

RESOLUTION NUMBER R- 299646 (R-2005-112 REV.)(REV. 2)

ADOPTED ON SEP 14 2004

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO RESTORE LA JOLLA CHILDREN'S POOL TO A JOINT USE AREA FOR HUMANS AND SEALS.

WHEREAS, in accordance with Manager's Report No. 04-135, on file in the office of the City Clerk as Document No. RR- 299646, the City Manager recommends to the City Council that it approve the dredging project at La Jolla Children's Pool in order to return the area to seasonal joint use for humans and seals [Project]; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City Manager is authorized to:
 - (a) perform preliminary studies, initiate design and permit applications, and actions incidental to these functions, in order to comply with the accepted City Council recommendation, noting that this action does not constitute a decision to proceed with construction of the project as recommended, and does not foreclose the analysis of alternatives or mitigation measures that would ordinarily be a part of environmental or permit review for the Project;
 - (b) return to City Council with the appropriate environmental document for review and certification for approval in order to comply with the accepted recommendation for the Project; and

- (c) take all necessary actions to seek, apply for, accept, and secure donations in order to comply with the accepted recommendation for the Project.

2. That the City Auditor and Comptroller is authorized to:

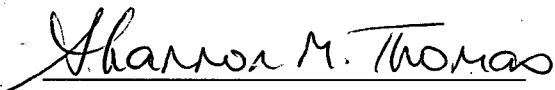
- (a) establish a special interest-bearing fund for the La Jolla Children's Pool donations in reference to the Project;
- (b) add CIP No. 29-872.0, La Jolla Children's Pool – Joint Use, to the Fiscal Year 2005 Capital Improvements Program for the Project;
- (c) increase the Fiscal Year 2005 Capital Improvement Program budget in CIP No. 29-872.0, La Jolla Children's Pool – Joint Use, up to the amount received for the Project; and
- (d) appropriate and expend donations, if secured, up to the amounts secured for purposes of design initiation, environmental documents, permit applications, and actions incidental to these functions in order to comply with the accepted recommendation from CIP No. 29-872.0, La Jolla Children's Pool – Joint Use, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasurer.

3. That the City Manager's Alternative Recommendation 1 in City Manager Report 04-135 modifying the staff recommendation to design and permit the Sand Removal Project and open the Children's Pool for year-round use is approved.

4. That the opening of the sluiceways in the Children's Pool be evaluated as an alternative method to obtain sand removal and tidal flushing as part of this effort.

5. That the rope barrier and sign posts be immediately removed to restore public access to the Children's Pool; that new signs be placed on the lifeguard tower indicating that public access is permitted but that seal harassment is a violation of the Marine Mammal Protection Act; that the signs should also indicate the bacteria levels garnered from testing in the area; and that the signs be consistent with the recommendations of the Park and Recreation Department.

APPROVED: CASEY GWINN, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:cfk
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