



## MINUTES

### SUNNYVALE PARKS AND RECREATION COMMISSION SPECIAL MEETING MARCH 7, 2012

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

#### **CALL TO ORDER**

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

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

##### **Commissioners Present:**

Chair Robert Pochowski  
Vice Chair Robert Kinder  
Commissioner Howard Chuck  
Commissioner Robert Harms  
Commissioner Craig Pasqua (arrived 7:02 p.m.)

##### **Commissioners Absent:**

None

##### **Council Liaison:**

Councilmember Jim Davis (present)

##### **Staff Present:**

Superintendent of Community Services Nancy Bolgard Steward  
Superintendent of Parks Scott Morton  
Golf and Tennis Manager Mark Petersen  
Neighborhood Preservation Manager Christy Gunvalsen  
Administrative Aide Karen Smith

#### **PRESENTATION**

Community Advocate Teens of Today (CATT) and the Healthy Sunnyvale Campaign

Ms. Patricia Brown, Ms. Venu King, and Ms. Tonya Veitch, Program Consultant, California Youth Advocacy Network, are members of a tobacco-free youth health empowerment group. They presented their healthy Sunnyvale campaign to create smoke-free parks. Items discussed were smoke-free recreation areas, secondhand smoke statistics and protections, cigarette and other smoking litter, and health and financial costs. The group participated in park clean ups at Fair Oaks and DeAnza Parks and presented their findings. They asked the Commission to endorse smoke-free parks in Sunnyvale and sign the group's endorsement letter or write their own endorsement. Commissioners' questions were answered.

**PUBLIC ANNOUNCEMENTS** – None

**CONSENT CALENDAR**

1.A. MOTION Approval of Draft Minutes of January 11, 2012

**MOTION: Vice Chair Kinder moved and Commissioner Chuck seconded to approve Consent Calendar Item 1.A. as presented.**

**VOTE: 5-0 motion passed.**

**PUBLIC COMMENTS** - None

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. Draft Report - Proposed Amendments to SMC Chapter 9.28 Regulation of Smoking—to Include a Ban on Smoking in Parks and in Outdoor Dining Areas

Ms. Gunvalsen, Neighborhood Preservation Manager, presented the staff report.

Commissioners' questions were answered including clarification that the Community Center property is considered a recreation center in a public park; what type and how many smoking complaints have been received; smoking complaints are not investigated if they are not code violations; grading criteria on Santa Clara County's Community's Health on Tobacco Report Card and the American Lung Associations' State of Tobacco Control Report;

The Public Hearing was opened.

Mr. Larry Alba and his son Philip, Sunnyvale residents, spoke in favor of the smoking ban in public parks and outdoor dining areas. He said that secondhand smoke negatively affects his family. He asked that consideration be given to include businesses in the smoking ban and to install more non-smoking signage.

Ms. Jenny Redding, Sunnyvale resident, spoke in favor of the smoking ban in public parks. She lives near Ponderosa Park which she said is used by many smokers. She would like to be able to enjoy a smoke-free park.

Ms. Christine Veitch, Sunnyvale resident, lives near Fair Oaks Park. She spoke in favor of prohibiting smoking in parks. She said there are many activities in Fair Oaks Park and much smoking and secondhand smoke. She said that if the smoking ban is enacted, it would show that the City cares about its residents' health.

The Public Hearing was closed.

**MOTION: Vice Chair Kinder moved and Commissioner Chuck seconded to recommend that Council accept staff's recommendation, Alternatives 1 and 2.**

- 1. Amend Chapter 9.28 – Regulation of Smoking, to prohibit smoking in**
  - a. Public parks.**
  - b. Any location on public property where smoking is not otherwise prohibited by law may be designated by the city manager as a “no smoking” area. Such areas shall be posted with appropriate signage.**
  - c. Outdoor dining areas.**
  - d. Within twenty (20) feet of any outdoor dining area where smoking is prohibited by this section.**
- 2. Amend and simplify sections of Chapter 9.28 – Regulation of Smoking, because most of the language has been superseded by or is duplicative of state law.**

Commissioner Harms questioned the Commission's authority to make a recommendation regarding outdoor dining areas. Superintendent Steward said that even though outdoor dining areas do not fall under the direct purview of the Commission, the Commission can make a recommendation if they desire.

Chair Pochowski said the smoking ban is too restrictive, and he has an issue with the smoking ban in wide open areas. He gave an example of a person in a golf cart who is responsibly and legally smoking; he does not want to take away this person's right to smoke. However, he is in favor of banning smoking in playgrounds and outdoor dining areas.

Vice Chair Kinder said that health care is a concern today and, because of the serious health consequences of tobacco use and exposure, enacting this smoking ban would be a great step towards limiting the public's exposure to secondhand smoke.

Commissioner Chuck said Ponderosa Park has many smokers. He spoke in favor of the smoking ban and said it would give him a stronger voice in confronting smokers.

Commissioner Pasqua is a coach and tennis player. He said smoking negatively affects kids and athletes and is in favor of the proposal.

**VOTE: 4-1 motion passed. Chair Pochowski dissented.**

3. Draft Report – Approval of License Agreement Between Lifetime Tennis and the City of Sunnyvale for the Operation and Management of the Sunnyvale Tennis Center

Superintendent Morton presented the staff report.

He introduced Golf and Tennis Manager Mark Petersen; Lifetime Tennis Executive Director Dana Gill; and Lifetime Tennis Representative Mike Scadden. He said all were available to answer questions.

Commissioners asked questions about the initial Request for Proposals (RFP), the number of applicants that submitted proposals, and why Lifetime Tennis was selected. Questions were also asked about positive revenue generation, financial plan, capital improvements, and programs and services being available to all members of the community.

Commissioner Pasqua expressed concern about the length of the 15 year lease since it limits the City's opportunity for revenue development.

The Public Hearing was opened.

Mr. Ralph Kenton, Vice President, Sunnyvale Tennis Club, said the club endorses Lifetime Tennis. He said they have been working with Lifetime Tennis and spoke in favor of approving the license agreement. The Tennis Club Board of Directors will be actively working with Lifetime Tennis to bring in revenue. He read a letter prepared by Geoff Ainscow, President, Sunnyvale Tennis Club, expressing his support of Lifetime Tennis. Mr. Kenton also expressed his request to include the Tennis Center in the list of non-smoking sites.

The Public Hearing was closed.

**MOTION: Commissioner Harms moved and Vice Chair Kinder seconded to recommend that Council accept staff's recommendation, Alternative 1.**

**1. Approve the proposed License Agreement between Lifetime Tennis, Inc. and the City of Sunnyvale for the Operation and Management of the Sunnyvale Tennis Center.**

Commissioner Chuck spoke in favor of approving the license agreement and said it is important that the users of the Tennis Center approve of Lifetime Tennis.

Vice Chair Kinder spoke in favor of the proposed license agreement and said that staff did a great job in choosing Lifetime Tennis.

Commissioner Harms read the report and, based on facts and figures, believes that the revenue generation will be positive. He hopes more members of the community will be encouraged to play tennis.

Commission Pasqua was concerned with the overall revenue over time; however, he will be supporting the motion.

Chair Pochowski spoke in favor of the license agreement because the Sunnyvale Tennis Club speaks highly of Lifetime Tennis. He commended staff for vetting and researching Lifetime Tennis and feels that the license agreement with Lifetime Tennis will be a good deal for the City.

**VOTE: 5-0 motion passed.**

3. Approve Master Work Plan

Superintendent Steward reviewed the master work plan. She noted the May 23, 2012, joint study session and meeting with the Arts Commission.

There was no discussion.

**MOTION: Vice Chair Kinder moved and Commissioner Chuck seconded to approve the Master Work Plan.**

**VOTE: 5-0 passed.**

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

COMMISSION MEMBERS Oral Comments

Vice Chair Kinder complimented Superintendent Morton and Parks staff for the work on the rebuilt fields at Cupertino Middle School and the softball facility at Sunnyvale Middle School. Superintendent Morton said the fields are the best that they have been in years.

#### STAFF Oral Comments

Superintendent Steward said that "Study Issue LCS 12-01 Consideration of a Veterans' Memorial Honoring Sunnyvale Veterans Who Gave Their Lives in Service to the Country in Afghanistan, Iraq and Vietnam Wars" would be coming back to the Commission and Council for consideration as a Budget Supplement in the FY 12/13 budget plan.

Superintendent Steward said that Little League opening day schedules would be provided to the Commissioners.

#### **INFORMATION ONLY ITEMS**

- Summary from 2/7/12 Joint Study Session with P&R Commission and Council regarding consideration of Park Dedication Fund policies and review of project priorities

#### **ADJOURNMENT**

Chair Pochowski adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Karen Smith  
Recording Secretary  
Community Services Division  
Library and Community Services Department

Reviewed by:

Nancy Bolgard Steward  
Superintendent of Community Services  
Community Services Division  
Library and Community Services Department