

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, September 14, 2004**

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ITEM-330: La Jolla Children's Pool Joint Use.

(Continued from the meeting of August 10, 2004, Item 330, at the request of Councilmember Peters, due to lack of time.)

(See City Manager Report CMR-04-135; Meeting Guide submitted by James Hudnall and Gabriel Solmer; and Report from Martha Patricia Argomedo Weisz dated 6/17/2004. La Jolla Community Area. District-1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-112) ADOPTED AS AMENDED AS RESOLUTION R-299646

Authorizing the City Manager 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.

Authorizing the City Auditor and Comptroller to:

- a) establish a special interest-bearing fund for the La Jolla Children's Pool donations in reference to the Project;
- b) add CIP-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-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-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.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 6/23/2004, NR&C voted 5 to 0 to forward to the full City Council with no recommendation. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

On April 1, 2003, the Mayor and City Council directed the City Manager to return to the Natural Resource and Cultural Committee (NR&C) this year with a strategy to do the following: "In compliance with Federal Law, to reduce pollution levels in the sand and to return the Children's Pool to recreational use for children, including accessible uses, thus restoring this area to the joint use of seals, divers, fishermen, children and their families." A report was given before the NR&C on June 23, 2004. The NR&C voted unanimously to refer the matter to the full City Council.

The Manager's Report # 04-135 was presented to the NR&C. A strike out/underlined version is provided with the only changes being correcting a typographical error for the Technical Advisory Committee members; a clarification of the proximity of the Children's Pool to the La Jolla Underwater Park; and, a clarification that Ellen Browning Scripps contracted with the builder of the breakwater as opposed to the City of San Diego. Otherwise, the content, information and recommendations remain unchanged. The City Council is being requested to approve initiation of the design of a seasonal joint use recommendation provided by the City Manager. Since funds, permits and environmental review are required, this action does not constitute a decision to proceed with construction of the project, nor does it foreclose analysis of alternatives or mitigation measures that would ordinarily be part of environmental or permit review. In addition, upon full review of: a) any permit conditions (if any), b) a completed environmental document, and c) the construction documents, City Council action will be required to authorize the construction project.

**FISCAL IMPACT:**

1. The estimated cost to dredge the Children's Pool ranges between \$250,000 and \$500,000. This cost includes construction documents, permits, environmental, administration, and construction.
2. The cost to provide testing per year is \$3,000. This cost may potentially be borne by the County Environmental Health Department.
3. The cost to rework the soil on a yearly basis per the County Environmental Health Department's non-advisory status is \$5,000 per year.
4. The cost to provide dredging every three to five years, budgeted on a yearly basis is \$50,000.
5. The cost for a limited full time ranger position with associated non personnel expense to provide education interpretation of the area and manage the mixed use of the site is \$75,000 per year.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:52 a.m. – 12:00 p.m.; 2:29 p.m. – 5:34 p.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE THE CITY MANAGER'S ALTERNATIVE RECOMMENDATION 1 IN CITY MANAGER REPORT 04-135 THAT WOULD MODIFY THE STAFF RECOMMENDATION TO DESIGN AND PERMIT THE SAND REMOVAL PROJECT AND OPEN THE POOL FOR YEAR-ROUND USE. DIRECT THAT THE OPENING OF THE SLUCEWAYS IN THE CHILDREN'S POOL BE EVALUATED AS AN ALTERNATIVE METHOD TO OBTAIN SAND REMOVAL AND TIDAL FLUSHING AS PART OF THIS EFFORT. DIRECT THAT THE ROPE BARRIERS AND SIGN POSTS BE IMMEDIATELY REMOVED TO RESTORE PUBLIC ACCESS TO THE AREA AND 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. THESE SIGNS SHOULD ALSO INDICATE THE BACTERIA LEVELS GARNERED FROM TESTING IN THE AREA, WHICH SIGNS ARE CONSISTENT WITH THE RECOMMENDATIONS OF THE PARK AND RECREATION DEPARTMENT. DIRECT THAT CIP FUND NO. 29-872 BE CREATED FOR THE LA JOLLA CHILDREN'S POOL TO PROVIDE FOR FUTURE FUNDING. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-nay, Council District 4-vacant, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.