recreation Commission met in regular session in the Council Chambers, 456 W. Olive Avenue, Sunnyvale CA 94086, at 7 p.m. with Chair Kinder presiding.

**CALL TO ORDER / SALUTE TO THE FLAG**

Chair Kinder called the meeting to order at 7 p.m. and led the salute to the flag.

**ROLL CALL**

Commissioners Present: Chair Bob Kinder  
Vice Chair Jim Colvin  
Commissioner Howard Chuck  
Commissioner Robert Harms  
Commissioner Richard Oliver

Commissioners Absent: None

Staff Present: David A. Lewis, Director, Parks and Recreation  
Cathy Merrill, Assistant to the Director  
Nancy Bolgard Steward, Superintendent of Recreation  
Curtis Black, Superintendent of Parks

**PUBLIC ANNOUNCEMENTS** - None

**CONSENT CALENDAR**

1.A. Approval of Draft Minutes from Regular Meeting of the Parks and Recreation Commission on December 12, 2007.

MOTION: Chair Kinder moved and Vice Chair Colvin seconded to approve Item 1.A. as presented.

VOTE: Passed unanimously 4-0. Commissioner Chuck abstained since he was absent from the December 12, 2007, meeting.

**STAFF RESPONSES TO PRIOR PUBLIC COMMENTS** – None

**PUBLIC COMMENT**

Garth Williams introduced himself as the only member of the Friends of Stevens Creek Trail Board of Directors from Sunnyvale. He described the progress of the Stevens Creek Trail and offered to send a web link to the Friends of Stevens Creek Trail website where the Commissioners could view maps and progress reports of the trail. Assistant to the Director Merrill offered to forward trail plans to the Commissioners.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. Consideration for Pocket Parks in Existing Neighborhoods

Chair Kinder placed this item on the agenda for discussion. There was no staff report.

Chair Kinder spoke in favor of more small parks. He defined pocket parks as areas where small parks/open space could be developed for use by near neighbors. Director Lewis spoke regarding different categories of parks: pocket parks (also known as mini-parks), neighborhood parks, community parks, special use facilities and expectations that would be looked at by the Parks of the Future study currently underway. He noted the study would cover mini-parks and the need for them in the community.

Assistant to the Director Merrill encouraged Commissioners to visit the website at [www.parksofthefuture.com](http://www.parksofthefuture.com) for online information about the status and progress of the Parks of the Future study.

Chair Kinder opened the public hearing. There were no appearances and the public hearing was closed.

3. Senior Center Volunteers

Commissioner Harms placed this item on the agenda for discussion. There was no staff report.

Commissioner Harms said many seniors have come to him with concerns that the fitness room volunteers could not work out during their volunteer time, and he wanted to know why they could not. He said the reasoning given was that volunteers are covered by worker compensation insurance, and volunteers working out while volunteering are at risk of hurting themselves.

Superintendent Steward clarified that the decision regarding the use and role of volunteers is a staff decision and not under the purview of the Commission. She noted that a number of Fitness Room volunteers (and a few participants) have opposed the change that precludes them from working out during their volunteer shifts. They have been circulating mis-information and made assumptions that staff have attempted to clarify, but they continue to be

promoted by some of the Senior Center members. In response to a Commissioner's comment, Superintendent Steward emphasized that this change was not a decision of the new Senior Center Supervisor but was the decision of the Superintendent of Recreation. The Recreation Division is looking at the role and duties of all volunteers in Recreation and at the Senior Center. Volunteer roles with higher risk are being evaluated first. Workers compensation insurance is provided and staff are striving to reduce that risk.

Superintendent Steward noted that there have been accusations of discrimination made by some of the Fitness Room volunteers. She defined discrimination and said discrimination applies to protected classes of people, and this is not related to any one type of class more than another.

Vice Chair Colvin asked if it was possible to have two volunteers where one would cover and the other works out, then reverse the roles. Superintendent Steward responded that this option is in place, but there is a need to sign in when volunteering and sign out before working out. Some Senior Center members think it is bureaucratic. It is important to remember that these individuals may choose not to volunteer and simply work out in the Fitness Room.

Commissioner Oliver noted he does work out and volunteer, but he works out first and then signs in for his volunteer shift. He noted the volunteers have been alerted to the need to be attentive to the other seniors who are working out, as they may be more vulnerable to injury than others.

In response to Chair Kinder, Superintendent Steward explained that a City volunteer must apply and pass a background check.

Chair Kinder opened the public hearing. There were no appearances and the public hearing was closed.

Commissioner Harms thanked Superintendent Steward for taking the time to attend the meeting and explain the situation to the Commissioners.

#### 4. Open Field Use without Permits or Insurance

Commissioner Harms placed this item on the agenda for discussion. There was no staff report.

Commissioner Harms said Alliance Youth Soccer Organization (AYSO) is practicing at Panama Park field without permits and asked if they have insurance. AYSO advertises on their web page that practices and games will be held at Panama Park (even times without permits). He also noted there is Segway polo play at Panama Park and asked if the polo group has a permit and insurance. He referenced a Mercury News article that stated that Segway polo groups in Foster City must have insurance to play.

Director Lewis responded that Foster City has rules that if there are 10 or more players, then a permit is needed. In Sunnyvale, the parks are open for use (fields, picnic areas, etc.) and if a group has a permit, then they receive exclusivity.

Vice Chair Colvin commented that he has seen liability disclaimers in other cities regarding use of the parks and suggested that all Sunnyvale parks have posted a “use at your own risk” sign. Director Lewis said he would check on how the City covers this and get back to the Commission.

Commissioner Harms noted Panama Park has become a semi-dog park, and there are droppings and bags left at the park.

Chair Kinder opened the public hearing. There were no appearances and the public hearing was closed.

5. Policy 7.2.19 Boards and Commissions (Policy revised by RTC 08-043, dated 2/12/08, in accordance with Council action on 11/27/07 and 1/29/08.)

Assistant to the Director Merrill pointed out the changes in the new policy. Questions regarding speaking before Council as a citizen or as a Commission member were answered.

Chair Kinder opened the public hearing. There were no appearances and the public hearing was closed.

6. Code of Ethics and Code of Conduct Report to Commissions: Annual Review of City’s Code of Ethics and Code of Conduct (Council Action 4/8/08)

Assistant to the Director Merrill presented the staff report and identified the proposed changes in merging the Code of Ethics and Code of Conduct into one document that would apply to both elected and appointed officials.

The Commissioners had no questions.

Chair Kinder opened the public hearing. There were no appearances and the public hearing was closed.

MOTION: Commissioner Oliver moved, Commissioner Chuck seconded, to recommend that Council accept staff’s recommendations, Alternatives 3, 4 & 6.

3. Revise the Code of Conduct to apply to appointed officials (board and commission members) as well as elected officials (City Council).
4. Combine the Code of Ethics and Code of Conduct into one document and eliminate duplicated material in future years.

6. Schedule the annual review of the Code of Ethics and Code of Conduct shortly following the selection of the Vice-Mayor each year.

VOTE: Motion passed unanimously 5-0.

#### 7. Commission 2008 Calendar Work Plan Review and Adoption

Assistant to the Director Merrill reviewed the calendar.

Chair Kinder opened the public hearing. There were no appearances and the public hearing was closed.

Commissioner Harms questioned the ability of the Commission to make recommendations to Council since the Commission is subordinate to the Council. Chair Kinder pointed out that the Commission always makes recommendations to Council.

MOTION: Commissioner Oliver moved, Commissioner Harms seconded, to approve the 2008 work plan calendar.

VOTE: Motion passed unanimously 5-0.

#### **NON-AGENDA ITEMS AND COMMENTS**

##### COMMISSION

Commissioner Harms invited Commissioners to attend Little League opening day ceremonies at Ortega Park on March 15, 2008.

Chair Kinder said there is a turf field hotline with information on open and closed fields. A closed field can be used for team photos but not for play.

Commissioner Chuck asked Commissioners to put the date of September 27, 2008, in their calendars for the grand opening of the new Heritage Park Museum. He said donation tiles are installed.

Chair Kinder said he will be unavailable to attend the Council meeting on April 2, 2008. He asked if a Commissioner would like to attend the Council meeting to present the Commission's recommendation on the Annual Review of City's Code of Ethics and Code of Conduct. No Commissioners volunteered as long as their recommendation will be in the final report.

##### STAFF

Superintendent of Recreation mentioned that there are new staff members in Recreation. She also said the Sports and Aquatics Recreation Supervisor

position recruitment is underway and hopes that the position will be filled soon.

**INFORMATION ONLY ITEMS**

- Staff Liaison Report
- Roster of Elected and Appointed Officials, January 2008
- Invitation and Flyer, Annual Volunteer Recognition, April 1, 2008, 5 p.m., Senior Center Orchard Pavilion
- Miscellaneous Items of Interest

**ADJOURNMENT**

Chair Kinder adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Cathy E. Merrill, Assistant to the Director  
Parks and Recreation Department

Reviewed by,

David A. Lewis, Director  
Parks and Recreation Department

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