



City of Sunnyvale

Notice and Agenda

Parks and Recreation Commission

Wednesday, September 14, 2022

7:00 PM

Telepresence Meeting: City Web Stream

Meeting Online Link: <https://sunnyvale-ca-gov.zoom.us/j/94819997080>

Special Teleconference Notice

Because of the COVID-19 emergency and the health orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Parks and Recreation Commission will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed August 30, 2022).

Public Participation

- *Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (*9 on a telephone):*

Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/94819997080>

Meeting call-in telephone number: 833-548-0276 | Meeting ID: 948 1999 7080

*(*9 to request to speak | *6 to unmute/mute)*

- *Watch the Parks and Recreation Commission meeting at:
<http://youtube.com/SunnyvaleMeetings>*
- *Submit written comments to the Parks and Recreation Commission no later than 4 hours prior to the meeting start to
parksandrecreationcommission@sunnyvale.ca.gov or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086*
- *Review recordings of this meeting and past meetings at
<https://sunnyvaleca.legistar.com/calendar.aspx> or
<http://youtube.com/SunnyvaleMeetings>*

Accessibility/Americans with Disabilities Act (ADA) Notice

Pursuant to the Americans with Disabilities Act (ADA), if you need special

assistance to provide public comment, or for other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. ADA contact: Angela Chan may be reached at 408-730-7599 or ncs@sunnyvale.ca.gov (28 CFR 35.160 (b) (1)).

CALL TO ORDER

Call to Order via teleconference.

ROLL CALL

PRESENTATION

- A [22-0897](#) Aquatics Report
- B [22-0898](#) Golf and Tennis Report

ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the Parks and Recreation Commission on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Parks and Recreation Commission to take action on an item not listed on the agenda. If you wish to address the Parks and Recreation Commission, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.

- 1 [22-0895](#) Approve the Parks and Recreation Commission Meeting Minutes of August 10, 2022

Recommendation: Approve the Parks and Recreation Commission Minutes of August 10, 2022 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearing/general business item, please refer to notice at the beginning of this agenda. Each speaker is limited to a maximum of three minutes.

- 2 [22-0833](#) Forward a Recommendation to City Council to Introduce an Ordinance Amending Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code

Recommendation: Alternative 1: Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

- 3 [22-0900](#) Discussion and Consideration of Potential Study Issue:
Evaluate the Feasibility of Opening the Trail Along the
Drainage Channel Near Ortega Park for Public Use

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

-Staff Comments

INFORMATION ONLY REPORTS/ITEMS

- 4 [22-0894](#) Parks and Recreation Commission Proposed Study Issues,
Calendar Year: 2023

ADJOURNMENT

Notice to the Public:

Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the originating department or can be accessed through the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chamber on the evening of the Parks and Recreation Commission Meeting, pursuant to Government Code §54957.5.

Agenda information is available by contacting Ricky Le at 408-730-7336 or rle@sunnyvale.ca.gov. Agendas and associated reports are also available on the City's website at sunnyvale.ca.gov or at the One-Stop Desk, City Hall, 456 W. Olive Ave., Sunnyvale, CA, 72 hours before the Meeting.



City of Sunnyvale

Agenda Item

22-0897

Agenda Date: 9/14/2022

Aquatics Report



City of Sunnyvale

Agenda Item

22-0898

Agenda Date: 9/14/2022

Golf and Tennis Report



City of Sunnyvale

Agenda Item

22-0895

Agenda Date: 9/14/2022

SUBJECT

Approve the Parks and Recreation Commission Meeting Minutes of August 10, 2022

RECOMMENDATION

Approve the Parks and Recreation Commission Minutes of August 10, 2022 as submitted.



City of Sunnyvale

Meeting Minutes - Draft Parks and Recreation Commission

Wednesday, August 10, 2022

7:00 PM

Telepresence Meeting: City Web Stream

CALL TO ORDER

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on August 9, 2022.

Chair Giri called the meeting to order at 7:00 p.m. via teleconference.

ROLL CALL

Present: 4 - Chair Prakash Giri
Vice Chair Gregory Dibb
Commissioner Daniel Bremond
Commissioner Dona Mason
Absent: 1 - Commissioner David Kesting

Commissioner Kesting (excused absence)

Council Liaison Cisneros (absent)

PRESENTATION

A [22-0793](#) Youth and Teen Overview

Recreation Services Manager, Jesus Raygoza, provided a presentation on Youth and Teens Report. Highlights included: summer camp comparison, program report, teen program, recruitment and trainings, and fee waiver program.

Commissioners inquired and staff responded:

How does Sunnyvale's programming and registration totals compare to neighboring cities? Staff benchmark neighboring cities efforts at the end of the summer season. Staff will follow up with Commission once complete.

Does the City collect customer feedback for programming? Yes, staff send out an

overall survey annually to all participants. Additionally, staff will send specific program surveys throughout the year.

B [22-0795](#) Parks and Park Buildings Update

Superintendent of Parks and Golf, Jim Stark, provided a presentation on mini parks. Highlights included: list of mini parks, definition of mini park, minimum resources, possible additions, and images of Victory Village Park.

C [22-0794](#) Study Issues Update (Citywide)

Administrative Aide, Ricky Le, provided a presentation on city-wide study issues. Council funded three study issues, deferred two study issues to 2023, and completed two study issues.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

Commissioner Bremond moved and Commissioner Mason seconded the motion to approve the Parks and Recreation Commission Minutes of July 13, 2022 as submitted.

Yes: 4 - Chair Giri
 Vice Chair Dibb
 Commissioner Bremond
 Commissioner Mason

No: 0

Absent: 1 - Commissioner Kesting

1 [22-0796](#) Approve the Parks and Recreation Commission Meeting
 Minutes of July 13, 2022

Approve the Parks and Recreation Commission Minutes of July 13, 2022 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

None.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS & COMMENTS**-Commissioner Comments**

None.

-Staff Comments

Superintendent of Recreation Services, Damon Sparacino, provided an update on recreation programming. Highlights included: fall activity brochure guide, Council approving recreation scholarship changes, Sunset Movie Series, Senior Center open house event, State of the City, and resuming COVID-19 testing at the Community Center.

Chair Giri asked if the Sunset Movie Series could be expanded to different parks. Damon replied yes, next year staff will work to show the movies at different parks across Sunnyvale.

INFORMATION ONLY REPORTS/ITEMS

- 2 [22-0797](#) Parks and Recreation Commission Proposed Study Issues,
Calendar Year: 2023

Standing item. No study issues approved in previous meeting were proposed.

ADJOURNMENT

Chair Giri adjourned the meeting at 8:04 p.m.



City of Sunnyvale

Agenda Item

22-0833

Agenda Date: 9/14/2022

REPORT TO PARKS AND RECREATION COMMISSION

SUBJECT

Forward a Recommendation to City Council to Introduce an Ordinance Amending Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code

BACKGROUND

In an effort to clarify an existing provision of the Sunnyvale Municipal Code, the Parks and Recreation Commission is being asked to review and recommend approval of an amendment to Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code. The proposed Ordinance would grant the Director of Public Works the authorization to set park hours for each park in Sunnyvale. In addition, the proposed Ordinance would remove the prohibition against loitering in public parks, and proposes to clarify the prohibition to prohibit remaining in a public park during park closure hours.

The City Council is scheduled to consider this item on September 27, 2022.

EXISTING POLICY

General Plan

Chapter 4, Community Character, Policy CC-1.6, Maintain City neighborhoods as safe, healthy places to live.

Chapter 6, Safety and Noise, Policy SN-4.2, Provide for assessment of changing community needs and expectations.

Chapter 6, Safety and Noise, Goal SN-1, Acceptable Levels of Risk for Natural and Human-Caused Hazards. Ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community and that land uses reflect acceptable levels of risk based on identified hazards and occupancy.

ENVIRONMENTAL REVIEW

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

DISCUSSION

Historically, Sunnyvale parks have been closed to the public from 9:00 p.m. to 6:00 a.m. of the following day. In some cases, such as sports fields and courts with lighting, many parks in Sunnyvale are now accessible and regularly used after 9:00 p.m. The proposed ordinance would grant the Director of Public Works the authorization to set park hours for each park. For example, Washington Park which has lit ballfields and a basketball court could have different hours than Las Palmas Park which currently has no lighted features. Staff would place signs in every park accordingly, providing greater clarity to park users and Public Safety officers regarding the hours of operation at Sunnyvale parks.

Additionally, language in Section 9.62.090 of the Municipal Code is proposed regarding remaining in a public park after closure, or loitering. The current language does not provide enough clarity around what is permitted or not permitted after the park is closed such that the ordinance may be subject to a legal challenge.

The Ordinance currently reads:

9.62.090. Loitering prohibited during certain hours.

No person shall remain, stay, or loiter in any public park, between the hours of nine p.m. and six a.m. of the following day without approval from the director. (Ord. 1542-69 § 1, 1969; prior code § 4-11.09).

The new proposed Ordinance would read:

9.62.090. Operational hours of city parks.

- (a) The Director has the authority to establish the hours during which any park, and park buildings, roads, grounds, or other facilities are open to the public.
- (b) Notice of hours of operation shall be conspicuously posted at the park, or park building, road, ground, or facility.
- (c) No person shall enter or remain in any park, or park facility, building, road, or grounds, during those hours of the day or night when they are closed to the public pursuant to this section, unless authorized by the Director.

FISCAL IMPACT

Staff anticipates that the amendment to the Sunnyvale Municipal Code will require additional signage at City parks reflecting accurate park hours, which can be absorbed by the current operating budget. Staff does not anticipate any additional costs as operations will largely remain unchanged.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

ALTERNATIVES

1. Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.

2. Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code, with modifications.
3. Do not Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.

STAFF RECOMMENDATION

Alternative 1: Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.

Prepared by: Jim Stark, Superintendent of Parks
Reviewed by: Chip Taylor, Director of Public Works
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Reserved for Report to Council
2. Draft Ordinance

This page intentionally left blank. Reserved for Report to Council.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE TO AMEND SECTION 9.62.090 OF
CHAPTER 9.62 (PUBLIC PARKS) OF TITLE 9 (PUBLIC
PEACE, SAFETY OR WELFARE) OF THE SUNNYVALE
MUNICIPAL CODE**

WHEREAS, the City of Sunnyvale desires to amend certain sections of the Sunnyvale Municipal Code Chapters 9.62 (Public Parks) to clarify and correct provisions that are outdated or have been held unenforceable by caselaw.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.62.090 AMENDED. Section 9.62.090 of Chapter 9.62 (Public Parks) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.62.090. ~~Loitering prohibited during certain hours~~ Operational hours of city parks.

~~—No person shall remain, stay or loiter in any public park, between the hours of nine p.m. and six a.m. of the following day without approval from the director.~~

(a) The director has the authority to establish the hours during which any park, and park buildings, roads, grounds or other facilities are open to the public.

(b) Notice of hours of operation shall be conspicuously posted at the park, or park building, road, ground or facility.

(c) No person shall enter or remain in any park, or park facility, building, road or grounds, during those hours of the day or night when they are closed to the public pursuant to this section, unless authorized by the director.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney



City of Sunnyvale

Agenda Item

22-0900

Agenda Date: 9/14/2022

Discussion and Consideration of Potential Study Issue: Evaluate the Feasibility of Opening the Trail Along the Drainage Channel Near Ortega Park for Public Use



Sunnyvale

Board and Commission Study Issue Form

The Study Issues process is designed to assist City Council with setting priorities for the coming calendar year. Board and commission members have two roles in this process:

1. To advise Council regarding the identification of policy issues to study, within their relevant area of authority.
2. To advise Council on those issues Council has decided to study.

The study issues process should focus on considering a new or revised ordinance, new or expanded service delivery program, changes to existing Council Policy, or amendments to the General Plan. The Study Issues Form is designed to focus board and commissioner members' ideas on potential policy study issues and provide the opportunity for staff feedback and guidance in a transparent process.

Board or commissioners may only fill out a form for study issue ideas within their purview.

Date Submitted to Staff Liaison: 4/5/2022

Board/ Commission: Parks and Recreation Commission

Submitted by: Prakash Giri

Study Issue Working Title: Evaluate the Feasibility of Opening the Trail Along the Drainage Channel Near Ortega Park for Public Use

1. What are the key elements of the issue? What precipitated this study?
A community member presented at the Parks and Recreation Commission meeting in February 2022 the idea to open public access to the seasonal drainage channel (East Channel) for recreational use. Access would start along the east boundary of Ortega Park at Inverness Way and potentially finish near the Guadalupe Slough, approximately six miles. Possible improvements would include a walking/bike trail. City staff clarified that this land belongs to the Valley Water District and the issue warrants detailed study. The City of Sunnyvale has identified the channels (East and West) as opportunities for trail development in their Parks of the Future Plan.

2. Staff Summary of Scope and/or Comments:

A study is suggested due to the stakeholders involved and complexity of potential improvements, as the East Channel provides 100-year riverine flood protection to over 1,500 parcels along the Sunnyvale East Channel Watershed. The East Channel also flows to the San Francisco Bay and concerns regarding downstream pollutants entering the Bay are significant. The study would explore the feasibility of safely opening the East Channel area beginning at Inverness Way and Ortega Park for public



Memorandum

use including a bike/pedestrian trail and possible funding sources for a potential capital improvement project. The Study would also provide annual maintenance costs and future renovation/replacement costs as it relates to the City's 20-year financial plan. Significant public outreach would be necessary due to the large number of residences that would be affected. In addition, coordination and approval processes between the various agencies involved would be explored as the land is not owned by the City.

Eventually the trail could be connected to the East Channel Trail (already open to the public) which would create a pedestrian connection between the southern and northern parts of Sunnyvale and the Bay Trail.



City of Sunnyvale

Agenda Item

22-0894

Agenda Date: 9/14/2022

Parks and Recreation Commission Proposed Study Issues, Calendar Year: 2023 Proposed Study Issues*

| Date | Working Title | Summary of Scope | Staff Comments |
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*The study issues have been proposed for future sponsorship

Toward the end of the calendar year, no later than October, boards and commissions will review the list of proposed study issues and officially vote on sponsorship for each individually listed study issue. Official sponsorship means that the study issue is approved for ranking with a majority vote of the board or commission. Staff will then prepare the sponsored study issue papers, including fiscal impact **but not** the staff recommendation.