



**MINUTES
SUNNYVALE PARKS AND RECREATION COMMISSION
NOVEMBER 11, 2009**

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

CALL TO ORDER/SALUTE TO THE FLAG

Chair Colvin called the meeting to order at 7 p.m.

ROLL CALL

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

Commissioners Absent: None

Staff Present: Community Services Director David A. Lewis
Assistant to the Director Cathy Merrill
Parks Superintendent Scott Morton
Administrative Analyst Mike Abney

Guests Present: City Clerk Kathleen Franco-Simmons

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS – None

CONSENT CALENDAR

1.A. Approval of Draft Minutes of October 14, 2009, Commission Meeting

MOTION: Commissioner Chuck moved and Vice Chair Oliver seconded to approve Item 1.A. as presented.

VOTE: Motion passed unanimously 5-0.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS – None

PUBLIC COMMENTS - None

PUBLIC HEARINGS/GENERAL BUSINESS

2. Bylaws for all Boards and Commissions (Revision to Council Policy 7.2.19 Sections 1 and 2.A. – I.) and Adoption of Resolution Repealing any Existing Bylaws and Resolutions (Council Action 12/15/09)

City Clerk Franco-Simmons presented the staff report. She explained to the Commissioners that the new bylaws were meant to consolidate many separate documents from all the various boards and commissions into one document, while at the same time providing relevant information as to

responsibilities and procedures unique to each board and commission as applicable. City Clerk Franco-Simmons noted the bylaw changes pertaining to the Parks and Recreation Commission. She said staff is seeking the Commissioners' comments and questions, but a formal motion is not required since minutes of the Commission meeting will be included in the final report to Council.

Commissioners inquired about the reason for reducing the number of members of the Housing and Human Services Commission from nine to five.

Commissioners had no further questions. They expressed their compliments to City Clerk Franco-Simmons for such a comprehensive and clarifying document.

Chair Colvin opened the public hearing and there being no public testimonies, closed the public hearing.

3. Consider Agreement with Santa Clara County for Operation of Baylands Park and Consider Recreational Enhancements at Baylands Park (Study Issue) (Council Action 12/08/09)

Director Lewis presented the staff report and cited staff's recommendations regarding the agreement with Santa Clara County for operation of Baylands Park and consideration of recreational enhancements. He offered to take Commissioners questions regarding recreational opportunities.

Commissioner Harms asked questions about Baylands Park serving as a nature reserve.

Commissioner Pochowski noted Baylands Park potential and the public's need for additional open play fields and recreational space. He recalled an earlier suggestion to move cricket play from Ortega Park to Baylands Park. He recently visited Baylands Park and saw people playing soccer. He said the demand is there and believes Council should be asked for funding to upgrade the sports fields and consider installing artificial turf.

Chair Colvin said Baylands Park offers great opportunities for open play activities and also night activities such as astronomy. He would like solar lighting considered, including soft lighting for night use. He stated this agreement will provide opportunities for the next generation.

Director Lewis noted recreational programming that does not require any changes in the physical plan could still be provided.

Director Lewis continued with the staff report regarding the lease agreement. He noted the current long-term agreement will end in 2011; but with no action by either party, the existing agreement will continue with either party being able to terminate the agreement by giving 24 months notice to the other party.

Director Lewis highlighted the past 18-24 months that staff worked with Santa Clara County to clean up the current agreement and arrived at the proposed agreement under consideration. Provisions were removed which no longer apply, other provisions were included, and staff worked out every term of the agreement with only two items still outstanding: 1) Fire Prevention Procedure and 2) City's or County's Integrated Pest Management (IPM) Policy. The staff recommendation is to use the City's IPM Policy.

Director Lewis continued and noted other changes in provisions regarding capital improvement projects, signage, fees and revenue which came to agreement.

Director Lewis said the main issue is whether the City's or the County's IPM Policy will be followed. City staff believe the City's IPM Policy will provide the best level of service for the park. Of the 177 acres, the City may use pesticides on 7-8 acres (as necessary) compared to the County's IPM Policy which works well for the open nature space which the County parks provide. The City's IPM Policy allows consistency with all other City parks. If Council approves the agreement, it would be sent to the County for approval and to decide if they are satisfied; if not, the current agreement will continue.

Director Lewis also wanted the Commission to be aware of the lack of infrastructure replacement funding for park components, i.e., the irrigation system, roadway and playground areas. At this point, neither the City nor the County has monies to repair or replace these items. Until now, no capital improvement projects had been put forward for Baylands Park pending renewal of the agreement. Council did direct staff to develop Baylands Park capital improvement projects which remain unfunded, along with several other projects.

Commissioner Colvin inquired if the City has a grant writer who could seek corporate or "friends of" donations to support improvements at the park. Director Lewis indicated both the City and County have staff that can write grant applications and have agreed to jointly pursue any applicable grant funds; however, most of the City's efforts would be directed to support City-owned parks rather than a County-owned park.

Commissioner Colvin asked if the City is open to receiving donations or selling bricks to raise funds. Director Lewis said a "Friends of Parks and Recreation" group is being explored.

Commissioner Harms said it seems as if Baylands Park is a lost cause because it is better to concentrate on City-owned parks that are located closer to the population.

Commissioner Pochowski asked for clarification regarding funding for park improvements if the City continues the existing lease versus entering into the new agreement. He asked why the City would not fund maintenance for the site if the agreement is approved. Director Lewis explained the issue is regarding the capital expense and the City does not have monies available. Whether the City does or does not have an agreement, the City continues responsibility for the site. Commissioner Pochowski believes the site serves a large population; people are mobile and they do use it.

Director Lewis noted the alternatives in the report and the staff recommendations.

Chair Colvin inquired about the requirements for fire safety protection and location of the nearest fire station. Director Lewis clarified that the fire safety requirements pertain more to maintenance operations than a one-time emergency.

Chair Colvin opened the public hearing and there being no public testimonies, closed the public hearing.

MOTION: Commissioner Harms moved to recommend that Council accept Alternative No. 2, Council does not approve the Lease Agreement with Santa Clara County for Operating Sunnyvale Baylands Park and directs City Manager to renegotiate specific sections of the agreement.

Motion failed for lack of a second.

Vice Chair Oliver stated that if the Commission is going forward with Alternative No. 2, then the section of the agreement to be renegotiated should be spelled out.

MOTION: Commissioner Chuck moved and Commissioner Pochowski seconded to recommend that Council accept staff's recommendation Alternative No. 1, Council approves the Lease Agreement with Santa Clara County for Operating Sunnyvale Baylands Park, use of City Integrated Pest Management Policy, and authorizes City Manager to sign the lease on behalf of the City.

Commissioner Pochowski said the City should go ahead with the agreement but also requests that Council recognize the necessity for funding improvements. He said he is strongly in favor of athletic fields and supports an action to encourage Council to fund improvements at the site.

Friendly Amendment

Commissioner Harms proposed a friendly amendment to ask Council to attempt to get a prorating of maintenance expenses for Baylands Park when the lease is considered. Director Lewis asked for clarification on the friendly amendment. Commissioner Harms clarified that the proposed friendly amendment recommends that Baylands Park maintenance be shared 1/3 by the City and 2/3 by the County.

Commissioner Chuck, maker of the motion, did not accept the friendly amendment.

Vice Chair Oliver asked for clarification that if Alternative No. 1 was approved as written, no part of it has to do with capital improvement project funding. Director Lewis confirmed this was correct.

Commissioner Chuck said it is very important to keep Baylands Park. If the City does not renew the lease agreement, there is a risk of losing the acreage which is now available for our citizens to use.

Commissioner Harms said the City prides itself on having neighborhood parks within walking distance for our residents and Baylands Park is not readily walkable. Director Lewis pointed out that the City has both regional and neighborhood parks, and they serve different purposes. Baylands Park is a regional park.

Vice Chair Oliver asked if the Commission could consider Alternative No. 1 separate from the funding. Assistant to the Director Merrill responded affirmatively.

Chair Colvin restated the motion on the floor.

MOTION: Commissioner Chuck moved and Commissioner Pochowski seconded to recommend that Council accept staff's recommendation Alternative No. 1, Council approves the Lease Agreement with Santa Clara County for Operating Sunnyvale Baylands Park, use of City Integrated Pest Management Policy, and authorizes the City Manager to sign the lease on behalf of the City.

VOTE: Motion passed 4-1, with Commissioner Harms dissenting.

Commissioner Harms opposed the motion because he said the City should not have to bear the burden of maintenance, integrated pest management, and fire protection costs. He said that Baylands Park is a loss leader.

Commissioner Pochowski moved and Commissioner Chuck seconded to recommend that the City prioritize the Capital Improvement Projects (CIPs) to make the necessary infrastructure improvements to provide for the safety, irrigation, and other park improvements at Baylands Park.

VOTE: Motion passed 4-1, with Commissioner Harms dissenting.

Commissioner Harms opposed the motion because he said the City would be better served using the funding for other City-owned sites.

4. General Plan Consolidation (GPC) Technical Advisory Committee

Assistant to the Director Merrill presented an overview of the GPC Technical Advisory Committee that will include one representative and one alternate from each board and commission.

Chair Colvin opened the public hearing and there being no public testimonies, closed the public hearing.

Commissioner Pochowski volunteered to represent the Commission on the advisory committee, and Commissioner Harms volunteered to help out as an alternate.

MOTION: Chair Colvin moved and Commissioner Chuck seconded to accept Commissioner Pochowski as the Commission's representative and Commissioner Harms as an alternate representative to the General Plan Consolidation (GPC) Technical Advisory Committee.

VOTE: Motion passed 5-0.

NON-AGENDA ITEMS AND COMMENTS

Commission Member Oral Comments

Commissioner Harms would like the City to advertise the Sunnyvale Heritage Park Museum with signage so the public can find it and be aware that it exists at the Community Center site. Director Lewis will get back to the Commission regarding the current plans to provide for signage.

Commissioner Pochowski was asked by a resident to look into the agreement between the City and the Cupertino School District. He said a private school within the Cupertino School District is trying to keep Sunnyvale residents from using the playground. Director Lewis explained the City's agreements with the school districts are for use of the school athletic fields, but he will get back to the Commission regarding the scope of the agreements.

Commissioner Pochowski said he will be available on December 8 to present the Commission's recommendation to Council regarding the agreement with Santa Clara County for operation of Baylands Park and consideration of recreational enhancements.

Commissioner Chuck said the Sunnyvale Heritage Park Museum will be open every Sunday through the holidays showing an exhibit of nativity scenes.

Chair Colvin thanked staff for their assistance.

Staff Oral Comments - None

INFORMATION ONLY ITEMS

- Staff Liaison Written Report
- Miscellaneous Items of Interest

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Cathy E. Merrill, Assistant to the Director
Department of Community Services

Reviewed by:

David A. Lewis, Director
Department of Community Services

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