

CC Monday May 17, 2010

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HUESO: ...view of any of the people that came here to observe the council meeting. And if anyone is disrupting we have a, we just want you to bring it to our attention without maybe bringing it to their attention. We have a, some of our staff here, maybe we have, do we have a security officer present? Maybe if we have someone, we just ask that you return, use your placards responsibly so that you know we can proceed with the meeting and we don't have any interruptions because this promises to be a lengthy evening ladies and gentlemen. So I want to thank you for your cooperation, we'll call the regular council meeting of Monday, May 17th, 2010 to order. Clerk, please call the roll.

CLERK: Councilmember Lightner.

LIGHTNER: Here.

CLERK: Counsel President Pro Tem Faulkner.

FAULKNER: Here

CLERK: Councilmember Gloria.

GLORIA: Here.

CLERK: Councilmember Young?

YOUNG: Here.

CLERK: Councilmember DeMaio.

DEMAIO: Here.

CLERK: Councilmember Frye.

FRYE: Here.

CLERK: Councilmember Emeralds.

EMERALDS: Here.

CLERK: Council President Hueso.

HUESO: Here. We will begin this evening with an invocation by our City Clerk Liz (Mayland). Followed by the Pledge of Allegiance led by Councilmember Lightner.

CLERK: Please stand for our invocation. Grant those who hold office in this city the spirit of wisdom, charity, and justice that with steadfast purpose they may faithfully serve in their offices to promote the well being of all people. *(Recording goes blank for a few seconds)*

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HUESO: Thank you, good evening everybody. This is a, this meeting tonight is part of our effort to get more connected to the community with our council meetings. And this, this evening's meeting is one of our many meetings or public hearings in the community and on this item in particular that's been docketed tonight which is the Seasonal Shared Use Policy for the Children's Pool is of importance to this community that's why we felt it very important to come out here to solicit your involvement in matters that affect you directly. At the council chambers tonight we don't have our usual instrumentation to administer our meeting. So I want to ask council members as they participate in this process to please indicate by showing your hand and I will try to observe here in terms of the order in which people raise their hand so I can call on you and we will use the regular process of first beginning with a report. Tonight's report will be provided by Councilmember Donna Frye and Mary Ann Kompensky the Committee Consultant from the Natural Resources and Culture Committee. And following that we will go to committee member questions and then we'll go to the community for input. And we've already, we have over 100 speakers tonight. And if we employ our regular 3 minute rule we'll probably have breakfast here together. So we have some organized presentations and we'll, we will limit each organized presentation to 15 minutes. And following that we will ask each person to try to confine their comments to 1 minute unless they, they were, wanted to share with us, was already shared. So we don't necessarily duplicate the information that we have during the course of the meeting. So we will begin and if for those individuals that have not submitted a speaker slip this is your last opportunity to do one. To, to do so before we finalize our opening presentation. And we will begin with...

DEMAIO: Mr. Hueso?

HUESO: We will begin with non-agenda council, City Attorney (inaudible) if there's any at this time? Yes Mr. DeMaio?

DEMAIO: I just want to thank Ms. Lightner for requesting that this important issue be heard at an evening meeting and in the community. I think it maximizes public participation and this is part of an overall series of reforms that this council enacted about a year ago to make your City Council more accessible to citizen input. I also want to thank our City Clerk staff for putting together this venue; literally they moved the City Council from City Hall to this venue. It's a lot of hard work, Ms. Liz (Mayland) and her staff deserve great kudos for that. And I also want to thank our City Staff for also coming out including our police department so that we can have an orderly meeting.

HUESO: Councilmember Lightner?

LIGHTNER: I am thrilled to be in the community and I'm glad so many people showed up. It is really terrific what the City Clerk, the City Staff, and especially my staff have done to put on this meeting this evening. I appreciate Council President Hueso's offer to have this here. And I think I don't know, I think we've not been out in District 1 for any sort of meeting for quite a while, so I really appreciate it. And welcome to all of you who have chosen to attend and share your evening with us tonight.

HUESO: Very well, we'll begin with Item 150 which is a Seasonal Shared Use Policy for the Children's Pool and the opening presentation will be made by

Councilwoman Frye, which is the Chair of our Natural Resources and Culture Committee together with Mary Ann Kompensky.

FRYE: Is this on? Alright. Alright, thank you. I've very glad to be here tonight and we're particularly glad as my colleague has said to be out here in the La Jolla Community. We are going to, alright. Yeah there we go. Tonight this presentation is the management plan for the Children's Pool. The proposed management plan. Harbor seals and their pups at Children's Pool have been a source of public debate for over a decade. At issue is how best to manage this coastal resource, balance conflicting public views, while ensuring compliance with the laws of the city, the state and federal government. After many years of litigation on February 17th 2009 the City Council voted 7 to 1 to support amending the 1931 Tidelands Trust to permit marine mammals to inhabit the Children's Pool beach. On February 26th 2009 State Senator Christine Kehoe introduced legislation that amended state law to allow seals at Children's Pool and the Governor signed it on July 2009. Effective January 1st of 2010 the trust was amended to list an additional use of the tidelands for a marine mammal park for the enjoyment and educational benefit of children. March 17th 2010 the Natural Resources and Culture Committee considered management options for the Children's Pool as presented by various community organizations. No action was agreed upon. On April 5th 2010 the Natural Resources and Culture Committee held a special hearing to again consider management options for the Children's Pool. The committee voted to support the management plan, which is the action before us today. At least three public meetings were held in La Jolla between April 5th 2010 and April 17th 2010 to discuss the management plan and there have been numerous articles and stories in the media. The La Jolla planning group opposed the management plan. On May 12th 2010 due to ongoing concern about the removal of the rope barrier prior to this meeting tonight four members of the City Council sent a memo to Mayor Sanders stating their concerns and requesting that the rope not be taken down prior to tonight's meeting. On May 14th 2010 Councilmember Lightner announced private funding for a park ranger, which is one part of the management plan adopted at Natural Resources and Culture Committee. On May 15th 2010 the rope barrier was removed and despite the signs and some police presence most people seemed unaware of the local, state and federal laws regarding wild marine mammals. NOHA, California Seal Viewing Guidelines state that efforts by the general public to closely approach or otherwise interact with the seals can lead to harassment, which is illegal under the Marine Mammal Protection Act. Harassment is defined under the MMPA as an act of pursuit, torment, or annoyance, which has the potential to injure the animal or cause a disruption to its natural behavior. From a biological and management standpoint the harassment of seals by members of the public continues to be of concern. The Watchable Wildlife Marine Viewing Working Group made up of a variety of representatives from the National Park Service, and I won't read all the names, offers the following guidelines for interactions with wild marine mammals. First, keep your distance. Use binoculars, spotting scopes and cameras with zoom lenses to get a closer look. Marine wildlife can be very sensitive to human disturbance and if cornered they can harm the viewer or leave the area. Hands off. Never touch, handle, or ride marine wildlife. Touching wildlife or attempting to do so can injure the animal and put you at risk. Never chase or harass wildlife. Following a wild animal that is trying to escape is dangerous. Never completely surround the animal, block its escape route or

come between mother and young. Stay away from wildlife that appears abandoned or sick. In addition the San Diego Municipal Code Section 63.0102 also makes it unlawful to take, kill, disturb or maltreat wild marine mammals. Without the rope barrier serving as a guide some seals and their pups were flushed into the water by people getting too close. People were not keeping a safe distance from the seals and their pups and people were attempting to touch or pet or actually touching and petting the seals and their pups. This unfortunately is an all too common occurrence and members of the public regularly ignore the rules for viewing wild marine mammals, most unknowingly but some on purpose. This includes seals and their pups fleeing from the beach into the water due to human harassment. People not keeping a safe distance from the seals and their pups. Seal pups being almost fully surrounded by people. People attempting to touch, pet or actually petting the seals. People approaching seals that are sick or injured and people being scared by seals who react to the person being too close to them. This in turn leads to human-to-human confrontations that can lead to violence. Putting an additional strain on the city's limited public resources. The removal of the rope barrier will likely cause these conflicts to occur more often and become more intense because of the presence of seal pups on the beach. The City Council's decision to amend the State Tideland's Trust to allow a marine mammal park for the enjoyment and educational benefit of children requires a management plan that will provide a clear policy for the public. So they know what the laws are, while ensuring that the seals are not harassed. The presence of a rope barrier would reduce the conflict because it provides a clear indicator to the public the appropriate distance from the seals to avoid harassing them. The immediate placement of the rope barrier will provide a clear message for those who have a sincere desire to respect the seals and their pups. And provide some level of heightened protection for them. The park ranger can provide enforcement assistance to the police, the lifeguards and NOHA personnel, for those members of the public who do not have a sincere desire to respect the seals and their pups and are continually pushing the limits with their behavior. The rope barrier will help prevent members of the general public from being cited for harassment under the Marine Mammal Protection Act. Or bitten by a seal through an attempt to interact with a seal or its pup. Absent clear policy and immediate action by the City Council to reinstate the rope, the number of incidents at Children's Pool both human to seal and human to human will likely continue to escalate as they have since the rope barrier was removed on May 15th. The recommended action tonight is to adopt the management plan for Children's Pool in its entirety. This includes determining that a coastal emergency exists requiring the immediate year round placement of the rope barrier. Directing the Mayor or his designee to amend the coastal development permit that the city already has, and the site development permit. To direct the City Attorney's office to draft an ordinance amending the municipal code to prohibit any person to be on the beach during pupping season and to prohibit a dog to be on the beach at any time. This would come back to docketing no later than June 30th of this year. The other part of the plan includes determining if the proposed year round rope barrier placement at Children's Pool and the municipal code amendments are consistent with the local coastal program and the California Coastal Act and only if required directing the Mayor or his designee to amend the local coastal program accordingly. It also includes directing the Mayor or his designee to seek private funding for grants for a park ranger. It appears that this part of the management plan may have already been accomplished by my colleague Councilmember Lightner and for that we are very grateful. And finally

it provides directing the Mayor or his designee to propose appropriate signage based on the council actions tonight and to return to the Natural Resources and Culture Committee within 45 days for a report. Thank you Council President Hueso and it would just, just because we don't have a light system tonight it would be my request and I will certainly honor the fact that it is in Councilmember Lightner's district. But as the Chair of the Natural Resources and Culture Committee I would like to be able to make the motion when it's the time to do so.

HUESO: Very well. Please, please ladies and gentlemen. We'll go to councilmember questions, do we have any questions? Any questions from the councilmembers? Councilmember Lightner?

LIGHTNER: As the councilmember for the district I do respectfully request to be able to make the motion at the appropriate time this evening. I do, I beg your pardon?

HUESO: I was just asking the audience to limit their applause as much as possible so we don't interrupt either the speakers or the councilmembers when they're speaking so we can all (overtalking).

LIGHTNER: Okay. I have questions divided for the staff report. I have questions for Ms. Kompensky, the presenter of the staff report.

HUSEO: I guess you would direct your questions to Ms. Frye.

LIGHTNER: Okay. How many community, question number one, how many community groups did your office do outreach to before docketing this issue at NR&C?

FRYE: I beg your pardon?

LIGHTNER: How many community groups did your office do outreach to before docketing this issue at NR&C?

FRYE: Well if you recall Councilmember Lightner in December there was a request by members of the public to docket this item at the Natural Resources and Culture Committee. We had discussions and it was our belief that it was not adequate time so we did not do that. Again in January I was requested to docket it, and I did not do so again believing that we needed more public input. If you will also recall there was an attempt by both of our offices to bring together the opposing sides of this argument. The first group I believe was the, Debbie Beecham's organization whatever the name of that organization was, the La Jolla Friends of the Children's Pool I believe? We also had representatives from the environmental community and there was also a representative Mr. John (Lee) representing the Council of Divers. At that meeting we asked each side to bring forth their plans and propose them so that we could possibly reach some sort of agreement because you believed that we were very close to reaching one. And I was hopeful we would reach that. At that meeting it was decided that each group, each of the three groups would be coming forward to make presentations before the Natural Resources and Culture Committee, which they did. That information was provided and it was docketed and it was widely known to all the

community groups including yours. Many members of the organizations who made presentations are also members of those groups.

LIGHTNER: Did any community groups from Council District 1 request this matter be docketed at NR&C?

FRYE: Did they request that it be docketed? No.

LIGHTNER: Were any cost estimates or time estimates on the proposed options made available to the public and the NR&C Committee when it was heard?

FRYE: I'm sorry I didn't hear the first part.

LIGHTNER: Were any cost estimates or time estimates on the proposed options...

FRYE: No, there were no cost estimates or time estimates because the purpose of the Natural Resources and Culture Committee hearing was to determine a management plan at which time once those management options were decided that the cost would be brought back which they were and which they have been tonight. We did not know what the cost would be in advance of knowing what the action would be.

LIGHTNER: Did city staff contact your office to express concerns about the situation at the Children's Pool? And ask you to docket an item at NR&C?

FRYE: Did they express concerns? Yes. Did the Mayor's staff ask me to docket an item? No. I do not need a request to docket an item as you know, as the Chair of the Natural Resources and Culture Committee it is standard and normal procedure for the chair of each committee to choose what will be docketed and to do that, which I have done.

LIGHTNER: Who would pay the cost for the emergency coastal, who would pay the cost for the local, for the emergency coastal development permit to the rope barrier up year round if it's approved tonight?

FRYE: It is my understanding that the cost estimates provided to me by the Development Services staff to have the rope up and to do the permitting would be in the range of \$1000 to \$3000.

LIGHTNER: And who would pay the cost for the local coastal program amendment to close the beach during pupping season?

FRYE: Who will pay for the \$1 to \$3000 cost? The City of San Diego.

LIGHTNER: Why was the proposed resolution regarding the year round rope barrier changed from the language used in the draft produced on April 26th the draft produced for the backup material for this meeting?

FRYE: The language for the management plan and shared use plan have been used interchangeably. I did not distinguish one from the other. Some

people call it a seasonal shared use, some people call it a management plan. It is two names for the same item.

LIGHTNER: I'm sorry, may I, I want to correct that question. It is that in the resolution that was drafted on April 26th there was a declaration of emergency. And there is not one in the resolution that's before council this evening.

FRYE: I'm not understanding your question Councilmember Lightner.

LIGHTNER: The proposed resolution that was drafted on April 26th had the findings for declaring an emergency as part of the resolution. That is not a part of a resolution this evening.

FRYE: The emergency findings and I would ask for assistance from the City Attorney's office to respond to it. But it is my understanding that the information that is reviewed and heard at this hearing, the public testimony based on the record that is presented would be included as part of the findings for an emergency declaration.

HUESO: Before you answer that question, you've gone over a minute over your time Ms. Lightner.

FRYE: She can have my 5 minutes Councilmember Hueso.

HUESO: How much more time would you require Ms. Lightner?

LIGHTNER: I have questions for the City Attorney, I have questions for City Staff, I have questions for Development Services. And....

HUESO: Hold on, hold on ladies and gentlemen. Please.

(overtalking)

HUESO: Let's work together here we'll get through the meeting.

FRYE: Council President Hueso I'm happy to give my 5 minutes to Councilmember Lightner.

HUESO: We'll give her 5 minutes and we'll start rolling from 4 minutes so, because we've already gone over a minute. Okay, please answer the question. You can begin now.

LIGHTNER: City Attorney questions. When was the city's current joint use policy...

CITY ATTORNEY: I'm sorry did you want me to finish responding to Councilmember Frye's partial response to you on the resolution, the previous resolution?

LIGHTNER: That's fine.

CITY ATTORNEY: Okay. I believe the resolution you're referring to was one that was proposed when the Emergency Coastal Development Permit was possibly going to be going forward separately and there were proposed findings in that resolution to support an Emergency Coastal Development Permit. It wasn't a declaration of emergency per se.

LIGHTNER: Yes.

CITY ATTORNEY: Okay.

LIGHTNER: So why are those findings not in the resolution before us this evening?

CITY ATTORNEY: I prepared the resolution based on the 14-72 that our office received so, I wouldn't be able to answer why NR&C did not present findings our Councilmember Frye's office did not present findings at that time.

LIGHTNER: When was the city's current Joint Use Policy adopted?

CITY ATTORNEY: 2004, September I believe.

LIGHTNER: Does this policy allow both people and seals to be on the beach year round?

CITY ATTORNEY: That was the, the plan that staff was supposed to work towards.

LIGHTNER: Is the city under any legal obligation to modify the current Joint Use Policy for the Children's Pool?

CITY ATTORNEY: They are not.

LIGHTNER: Is the city currently in litigation regarding the Children's Pool?

CITY ATTORNEY: We have one matter that is still pending before the 9th Circuit.

LIGHTNER: What is that matter?

CITY ATTORNEY: Off the top of my head I don't recall. I don't believe the outcome of that would affect the joint use options before the council this evening.

LIGHTNER: Did the City Attorney advance Senate Bill 428 to amend the terms of the trust in order to make existing litigation mute? And avoid future litigation?

CITY ATTORNEY: I believe that was the reason that the item was presented to Council and approved.

LIGHTNER: Why was the proposal to prohibit dogs on the beach year round combined with the proposal to close the beach to public access during pupping season?

CITY ATTORNEY: Again we prepared the resolution based on the 14-72 that we received.

FRYE: And I can answer that. The reason it was put together is because the similarities of both of those items required a municipal code change. Therefore I tried to put together things that were commonly related, so that it would be easier for people to understand. That was my hope. (overtalking) municipal code amendment.

LIGHTNER: In that these are part of the same action does that mean that it's possible for the Council to actually prohibit dogs on the beach year round, without approving the proposal to close the beach?

CITY ATTORNEY: When the item comes before you for, for introduction the Council could certainly introduce both parts of that or, or one or neither.

LIGHTNER: Does the local coastal program need to be changed to prohibit dogs on the beach?

CITY ATTORNEY: It would be the better course, the current community plan, local coastal program does not actually address dogs on the beach in any fashion but because dogs are not allowed to run free there would need to be people with the dogs. So it would have be parsed out as to, as to what would be under the local coastal program and what would not need to be. But there is such a thing as (inaudible) Local Coastal Program Amendment, and it could processed under that.

LIGHTNER: Can you explain the requirements by the Municipal Code Section 126.0718, Procedures for Emergency Coastal Development Permits, what is the Municipal Code's definition of a coastal emergency?

MALE: Thank you. If I could respond to that? There already been some discussion regarding the City Council making certain findings that would justify an emergency issuance of an Emergency Coastal Development Permit. Not sure if you want to....

FEMALE: (inaudible).

MALE: Can you hear me now? There's already been some discussion regarding the City Council's findings of emergency conditions that would allow for the issuance of an Emergency Coastal Development Permit. I'd like to just describe what the process is from the standpoint of, of our Municipal Code. The Coastal Commission really has the power to issue the emergency permit but has delegated that power to the City of San Diego under certain conditions that are set forth in our Municipal Code. Those conditions are that the Mayor of the city make certain factual findings based upon the record and included of those findings is that a coastal emergency exists. It defines a coastal emergency as a sudden unexpected occurrence within the coastal overlay zone that demands immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services. The City Council is perfectly within its rights to instruct or request the Mayor to submit an application on behalf of the city or the City Council. But under the law only the Mayor can make these findings. And the

Mayor must make those findings based upon the record and based upon the case law that defines what a coastal emergency is. The findings are factual, if the Mayor chooses as a matter of policy that he really wants to put the ropes up, or doesn't, that's beside the point. He is acting in a quasi-judicial capacity in which he must make it based solely upon the evidence and the facts before him as described in case law and in our statute. It is subject to judicial review if he is arbitrary or capricious. It is not a matter of policy. So on the emergency permit, it is a finding based upon a, that there is a sudden, unexpected occurrence within the coastal overlay zone, that demands immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services.

HUESO: Ms. Lightner do you have more questions?

LIGHTNER: I do.

HUESO: How much, oh, would anybody like (inaudible) their time?

GLORIA: I would like to reserve 30 seconds I'll but I'll yield the balance of my time to Ms. Lightner. (overtalking).

HUESO: 2 minutes have gone by so we'll give you 2 ½...

LIGHTNER: I do have additional questions for the, the City Attorney and if I have an opportunity to ask them later I will. But I do have questions for Development Services Department. Followed by the questions for the police.

BROUGHTON: Good evening Kelly Broughton, Development Services Department Director.

LIGHTNER: Good evening Mr. Broughton. Can you give examples of the types of situations that have been declared coastal emergencies by the city in the past?

BROUGHTON: Where most of the emergencies we've dealt with have been where public rights of way are in imminent danger of failing due to erosion. Pipe systems, water, sewer, storm drainage systems that are imminently in jeopardy of failure or have failed, so to repair those. Those are the typical ones we've dealt with. As well as landslides obviously, a few road and landslide issues have occurred in the coastal zone so those are also types of emergencies we've issued permits for.

FRYE: And Ms. Lightner if I may I had prepared as part of the documentation a...

LIGHTNER: This is not my time okay? Please?

FRYE: I just wanted to answer your question because you seemed concerned about it. But I wanted to make sure you were aware of documentation that was provided on Friday that specifically listed the numerous occasions on which the City of San Diego issued, declared a coastal emergency for the placement of the rope at the Children's Pool. It has been done on more than one occasion.

LIGHTNER: And maybe the City Attorney would like to, share some of his thoughts relative to those emergency declarations in the past but right now I have questions for the police. Please?

LONG: Good evening, Boyd Long Assistance Chief, San Diego Police.

LIGHTNER: Has anyone ever been arrested or charged with harming a seal at the Children's Pool?

LONG: Not to my knowledge.

LIGHTNER: Would you know?

LONG: Yes I would.

LIGHTNER: Okay. Has a seal ever harmed a person at the Children's Pool?

LONG: Not that I know of.

LIGHTNER: Can you explain why the number of calls for service apparently went up so dramatically last year at Children's Pool?

LONG: Yes ma'am. The reason we saw a significant increase in the calls for service to the Children's Pool last year was the significant number of what we call D runs. Where we actually ask officers to specifically go to that location to be there for presence to prevent any acts or any criminal activity. Last year we saw that number go from in 2008, 55 in 2009, 290 times we had a police officer go to that location and that was proactively sent to that location to be there as a visible presence.

LIGHTNER: What is the environment that creates the actual incidents between people at the Children's Pool?

LONG: Generally it's an environment that's people between each other, it's not people and seals, but usually there's a conflict of some sort between individuals.

LIGHTNER: Do you believe a year round rope barrier would alleviate incidents between people at the Children's Pool? Or could it exacerbate the number of incidents? Or would it have no impact?

LONG: It's hard to say. We have seen in the past when the rope barrier is up that there is a decrease in the number of conflicts between people and one of the reasons is that barrier acts as an identifying location for people not to cross. Not saying that people don't cross the barrier, but it becomes a factor that comes into play when people go down on that beach.

LIGHTNER: Do you believe the ranger program would be beneficial to alleviating the people problems at Children's Pool?

LONG: I think it would have a significant factor in mitigating some of the problems. We have in fact seen that in the past. I worked in 2007 with the Director of

Park and Rec Stacey LoMedico where we actually hired a security guard to be present at the pool. And we did see a decrease in the number of conflicts between human beings.

LIGHTNER: Okay. Thank you. My next questions are for Ms. LoMedico of Park and Recreation.

LOMEDICO: Okay do you, okay Ms. LoMedico what affect have the seals had on the water quality at the Children's Pool?

A: The water quality hasn't been tested in some time. There have some testing that's been done over, from 2008 to 2009. At certain times of the year it has exceeded AB, I believe it's AB411, which is the normal levels. There was a timeframe when we tested it in July of 2009 where it did not exceed the levels. But there is no ongoing testing done by Storm Water or the County Health.

LIGHTNER: In your judgment has human activity at the Children's Pool during the summer good for the water quality there?

A: I'm not a scientist, I can't tell you whether it's good for the quality of the water or not, but clearly while the seals are present year round, there's significant less number of seals in the summer months compared to the pupping months in the fall and early winter.

LIGHTNER: Do you believe the ranger program would be beneficial?

A: I do believe the ranger Program and docent volunteer program would be beneficial for the area.

LIGHTNER: Thank you very much.

HUESO: Ms. Lightner your up on time, we gave you additional...

LIGHTNER: I'm done.

HUESO: Okay very good, because we gave you Todd Gloria's....

LIGHTER: Unless you want to give me more, I'll take more any time.

HUESO: Ladies and gentlemen please, Mr. Gloria contributed 2 minutes of his time so we added that to your time. We'll come to Councilmember DeMaio who has 30 seconds. Yes, one question you said?

DEMAIO: Thank you, and my question is for Ms. Frye. I don't know ultimately who will make the motion but in the event that you are permitted to make the motion would you be amenable to breaking down for a separate vote each of the six elements of the management plan for the Children's Pool for a separate vote?

FRYE: Of course.

DEMAIO: And Ms. Lightner if you are the maker of the motion would you be amenable to breaking your motion down into separate votes so we can vote on each policy separately?

LIGHTNER: Absolutely.

DEMAIO: Thank you.

HUESO: Councilmember Gloria?

GLORIA: Thank you Council President. Thank you Council President Hueso. Good Lord, it's almost as bad as City Hall. Couple of questions. I believe these are for Ms. Frye. In terms of the emergency declaration that is contained or that we're considering today what is the duration of that declaration? Is that a year round emergency or is that only during a particular time of year?

FRYE: The coastal emergency would be the for the placement of the rope until such time as a Coastal Development Permit and Site Development Permit could be obtained under the regular process which I believe is approximately 60 days. So it would essentially be for a 60 day time period.

GLORIA: Okay. And then today's, in terms of requested action that came from your committee does it, does it consider any particular action to the declaration of marine mammal park for the facility?

FRYE: It does not specially call that out. However the State Tideland Trust Amendment did. And it is based on a management plan to actually manage it, once we determined that the seals could remain on the beach. There were certain actions that would be required in order to manage the wild marine mammals and make sure that the public is protected. That the seals are protected and that we reduce the human-to-human conflicts as well as the seal to human conflicts.

GLORIA: So that's not an action for today but it could be action in the future?

FRYE: I beg your pardon?

GLORIA: So that's not action considered in today's recommendation but it could be something we'd do in the future?

FRYE: We, we, we could certainly enhance that language but I believe that when the City Council voted to seek the amendment to the State Tideland's Trust, that, that was the action.

GLORIA: Okay. Thank you very much.

HUESO: Any other questions from the Council? Ms. Emerald?

EMERALD: Thank you very much. Could we hear from Mr. Long again? Assistant Chief Long? You were talking about D runs, a few minutes ago and we've got

several pages here from your records of D runs. Give us some examples of other areas that have required these regular D runs.

LONG: Yeah. ~~Other areas~~ that have required have been problems such mostly recently, La Jolla landslide, the aircraft crash in University City and what we ask our officers to do is spend extra time when they're not committed to another call for service somewhere in that particular area to actually go to that location and spend time at that location as a deterrent, as the ability to answer questions if they come up. And to make sure there's no criminal activity going on in that area.

EMERALD: Okay. That's one example. Do you have any others off the top of your head?

LONG: Yeah. Other, other examples would be high narcotics area. If we have a problem area where there is high narcotics we ask officers to spend time in that area that, when they're not committed to another location. Burglaries in certain areas of the city where we experience a high number of residential burglaries or business burglaries, we ask officers to actually flood those areas in an attempt to deter future criminal activity and in fact to try and locate suspects if possible.

EMERALD: Okay. I'm just trying to get a perspective on this. So the other, the other D run examples that come to mind are a disaster?

LONG: Yes ma'am.

EMERALD: And neighborhoods where you have rampant drug dealing activity and, and property crimes.

LONG: Criminal activity would be higher than the norm.

EMERALD: Okay. And so you would consider this area near the beach where, down here by the Children's Pool where you have conducted regular D runs do you make a comparison between them?

LONG: Sure, I will and here's the comparison. Especially in 2009 what we had was an opportunity to go to court five different occasions during 2009 in Judge Yuri Hoffman's courtroom and each of those times this event became quite a media event. And when the media focuses on this they bring cameras out there and generally what happens is the public identifies with that and they come out to that location. So we in an attempt to try and be ahead of the curve to make sure there's a visible presence out there were asking officers throughout that year of 2009 to make sure they had a visible presence out there. We did expect increased numbers of people visiting the location. And in addition, we expected that could potentially bring us more problems. So we were trying to be proactive and deter that.

EMERALD: So this isn't a causal decision made to schedule D runs?

LONG: No it was not a causal decision. It was a decision that was very purposeful.

EMERALD: Thank you very much.

LONG: Sure.

EMERALD: And I'd like to get more details, thank you very much. I'd like to get more details on the funding for the ranger. This was an issue we all supported at the Natural Resources and Culture Committee. Is there any information that we could get about, I understand it's an anonymous donor but how much do we have donated? And how long will that pay for a position and program to make sure this ranger can be effective? Does anybody have that information? Hi Ms. LoMedico.

LOMEDICO: Hello. Stacey LoMedico Park and Rec Director. Through the announcement that was made by Councilmember Lightner on Friday it is my understanding that there is close to \$80,000 and a anonymous donor for the personnel cost associated with the ranger. Those personnel costs were adopted and provided to the Department by the Financial Management Department. That is a fully loaded cost for a fulltime ranger at the site. For...

EMERALD: For one year?

LOMEDICO: For one year.

EMERALD: For one year. So then the clock would be ticking to find a way of continuing that program?

LOMEDICO: Yes. Per the Council resolution as drafted it still instructs that we continue to seek grants and private funding for that program.

EMERALD: Got ya. And just your opinion, while we're getting up to speed with a ranger in the position to offer education and some crowd control and, and a little bit of deterrence do you think it would be a good idea to keep that rope in place just as a transition if nothing else?

LOMEDICO: What I would see in terms of the rope is does provide a visual deterrence when there is not individuals there to help. We already have individuals via Seal Watch and other groups that educate people who come down to the beach to remind them to stay a safe distance. As well as, as well the number of signages that we have. We've placed the rope during pupping season the best of my knowledge since 2007. We've never had a rope during the non-pupping season.

EMERALD: Got ya. And I don't know maybe you can answer this question, I'm not sure. I know there's a 6-month period designated as pupping season. But come May 15th there's still pups on the beach are there not? Are they, and what are they doing? Are they still weaning? What are they doing?

LOMEDICO: In terms of the pupping season that was part of the Council action I believe in 2004 it was actually Council who adopted the pupping season of December 15th to May 15th. Of course Mother Nature you cannot put a timetable on exactly when the pupping season is.

EMERALD: Inexact science?

LOMEDICO: Inexact science. But my understanding that pupping season can be from December to May or, or November to early June.

EMERALD: Got ya, thank you for your time. And our City Attorney and whoever wants to answer the questions, either Ms. Thomas or Mr. Goldsmith.

HUESO: Before you ask your question Ms. Emerald you're a minute over.

EMERALD: Oh I am? Could I just ask the question and then let them...

HUESO: Yeah we'll do that but, is that your last question?

EMERALD: It will be my last question.

HUESO: Okay, very well.

EMERALD: With regard to the findings that were made by Council Member Frye with regard the concerns about the safety of the wildlife, safety to humans, are these sufficient emergency findings to, to make a case for getting an amendment?

MALE: Let me respond by saying reiterating that the Mayor makes the findings and I'm not going to undermine his, his opinions by giving my opinion in public but I will say that it is well within the council's purview to ask him to in affect consider it by making the application. But I will reiterate what the standard is and that could be a point of discussion. The standard is, he must make a finding based upon facts, legitimate facts in the record. That a, a, that there was a sudden expected occurrence within the coastal overlay zone that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. He makes those findings. I don't want to undermine, undermine that by stating that. But the City Council certainly may request it. Let me just point out too that, so that there's no confusion you may at the same time seek the actual permit extension. Just you know the emergency is one, one type of permit that would be to the Mayor's decision making but you can still proceed with the other extension of the permit for year round which would go through the normal process.

FRYE: Council President Hueso if just may also respond to Councilmember Emerald's question. In the backup material dated May 14th of 2010, we have provided additional information related to the City Council and other actions regarding the placement of the rope barrier at Children's Pool from April 5th 2006 through May 14th 2010. And specifically have listed the dates as well as all of the actions related to the Emergency Coastal Development Permit for the rope at the Children's Pool.

HUESO: Did anyone else have questions?

MALE: Mr. Hueso, I'm going to...

HUESO: We'll come to Mr. Councilmember President Pro Tem Faulkner did have a question, I forgot about that, (overtalking) Councilmember? Yeah.

FAULKNER: I was just going to give my colleague Ms. Lightner had some additional legal questions I'd told her I'd be happy to have her ask those, so she can have 3 minutes of my time.

HUESO: She finished her questions.

FAULKNER: She still has some more.

LIGHTNER: I had asked if anyone would give me time, I have some additional questions for the City Attorney and they all have to do with...

HUESO: Ms. Lightner then we'll come back to you, we'll ask, I didn't realize you needed more time. We'll come to Councilmember Young then we'll come back to you.

YOUNG: Thank you, thank you Mr. Hueso. And I will be brief. This question is directed to our City Attorney. So as, it is your understanding that the Mayor would be able to make that determination if there is an emergency situation at the beach? Is that based on city charter or city ordinance?

CITY ATTORNEY: It's based upon Municipal Code Section 126.0718. And it is based upon the Coastal Commissions delegation to the city the, the power to issue these emergency permits.

YOUNG: Okay. And you're, as City Attorney are you in the position or is it your role to interpret if that, if his interpretation is, is correct under that municipal code?

CITY ATTORNEY: That I'm in a position to interpret it?

YOUNG: Yes.

CITY ATTORNEY: Yes.

YOUNG: Okay so is he the judge and jury? Or do you get to weigh in?

CITY ATTORNEY: This is where it's a little, the role...

YOUNG: I'm sorry for asking you the hard questions (overtalking).

CITY ATTORNEY: No, it's okay. The role...

YOUNG: Because I know you're going to answer them well. But...

CITY ATTORNEY: I'm going to answer it, consistent with my role. The role of the City Attorney is that I advise you. And so I'm advising you the City Council can instruct that an application be filed. I then do give advice to the Mayor upon request and would give advice to the Mayor as to the parameters of the law and what factual

determinations would need to be made. But I will say I want to reemphasize that is not a policy issue as to whether he wants the rope up or not. It's a factual determination applying the law.

YOUNG: And you can't make any legal determination until he presents his findings?

CITY ATTORNEY: Well yeah, for me to come out and say one way or the other in advance would be undermining his authority under the Municipal Code Section. And I haven't even heard the evidence. And it's not my role to make that finding and I won't do it.

YOUNG: I understand. Thank you President Hueso.

HUESO: Thank you. And Ms. Lightner how much time would you like?

LIGHTNER: Just, just another minute I think. These questions are for the City Attorney. What, what if the Mayor cannot make the finding for an emergency permit?

CITY ATTORNEY: If the Mayor...

LIGHTNER: Can the Council do anything?

CITY ATTORNEY: No. The, the discretion, the discretion, the determination is made by the Mayor under the law. The City Council can request and instruct an application be filed. But it must be made, the decision must be made by the Mayor under the law. So if he denies it, it's denied.

LIGHTNER: And there's no way in which the City Council could declare it's own emergency and asked for emergency placement of the rope?

CITY ATTORNEY: Well that's what the proposal is, and you can cite findings as Councilmember Frye has indicated. She has gone through and she's indicated what the findings are that she would propose. The City Council can weigh in. But the determination is made by the Mayor under the law.

LIGHTNER: And I know you and I had a discussion about Charter Section 295 today and if you would share about that, that would be great. And it's lack of applicability apparently here.

CITY ATTORNEY: Section 295 of the Charter requires a super majority of six votes in order to pass an ordinance that is an emergency ordinance, which means it would take affect immediately. That is not what you're doing here. You're simply if you choose to do so, requesting or instructing the Mayor to seek an emergency permit which he decides and you're citing the emergencies that you make, that you're making your request based upon. It is not an ordinance that is taking affect immediately. Section 295 would not apply, you do not need a super majority for this.

LIGHTNER: Thank you very much.

HUESO: Is this an item that the Mayor can veto?

CITY ATTORNEY: Yes.

HUESO: Okay. Very well. And I also have a question of Ms. Frye. When this issue was entertained at NR&C there was a motion made that had been advanced, has that motion the recommendation that has been put before us, has it been altered or changed or amended in any way in terms of how it was made at the NR&C Committee?

FRYE: No it's based on the minutes. I think the only addition that we placed in it was to make sure that there was appropriate signage that would be brought back for a future council action. And to ask for a written report that would come to the Natural Resources and Culture Committee within 45 days. So other than that addition, which had been discussed by my colleagues in particular Councilmember DeMaio, which was part of the direction so....

HUESO: Who added, who added the amendments pertaining to signage and instruction (overtalking)?

FRYE: It was part of there was a lot of discussion at the committee providing direction to the way the signs were set up and some of the confrontations that were occurring and Councilmember DeMaio could speak to that. But this was our intention to capture all the direction that had been sought by my colleagues.

HUESO: So the legislative intent of the motion was caught in the recommendation that you're putting forward today?

FRYE: Yes. I, I did not make any changes. The requested action is based on the minutes which were adopted at the Natural Resources and Culture Committee. And those minutes had also some interesting discussions as to what the motion was. The motions that were made at that meeting were presented in the minutes and the committee voted to approve them, and that's what is reflected here.

HUESO: And that was a unanimous vote?

FRYE: Yes the vote was unanimous to support this all members present voting aye.

HUESO: And the members were you, Councilmember DeMaio, Councilmember Lightner, and Councilmember Gloria?

FRYE: And Councilmember DeMaio. Yes, it was all four of us.

HUESO: And the motion, the motion, the original motion was amended by Councilmember Lightner?

FRYE: Council, it was Councilmember Emerald not Gloria.

HUESO: Oh I'm sorry.

FRYE: That's on the NR&C, sorry.

HUESO: I'm sorry, I'm sorry. So Councilmember Emerald was also...

FRYE: Councilmember DeMaio, myself....

HUESO: The original motion was posed by Councilmember DeMaio?

FRYE: The original motion was, was made by Councilmember Emerald. And it was seconded by myself I believe. It was then amended by Councilmember Lightner it was also amended I believe by Councilmember DeMaio where we added some additional information which was reflected in the issue related to the appropriate signage.

HUESO: And those amendments are still contained within the motion that's before us?

FRYE: Yes.

HUESO: Very well. We'll go to members of the public now. If there are no more questions we'll come to members of the public. We'll begin with those in favor, we have a quite a large stack so we'll try to go through these. I'll ask that the members of, to please come forward and form a line as we call your name and come up to the microphone and we ask you to be present unless you have some physical limitation, please bring that to my attention as I call your name. Raise your hand and I will call on you if you cannot approach the mic and we will help you with that. We'll begin with Ellen Shively and is Andrea, raise your hand as I call your name. Andrea Hahn. Raise your hand as I call your name. Judith, Dr. Judith Swain. Dr. Judith Swain. Not present? Okay. Okay there you are I'm sorry. No, you don't have to come forward because I understand you see the time, some, do you want, unless you do want to speak? Zachary Cole. I've been told that you've (inaudible) time. Yarka Andric. Elsa Lumpkin. Marie Barilla. Norman Olson. Carol Pearson. Please raise your hand as I call your name. Sharon (inaudible) LeDuke. Donna Bartlett. I don't see hands. Donna Bartlett are you here? Not here? Okay. Albert Fredman. Here. And E. Stinson, do you (inaudible) time or did you want to speak? He's (inaudible) time, okay. I, there were 10 people that raised their hands? How much time would you like? Okay yeah I called your name.

SHIVELY: 11. 11 minutes please

HUESO: We'll give you 10 minutes because of the people that are present so please begin.

SHIVELY: Alright.

HUESO: And please speak into the mic and state your name.

SHIVELY: Good evening members of the City Council and members of the community. My name is Ellen Shively. I'm President of the La Jolla Friends of the Seals. The absolute need for all five of the items on the plan will be apparent in a video

you're about to see. (*Playing video*). The sound is off on this, there should be no music, you should be hearing the birth. Thank you. That's better, thank you. (*Playing video*). This is the birth of the eighth puppy. Just a little dude resting. This one I call the Yellow Belly Varmint. Other urban animals might pick on you. This would be little baby Bubbles, he was the first puppy born of pupping season 2009. He was also abandoned. The winter water temperature might be too cold for you. You might incur difficulties in finding your mommy's nipple. Or you could be too irresistibly cute for your own good. It's a 9-minute video. You notice the animals snapping. Here we have some sand throwing. This happens with some regularity. Some (inaudible) using the beach throughout the pupping season. Birthing mothers require full use of the beach. Swimmers insist on using the rookery during the pupping season. Here we have a little guy jumping off and hitting himself there. That must have hurt. Divers insist on using the rookery during the pupping season. And John was trying to be so careful here. It has gotten so bad that now mothers who already bonded with their puppies are leaving them. And the little thing actually knows who his mommy is and there she goes. All the while puppies continue to be abandoned and, or die. Fisherman insist on using the rookery during the pupping season. But for some seals the reefs simply will not do. There is an additional degree of difficulty during the summer months. Now we have some sand kicking, they're just sleeping; they're not doing anything so people want attention. This wasn't the summer but it was a little close. So we thought we'd show that. He didn't know he was there. I'm sorry, this is an interview, and I'm sorry we don't have the sound here. We really could use it. He witnessed a puppy that was stepped on and killed. This happened in the summer of 2008, June, 2009 where a puppy was tragically stepped on and killed by an adoring crowd and this gentleman was witness to it and it is very unfortunate you don't have his testimony. There is no audio. Yeah it would have been nice. Okay that's okay, you can turn that off. Now this is a little puppy that was later stepped on and killed. Some still profess a need to use this beach. Now we're going to go into Saturday just after the rope was taken down. Without a rope barrier the public will only rush in to approach the seals. This is just the beginning. And some of you may recognize this from the news broadcast coming up. They're only just getting started here. Then right off the bat we have this. And they're off. A picture is worth 1000 words. To borrow from the childhood story of the Wizard of Oz we urge the Council to have the courage of the Lion, the heart of the Tin Man, and the wisdom of the Scarecrow, to pass this motion in total and reinstall the rope immediately. Thank you.

HUESO: Ladies and gentlemen, ladies and gentlemen, ladies and gentlemen please. We want to move on with the meeting, we have so many speakers tonight. (Marjane Alann) followed by Sarah Goldsmith, followed by Brian Pease. This is a great opportunity of wave if you feel in support of what they're saying. That way you don't interrupt their speech, and we get to see that you support what they're saying. And that will be a much easier way for us to get through this meeting. There you go. Look what she's doing. It works, it works. (Marjane)?

FEMALE: Good evening Councilmembers...

HUESO: You have, is Careen Novak here? Or Marjane, you have two, so, you have, is, is Careen here? Where? Okay. So you, you need 2 minutes?

MARJANE: Yeah I just wanted to also mention Councilmember Hueso that Mr. Irving (inaudible) who is the head of the A Class Securities, the company that I hired to watch over the seals at night, and my friend here, Mr., he's a volunteer for night watch, seal watch. They're waiving their time to me. And I have a video.

HUESO: Are they, did they submit a slip...

MARJANE: Yes. You should have...

HUESO: What are their names?

MARJANE: Mr. (inaudible) and Mr. Irving (Cobbs) of A Class Security.

HUESO: Okay we'll look for them, but while you're time is going we'll let you know if we find them.

MARJANE: Thank you very much. Well I have a video, can you please, the video that was shot, we just showed and this video was taken on Saturday a few hours after the rope barrier was taken down and as you see, all the things that Ms. Frye just mentioned. (*Playing video*). That are violations of the Marine Mammal Protection Act. And the San Diego City Municipal Code, basically what you are observing is animal cruelty. But what shocked me most as a, as an educator here is not what's happening to the seals. I hope everybody agrees with me, that what's shocking in that video is negligence by parents allowing their toddlers, small kids to touch wild animals.

HUESO: Wave, wave, wave.

MARJANE: Please, please you know? Abide by, this is absolutely something that cannot be controlled without the tool which is rope barrier. Please let's not forget that there are many, many people from China, from Japan, from different countries who don't even speak English, they don't read the signs. It's monkey see, monkey do, they go down and actually I don't know if you can see the audio, but there's a lady there asking, can we pet them, can we pet them? That's what we see. They absolutely don't see the signs. That's why I ask (inaudible) something major has to be done about the signage which is confusing and not visible especially at night. This Council has also unfortunately not addressed, I'm glad we have funding for a ranger during the day. But what happens at dusk when the rangers, the ranger and the lifeguards go home? That's when we've been in action for the last 4 years you see a private initiative here in action. I've been funding a security guard from this gentleman's company to watch over me, because we have aggressive individuals attacking me, attacking the seals. We have intoxicated people. Just imagine the scene at night, with intoxicated people who can't even walk and they don't know what they're doing. They want to go and hug a seal. We've had many numerous instances where they, we've had intoxicated individuals who harm the seals and contrary to what Ms. Lightner said, there is a seal story that made the news in October of 2004 a few days after the rope barrier was taken down. A baby seal was tortured and killed on that beach.

HUESO: Thank you ma'am.

MARJANE: And there have been other instances.

HUESO: Your time is up ma'am.

MARJANE: Thank you very much.

HUESO: We'll come to Sarah Goldsmith. Followed by Brian Pease. Ms. Goldsmith you have a minute.

GOLDSMITH: Hi. Yes. My name is Sarah Goldsmith I'm the Campaigns Coordinator for the Animal Protection Rescue League. I'm also a resident. Oh sorry. Hi.

HUESO: Speak into the mic, close into the mic.

GOLDSMITH: Hello? Great. I'm the Campaign's Coordinator for Animal Protection Recue League and I'm a member of District 3. And I'm just here to ask the City Council to support the Emergency Coastal Development Permit to replace the rope immediately. And I also have a short video that should be under 2 minutes. (*Playing video*).

HUESO: Okay next is Brian Pease. Brian how much time would you like?

PEASE: Oh, I was hoping for 15 minutes, (inaudible) 30 more people to waive time.

HUESO: Janice (Keyfobber). Zola Mohammed. Isabel (inaudible). Teegan McClain. Carol Castillo. Rose McClain. Mary Alexander. Eileen Burnett. Carrie Loraine Scott. Lance (inaudible) Frock. Rachel Smith-Schneider. Rick McClure or McCullers. Okay. Margaret Sullivan. Chris Sullivan. Robert (inaudible). Davia Lynch and Sean Lynch. Okay, we have more on the list. We also have Julian Benedict. Pat Taylor. Chuck Green. Donald Taylor. Amy Kay-Green. Jacqueline Seamy. Joan W. Benedict. Michael Huckins. Alejandro Procopio. Sylvana Procopio. Brian (Wolt). Rachel Sloan. Michael Blute. Carolyn Martini. Lynn Bruser. Shawna (inaudible). Victoria (inaudible). Sorry about that. Mary Saboya. Lachelle Ferrera and Sharon Everett. So you got your 15 minutes sir.

PEASE: Thank you Council President Hueso. And members of the City Council and City Attorney Goldsmith. It's a pleasure to be here tonight. Thank you for considering this important issue. My name is Brian Pease. I'm a resident of North Park, District 3 and I'm a pro bono attorney for and Chair of the Board of the Animal Protection and Rescue League. A nonprofit organization that's nationally active but it's based here in San Diego. We have about 10,000 members. Our headquarters is in Hillcrest. We also operate a thrift store in Clairemont. And since 2004 we've operated a Seal Watch San Diego Program at Children's Pool Beach. Since the city removed the permanent rope barrier that was up, until 2004. And so we've been there ever since that point basically acting as a resource for the public, informing visitors about the seal's presence on the beach and documenting incidents of harassment when they occur. Things got so bad that in 2006 NOAH, the federal agency that enforces the Federal

Marine Mammal Protection Act, actually asked the city to either close that beach during pupping season or at least put a rope up. The only other main land rookery in Southern California in Carpinteria closes it during pupping season. So the Council did go ahead and take that action even though there'd been an order to dredge the, state court order to dredge the beach at that time, it was on appeal. So the city put up the rope barrier as a stop, gap measure during the pupping season. But then come 2007 when the city lost its appeal the state court ordered the rope taken down. And I was able to obtain an emergency order from the 9th Circuit U.S. Court of Appeals to allow the rope to go back up for that year, and then in 2008 again, got a Federal District Court, temporary restraining order, allowing the rope to go back up. And was able to block the state court, what turned into a sealed disperse order that would have been very expensive for the city. It would have cost the city in fact several hundreds of thousands of dollars while the state legislature was working on a solution which the City Council sponsored by a 7 to 1 vote to allow the city to get out of that litigation that was costing, the Anti-Seal Litigation that was costing the city millions of dollars and not have to disperse the seals and be able to have a marine mammal park at Children's Pool Beach. But every year since even with the pupping season rope barrier, come May 15th things have gotten really ugly, and as you saw in the video things got really bad this past weekend when the rope was taken down. The video that Marjean Alam showed was just taken on Saturday. That was a direct result of the rope coming down. Those visitors would not have been going right up to the seals had there been some kind of visual guideline. And this is the coastal emergency that exists. This is the unexpected event. Nobody expects people to come as soon as you take the rope down to come rushing up and starting to try to pet the seals. That is a dangerous situation, it's a health threat, it's a safety threat, and it's a violation of the Federal Marine Mammal Protection Act. Which obviously you know there aren't enough federal agents to be able to be policing the Children's Pool all the time. So they're hardly ever there. This is level B harassment so it's not the same thing as killing a marine mammal. But it is illegal and it's dangerous and the rope can easily prevent that. I was there this weekend also. And I have a short video I'd like to show if we could play that? (*Playing video*). This is just the scene that was going on throughout the day. You can come at any point during the weekend and waves of people would come. And it'd be one group of people and they'd get closer and closer. So the audio is impossible to hear. Basically the gentleman is telling me that he thinks people should be able to ride the seals and get as close as they want. And that they don't, (inaudible) they seemed to be getting spooked and fleeing into the water when he was getting to close. He said well, they just get to know me better. (inaudible) was his comment. This is another you know, I was just talking to people as they were coming up the stairs and everybody pretty much agreed that people should not be getting this close to the seals. But you know since everybody was doing it, that's just what the crowd was doing. Keep inching closer and closer and a few seals get scared in the water, and you know some seals stay on the beach. Later in the day then we saw kids petting the seals. Going right up to them and petting the seals. Which was obviously dangerous and not something children should be doing, petting wild animals. We're just having a discussion about the signage and how you got this one sign that says please watch from a distance. And then, and it's in very small print. You can barely see it. And then there's another sign that says public access on the beach is allowed at all times in big print basically encouraging people to go down. And then there is no rope barrier. And the people are just getting closer and closer and have no

idea that the animals are protected by federal law and they should be given safe distance. On the left side of the screen you see a seal that's separated from the group and it's kind of oh, going around the beach and people are basically boxing that seal in. That's a violation of the Marine Mammal Protection that was just going on this weekend. Wouldn't have been happening if that rope had been up. So we could switch the Power Point. Or actually I'm sorry, could you play the next video just real quick there's a short video before I do this Power Point. The March 21st video. I just want to show why it's important, so this is during you know "pupping season ends" but this is, this is March of this year. I don't know if you can make that any bigger. But this is some people going down the bluff side of the beach, so the rope is up, this is March of this year during pupping season. And they're going down the bluff side of the beach so they are, you know, staying clear of the seals. But what happens is accessing the water that time most often causes the seals to flush. And this is when they're pregnant and giving birth and nursing their young, so this is why the beach should be closed during pupping season. There's really no reason for people to be going out on the beach during pupping season. In the summer, and you can switch to the Power Point now. But in the summertime, you know the plan calls for shared use, you got the rope which keeps the, the hoards of tourists back who don't know any better and the handful of folks who are here, who want to use the beach during the summer. The rope isn't going to stop you from doing that, it's just a guideline for the rest of the public. Can we actually have folks stand up who are here supporting the seals? I just want to see how many people are actually here in support of the seals. Basically, yeah, it's, thank all you guys for coming out. You filled up the auditorium here and I thank you for that. So the plan, so the plan, so the plan calls for, a coastal emergency exists that requires maintaining the rope barrier year round. And applying for an Emergency Coastal Development Permit. Allowing seal only use on the beach during pupping season. And prohibiting dogs on the beach year round. Sherri Lightner made that addition and we thank her for that. And seeking private grant funding for a fulltime park ranger or lifeguard and establishing clear signage. These five points are all they must be adopted in their entirety; they were approved by the NRC Committee as an overall management plan. They should not be separated out. They're all important. If we go to the next slide. Next slide please. Okay so you know all the major environmental groups are support, have supported the plan that was passed by the NRC Committee. You got San Diego Coast Keeper, Wild Coast, Sierra Club, In Defense of Animals, Human Society of the United States, Southwest Wetlands Interpretive Association, Seal Watch San Diego which is a program of APRL, and then we also have La Jolla Friends of the Seals, Green Party of San Diego County, PETA, Coastal Environmental Rights Foundation, and the radical environmental organization at the bottom, San Diego Union Tribune. We can go to the next slide. Next slide please. On January 16th the San Diego Union Tribune Editorial Board said we urge the Council to act quickly to protect the seal colony and rookery once and for all, then when things are dragging on, the NRC Committee first deadlocked they were, did another editorial and said that you know, it shouldn't be this difficult. They'd also said we'd like Councilmember Lightner's idea of having a lifeguard or a you know, a park ranger but that should not become an excuse for further delay for the rest of the items that were proposed. Councilmember Lightner in her March 25th memo stated there's no evidence that any citizen seeking access to the water at Children's Pool has ever been denied access by a seal or by the seasonal rope barrier. So there's really no reason not to have that rope up. Of course the reason nobody has

been denied access by a seal is because people just walk by the seals and the seals flush and they're not cited, but that's another story. SB428 added Marine Mammal Park for the enjoyment and educational benefit of children. It allows this change in the state law allows the city to protect these animals, and have the Children's Pool still be for the recreational benefit of children, but have seal watching be the preferred use which is most people do prefer including almost all children. If you go to the next slide. Been over 300 La Jolla businesses have signed petitions for the seals, more than 40,000 people have signed a petition in support of the seals. And scientific polling by (Zogby) International, Competitive Edge and 10 News have found large majorities of the public favoring protection for the seals. So 10 News after the NRC Committee first deadlocked back in March, did their own, this is a scientific poll and simply asked people there's a proposal to keep people off the beach at the Children's Pool in La Jolla during pupping season in order to protect the seal population. Do you agree or disagree with the proposal, 62% agree. So without even really explaining the issue two thirds said yeah. We agree with protecting the seals. If you look at the age breakdown it's amazing, 18 to 34 it's 70% and you get up to age 35 to 54 and it goes down to 62%. And then 35 plus it's only 51%. So it's really, the younger generations want these seals protected, 4% margin of error. If we can go to the next slide? Competitive Edge did a poll in 2009 same thing, they asked a simple question. The city should work to remove the seals at the beach, or do you believe the city should let the seals stay at the beach at Children's Pool? 63% said let them stay. About the same results as Competitive Edge. If you go to the next poll. We sponsored a poll in 2007, that (Zogby) International did, it was an independent scientific poll calling registered voters. And this explained it a little bit more and said what the rope does, why it's important during 7 months out of the year there is no rope and people often go right up to the seals, end up scaring them away. Do you strongly agree or disagree that the rope should be kept up year round? If we go to the next slide. Over 80% when they explained a little bit more about the issue strongly agree, or agree with each of the following. And that was just a question on the rope but we also asked should (inaudible) be used for seal watching rather than swimming? And we asked if it should be legal to cross the rope during pupping season. It was over 80% for each of those questions and the full poll results on website. By district, District 1, 90% of people in District 1 answered yes to each, they agree with each of those questions. That was the highest result of all the districts. If we go to the next slide, and then again the age group it's amazing 18 to 29, almost 100%. Abby Hoffman said you shouldn't trust anybody over 30, I guess this is why. Age 30 to 49, 81%. And then 50 to 64, 69%. Then people get wiser once they're 65 and older and it jumps back up to 80%. I just thought that was interesting. Females, more compassionate, you got 89% support with females, 71% for males. If you could go to the next slide. So this is again what it looks with the rope, and if you go to the next slide, this is what, this is what it looked like a picture from this weekend, without having the rope. And it's, you know it's a simple inexpensive tool you know, all these cost estimates are being thrown around. What we're essentially talking about it is city staff time. It's not like there's actually costs for putting a rope up other than the staff time and applying for the permits. The staff are there anyway, and it's their job to do this kind of stuff to make the city better and safer and to protect the public. You know? Would you rather have a, leave a pot hole open and not pay the small amount of money it would take to fix it? And then just pay lawsuits for people that fall in the pot hole. Or would you rather fix the problem? I mean this is creating a public safety threat where people could be bitten by a seal. The seals

are defecating on the sand, it's basically like a litter box and the kids are playing and putting the sand in their mouth, there needs to be a rope. There needs to be a barrier there. People need to keep a respectful distance, this is a nationally recognized seal rookery. Which is, it's one of only two mainland areas in Southern California where the seals rest, give birth, and nurse their young. And it's one tiny beach 150 feet wide out of 70 miles of swimming beaches in California. It's one little beach, is where the seals go and it's an amazing opportunity for people to get up close and see and they can watch from the sea wall and see the wildlife right up close. But they shouldn't be going up and touching them. I think we have another slide. This is, so during pupping season a lot of times the waves will come up and the tide will come up so high this is, you can see the rope barrier, you can barely see it. But you can see the posts of the rope barrier. And the water is actually coming up past it. And you can see seals (inaudible) up way past the rope. There's no reason to be on that beach during pupping season. If we can go to the next slide. And then also during pupping season some individuals you can't quite see the rope in that picture but most of the people are lined up along the rope. And there's a group of three individuals past the rope with an umbrella that says beach open, trying to encourage people to come down, and harass the seals during their pupping season. And that's another reason why the beach should be closed off entirely during pupping season and then have the guideline rope up during the rest of the year. Is there another slide? So that, so this is our presentation we hope that the Council tonight will make that emergency recommendation to the Mayor. Find that a coastal emergency does exist. It's a clear public health threat, it is an emergency, it is an unexpected occurrence that come May 15th, the rope comes down and crowds of people swarm right up to the seals and if we had, if our organizations and La Jolla Friends of the Seals and Marjean Alam's private efforts as well had not been there constantly informing people and asking people to stay back the scene that happened this past weekend would happen....

HUESO: Thank you Mr. Pease. And we want to ask everybody again to please wave instead of clapping. Please wave, please wave. Judy Key, followed by Lonny Manila, followed by Michael Dirshowitz, and we ask people to form a line behind the speaker. Judy Key? Is Lonny Manila here? Okay. And Michael Dirshowitz. Okay.

KEY: Hi. My name is Judy Key. I'm a retired science teacher. Brian's poll did not address the 7th and 8th graders that I taught for 30 years. If you polled the 7th and 8th graders I would say 90% plus supported protecting the seals. I have a video here. I went down Sunday after I saw the news and I got concerned. So I went out to the sea wall and I would like you to watch this please. (*Playing video*). These three young men are daring each other to go touch the seal. My teacher eye spotted them from a mile away. So I used my zoom camera. Okay now they congratulate themselves and then they're going to egg on the second one and the third one. And I'm not going to show you all the rest of those, it took every ounce of restraint from this teacher not to go down there and tell them you have to behave.

HUESO: Thank you ma'am. Thank you. Lonny Manila?

KEY: Thank you.

HUESO: Is Ron Jones here, raise your hand. Ron Jones? Katherine Wolf-Jones. Okay.

MANILA: Hello. As a native San Diegan for over 60 years, I love living here despite the tremendous growth which has covered hillsides with plan unit developments while we bulldoze protected vernal pools and more beautiful areas. But instead of protecting what treasures we have left, a lot of construction companies simply pay a fine. It's all about greed, and whose palms are being greased and it's a lot easier to say sorry than please. Helen Scripps was a nature lover. Seal Rock was used by seals well before she found it. But hunters had decimated the seal population so badly she didn't realize she'd be infringing on their rookery with a sea wall, nor would she have wanted to put humans in place of the animals she loved so much. She just didn't know. Fortunately since people have grown to love the seals, and have let them reclaim what's left of their rookery grounds La Jolla can boast about having the only rookery of it's kind on the West Coast where people can get so close, and it attracts thousands of visitors every month. Bringing in well needed tourist dollars and local spending which we know we need badly. With over \$800 million dollars being spent on road improvements and so many other things needing repair from sewer line, schools and the Convention Center, we almost are going to lose the Comic-Con business because we can't afford to expand. We need these seals and we need their protection. They're cute, they're quiet, they're non-intrusive. And they're not at all as dirty as humans who trash beaches, dump toxic waste into storm drains.

HUESO: Stop, stop, stop. Not while the speaker is speaking please.

MANILA: And empty our sewage into the ocean along with devastating oil spills. We overfish to the point of decimating entire ecosystems. Pour waste into our bay so the fish aren't even fit to eat from there, with mercury levels poisoning fish everywhere, and yet we want to commit a federal crime which is to flush any sea mammal and scare it into the beach, in the name of human superiority? Using the loophole of calling the seals....

HUESO: Please.

MANILA: ...a nuisance? Come on. Screaming kids at The Cove, lots of noise pollution, dog poop from Dog Beach and runoff from the Tijuana River contaminating the waters, the rivers, the lakes and ground waters being contaminated by our ag land and cattle farming. Clear cutting in forests, it goes on and on. Money spent trying to shoo this off, the (inaudible) of nature could be better spent on our clean water, better food. And I also want to say one last thing. I contacted National Geographic, Dateline, Frontline, Animal Planet and PBS regarding the story and they expressed a keen interest in covering the history of Seal Rock the rookery and wanting to see it resolved to a happy ending for the seals. What better way to perpetuate San Diego's reputation for being one of the greatest places to visit and live. With beautiful beaches where there is ample room for kids to swim in a cove right next to Children's Pool and if you haven't noticed, there's a lot sea birds that produce waste, but we love them all. I can tell you one thing, that the false claim that seals attract sharks is ridiculous. Great Whites and Orcas are the only seal predators and we don't have them, nor in all the decades that we've had the seals has there ever been a shark attack

attributed to any local seal population? No. The Cove is ample food for all the sharks that are on the, the La Jolla Trench. And we've still not had people infringe. Human Society of the United States helped me protect the seals in 2005 along with Brian Pease. And they and other eco-friendly people want to encourage you to do the right thing and (inaudible) with all of the issues that you were so kind to bring up, thank you Donna. And thank you Marty and thank you everyone.

HUESO: Ladies and gentlemen am I being unreasonable in asking people not to clap? We can't hear a thing. The microphones are not very loud to begin with. So whenever you're clap we're not getting anything that they're saying. So we just, you know waving works, it's a visual we all can see up here. So if we can ask you just to refrain from clapping let me tell you, that will really help us get through this meeting tonight so, Michael Dirshowitz, followed by Robert Meade.

DIRSHOWITZ: Good evening, my name is Michael Dirshowitz. I'm an elected Trustee of the La Jolla Town Council. I do not represent the views of the La Jolla Town Council. But I do want to express my opinion on this important issue for La Jolla. I'm in favor of preserving the Children's Pool for the protection of seals and I'm in favor of shared use and public access. I am therefore strongly in favor of the unanimous April 5th vote of the Council's Natural Resources Committee. That vote would close the beach during pupping season, keep the rope area up all year round. Seek private funding of a park ranger at the pool, and permanently prohibit dogs at the pool. I believe that I speak for most La Jollans who wish to view the seals and their pups in this unique, natural environment. That's what residents tell me and that's what local businesses want as well in order to benefit from increased tourism. La Jolla is a special coastal town which now has a special attraction for children and tourists. Let's set aside one small beach for seals, and do the right thing. Thank you.

HUESO: Robert Meade followed by Mimi Ewing.

MEADE: Good evening. Thank you for letting me talk tonight. I'm a resident of Orange County. And my wife and I come down to La Jolla very frequently specifically because the seals are here in, in Casa Cove, and this is a treasure not only for San Diego but all of California and beyond. And I want to make that point that this is, this is, goes much further beyond than San Diego alone. Millions of dollars are spent promoting Sea World and the San Diego Zoo as a tourist attraction for family entertainment and education. In the context of, in a context of education these animal parks pale in comparison to the educational value of the harbor seal colony at Casa Cove. We should be asking ourselves these questions. Why do you want to destroy something that is so valuable? We should also be asking ourselves the questions, what kind of values do we want to promote and, and pass on to future generations? For those of you who have fought so long and so hard to protect this treasure, I applaud you for your efforts. And I am thankful....

HUESO: Thank you sir.

MEADE: I am thankful for your hard work. Thank you.

HUESO: Thank you. Mimi Ewing followed by Richard Miller. Richard Miller followed by Marsha Bookstein and following Marsha Bookstein, Joseph Clary.

MILLER: Good evening my name is Richard Miller. And I'm here on behalf of the Sierra Club representing over 14,000 members in the San Diego area. The Sierra Club urges the Council to adopt in its entirety the recommendations by the NRC&C. I won't list all of them because you've already heard it. We would like you to consider some of the following economic facts however. Over 1 million people visit the seals annually. That's one quarter of the total attendance to Sea World for their annual, the Visitor's Bureau for months of January and February of 2010 have reported that slightly over 1 million tourists have generated over 2.3 billion dollars in San Diego. And you can find that on their website. We can only conclude that the seals are therefore an economic asset to the, our communities. And it would be in the best interest of the city to preserve this unique attraction and the dollars that it generates. Thank you.

HUESO: Marsha Bookstein followed by Joseph Clay, followed by Mike Davis. Is Marsha Bookstein here?

BOOKSTEIN: Hi. Thank you so much for letting me speak. I brought my children down to the Children's Pool 15 years ago and as a mother I would never allow my children to swim there because the currents were so dangerous. They run under the rocks and there's a steep drop and I think it would have cost a lot of money to reform the whole pool so that my children could swim there. My children are animal lovers and they love to see the seals on the beach. I also want to say that I moved here to La Jolla about well, about 18 years ago and in the CC&R's there was blacked out that Jews and blacks were not welcome in La Jolla. And sometimes when I notice the seals and I see them being chased and squeezed into a smaller and smaller area, I can't help but anthropomorphize and I think they need a chance to breathe and breed and be themselves and we can watch them and appreciate them. Thank you so much.

HUESO: Joseph Clary followed by Mike Davis, followed by Jerry (Horna). Joseph Clary, Mike Davis, Jerry (Horna).

DAVIS: I'm Mike Davis.

HUESO: Okay, don't be shy.

DAVIS: Okay. Thank you for letting me speak. I'd like to bring to your attention the Marine Mammal Protection Act which has been very said about that here. And I'd like to read some excerpts from that. It is unlawful, by the way that's federal law if anybody is not aware of that. It's federal law which of course supersedes local and state law. And it pertains directly to the matter at hand. Could any law be any more pertinent than this law to the matter at hand. It should be a centerpiece for the city's actions at Casa Beach. Much of the problems that you've had over the last 10 years is a direct result of not paying attention to this law, federal law. I don't understand it. Excerpts from the MMPA regulations. It is unlawful for any person to take any marine mammal in waters or on lands under the jurisdiction of the United States. Take means to harass, hunt, capture, collect or kill or attempt to harass, hunt, capture, collect or kill

any marine mammal. This includes there were a number of things there, including the restraint or detention of a marine mammal no matter how temporary. And last was the doing of any negligent, other negligent or intentional act which results in disturbing or molesting a marine mammal.

HUESO: Sir, what's your name for the record?

DAVIS: Michael Davis.

HUESO: Okay. Is Joseph Clary here?

DAVIS: Mm-hmm.

HUESO: Now okay, we'll continue with Jerry (Horna).

DAVIS: Okay. Is that my...

HUESO: Thank you sir, that was your time sir, you went over a little bit. Anna Lundberg, Anna Lundberg? You're next and Dennis Payne.

HORNA: Hi I'm Jerry Horna with La Jolla Friends of the Seals. I'm also a District 1 resident. What I'd like to tell you about, little bit is the actual seal biology. The reason that this beach is so important and having the rope up especially in the summer time is all those babies that you saw on the beach are on their own right now. And the only way that they'll survive through this winter is by putting on weight this summer. And how they do that is by fishing, catching fish, or crabs or whatever and getting out of the water and resting. Because that allows them to warm up, and save their calories and store them. So without that beach and without having the rope up year round as a guideline you really are impacting on their survival. You know, there's no veterinarian for these seals. They're on their own this summer and them making it through the winter is dependent on how successful they are in actually having a place to rest. So don't forget the biology about this when we're talking about all the human issues, really the seals live by eating and getting out of the water. So a resting place is important for them. Thank you.

HUESO: Thank you. Anna Lundberg followed by Dennis Payne, then followed by Karen Fox. Please come forward as I call your name.

LUNDBERG: I'm in favor of the whole plan formed by the Natural Resources and Cultural Committee to protect the seals. There is a, this is a great, there's a great value for the children of San Diego in having the opportunity to see wildlife up close and personal, in a situation that is safe for both the children and the wildlife. As a retired educator I know the value of such experiences which broaden and enrich children's lives, leading to higher achievement in academic areas. We are so lucky to have this opportunity local and free. I am an avid swimmer in the summer at the La Jolla Cove and enjoy visiting the seals when I come here. I bring all my out of town visitors to see the seals. This is one more reason people think San Diego is a great place to come and to spend their money. The, this sends, this adds to the economic welfare of the city. I urge all to vote in favor of this policy. Thank you.

HUESO: Thank you ma'am, Dennis Payne followed by Karen Fox, followed by Cathy Latell.

PAYNE: Yes, Council President Hueso and Council thank you for this opportunity to speak. I would like to especially thank Ms. Lightner for the masterful job that she has done in supporting this proposal and representing our district here in La Jolla. And I think the videos really said it better than, than any words could. I went down Sunday and saw the madness that was going on. And all I can say is that I emphatically encourage the Council to pass this proposal in its entirety and I would say the same to our Mayor if he were here, thank you.

HUESO: Karen Fox. Followed by Cathy Latell, followed by Debra Moncrieff.

FOX: I'm Karen Fox and I'm a resident of La Jolla, fairly new resident, I've been here 3 years. I think seeing the seals is one of the greatest pleasures that I have. I have friends from Los Angeles that come here stay at La Valencia, spend a lot of money. This is a time that economic development is something that's foremost in everyone's mind. And you have a gem. You have the most amazing attraction. And the cost to maintain is nominal. I really encourage you to protect this gem of La Jolla, thank you.

HUESO: Cathy Latell followed by Debra Moncrieff followed by Jody Smith.

LATELL: Hello, I'm a resident of La Jolla, of San Diego for 42 years. It seems like the cost of maintaining this rookery is the cost of a rope. The rest of the monies that everyone is encouraged to spend on other wasting assets would be better used to repair roads. Thank you.

HUESO: And what was your name ma'am?

LATELL: Cathy.

HUESO: Okay, very well. Is Debra Moncrieff here? Thank you. Jody Smith followed by Lisa Chiani.

MONCRIEFF: Thank you. My name is Debra Moncrieff. I'm a volunteer for La Jolla Friends of the Seals, and I'm resident of District 1 in La Jolla. I took a picture of the sign when visiting the sea lions in San Francisco and there is not one, a ranger needed, everyone looks at the sign, knows what to do, it's very clear. The sign reads and of course this pertains to sea lions but it could say seals. Harassment of the sea lions is a violation of the Marine Mammal Protection Act. No docking, approaching, feeding or throwing objects are allowed. What is up there now, is so ambiguous and confusing. One sign says it's a federal law to approach the seals, the other sign says the beach is open to the public. When I'm down there 90% of the people are from out of town. They have no idea what to do if the rope is up, and we are explaining to them, they're like of course we would not go down and do this. As soon as the rope came down this weekend it turned into Disneyland. People were telling their children to get by

the seals for photo opportunities and it's just madness. And someone will be hurt. Thank you.

HUESO: Thank you ma'am. Jody Smith followed by Lisa Chiani.

SMITH: Good evening, I'm a San Diego resident and I'm here representing the Human Society of the United States with over 110,000 supporters and constituents in San Diego County. We also have 11 million supporters nationwide and 1.3 million in California. We urge you to adopt the comprehensive plan before you tonight. I also want to emphasize the time sensitivity with keeping the rope barrier up. The rope barrier is a critical asset in this management plan. San Diego has a valuable asset here please protect it, please adopt the comprehensive plan on behalf of the Human Society of the United States, thank you.

HUESO: Thank you. Lisa Chiani followed by Joy McDonald, followed by Rene Owens.

CHIANI: I'm Lisa Chiani, I've lived in La Jolla for 48 years. And I grew up swimming at the Casa and The Cove from the age of 2. My children have grown up swimming at the Casa and The Cove. And we were all delighted when the seals moved in. We see far more people taking delight in that beach now of all ages, than, than when it was just a children's beach. Visitors are always asking directions to the Casa. I walk by there at least once a week. I just want to urge you to keep the rope up all year because the difference between last week and this week was so dramatic. It's a circus now. Where people delighted in watching the seals before, now they're watching people naively behaving poorly because they think that wildlife is for their entertainment I think, I don't think most of them have any malice but it's, it's too bad.

HUESO: Thank you ma'am. Joy McDonald followed by Rene Owens followed by Bruce Resnick and then followed by Janice Starger.

MCDONALD: Hi. My name is Joy McDonald. And I'm a volunteer docent for the La Jolla Friends of the Seals. And Helen Scripps appropriately named it the Children's Pool for it not only reaches the children's hearts, it reaches the inner-child in all adults. I have spoken to many adults who have reached down deep and have come out and brought the child out in them. I have watched families come together for the first time, and not in front of a television. But in real life, and we as volunteers are so, so happy to educate the public. And when the public is educated, they totally change their point of view and they apologize and they just don't understand and we are more than happy to educate the public. We get great pride in it and it gets us great pride in being part of La Jolla, part of the seals, and, and reaching everyone's inner-child at the Children's Pool.

HUESO: Thank you, thank you ma'am. Rene Owens followed by Bruce Resnick, followed by Janice Stanger, followed by Irvin (inaudible).

OWENS: Hi, thank you. My name is Rene Owens I'm here representing the Sierra Club. I'm a member of the Executive Committee, Chair of the Conservation Committee. We've also taken this issue to the Sierra Club State of California and

they're in full support of this issue. Over 100,000 members in the state. I'm also a Marine Biologist but I'm not going to speak on the importance of seals because ultimately this is a people management issue. I've been coming to speak to you for 10 years on this topic, and I just want to say if not now, when? It's time manage this appropriately. Lack of management has led to things you haven't seen which includes people being pepper sprayed, tasered, restraining orders, FBI arrests, over a million dollars in litigation. I think that's enough, I think we want good management which means the rope, which means a ranger, which means adopting all five points of this resolution. We thank you for your time.

HUESO: Thank you. Bruce Resnick followed by Janice Stanger, followed by Irvin Cobbs followed by Patty Buchanan.

RESNICK: Bruce Resnick on behalf of San Diego Coast Keeper here to support the management plan in it's entirety that was adopted by NR&C. The seal population and the rookery are not only a local and a state but national and an international treasure. Whenever you go down there you see people from all over the country and world. Some of the best goodwill ambassadors we have for the ocean and we have for San Diego. And for years we've had great shared used with people on the sea wall behind the rope enjoying that. And we can have that again. And what I would urge is you know as much as you see this packed room and your deliberations, remember the hundreds of thousands of people that enjoy those seals every year and can continue to do that if we protect them. Certainly a ranger is great, a rope is better. And if it comes down to the \$3000 and that's the issue I'm sure that Coast Keeper who just raised \$1500 for Gulf relief I'm sure we can raise \$1500 to do half of the seals as well. Thank you.

HUESO: Janice Stanger followed by Irvin Cobbs.

STARGER: Thank I'm Dr. Janice Stanger. And I've been a long time volunteer with Seal Watch. Have seen many, many angry and very frustrated visitors who came to La Jolla specifically to see the seals. That was the reason for their trip to La Jolla. And they expressed to me just extreme anger and frustration that instead of seeing a group of beautiful animals on the beach with their little cute babies, instead they were seeing people sitting there very arrogantly keeping the animals off the beach for no other reason than they could. Even though there was another beach, less than a 30 second walk south. And another beach about a 60 second walk north. And The Cove possibly a 3 minute walk north. But nonetheless these people insisted this was the only beach in the entire State of California they could set up their sand on. And so you know these visitors were really, really upset and they said nothing like this would ever be tolerated where they came from. And some of these people came from other states. Some came from other parts of California. Some came from other continents but they all expressed the same feeling.

HUESO: Thank you ma'am. Thank you. Irvin Cobbs followed by Patty Buchanan followed by Dr. Julie Swain. Are any of those here? Irvin Cobbs is not here, Patty Buchanan? Okay. Patty Buchanan.

BUCHANAN: I'm here.

HUESO: Are you Patty?

BUCHANAN: I'm Patty Buchanan.

HUESO: Okay and followed by Dr. Julie Swain, followed by Debra Seracini.

BUCHANAN: Okay I'm Patty Buchanan I'm a volunteer with the La Jolla Friends of the Seals. I'm on the beach about 30 hours a week and I was appalled at what happened this weekend. As soon as the rope went down the way the people acted was unbelievable and they were down there petting the seals they were trying to touch the seals they were getting, they were laying down with the seals. I could not believe the behavior. I cannot believe the parents who let their children throw sand at the seals, kick the seals, it was just appalling to me. I think it is urgent that the rope be reinstated immediately and that we get a ranger on the beach fulltime too make sure that the people's safety and the seal's safety is, is resolved and that nobody gets hurt because somebody is going to get hurt it's just a matter of time. Thank you very much.

HUESO: Thank you. We have a quite a long list of speakers going into tonight so you know, I want to make sure we resolve, because I'm hearing the same theme over and over. So we're kind of hearing the same arguments, we want to, so we're going to encourage people to come onboard but if you haven't heard an argument that has been made tonight then we'll want to ask you to come forward but we've been hearing the exact same theme over and over and that's again we're being, this idea has been reinforced in our minds and believe me we're listening and we're paying attention so if there's anything different that you want to share, please do so as I call your name. So you are Ms. Buchanan or....

SWAIN: Dr. Julie Swain.

HUESO: Okay, Dr. Julie Swain.

SWAIN: Yes. I live in La Jolla and I learned to dive and I started diving in 1973. There is no issue with coastal access for divers there's multiple places, the seal's pool is not the place. Also have two 90 pound search and rescue dogs. And the idea of sharing the beach with a prey animal with a hunter is just unacceptable. So that the seals lose in the prey versus prey driven animal, so I urge the Council to adopt all of the recommendations, thank you.

HUESO: Thank you. Debra Seracini followed by Susan Kipping.

SERACINI: Hello. I'm Debra Seracini Docent Coordinator of La Jolla Friends of the Seals. Good to see everyone tonight. I'm just reiterating what my other cohorts have said, that we desperately need that rope line up, emergency measure. I was down there this weekend, people were as you see touching the seals, etc. and this is intolerable. A guideline rope specifying the, would specify the exact distance requirements in non-pupping season that people should stay back. And even Tina Fayhe of Nash Marine Fishery Service sent an e-mail to La Jolla Friends of the Seals

last November and she recommended the guideline to remain at least 50 feet back from marine mammals at Children's Pool Beach. And she's willing to work with the City Council at their request to create those signs. So I also think that any animosity between the different people would be greatly reduced with the signage and with the rope working together. So I'm just appealing to the City Council to have the courage, compassionate heart and ecological wisdom.

HUESO: Thank you ma'am.

SERACINI: To support...

HUESO: Your time is up. Susan....

SERACINI: (overtalking) plan. Thank you.

HUESO: Susan, I think that was Susan Kipping followed by Brian, Brian Field, Brian Reed, sorry. Brian Reed followed by Jackie Booth, followed by Roberta Wolf then followed by Marco Gonzalez. I can't believe Marco Gonzalez would pass up an opportunity. Marco you here? There you are. Oh followed by Dana Jennings followed by Danuska Pierce. You are sir?

REED: Brian Reed. Thank you Council. I'd looked at all the evidence and the support here and I'd just like to say that when it comes down a vote leave up the rope, that's simply it. Thank you.

HUESO: Thank you. Jackie Booth. Appreciate that very much.

BOOTH: I'm Jackie Booth. As a cousin of the Scripps' family I have been considering the pros and cons of this issue of the seals at the Children's Pool. At the beginning of this dialog I was very much for removing the seals, thereby honoring Ellen Scripps intended original use to let this area be a safe place for young children. Upon reviewing this year's range of dialog I've concluded that this is being used by children. Our children love watching and learning about the seals. It is not children, but adults who are now interested in swimming in this location. Our resident seals have become a joyful attraction for thousands especially the children. I propose letting this area continue to be Seal Beach as it has come to be know instead of the Children's Pool. After all it is mostly the children who now enjoy watching these seals. It really is now a children's pool for the seal's. My personal proposal is this, that the seals be allowed to stay unencumbered by human use with a rope barrier whatever, or whatever protection be deemed necessary to keep them safe from dogs or predators. The addition of a park ranger at this site would help maintain it's integrity as a learning (overtalking).

HUESO: Thank you ma'am. Roberta Wolf. Jackie Booth that was, Roberta Wolf followed by Marco Gonzalez followed by Dana Jennings. And then we have Danuska Pierce.

GONZALEZ: Marco Gonzalez Legal Director Coastal Environmental Rights Foundation. In direct response to the selfish isolationist La Jolla Council's perspectives that we can't make an emergency finding I'd point to the Council and the records

through Cal Beach Advocates versus City of Solana Beach. Wherein Court of Appeals find that language that's virtually identical between statutes is be interpreted identically. The emergency provisions of (inaudible) 21080 of the Public Resources Code are identical to those of the Municipal Code. In that case it was found that emergency is to be interpreted to apply both to projects that mitigate the affects of emergencies and those that prevent emergency conditions. Emergencies need not be unexpected when the project's purpose is to prevent the very emergency that it's contemplating. In this circumstance you should be informed by the temporary nature of the rope area that's being proposed in other circumstances, the emergency condition is used to justify things like permanent sea walls and permanent structures, where you're talking operationally and in essence conditions that could be changed if the final coastal development permit is not granted after appeal to the coastal development permit might be appropriate not to approve. Here you should approve. Thank you.

HUESO: Thank you sir. Dana Jennings followed by Danuska Pierce followed by Robert Silvern followed by Masada Desnhouse followed by Ingrid Dixon. Are you?

JENNINGS: Dana Jennings.

HUESO: Okay. Is Danuska Pierce here? Are you going to speak? Okay. Robert Silvern? Are you also going to speak? Okay. Ingrid Dixon? Okay and come forward as I call you names please, so we can, yes.

JENNINGS: Good evening, my name is Dana Jennings. I'm an English as a second language instructor in San Diego. And I wanted to reiterate the importance of the rope as an international communications tool. I'm familiar with international visitors. We have classes about American signs. Basic signs that international people cannot understand. And I wanted to emphasize the point that this rope can only serve to break the language barriers. Rangers and signs are not clear enough tools to communicate this to international people. Many of whom visit La Jolla very year, thank you.

HUESO: Thank you. Danuska Pierce, Robert Silvern.

PIERCE: Yes that's me. Good evening. I live in Coronado, and it's always a pleasure for me to come to San Diego, to Coronado to watch the seals. And it's a great education for children and explain to them how, how, how important is to passionate and to love animals. It's very, very important. And I believe that the rope should stay all the time. And leave seals where they are, that's the where they belong. That's, that's, that's where they are, this is their environment. And you know being an animal lover as I am, I'm very passionate myself about this issue and I just appreciate parents who explain to children about the, you know about the whole issue how to be kind and to love them, not to abuse them, and to you know, that's why I believe that (inaudible) is very important to say what it is, you know all the time. Thank you.

HUESO: Thank you. Robert Silvern followed by Masada Desnhouse, following by Ingrid Dixon.

SILVERN: Good evening, my name is Bob Silvern. I was appalled to see what happened at Casa Beach in the brief time that the rope had been down. These wild animals have suddenly become children's toys. Force to live their lives being incessantly poked, prodded and otherwise harassed by hordes of thoughtless people. It's clear that we cannot rely on the public to be considerate. To exercise common sense to their children to respect wildlife. How long will it be until the first child is bitten? How long will it be before the first vengeful parent returns to the beach with a club in hand? These are wild animals. We must not allow unwitting visitors to think that Casa Beach is a petting zoo. Removing the rope is not a solution it is dangerous to both the seals and the visitors. I urge this Council to restore a permanent rope barrier and to erect signage which unambiguously forbids approaching or harassing the seals as outlined by Councilmember Frye. Thank you.

HUESO: Masada Desnhouse...

DESNHOUSE: Hi, my name is Masada Desnhouse and I'm co-chair of the Green Party of San Diego County. Since I moved to San Diego County 4 years ago I've been astounded at the ongoing lawsuits, the fights, the hearings, the money and time down the drain, the simple lack of common sense surrounding the plight of the La Jolla seals. Maybe it's easier for an outsider to see but the issue is clear. The seals are wild animals that need our protection and our respect, they are a major tourist destination, a joy for San Diego residents and a part of our natural ecology and their presence enhances our enjoyment of the beach and the ocean. In poll after poll a great majority of San Diego residents and visitors support protecting the seals and their habitat. The Green Party supports the permanent protection plan in full as approved by the Natural Resources and Culture Committee. Tonight is the City Council's opportunity to move towards resolution. I urge you to vote to request the Emergency Coastal Development Permit that is necessary to keep the guideline rope in place to protect the seals and to improve the protection plan in full.

HUESO: Thank you ma'am. Ingrid Dixon followed by, I'm sorry that was Ingrid. Ingrid Vigint is it? Vigint?

DIXON: I'm Ingrid Dixon and I'm a resident of San Diego, in La Jolla for many years. I am very pleased to see all the seals and I hope they get to stay. In order to make it even better than the rope, I suggested that on the entrance of both staircases that go down to that beach you make a little iron gate and it can be opened as needed for maintenance but keep it closed for all, and everybody to go down there and it is a better than even the rope I think. Thank you.

HUESO: Thank you. Ingrid Vigint, followed by Lisa Davison followed by Jeanie Cherbeneau, Anne Haul, Anne Haule? I think it's H-A-U-L-E, Katherine Rogers, Hugh Moore. So can we begin with Lisa Davison? Are you here? Jeanie, or Jean Cherbeneau? Raise your hand or say something. Nothing? Anne Haule? Anne Haule? H-A-U-L-E? Katherine Rogers....

MALE: Can I say something real quick?

HUESO: What's your last name?

FEMALE: It starts with a T.

HUESO: Jeanie, no it's a C-H-E-R-B-E-N-E-A-U. Unless you write T's different.

MALE: I think I speak for all the pro seal people that we would like to allow the other side to hear their, express their views as well, we don't want to keep you here all night. (overtalking) important for you views to be heard too.

HUESO: Is there an objection to that, any objection? Okay very well. Thank you, thank you for that Jerry, we'll begin with Joe Lacava, Joe Lacava. How much time would you like sir?

LACAVA: I think I'm going to ask for 10 and I'm going to do a lot less.

HUESO: I'm sorry?

LACAVA: I'll ask for 10 and I'll get done faster. I think I got...

HUESO: I want to see if your supporter is still here, Laureen Lacava? Ellen Lolly, Ellen Lolly? Is Ellen here, raise your hand. Okay sir. Francis Lolly. Okay and Bambi Meriwether?

MALE: Meriwether.

HUESO: Meriwether, okay. Where? Okay thank you, Nancy Ann Mono. Joseph J. Mano. Okay, okay if you guys could just raise your hand. Louise Feliti or Louis Feliti. Louis Feliti? Leslie Davis. Joseph M. Parker. Anyone? John L. Volker. Jacqueline Courtney. You got two, three, four, five, six, seven people here representing you so, what is your name? Okay we'll give you 8 minutes and I'll look for you here.

LACAVA: Okay I will cut to the chase.

HUESO: Go ahead sir.

LACAVA: Thank you Council President Hueso and Council Members and thank you especially for actually coming out and holding this meeting in our community. We really appreciate it, we know how much trouble it takes to come out here. And thank you for listening to all the testimonies. My name is Joe Lacava; I am the Chair of the La Jolla Community Planning Association which is the official recognized planning group for our community. And I'm speaking in that behalf. Next, despite the sense of polarization there's actually many areas of agreement, as demonstrated in our planning group meeting on May 6th. We all understand that the seals are going to stay. We understand that the seal population is increasing. We understand and agree that docents enhance the experience. We all understand this in fact is a very unique location in an urban setting which sometimes gets forgotten. We all understand that a park, whatever you want to call it does need management and oversight. And lastly I think we all agree in the difficult times that we want to stop spending city money and I call it city money because it's a lot less painful than calling it taxpayer dollars. With

regards to the NR, Natural Resources and Cultural proposals, I'll start out with the ones that we oppose. We oppose closing the beach during the pupping season. And we close, oppose keeping the rope barrier up all year round. On the dogs we were kind of on the fence. Next what we did nearly unanimously agree to was a concept of the private funding to hire a park ranger to patrol the pool and supervise the city sanction volunteer docent program. As was mentioned previously the funding has already been paying for that, you don't need any permits on that. It doesn't cost anything, the city, we could do that tomorrow. But in addition to the NR&C proposals we wanted to go a little bit further because we have been living with these, and it is in our backyard. And our goal is to kind of build a better joint use policy that respects the current city joint use policy and also supports the seals. Next. What we'd like to do is frame a management plan, because we agree a management plan needs to be held in place. That should be in your backup material what we approved. But basically to uphold the trust, city to control the Children's Pool, and establish safeguards to protect the other beaches in our community. We want you to as you've done already tonight listen to the opinions of all the stakeholders, but make decisions on the science. You've heard terms like inexact science, you've heard a lot of personal opinion and anecdotal information but you really need to making decisions on the science and so we recommend unanimously to appoint an ad hoc committee of local experts. We have Sea World, UCSD, SIO to study the safety, (inaudible) ecological impacts of the joint use with a decision and action in less than 2 years and we say 2 years because science, science needs time to actually do the modifications or measurements. This has never been done. None of this is based on the science it's all based on impressions. We also recommend cleaning the beach periodically, which would be good for all the stakeholders and everybody that uses the beach, every, all throughout the year. And also to take advantage of the fact that mother nature can help, by opening some of all of the slow sways that are already built into the breakwater and that will help flush the waters that currently do not circulate very well. I think we all agree that this is not a real beach, this is an artificial situation. So cleaning I think is important. In addition we think it's important especially in these budget challenged times, that the city should seek out cost sharing with others that have helped participate in this situation including Sea World and NOAA. This should not just be a city obligation. And last let's not forget about the other public beaches in our community. Make it a city policy to protect all the other beaches in La Jolla exclusively for public use. I hear this over and over and over and over and over again. We want to protect all the other beaches exclusively for public use. People talk about how people can swim and dive in other locations. So in summary except the generous donation that's been offered and hire a ranger now. Stay with the joint use under city control, no beach closure or year round rope. Initiate the scientific study, clean the beach with the help of others, and keep all other La Jolla beaches for the exclusive enjoyment of the public. And I'll add one last thing for all the tourists that use this, there a lot unintended consequences and impacts from those. So we'll be taking it up with the community planning group and bring that back to the Mayor's office and the Council to mitigate the impacts of all the tourists and the, for (inaudible). Thank you very, I'm available for questions.

HUESO: Thank you. Harry Mathis. Harry Mathis, followed by James Fitzgerald. Is Mr. Mathis here? Okay, I see him coming. Is James Fitzgerald here?

Okay please come forward. Hanu McConnan? Please come forward, followed by Rick Wildman.

MATHIS: Harry Mathis. I'll give you a little history which you may be aware of and that is about 11 years ago, when the seals started leaving the rock and showing an interest in the Children's Pool we decided that one of the things that we needed to do was to do something about the sand build up in the pool which has created a vast expanse of sand over a period of years when the slew sways were closed and the sand accumulated. One of the things that has been lost in this discussion is this is not a natural habitat for the seals, it's a manmade habitat. And as a result as the seals started coming over it was basically just like well bring them a featherbed, a nice broad expanse of beach. So we actually had a plan to dredge. We had the approval of the state and federal authorities from what we wanted to do, we had the money, we fell one vote short at Council in actually carrying out that plan. I would have to say in my terms in office that was one of the biggest disappointments I had because we could have saved ourselves a lot of trouble. And what we were trying to do basically was discourage the seals from coming over. And, and basically get a true joint use where the seals used to be occasional visitors because it would have been a narrow beach and a deep pool.

HUESO: Okay. Thank you sir.

MATHIS: Yeah, I will say this, I think if I may I closing? One of my great regrets is that the, that we start talking about a permanent barrier. That we are essentially giving the beach away to the seals and it's not a natural habitat.

HUESO: Ladies and gentlemen please. Please ladies and gentlemen, please. Thank you.

MATHIS: Believe me they have 1000 miles of coastline and they were doing very well over on Seal Rock so...

HUESO: Ladies and gentlemen this is, this, I'll, ladies and gentlemen I'm administering this meeting I'd hope you would work with me. You've had plenty of time to clap and interrupt, we want to get through the meeting, he's a former Councilman, I've giving him 5 more seconds. That's not such a gross violation. So please....

MATHIS: And I'm not against the seals.

HUESO: Thank you very much. James Fitzgerald followed by Daisy Fitzgerald and we also ask you to wave. Who did? What's your name? Okay you're giving your time to James Fitzgerald. Okay. Very good, thank you. You get 2 minutes sir.

FITZGERALD: Council President Hueso and other members of the City Council I'm going to begin sort of funny I'm on the opposition side and I wanted to start by saying I agree with all of the recommendations, virtually all of the recommendations from the NRC Committee and from the Community Planning Association. My opposition is because I don't think those recommendations went far enough. I'm a big

believer that the, and support the idea that the Children's Pool, Casa Beach should be exclusively for the seals as a Marine Mammal Preserve year round. The reason I say that is two reasons. Many, some of the issues which have been raised tonight first of all, I think that mixed use or shared use creates a predictable, a predictable, avoidable risk public safety risk, and legal risk for the city. The beach is so small that even the minimal distance, safety zone that's recommended by NOAA is not available which is a minimum of 50 feet. Seals can't read the signs and seals don't understand the rope and as we saw from the videos tonight people, adults and children even with the rope there are willing to go around it and simply treat it as if it was not there. I think the city has been very fortunate up to this point that there has not been an incident and I'm very grateful for that. But this is an accident waiting to happen and I can assure that the cost of a lawsuit related to a bite when the risk was avoidable will far exceed any cost the city would incur in changing the Land Use Regulations. Second of all, there are passionate advocates, I know both on both sides here in the community and elsewhere in San Diego for, on both sides of this issue. They're sincere, they're well meaning, they're passionate but what we've seen is, as a result of that passion confrontations which the police, the Police Chief here earlier this evening pointed out, the number of incidences. So what I'm going to ask and very much appreciate is you can avoid that by exclusively reserving the beach exclusively to the seals.

HUESO: Thank you sir.

FITZGERALD: Thank you very much.

HUESO: Hanu Mikonan followed by Rick Wildman.

MIKOMAN: Good evening my name is Hanu Mikonan, my parents brought me here to San Diego from Finland when I was 5 ½ years old. That was in 1956. Almost every weekend we as a family were able to enjoy Casa Pool, the Children's Pool. As a child I played in the water, jumped off the break wall, learned how to skin dive and snorkel at Casa Pool. It was truly a paradise when I was growing up. There is so much more to tell you, but time won't allow. I am so thankful to have had my daughter when she was 9 years old who's now 20 see her first school of fish underwater while learning how to snorkel at the Children's Pool. The following summer I was totally dismayed to realize that my playground and my other families and their children's playground had been taken away from their, from them. The seals have always been at Seal Rock, in front of Seal Beach, everything was great. What happened?

HUESO: Thank you. Rick Wildman followed by Darcy Ashley and, okay is Rick Wildman here? And was it Debra? I'm sorry what's your name? Okay we have Darcy Ashley following then we have Robert Bruins, Joan Bruins, Robby Luscomb, David Pierce, Scott Brown, John Leek, we'll look for your name ma'am. Go ahead sir. Okay you guys are confusing me here, because I had Rick Wildman and we have a, what was your name again ma'am? Okay I'll look for it.

WILDMAN: Thank you President Hueso, members of the City Council, I'm speaking in my capacity as President of the La Jolla Town Council I've been a resident of this area off and on since 1950 and a resident of La Jolla for 30 years. I'm pleased to report that the La Jolla Town Council has without opposition supported Councilmember

Lightner's proposed recommendations. As you may know the independent Parks and Beaches Committee members voted as follows, unanimously to oppose beach closure for the pupping season. Two, unanimously to oppose keeping up the rope barrier year round. Three voted for, one won, to hire a park ranger at private expense to patrol the Children's Pool and year round with docents. Voted for, one won to prohibit dogs on the beach at all times. On May 13th the La Jolla Town Council with one abstention unanimously consented to the recommendations of our councilmember and Parks and Beaches Committee. The vote was 17-0-1, 17 in favor, none opposed, one abstention. That's the representatives of the community of La Jolla, the trustees of the La Jolla Town Council overwhelmingly support Councilmember Lightner's recommendations that items one and two be rejected and that items three and four be accepted. Thank you.

HUESO: Thank you sir. Darcy Ashley followed by Robert Bruins.

ASHLEY: Good evening Councilmembers. My name is Darcy Ashley and I'm a resident of La Jolla for the last 12 years. I'm here to support Councilmember Lightner's plan it really resonates with me it, it's amazingly appealing to, to do the ranger program first. It has a huge benefit. The community at large and the City of San Diego has gone down the path of litigation for a very long time. So any plan that would be implemented that would for stall litigation I find highly desirable and I think if you enact the additional, the first, well the ones about extending the time of other rope or closing the beach I think that you put the city at risk of further litigation. And I would, I find that highly undesirable as a community and as a member of the City of San Diego. Thank you.

HUESO: Robert Bruins is, let's see here, Joan Bruins? Okay. Rob E. Luscomb? Rob? Okay and Scott Brown. So how much time would you like sir?

BRUINS: Probably about 3 or 4 minutes should be (overtalking).

HUESO: 3 minutes, we'll give you 3 minutes.

BRUINS: Yeah. And I do have some slides but I'm not quite ready for those yet. Councilmembers thank you for this time. My name is Robert Bruins. Since I was a small child I spent my life on and in the water. I love and appreciate everything in the ocean and I am not anti-seal. I love the seals. I graduated La Jolla High in 1980 and back then I remember seals hauling out what used to be referred as Sea Rock. Which still exists today, just in front of the Children's Pool. The harbor seal is the most widely distributed pinniped ranging from Alaska, south along the coast of North America to Cedros Island off the West Coast of Baja. And along the Asiatic Coast to China. And while still protected it is not considered in any way endangered. Global population is estimated to be a 400,000 to 500,000. The harbor seal populations from California to Washington are either stable or increasing. And it is thought that the population in British Columbia may now be approaching it's full carrying capacity. Harbor Seals are not in danger or threatened under the Endangered Species Act. Harbor seals are not depleted under the Marine Mammal Protection Act. The majority of the total California coastline including islands is not readily accessible to humans. Okay, from the San Diego border to the border with North California it is not accessible to humans. It is however accessible to harbor seals, all up and down the coast including all the islands

that we have off of the California coast. Children's Pool is not any way necessary for this arrival of harbor seals. And don't get me wrong, I love them, they're cute, I spend time snorkeling and diving out there, they come up, they play. The cutest things you could see out there. But they're not endangered, they do not need Children's Pool to survive. Slides please. The seal activists again and again and again talk about the small slice of beach. Well this small slice of beach is one of the few places in California that is protected from waves for the specific purpose to allow children to play in the ocean without the fear of waves. This was one or two summers ago on the beach immediately north of Children's Pool. There's a large number of families playing on the beach. I counted no less than 22 small children under the age of 5 or 7. Next slide please. Here you see very small waves, one to two foot, this is a very typical day in Southern California. If you'll notice in the following slides, none of these kids are in the water past their waist or past their knees. The waves are only one or two feet high but when a child is 3 or 4 or 5 years old they're too small, those are big waves. Next slide please....

HUESO: Thank you sir, thank your sir your time is up....

BRUINS: If you'll indulge me just 2 minutes? Or 30 seconds?

HUESO: I'm sorry sir I cannot. Ladies and gentlemen don't worry:...

BRUINS: Please watch the slides.

HUESO: I can't, I can't take anyone's time because you guys are screaming at me. So what is your name? What is your name? I need a name. We already counted your time. Mike what's your name? Did you submit a speaker slip? I don't have it in here sir.

BRUINS: I promise I only need another 30 seconds....

HUESO: Mike (inaudible)? Who's that? Are you giving your time? Gee you guys, I would have preferred you guys coordinate this no, but you didn't attach your, I'm sorry sir we're going to move on. What is your name? Is, did you submit a form? Okay we'll give you a minute.

BRUINS: Thank you. Thank you. The following slides that we're going to see here are just very small children playing at the beach but the point is here's the parent. And if you go back one slide a parent rescuing their child from the waves. None of these kids would actually get in the water. The key differentiating factor is the kids love to look at the seals. Kids love to look at the ocean, but what Ms. Ellen Browning Scripps intended was that they actually experienced what is beneath the surface of the water. To snorkel, to see the, to see the starfish and the garibaldi and everything that is underneath the surface of the water. You got a couple of slides forward and we see Children's Pool on a beautiful summer day no seals present, beautiful calm protected water, not a child in sight. This was at the same exact point in time, I took those other pictures. I walked from that beach to this beach, this is not what was intended for Children's Pool. Thank you.

HUESO: Thank you sir. David Pierce. Followed by John Leek, let's see...

PIERCE: Councilmembers, Council President 1930 Ellen Browning Scripps approached the City of San Diego to build a sea wall at Casa Beach in La Jolla, California at the cost of \$70,000 after receiving permission from the city, state, and federal governments. Then in the mid-90's Mayor Golding and former Councilmember Senator Christine Kehoe set out on a crusade to create a Seal Rock Reserve off shore of the Children's Pool. By having Sea World change their Rehabilitation Release Program for harbor seals. With the permission of the (inaudible) fisheries stocked the waters in and around the Children's Pool. Seals no longer afraid of humans preferred the warm, soft sand, sandy beach than the cold hard Seal Rock. The city did no EIR, and has domesticated hundreds of seals by changing their natural behavior on the only manmade beach in California that was intended for trust, for a safe place for children to swim. Please keep this unique beach open for the people who it was intended....

HUESO: Thank you. Is John Leek here? Okay you have several speakers (inaudible) time to you, I'm going to name the names, and if as I name the names please raise your hand so we know that you're here. Bill Haggerty. Doug Barlay is it? Barlay? James Peterson. Don Perry. Stan Minnick. Kevin Lass. Phyllis Ghio. Peter Morris. Mike Fowler. Josephine Roscoe. Or Ross, Arocu? Charles Melville. Gloria Melville. Mark Rick (inaudible). David Little. Sally Miller. Heloise Duff. Egon Keffka. John Rose Marie, or Rosemain. Can't read the writing. John Rosemarie or Rosemain. Huh? Okay. Is that you? Okay thank you. John Beaver. Mariel Annino. Joseph Annino. Rosina O. Beaver. Max Elliott and Ari Steiger or Stigler? How much time would you like sir? Are you John Leek?

LEEK: I am.

HUESO: How much time would you like?

LEEK: As much as I can get.

HUESO: Can you keep, make your comments in 10 minutes?

LEEK: Did I what?

HUESO: Can you make you comments in 10 minutes?

LEEK: How many do I have.

HUESO: You have 15.

LEEK: Thank you.

HUESO: You want 15 minutes? You want 15 minutes? Can you just tell me?

LEEK: Yeah.

HUESO: No? 15 minutes or 10 minutes?

LEEK: 15.

HUESO: Okay, geez. Just trying to get a response that's all.

LEEK: Okay. John Leek, live at Serra Mesa in San Diego. I helped present management plans to the NR&C committee when it was looking for public input. That public input came from the Friends of Children's Pool, the San Diego Council of Divers and Debbie Beecham. Each one of those presented comprehensive total plans. The other two which were, were the Animal Protection and Rescue League and the Friends of the Seals were two organizations that run sales tables and donation stands on the, on the sidewalk there. They made a million bucks over the last 4 years getting those donations and so on. We don't have that. My videos won't be as good. Let's go back to what; if you know what the city did is it got the law changed to protect the seals. The seals are protected. If you want protection for seals it's because you approve of the law as written now. That, that is in the trust, you have copies of the trust in front of you showing you what's in there. But how did we get there? Okay, the trust had several terms none of them were deleted another term was added to the city's responsibilities. All the terms are still there. The city requested discretion but discretion was not found in the final text. It got changed. If the city violates the trust again it could have the same legal problems it had before. Next slide. *(Voice becomes distorted)*. As I mentioned it doesn't address the other permitted uses because they're already in the trust. What this does is addresses the fact that *(inaudible)* have read that first document and found that it did not permit use for mammal habitat for seals so it *(inaudible)* that. But it does not change the fact that *(inaudible)* Children's Pool or the other uses that are already in the *(inaudible)*. The last statement of this council in 2003 was, had to do with a *(inaudible)* use as the preferred option. So if you *(inaudible)* so there was, the trust was not to be changed any terms deleted, public the preferred, the reason they wanted to have this was to have seals and the other terms of the trust. The public beach, and the public access. Next slide. *(Voice becomes distorted)*. One of the things that we mentioned was *(inaudible)*. And that *(inaudible)*. I want to make that clear. *(inaudible)* the trust. This does not eliminate that part of the trust I think this enhances it. *(inaudible)*. And we agree. It's important that divers continue to have access to the trust, to the Children's Pool and as she said that's part of the trust. City just spent a million bucks in 5 years trying to beat that trust and they finally had to change it, don't violate it because you'll just be back where you were. Next slide. *(Voice becomes distorted)*. The Children's Pool *(inaudible)* is the *(inaudible)* to making *(inaudible)* Children's Pool or just *(inaudible)*. Actually more on the *(inaudible)*. Alright. Maybe then *(inaudible)*. Just so that it's clear *(inaudible)* and I have respect for my colleagues by saying they want to make it clear that we do have, *(inaudible)* clear they do not *(inaudible)* comfort, I think it's a reasonable request. *(inaudible)* by California legislature. It's at the city's discretion to permit the *(inaudible)* and discretion to *(inaudible)* at the Children's Pool while maintaining discretion to *(inaudible)* set forth in the *(inaudible)*. Next slide. Okay what did he say? Here it was from council archives the motion was made by Frye to adopt this amended City Attorney's recommendations resolve the Council supports amendment of 1931 Tideland's Trust by California legislature to afford the city discretion to permit marine animals to inhabit the Children's Pool and discretion to preserve marine mammals habitat at the Children's Pool while maintaining discretion to allow uses already set forth in the 1931 trust and any joint use thereof. That was how the law

got, got changed. Not quite, because when it got up to Sacramento it got changed. If you see, you know, that discretion is not in the trust now it was taken out. It happened in Sacramento remember? Alright. Please go to number 2 directory. Because of the protection afforded by the state law now this is not about whether the colony is going to be destroyed. Whether the seals are going to be driven away or anything like that. 17 years of shared use have produced a steadily growing colony. It's bigger now than it ever was. So this, an Emergency Coastal Permit is going to be tough. Next slide. It's already been said the Mayor has to supply the findings to the Coastal Commission that he might not want to do. You can't upgrade a coastal permit, a local coastal permit and just go with it, you have to have a California coastal permit because it's in the coastal overlay zone. Next slide. Anti-shared use, Councilmembers went to the Mayor (inaudible) petitioned him to violate the law. The city already said that no change to the law would, that any change to the rope would require a whole new permit. They didn't know or didn't care. There's that code that was discussed earlier. Under the code he would have to be the one to petition the Coastal Commission and he didn't want to do it. Next, oh sorry. The City Attorney on December 16th told the Parks and Rec go ahead put up a rope barrier in spite of a pending appeal. That was a violation. The city did not follow the required emergency permit application or process. On March 10th when the Coastal Commission heard the appeals it found the city had been in violation for 3 months just as it had before because it did not produce the, the actual coastal permit application required by law when they put those yes, there have been other emergency coastal permits, local coastal permits allowing a rope across and they've all been illegal. Next slide. So now what's the Mayor going, well they wanted to go to the Coastal Commission and say you know that rope barrier we up illegally? Now we want it permanent even though you ruled against any permanent development on trusted land 10 years ago. In fact we already left it up with an expired permit without telling you, can we have a permit now? No he didn't want to do that. Good cause. This is the kind of thing that gets the city in trouble over and over again. This let's do and worry about the consequences later. Let's let the details figure themselves out. This is how we got a pension scandal, this is how we got broke. Next slide. Okay let's go to number 5. You saw, you saw film by the way of a mother seal leaving her pup on the beach. That was not abandonment. There's no breakfast served on the beach. Seals have to go out and forage every day, the mother and pup will both starve if the mother doesn't go forage for both of them. In the wild, the mothers stash the pups on rocks, in caves, secret places. In San Diego they leave them in our care. Because, right on the beach because they know people don't hurt their babies, that's their vote. I'll be back later with some food kid. One thing has dominated all the city discussions about Children's Pool the tourist attraction, over and over again. Lots of money, seals bring tourists, seals bring money. Well what do tourists see? What's the face of San Diego at Children's Pool? It's give us money and get off our beach. This is it, this is one of the sales tables and donation stands that are pulling money in as fast as you can go. This is what, this is the tourist attraction that you're trying to preserve. Well that's not very nice. But it has pulled in a million dollars over the last, this and others and they are illegal. There are a half a dozen city ordinances not allowing this and they don't have a coastal permit and that sidewalk is part of the coastal overlay zone too. They only can do this, they only can do this because they have favored status with city authorities who do not prosecute the law. Next, go ahead. This is how to clear a beach. People were down there having a good time. (inaudible) time. Meanies wanted them off the beach and as you can see

they're filing them off. Where is our sound? He's yelling get off the beach. Get off the beach. The other ones they're (inaudible) people tell them (inaudible) for being down there. And it's working. Tourists, locals, swimmers, beachgoers, it only takes one guy to drive people off of the beach and immunity from prosecution by a city that's willing to turn a blind eye to this kind of thing. There's your tourist attraction. It's like being at a revival meeting, hallelujah, I love it. And there's where the camera was filming from behind a pile of sleeping seals that were not disturbed in the slightest. Next slide. This is shared use 2007. This is people enjoying the beach, maybe you can't see it but there is seals all over that rock down there, that's where they like to be because they cannot sleep on hot sand in a fur coat, you couldn't, they can't either. They're Arctic animals. Next slide. Seals are just relaxing on the sea wall and they're out getting lunch. One reason no person has been bitten by a harbor seal at Children's is because human instinctively stay well outside of their striking range. Which is about 14 inches. They got no neck. Next slide. Oh there it is. That's where the kid stopped, that's where they do. No seal has ever been harmed, no person has ever been bitten. The rope came down Saturday. Seals had not seen people on the beach for months. Did they run into the sea and drown? Did they leave to never return? Well they never have before. An equilibrium naturally occurred called shared use. Generations of seals have seen people stop about 15 feet away. They just do. Next. So from here on, this is as bad as it gets from here on the seals will only get more used to people again. Now, any other day of the year there would have been volunteers as they call them or employees down there harassing the public telling them to get back. Telling them to get off the beach, they, and driving the people away. On Saturday afternoon when the rope came down, they were not there, they stood far back. They stood behind the cameras because they were hoping some seals would come to harm, so they could get some photo ops. That is how they exploited the seals and put them in danger for their personal profit and it is profit. Next slide. These seals did not flee the beach Saturday because people on the beach come no closer than they have on the sea wall all winter. You want to separate people from the seals more than this, close the sea wall. Next slide. You can see harbor seals in a lot of places. The remarkable part is the shared use. That's what people will write home about. To see peaceful sharing by two species adjusting seasonally, hourly and instinctively is what sets Children's Pool apart from anywhere else. Next slide. Can't we all just get along? That was it, my 15 minutes? No. Let's do number okay, number oh, number 3. Council of Divers submitted a magnet plan that was deleted from the agenda by the Chair of the NR&C, it was, it is the only comprehensive management plan that actually covered everything and.....

HUESO: Thank you sir, thank you for your conscientious cooperation as well. Greg Fitzgerald. Was Greg Fitzgerald here? Followed by Marle Hendricks. Followed by Charles R. Beranger, is it Beringer or Earinger? Beringer. I believe that's a B and Steven Roberts.

FITZGERALD: Thank you Council. I also made a video but you're not going to be able to hear it or anything so hopefully we'll just let it go. So, it's 2 minutes so if anybody can, after you see what's on there, shoot me a minute that'd be great but, this is the piece that was cut out from Brian's little seal video earlier. Actually he had a person yelling down at the tourists while Brian was laughing underneath the camera. He was holding it. This is yesterday. Nobody was rushing the seals. None of the seals

ran away. Watch here, you'll see what actually happens. *(Playing video)*. They're yelling at tourists, they're yelling at visitors. These are the people that bring money here.

HUESO: Thank you sir. Marie Hendricks, followed by Charles R. Beringer followed by Steven Roberts.

HENDRICKS: Hello, my name is Marie Hendricks. I live in District 4. Humans have weaknesses but as we age we gain wisdom. This wisdom allows us to make choices and decision based on reason and fact not on emotion. At Children's Pool we have emotion and reason. Emotion is expressed as we gaze at the seals and think how cute they are. Reasoning kicks in as we ask ourselves how we can preserve this beautiful beach for seals and people? Preservation begins by allowing young children to enter the unique environment at Children's Pool which is one of few sheltered ocean access points in San Diego. Children learn to respect the ocean environment through early experiences. As they get older many return to the beach and want to swim or snorkel. The confidence gained promotes interaction with the ocean ecosystem. Children become adults with an appreciation of the marine environment. They may continue their passion by participating in a variety of ocean activities. At the very least these adults want to protect and preserve the environment for their children and would likely be supportive of legislation or organizations protecting the environment.

HUESO: Thanks ma'am.

HENDRICKS: Isn't that what we want?

HUESO: Thank you ma'am. Charles R. Beringer followed by Steven Roberts, followed by John (inaudible).

MALE: Charlie Beringer I believe has left. I have four or five people that (overtalking).

HUESO: And what is your name?

THROWER: My name is Mitch Thrower.

HUESO: Okay let me get to your name. Steven Roberts. Steven Roberts here? John Berol? Is John Berol here? Come forward, this is your turn to speak if you still wish to speak. Michelle Addington. What is your name sir, sir at the mic? What is your name?

ROBERTS: Steven Roberts, I'm sorry.

HUESO: Okay. Go ahead and then your followed by John Berol.

ROBERTS: My name is Steven Roberts. I'm a resident of La Jolla. And I have some training in environmental science and ecology on just my credentials such as they are, are a Bachelors and Masters Degree at San Diego State University. And a PhD at Duke University in Ecology and Environmental Science. And I'd like to just make a plea that the Council consider getting good environmental science input in

addition to the other factors. We've heard tourism factors, legal, economic, emotional factors, these all play into this and they're important but it's basically an ecological and environmental underlying problem. And these underlying principles are what are going to play out regardless of what political or economic or legal decisions are come to. The basic idea that natural populations tend to increase until they hit some kind of limiting factor. And the limiting factors are things like inadequate food supply, disease, predation, lack of space, interaction with other populations. These are well understood by professional ecologists and wildlife managers and I think Joe Lacava who I don't know but he briefly brought up the point that it's basically a problem that needs a scientific background to, to proceed for a logical decision.

HUESO: Thank you sir. John Berol, followed by Rebecca Morales followed by Ken Hendricks followed by Jeremiah Newcomb.

BEROL: Good evening, soon to be good night. I am here to support Council Member Lightner's proposal for a ranger only. I, listening to everything tonight and watching everything I don't think you can in good conscious say that something unexpected has happened either here or what we've seen, it's all expectable. And the reason for putting the rope up was to keep people from going onto the beach. When the rope is taken down and people go onto the beach that's exactly what you expected. Whatever you need to do please do it without pretending that it's an emergency, because I don't think in your heart you can honestly make that point.

HUESO: We cannot hear anything ladies and gentlemen.

BEROL: Last point. If you do, do something with the barrier, rope, which I hope you don't, I think you're really making a mistake if you have the rope mean different things at different times of the year. That's exactly what will never work. Okay? So if you're going to have the rope barrier sometimes meaning it's a crime to cross.....

HUESO: Thank you sir.

BEROL: And other times we suggest you don't cross you will always have trouble doing that. Please don't do that.

HUESO: Thank you sir, Rebecca Morales, followed by Ken Hendricks followed by Jeremiah Newcomb.

MORALES: Hi. I'm Rebecca Morales. I'm a 60 year resident of La Jolla. I grew up in La Jolla learning to swim in Children's Pool. And I've learned what a enormous resource the Children's Pool is. I have a PhD in Urban and Regional Studies from MIT. I, I specialized in economic development. I spent some time trying to find other pools in the world that were like Children's Pool here. There are none. There's nothing like what we have here this is an unusual resource that we should be taking advantage of. What we are not treating is the children as a resource. We need to be more respectful of the fact that we have few ways to really bring children into the natural environment, and let them experience it the way we have at the Children's Pool. The only other children's pool I could find was in Australia and that was an enclosed pool,

not an open pool to the ocean like we have here. I think if we would begin to treat this as a natural resource and cultural issue, cultural, meaning bring in the people that we would have more balance and understanding how to use this pool. Thank you.

HUESO: Thank you. Ken Hendricks followed by Jeremiah Newcomb, followed by Phyllis Minick.

HENDRICKS: My name is Ken Hendricks. City Council has an obligation to correct past mistakes and reject this resolution with the exception of the ranger proposal, with it's unstated goal to close the Children's Pool to human use year round. Reasonable beach management compromise is requested by members of the community have been ignored. This resolution would continue Sea World's misguided wildlife management mistakes by attempting to create a seal colony where none existed before. Hand raised seals were released offshore of the Children's Pool creating an open air pet shop where the seals have cute names and animal rights are given priority over human rights. If this resolution is adopted by the city in full it will give self-appointed seal vigilantes management rights by mob rule to the Children's Pool. Personal freedom will be lost to an emotional response by government who seeks to deny citizens access to their limited recreation areas by declaring emergencies where none exist. The same rope barrier that makes it a criminal act, I have a written statement that I've provided to you.

HUESO: Thank you sir. Please provide it to us, we'll...

Part 2

HUESO:followed by Scott (Cherry) then followed by Danny Mac (inaudible).

NEWCOMB: My name is Jeremiah Newcomb. I just graduated from USD Law this Saturday but I don't want to draw on that experience. I want to draw on the fact that I have spent a lifetime diving in the Children's Pool and around San Diego. And I've got three things I'd like to ask you for. One is more protection, is just you know a lot of people down there are nice. But you do get these people who will come onto the beach, curse, one lady grabbed my spear and threw it away. And they follow you to your car and stuff like that. It gets pretty crazy. The second thing I'd like to ask for is just proper thinking about the way that the law interacts when a diver tries to get to the water. And they flush the seals, that is not actually illegal if the seals accidentally flush. That's because by using the beach you're not in pursuit or torment or annoyance of the seals. And you have to have that before you even get to harassment. I also agree with, thank you.

HUESO: Phyllis Minick. To who? Okay. Scott Cherry. Seed his time to? And you are? You are Mitch? Okay. Danny McFowley, followed by Richard Moreno followed by Paul Kennerson.

MCFOWLEY: If you got, okay. I'm Danny McFowley. I grew up in La Jolla. I graduated from La Jolla High School in 1951. I know this Children's Pool better than anyone in this room. I've a lifeguard there for, 1951 and '52, I even slept in the shack

that's there where the restroom is now. That pool was loved by all children. I loved it, everyone who lived in La Jolla loved it. Everyone that lived in San Diego loved that pool. And to take it away and give it to the seals is as ludicrous as, as, as anything I've ever seen. That pool is the safest place I can, as a professional lifeguard that's the safest place for any child when there surf is up. There isn't another pool in San Diego or another swimming area in San Diego that, that children can swim in. I learned to swim there. I was there the first time in 1940, probably before any of you guys were born. And it was a great place to swim.

HUESO: Thank you sir. Danny McFowley (overtalking).

MCFOWLEY: That's it huh?

HUESO: Thank you. Michelle Addington, who did you give your time to? Okay. We'll look for you. Richard Moreno. Richard Moreno? Oh, I'm going to call the following names, please raise your hand if I call your name. Martin (Voosage)? Thank you. Susie Moreno. Thank you ma'am. Karen (inaudible). Karen (inaudible)? Ken Smith. Jeff Baker. Patty Baker. Where's Patty Baker? Okay and Clement Huffman.

MORENO: I'm getting time from my wife Susie.

HUESO: Yeah we counted them, you got 3 minutes sir.

MORENO: Actually I have more, Marty (Voosage).

HUESO: Who else?

MORENO: Marty (Voosage).

HUESO: Ed? Are you giving your time? Some of it or all of it. Because you get a minute. Okay.

MORENO: So I should have 5 minutes.

HUESO: That's four and who else?

MORENO: Barbara Huffman.

HUESO: You guys are funny. Barbara Huffman. Okay we'll look you up. 5 minutes sir.

MORENO: Okay we can start the (overtalking). *(Playing video)*. This is Wind and Sea Beach on (inaudible). I wanted to give you an idea, good days, bad days. This is Wind and Sea on a bad day. You can see this surfer struggling with this. And this was all taken about 3 weeks ago. And then the next beach is the South Casa Beach right next to Children's Pool. And you'll see that this is the good day. And even with a good day you can see the currents, no children can swim there. You can see the riptides. Now this is going to be South Casa Beach on a bad day. This was also 2 weeks ago. These are adults getting knocked off their feet. One more time. So that's why Children's Pool was built. Okay? (inaudible) see this. Adults getting knocked off

their feet. This was 3 weeks ago. Okay. I'd like to give a little science today and I'd like to talk about the public health hazard in Children's Pool. I'm a Board Certified Internal Medicine Doctor, trained at UCSD and the University of Colorado. And seal feces is the documented cause of contamination in Children's Pool. This was confirmed by DNA testing. This is on record in the City of San Diego. And the San Diego public health as well as the environmental health department have declared Children's Pool a health hazard and it's contaminated. The state standards are 200 (inaudible) bacteria for analysis less than for safe, and in Children's Pool it reaches up to 16,000. 200, 16,000. So even now San Diego Public Health, it doesn't even monitor this. This is a, the signage down in Children's Pool and you can this, it says warning contact with this water may cause serious illness and bacteria, levels exceed health standards. And there's my references. So what kind of bacteria do these seals carry? This data is from hundreds of, of, of articles written by marine biologists. So this is a list of 14 bacteria, cultured from wounds from seals, from rectal swabs and from feces. And the references are included. So I want to just talk about the diseases that, that these seals can actually get from these same bacteria so the brucella causes abortion and neonatal mortality. So these pups do die. But they also die of these diseases that they're carrying. The (inaudible), the infection can occur in the bloodstream, in the heart, causes death. Leptospira, infection of the bloodstream, the heart and death. These are in seals. Micoplasma causes mass mortality from pneumonias, well documented. Mycobacterium causes skin infections and draining lymph nodes. In humans the same four bacteria's, five bacteria, excuse me. Brucella, fever, arthritis, fatigue, infection of the blood stream, infection of the heart. And can also cause death. (inaudible) skin infections and infection of the blood, infection of the heart, and can cause death. Leptospira also can cause acute renal failure as well as death. Mycobacterium can cause a disease exactly like pulmonary tuberculosis, all documented. And then the micoplasma just causes skin infections and arthritis. The bacteria that are carried by seals, salmonella causes diarrhea, fever, excuse me. And then the other one is pathogenic E. coli. Everybody is aware of this. This causes bloody diarrhea, anemia, kidney failure and potential death. This E. coli has been implicated in many outbreaks throughout the United States. It's found in human and animal feces like the seals and including Children's Pool. And the CDC reported 55 cases in 2000 at a petting zoo. 16 children were hospitalized and one required a kidney transplant. This is my associate's children at Children's Pool. And this was in the late 1980's and you can see this was a pristine beach, pristine water for the children. Thank you.

HUESO: Thank you sir. Paul Kennerson. Is Paul Kennerson here? Okay. Okay. Because we have some duplicates here, more than one of you filled out duplicate forms. Richard Garasio. Richard Garasio it's your turn now, come forward. Melinda Meriwether. Oren (inaudible). And William Robbins. I think we already called, is William, Oren (inaudible) here? We haven't called your name before? I thought we already called your name. Richard Garasio is coming, that's you?

GARASIO: Yes it is.

HUESO: Okay. And you'll be followed by Melinda Meriwether and Oren (inaudible).

GARASIO: I would just like to read something I, I said at a City Council meeting on April 18th 2006. So I'll just it short. On August 31st 2005 a young seal was attacked by a Great White Shark near the Children's Pool. Somehow he managed to make his way into the Children's Pool. The lifeguards (inaudible) they called the shark alert. That particular seal sent a clear message that the Great White Shark is now feeding at, and patrolling the waters off of La Jolla. There hadn't been a shark attack on humans in La Jolla since the late 1950's simply because there wasn't a food source present in the area. Since the mid-1990's the seal population at the Children's Pool has increased from around 20 to well over 200. It's taken a few years for the predator to find it's prey, but now that it has, it's here to stay. But the city by it's actions over the past 8 years has set up a feeding station in La Jolla for the Great White Sharks.

HUESO: Thank you sir. Melinda Meriwether followed by Oren (inaudible). Is Ms. Meriwether here? Oren (inaudible) followed by William Robbins.

MERIWETHER: Hi, I'm Melinda Meriwether. I grew up in La Jolla; my grandmother was here in the 30's. She swam at the pool, I swam there, my son swam there, and I'd like my grandchildren to swim there. And I have a video for you from Ellen Browning Scripps' great grandniece Ellen Revel. (*Playing video*) So I'm going to ask all of you, you know I don't know where the honor is amongst all of you that you don't honor the person who's community this is. This community doesn't want this, this community wants this back for children, we don't want sharks. And we don't want 2000 cars a day. Give us our pool back.

HUESO: Thank you. Oren (inaudible) followed by William Robbins, followed by Debbie (inaudible). What is your name? Okay. And who else?

MALE: 2 minutes, I should be fine.

HUESO: I don't have your name so far. Okay Louis Heenan is your name? Okay. 2 minutes.

OREN: My name is Oren (inaudible), and I've had the privilege of living in this community now for almost 40 years and I want to thank you for bringing this meeting to our community. I'm a past business owner. I consider myself an environmentalist. And I'm not anti-seal. To suggest now though that Ms. that Ms. Scripps would be happy to see the seals take over the pool boggles my mind. What we are in the process of creating is an artificial seal colony. Some of the unintended consequences of this are already occurring. Just ask the divers and the snorkelers that use the marine underwater park, they're already talking about the reduced sea life that's there. Secondly I can't believe that this will not violate nature 101. Throughout history in nature whenever there's been an abundance of prey in a particular area where it collects and congregates predators will find it. They may not find it this year, they may not find it next year but they will find it. I just hope that there are no dire consequences of when that occurs. And if there are I hope that you all are still here to tell us why we have to cancel the rough water swim. Why the surfers at Wind and Sea Beach need to get out of the water because it's no longer safe. Why we can't swim, snorkel, kayak, dive is this beautiful shoreline. Reminds me very quickly of a little thing in a movie out some time about Shoeless Joe Jackson in which they said you know if you build it they

will come. What you ought to name this if you create it they will come and I'm not talking about tourists. Mark my words it will happen, thank you.

HUESO: William Robbins followed by Debbie Beecham.

ROBBINS: Good evening. I am William Robbins. I live on Coast Blvd, downwind from the Casa. Thank you for bringing the meeting to La Jolla. I think you've all discovered one of our big secrets is La Jolla is actually on old Indian word for ain't no parking. I am kind of neutral on the whole thing except the idea of closing a beach. And I just would like the advocates for the seals and against and the Council to think that maybe we could all pledge that we're not going to close any more beaches. What's next? Is it going to be Shell Beach, Boomer Beach as the seal population spreads? We've already got sea lions now at The Cove. When they spread are the seal advocates going to be down there and say you can't use it anymore for swimming? When a few seals decide to go check out the brunch at the Beach & Tennis Club, is that going to close that place? What's next? Can we stop at this? I just wish you would all pledge that this is enough habitat for the animals.

HUESO: Thank you. Debbie Beecham. Is, is, Cindy Thorson? Okay, how many minutes would you like?

BEECHAM: You know I think I only need one, how many do I have?

HUESO: You have three.

BEECHAM: I definitely don't need three. But I'm going to give my minutes that I have extra to....

HUESO: You guys are making this very confusing. How many minutes would you like?

BEECHAM: That's okay. I only need one and a half. And I'd like to give the other one and a half to Mitch Thrower.

HUESO: I'll give you two minutes and then I'll give a minute to Mitch, from Michelle Addington.

BEECHAM: Okay. Good evening, my name is Debbie Beecham. And I am a La Jolla resident. The problem at the Children's Pool isn't the seals. The seals are doing just fine. And no seal has ever been harmed at the Children's Pool. The temporary rope barrier provided during the pupping season has worked extremely well and each year there's been an enormous increase in the number of pups born there. But pupping season is over. The rope is down and the summer season will upon us soon. And now is the time to manage the site with the plan that makes sense for summer season. We do need a ranger there as soon as possible to keep the curious onlookers from getting too close to the seals. A rope will not accomplish what a ranger can. When it is deeper into the summer season the months of July or August there will not be many seals lounging on the beach during the day. They leave early in the morning and come back later in the afternoon. The APRL and other seal advocates

would like you to think that the seals need a rope to protect them year round. But a rope barrier or beach closure won't stop the problems. They will only bring more anger and create an ongoing adversarial environment to the Children's Pool, the very thing we are trying to change. Let's take our time and do this right rather than rush something through when there is no emergency and no urgent need to take action right now. Especially any actions that will cause new lawsuits. It's time for the city to step up, reassert control over this valuable city resource. So let's get a ranger to uphold the laws, guide the onlookers as to what is acceptable behavior and put an end to the people on people incidents once and for all.

HUESO: Thank you. Patrick Ahern. Patrick Ahern? John Steele? Is John Steele here? Okay. Bill Bush and Robert F. Clary, Clarice.

AHERN: Good evening, Patrick Ahern. And I've been waiting for more than 10 years for you all to be here. Some of you know I work in very active and been some of what a, been involved in controversial projects. But I've stayed away from this one. As we know it's, there's been two emotional and intractable groups saying all seals, all people. And I agree with Scott Peters, and our Councilperson Sherri Lightner that there is a solution to a shared, a shared use and I believe it can be done. It requires more study. I recommend two things. Break apart the motions as you've suggested, approve the no dogs, approve the ranger and hold off a short term task force to come up with an approach for seals and humans to share this, share the pool. From there I believe you can all determine a reasonable and rational solution to this thorny, thorny dilemma. Thanks so much for being here.

HUESO: John Steele MD. Is Paul Kennerson here?

STEELE: He has given me his time.

HUESO: Is he here?

STEELE: He is not here, he, he signed it....

HUESO: Okay. You have one minute sir.

STEELE: Pardon?

HUESO: You have one minute.

STEELE: Well I have a minute, Paul Kennerson seeded me time, Mrs. Noone had seeded time...

HUESO: I understand. He has to be present. Followed by Bill Bush and then Robert F. Clary. What is your name sir? And what is your name? Okay. Is that his real name? Okay. Sir, your time is rolling.

STEELE: So how much time?

HUESO: Three minutes.

STEELE: Thank you. Most of the things that I wanted to touch have been covered so I'm not going to spend more time on them. I would certainly hope that the members of the City Council would pay close attention to the unanimous votes of the three bodies representing La Jolla that have already been mentioned. Which are against item 1 and against item 2 on your agenda. And to put up a rope barrier for the entire year and to close the beach for 6 months violates California and Coastal Commission and other laws and runs great risk and I have high level legal advice on this, of more law suits against the city. More risk under the current status of the trust that is including SB428. But I'd really like to say though is what I've always said to this body and others before and that is, (inaudible) is and that is that the seals are not the problem, it's the animal activist. They've had the leader of the APRL taser a man down there 3 or 4 years ago. We've had to get on two occasions restraining orders against animal activists down there. And all the other things you've heard about. There's no, the reason that all this happens is that the city is not enforcing the municipal codes of San Diego. Once that happens this will stop. Once the activists and their tables and their merchandise are removed this will stop. The answer is the item established a park ranger with law enforcement. The city, currently the APRL is making a quarter of a million dollars a year by their IRS reports. This could be done by the city. This is a profit center for the city. Sherri Lightner has also achieved \$79,000. I know where more money can come from to support the park ranger. But if you will vote to get the park ranger, vote against your Items 1 and 2, the park ranger with law enforcement will solve the problem and it will replace, the city could run its own merchandise tables. But unless you get the animal activist out of there and their money making machine down there nothing is going to change. Thank you very much.

HUESO: Bill Bush followed by Robert F. Clarice, followed Phil, Phil Martin.

BUSH: I've got one minute?

HUESO: Yes.

BUSH: You got any time left? You hardly spoke. Okay so I've lived in La Jolla for 24 years. I have shore fished all the way from the monument to the south end of Wind and Sea Beach for the last 16 years. I've watched my fish counts drop. I've watched the size of the fish drop. I catch and release. Don't kill them. I've talked to people at NOAH. James Cordova told you 5 years ago that joint use would not work. Didn't listen. Predation is going to have an impact. Okay? Discretion was poorly worded in your memo that you published as an editorial Mr. Goldsmith. There's no discretion here as long as those seals are there no one takes over. So unless you protect the other beaches I mean basically if you guys would step up to the plate and do what's right, you would just eliminate the people. That's the, that's basically the spirit behind that you've authored so far. So just step up to the plate and do it. Just call Ms. Kehoe and have her redraft the trust once more and eliminate people, just finish the job. Because the far reaching impacts of this to the entire ecosystem which NOAH has responsibility for, and I would hope Natural Resources would go beyond 50 feet of beach. It's unbelievable you don't understand what you're creating now that the Councils that follow you are going to have to deal with.

HUESO: Thank you.

BUSH: Thanks.

HUESO: Robert Clarice followed by Phil Martin followed by David T. Johnson. What is your name sir? Okay is Lorraine Martin here?

MALE: She had to leave, medical problem.

HUESO: Okay you've got one minute sir.

CLARICE: Joint use. The Children's Pool Beach has been a joint use facility since 1930. It's never had a problem. It was used by people and seals for 60 years until a well intended but misinformed lifeguard put up a rope. That has created the problems. Now you're considering putting up a rope not only seasonally but year round. Not only would that be in violation of state law it's in clear violation of the wording and the intent of the trust. Think of the message that you would be sending to any possible benefactor in the future. If you block that beach you're simply saying that this City Council can never be trusted to respect the terms of a trust should anyone give a gift of this in the future. Thank you.

HUESO: David Johnson, David T. Johnson.

JOHNSON: Can I have Mitch speak?

HUESO: What is your name?

JOHNSON: I'm David Johnson. I'd like to have him, have, hold mine in reserve.

HUESO: Okay is Michael Messry here? Come forward. And then Dina Robinson, then Mark Buchon I believe? Buchan? Okay.

MESSRY: Hello. My name is Michael Messry I've been a resident in La Jolla for past (46) years. Something that a lot of haven't been saying here it just a matter of mathematics. The seals are having pups about 40, 50 a year. As they increase in numbers the pups are going to maybe become 100, 200 a years. In 10 to 15 years there may be 1000, or 2000 seals in this beach. They're not going to be able to fit in that beach. So they're going to spread all over the place. They're going to go over to La Jolla Cove, they're going to go over to Wind and Sea. What are you going to do, are you going to put the rope everywhere? At the same time the amount of pollution, the amount of predators it going to bring up to La Jolla. You know? What you do right now you have to think about the future, you have to think about what's going to happen as a consequence of your action 10 to 15 years from now just don't think about now, think about the future. Thank you.

HUESO: Dina Robinson followed by Mark Buchan, followed by, Buchan, sorry about that, Michelle Anderson and then followed by V. McKinney.

ROBINSON: I'm a journalist. I've been writing travel pieces about San Diego for 30 years. And one of the things that I always oh, was fascinated with and I always touted was the underwater park that we have at the La Jolla Cove. And I interviewed

countless scuba divers and snorkelers from all over the world. I was in Sweden, I was being told that this is why they come to San Diego. I was in Japan, I was told the same thing. All of a sudden I always interview people, I have big ears, I eavesdrop on conversations. And I walk at The Cove with my husband every single day and I eavesdrop and I ask people questions. And the tourists tell me that they've stopped coming, this is the first time in 5 years they've been here and they used to come twice a year. Because the underwater park is gone. The seals have eaten everything that was edible, the birds are starving the seals are starving, believe it or not. A seal pup was found in Oceanside under a truck that....

HUESO: Thank you ma'am, Mark Buchan followed by Michelle Anderson and then followed by V. McKinney.

BUCHAN: Mark Buchan architect. Resident of La Jolla. The issue is complicated. However I offer you a vision of the future. However today's seals eat fish, lots of fish. Including the protected fish like the Garibaldi. When the mackerel, the barracuda, the yellow tail, and the White Sea Bass leave in the winter. Are you going to put those photos up George? Will you protect the fish or the seals? You need to protect the fish. Because without the local fish the seals will starve in the winter. Seals will ultimately reduce tourism. I can already smell them at the corner of Kline and Girard when the wind is right. Closing off the pool by extending the wall, filtering the water creating a scientific research program, a fish breeding program will provide a living aquarium where mature breeding stock can be accessible to the disabled by the elevator....

HUESO: Thank you sir.

BUCHAN: New lifeguard tower and new bathrooms.

HUESO: Thank you sir. Michelle Anderson followed by V. McKinney followed by Dan Burns and then followed by Mitch Thrower. What is your name?

ANDERSON: Michelle Anderson.

HUESO: Somebody help her with the mic there. Thank you.

ANDERSON: Okay. Okay. Hi my name is Michelle Anderson and I live in San Diego. And I used to love swimming at Children's Pool. And I love looking at the seals because they're like really cute and I don't understand why we can't share the beach with the seals because it would be really nice. Yeah.

HUESO: Good job. Great job. V. McKinney followed by Dan Burns, followed by Mitch Thrower. How about Dan Burns? Is Dan Burns here, come forward sir. And Scott Anderson is following Mitch Thrower, followed by Eric (inaudible).

BURNS: Okay so I haven't actually prepared anything but....

HUESO: Speak into the mic sir.

BURNS: Hello? I haven't actually prepared anything but I've used the beach ever since I can remember. I was that 5 year old kid a million years ago. My dad used to take me there. We used to swim across to Scripps Pier and there used to be octopus and Garibaldi and all sorts of everything there. And there's nothing anymore, it's just gone. And every time I go to use the beach now I get yelled and screamed at and people throw stuff at me. And I don't know you know, I'm told that I can't use the beach. And the sign says you can so it would be nice if it was one way or the other, is kind of my point.

HUESO: Thank you. Mitch Thrower and is Scott Cherry still here? Scott? Scott Cherry? Okay. Charles Beringer? Not here? David Johnson? Okay. Michelle Addington? Right, right I gave it back so you, Phyllis Minick? Phyllis Minick? Okay and Lisa Bach.

MALE: Lisa Bach also seeded.

HUESO: Where is she?

MALE: I believe she left.

HUESO: Not here. So we have Phyllis, Michelle and....

MALE: And Councilmember if I may? I believe I could also call on some additional minutes over time, but I think I can limit it to four.

HUESO: Two, three, you have four minutes sir.

MALE: Thank you. As a 16 year resident of La Jolla I co-founded one of San Diego's largest companies right here in the village. Active.com. We have 2500 employees. And we represent the 50 million people that participate in active athletic events from within the water. Rope, no rope, ranger, no ranger, seals or hate them, love the ingestion of their fecal bacteria or living their near their smells or not. Red tape is not the issue, it's red blood in the water. It is not whether there will be a shark attack, but when the next one is. New information for the Council, when David Martin was attacked a seal pup from the La Jolla colony which has a 25 mile range beached itself and the lifeguards were tending the seal when David Martin was attacked just 2 years ago. It is my understanding that as you look at the 7 gill shark and you can click play, you can kill the sound. (*Playing video*). This is one of the 7 gill sharks as reported to NBC which hunts seals in packs, has now shown up at the La Jolla Cove in mass. Check Sharksighting.com, check San Diego, check all the local news and also look at some of the YouTube videos from divers from under the water. They are here. Mr. Council my clear warning to this committee, and to the City Attorney and our community is that taking any action on this dockets or other dockets to further encourage the presence and proliferation of seals in the middle of the most popular human swimming, diving, snorkeling and surfing area in the world will have direct consequence. Mrs. Frye you had mentioned that people unknowingly and sometimes on purpose put seals at risk. And the passionate seal supporters and policies to date have perhaps unknowingly put humans to risk. But I would like to go on record that now with research and science we can determine exactly how large this risk is, and it is great, it has

already cost the life of one member within the striking range of this seal's colony. When you think closely about all the issues we are debating tonight it is important to note that they all disappear as does the liability imposed on the Council and the seal advocates if the seals go away. They may not so we need to diminish their presence. It is not about the distance of foolish tourists petting or getting bitten by a seal because trust me, Mr. Councilmember, trust me. A shark bite hurts a lot more than a seal bite. My request is to anyone involved take all actions on this docket and every docket in the future to protect the tens of thousands of humans that are in the population of our coastal waters not to take the same action for 250 seals. Thank you for your time.

HUESO: Scott Andrew, Eric (Bizigotti), followed by Roger Wiggins. Is Scott Andrew here? Okay. Scott Anderson. Eric Bizigotti? Eric Bizigotti? Okay come forward please. I've been calling your name. Roger Wiggins? Roger Wiggins? Not here? Fernando Aguirre, Fernando Aguirre and Dan Corty, is it Courtney? There is no N there. Is it Dan Courtney? Is Dan Courtney here? So our final speaker is Eric Bizigotti. Roger Wiggins not here. Fernando Aguirre not here and Dan Courtney not here.

BIZIGOTTI: Hello. I'm here to support the use of the Children's Pool for what it was intended and that was....

HUESO: Speak into the mic sir so we can hear you.

BIZIGOTTI: Okay. I'm here to support the Children's Pool for the use that it was intended and created for, for a pool for swimming, for public access and you know I'm not against having the seals there. So I just think that everyone, we should look at all the facts. The sharks, the other beaches, the pollution, and everything. That's all. Thank you.

HUESO: What's, Mr. Huffman? What was your name? Is it George Huffman? Clem, we had called your name earlier. Well I called your name. Anyway you can speak....

HUFFMAN: I got a minute from my wife, Barbara Huffman.

HUESO: Is she here?

HUFFMAN: She's over here....

HUESO: I'll just give you your minute sir.

HUFFMAN: Okay that's fine. And I have some Power Point slides. My name is Clem Huffman, I'm a physician, and I've practiced in town for over 30 years. I've lived in La Jolla for 39 years. I went to UCSD Medical School and residency. And here's a picture my wife took of me and our children in 1989 enjoying Children's Pool. And you notice the beautiful sand, the beautiful clear water and Dr. Moreno and I have done a little research and I think it's very clear that this water is very polluted. The sand is deeply polluted, there's very real risk of human infection from it. And there's a lot of literature. We've given an information pack to the (inaudible) City Clerk who can make

that available to you. And in addition you're recommending there be a study group, I think you need a formal environmental impact report which is seems to me is required by state law here. You've made a land use decision by this dual use, it's got of lot of unintended consequences. So that would be my plea, thank you very much. And thank you for your patience.

HUESO: Thank you. That comes, brings us to the very end of all our public speakers. I will come to Councilmember comment now. What is your name ma'am?

NELSON: Bonnie Nelson.

HUESO: What is your name?

NELSON: Bonnie Nelson.

HUESO: I don't recall your name. Why don't you fill out a slip? Come forward and just speak into the mic.

NELSON: Okay. Okay. I first of what, with Donna Frye I went down to where the seals and she told me to go back up because she's talking to somebody you know, in you know that she doesn't want me to hear. Or something? So then I am really upset with the money that these people put out there. And I would like to know if, why, I mean I'd like to know if we could just pick up that money, that money does not belong there. And I think that if some of these people, Mr. Faulkner, Donna Frye and some of the people want to be involved then why don't they do it down in their own area?

HUESO: Thank you ma'am. Thank you ma'am. And we're going to ask you to fill out a, a, a form, maybe you can ask her to fill out a form, a request to speak. I want to thank everybody for coming tonight. I think this was a very successful meeting in terms of getting public input. I just want to explain one thing in our process. The committee process is very important. That's the process by which councilmembers focus on issues relating to the subject of the committee and the mission of the committee. And within the process the Chair usually has the job of, of formulating the agenda. Although the Chair cannot make motions. And through, during that committee the Chair agendas an item and a motion was made and that motion was approved unanimously and that's one we're entertaining today. We've had two requests to make the motion up and coming and because the Chair cannot make a motion through the committee process I'm going to come and, and the Chair has made the presentation and the motion was derived through the committee process. I'm going to come and recognize the Chair of the Committee, Ms. Frye to speak next and prior to calling on her, I just want to thank everybody for participating in this process. I know this, this issue is very important to all of you. And I hope we come up with a resolution that meets everybody's needs and I hope that in the future this, this issue resolves some of the contention that we've been meeting in the community. And I think that's our hope and the Council working with you to address these items that are so important. So Ms. Frye? Following that I'll come to Ms. Lightner.

FRYE: Thank you, thank you Council President Hueso. And I do want to make sure that Councilmember Lightner because this is her district that perhaps we could do a shared use motion? And what I would like to do is to I think we had both agreed that it was a good idea to separate these actions and to vote on them individually. But what I would like to be able to do is since it was Councilmember Lightner who had brought up the idea of seeking private funding and or grants for a park ranger with expert qualifications whose primary duty is to patrol the Children's Pool and to create a volunteer docent program I would like to not include that in my motion so that she may make that motion. The other thing is it's my understanding that Councilmember Lightner and her community also support and if I'm wrong someone can wave their hand at me. That, that there was also support for prohibiting dogs on the beach 24 hours a day. I think the community had supported that as well. That particular part of the motion. Is that correct? That looks like a yes. Okay. So what I would like to do is I would like to move the recommended action tonight to adopt the management plan for Children's Pool which would include item number 1, determining that a coastal emergency exists requiring the immediate year round placement of the rope barrier. And I don't, maybe we could get that back up? But I think it's fairly clear what item number 1 is, is the City Attorney here? Do I need to read all of that? Mr. Goldsmith? Shall I read all of that into the record? Or should we....

GOLDSMITH: (overtalking). If it's your motion you would want to read that yes.

FRYE: Well it's item number 1 on slide number 22 and also item number 1 in all the, the report to the City Council. What it also includes for item number 1 is that a City Council report dated May 17th 2010 on this item was provided to a system making the determination for the coastal emergency and emergency coastal development permit, and I would recommend that as part of the motion that this as well as the entire record and all the public testimony being incorporated as part of the coastal emergency determination. Second, to direct the Mayor, that'd be number 2, direct the Mayor or his designee as a required condition of the emergency coastal development permit to amend coastal development permit number 701673, and site development permit number 701765 to keep the rope area up year round at Children's Pool and to timely submit the permit applications. Three, to direct the City Attorney's office to draft an ordinance amending Municipal Code Section 630102 to prohibit any person to be on the beach during pupping season. Four, determine if a proposed year round rope barrier placement at Children's Pool and municipal code amendments to section 630102 are consistent with the local coastal program and California Coastal Act, and only if required direct the Mayor or his designee to amend the local coastal program accordingly. Five, I will not make that as part of my motion so Councilmember Lightner can make it. And six, direct the Mayor or his designee to propose appropriate signage based on the Council actions and prepare a written report to present to the Natural Resources and Culture Committee within 45 days. And that would be my motion.

DEMAIO: Second.

HUESO: We have a motion and who, you second that Mr. DeMaio? And I want to ask our City Attorney to comment.

GOLDSMITH: Yes, I want to make a few comments about the terms of the motion and make sure it's understood that number one the coastal emergency is a determination by the City Council as I discussed earlier. The Mayor has the obligation to make that finding one way or the other and must do so under the law. So I would interpret this to mean that this is a direction that the application be submitted on behalf of the City Council and that the Mayor would then make that determination. With regard to that....

FRYE: That, that is correct.

GOLDSMITH: Thank you. With regard to number 3 there's a direction that we were, we would prepare the ordinance and submit it to the City Council for docketing no later than June 30, 2010.

FRYE: Would you like that date changed?

GOLDSMITH: Yeah the reason being is that, that is going to require environmental review and Coastal Commission approval. Now the Coastal Commission approval is a condition that's placed in our ordinances. I want to make sure, there was some comments during the public comments, that they understand we are going to seek the appropriate approvals. This is not unilateral. What we do is we put that in the ordinance. However the environmental review Donna, Councilmember Frye may take longer than, than that so I would suggest that there be some language allowing for an extension depending upon the environmental review.

FRYE: Or, or as what I was hoping to accomplish was to have the ordinance brought forward to the City Council. But I am happy to amend that motion per your request and put in language that you are comfortable with.

GOLDSMITH: Let me defer to Shannon Thomas in our office on that.

THOMAS: We could bring it forward by June 30th but it couldn't be for introduction because the environmental wouldn't be done. But it could certainly be an informational or a discussion item, just not for introduction.

FRYE: I, I appreciate that so, we can do it either way that you prefer but I would like something to come to, to, why don't we have it come to the Natural Resources and Culture Committee as an informational item as you through the process. Is there anything else Mr. Goldsmith?

GOLDSMITH: No it's reiterate, the application for the year round rope would go to the Coastal Commission for a permit so that would be in due course. The timing of that is up to the Coastal Commission.

HUESO: Now I just want to verify we, we, would that go to the Coastal Commission? Doesn't the city have the, under the LCP don't we have jurisdiction to approve a permit?

GOLDSMITH: It would be in front of a hearing officer, with potential for appeal to the Coastal Commission on behalf (overtalking).

HUESO: So if it's appealed to the Coastal Commission the Coastal Commission will determine, I understand that part.

THOMAS: Right, right we could grant the permit.

HUESO: First, my question, I understand the appeal process. I was only asking about whether we could issue that permit locally?

THOMAS: Yes, yes we can.

HUESO: My second question assuming the Mayor did not comply and vetoed this action, could the veto be appealed to the Coastal Commission?

THOMAS: He can veto the resolution. The veto is not appealable to the Coastal Commission.

HUESO: Okay.

FRYE: And couldn't the City Council then override that veto?

THOMAS: Yes. That would be the rest of the process.

GOLDSMITH: Thank you.

HUESO: Very well. Ms. Frye were you finished with the motion?

FRYE: Yes, I was and again I just wanted to make clear that I had purposefully left out from number 2, or excuse me, number 3 the issue of prohibiting dogs on the beach 24 hours a day and I purposefully left out item number 5 with the intention being that Councilmember Lightner make that motion.

HUESO: Yeah I understand that.

FRYE: Since those were the items she supports.

HUESO: Just for clarification Mr. Young did you have some questions?

YOUNG: Just for clarification for the City Attorney, this is a resolution requesting the Mayor to do a certain act. He doesn't from my understanding he doesn't even have to, there's no, if he didn't agree, he didn't have to veto it. He just doesn't have to do it, isn't that correct? He just can say you know what, I'm just not going to, going to comply. Or I don't agree.

GOLDSMITH: His, his remedy would be to veto. I, he's going, yeah he has to follow it, with the caveat and I want to reemphasize this, on this emergency application he has sole and authority to make that determination. So the finding of the emergency

in the City Council is not the final determination. In fact he needs to make an independent decision on that.

HUESO: Councilmember Lightner, did you want to make a motion or comment at this time?

LIGHTNER: I do have some comments that I would like to make at this time. Is this the appropriate time?

HUESO: This, it is.

LIGHTNER: I want to thank everyone for coming out these evening and spending so much time with us. I certainly appreciate the patience of my colleagues and thoroughly enjoyed my time with you this evening. I want to especially thank former Councilmember Harry Mathis, although at the time he was Councilman Harry Mathis and if he is still here, and I see him over there, I'd like to apologize to you for the relatively rude behavior you received while you were attempting to testify. And I know we, thank you, I'm very disappointed with some of the activities that have occurred at the Children's Pool since the rope came down this weekend. No similar incidents occurred when the rope came down in year's past. We need to deescalate the situation with a ranger, not a rope barrier. As a ranger provides a greater level of protection for both seals and people. The biggest challenges we face as a City Council are ensuring that the community most impacted by the Children's Pool has a say in it's future management and that we create a safe, harmonious and educational experience for everyone. As a Councilmember representing this district I've been working for the past year with stakeholders on all sides to devise a plan that works for everyone. Our efforts are still underway but were interrupted when this issue was brought to the Natural Resources and Culture Committee this spring. There had been no requests from the community to make a change to the current joint use policy. Nor had there been any requests from our City Staff who monitor the situation closely. The City Attorney also said we were under no legal obligation to take any action. On April 5th our committee took an action that had not been heard by the community. Since that time we have received detailed information from City Staff on the options that the Council is considering this evening including the permit processes and costs. And I have met with the La Jolla community groups to provide them with this information. As you have heard the community groups all overwhelmingly oppose the beach closure during pupping season. And the proposal to keep the rope barrier up year round. The La Jolla community overwhelmingly favors keeping the adopted City Council policy of joint use and I support them. My community cherishes access to this public beach. Residents know that on hot summer days the seals are normally in the water and there is no reason to restrict access to this beach. More importantly, my community and those who understand the Municipal Code's definition of coastal emergency recognize clearly that there is no emergency at the Children's Pool that would qualify for an Emergency Coastal Development Permit to keep the rope up year round. The process to keep the rope barrier up year round or attempt to close the beach would be costly and lengthy. These two options would have to be funded out of the general fund at a minimum estimated cost of \$50,000 at a time when we have made deep cuts to city services including police, fire, parks and libraries. Of greater concern the request to close the beach will most likely be unsuccessful. And undoubtedly will invite new prolonged,

expensive litigation against the city. The existing joint use policy continue to protect the seals and ensures public access to the water. The real problems we need to deal with are the need for police and lifeguard intervention due to the persistent people problem at the Children's Pool. Citizens who want to use the beach in a lawful and respectful manner feel they are being wrongly harassed by people who are there to protect the seals. Meanwhile citizens who are there to protect the seals feel that without their vigilance harm could come to the seals. My plan to address this people problem uses private funding for a city park ranger to patrol the Children's Pool. The ranger would also train and supervise city sanctioned volunteer docents to inform and instruct the public on the city's joint use policy. This option involves no cost to taxpayers. No change to the current joint use policy, no change to the La Jolla community plan, local coastal program. No need for a Coastal Development Permit. And no potential threat of litigation. This is the only proposal under consideration tonight that have received support from all La Jolla groups. This type of program is in place at other city parks, and it would relieve the lifeguards and police of the need to respond to calls for service at this location. That takes valuable time and tax dollars and jeopardizes public safety. A donor has stepped forward who will pay the ranger's salary for the first year and will work with us to raise funds for an endowment to keep the program going for many years to come. Only a ranger can help address the issues with confrontations between people at Children's Pool. It provides a higher level of intervention than a rope barrier or a beach closure. I urge my colleagues to support the ranger program first, give the program a chance to work over the course of an entire pupping season and summer beach season and then reevaluate the situation. Please support my community, by opposing changes to this city's current joint use policy so the public can continue to use the beach while supervised by a ranger without any harm coming to any seal. Support my community by refusing changes that will lead to more expense, litigation, conflict, and embarrassment for the city. We as a council can finally make the Children's Pool the true asset for our city that it deserves to be, one that can be shared by all. To that end I cannot support the motion as the portions that are on the floor right now. I make the following addition to the motion or as separate motions to approve the city park ranger and city sanctioned volunteer docent program for Children's Pool. Additionally I move that no dogs are to be allowed to be on the Children's Pool beach at any time. And finally I move to direct staff to return to Council with recommendations on whether the pupping season dates need to be altered and what process would need to be followed in order to alter these dates along with the associated cost to do so.

HUESO: Thank you Ms. Lightner.

FRYE: Yeah did you want to amend the motion? I was trying to put it in such a way that I was....

LIGHTNER: I do not want to amend the motion.

HUESO: No. She's adding additional, we'll vote on it per item.

FRYE: We'll vote on the first item then, the motion (overtalking).

HUESO: And your items are 1, 2, 3....

FRYE: Half of 3.

HUESO: Okay half of 3, 4, and 6....

FRYE: 4 and 6.

HUESO: And Ms. Lightner's motion is number 5...

FRYE: And half of 3.

HUESO: And half of 3. The other half of three....

LIGHTNER: And an additional direction to staff to return with an assessment on whether or not the pupping season in the current permit is appropriately defined given the concern with the pups that are there right now.

HUESO: We'll name that number 7.

LIGHTNER: That's good for me.

HUESO: Okay is there a second to the...

DEMAIO: I will second Ms. Lightner's motion.

HUESO: We have a second by Councilmember DeMaio. We, I just want to make an announcement because I guess we really went over on time. We have probably a few minutes before we have to vacate the premises. Because we have a time limit here so, ladies and gentlemen it's pretty late so we have...

LIGHTNER: Everyone is going to help the Clerk pack up.

HUESO: Unless you guys stay and help clean up. Anyway Councilmember DeMaio?

DEMAIO: Thank you. The Children's Pool is a unique treasure for San Diego, for humans and animals alike. And notwithstanding some of the emotion expressed this evening I believe seals and humans can effectively coexist. We need to strike a balance with a goal of respectful and sustainable shared use. There's been a lot of passion on the issue and a good amount of misinformation as well. I want to thank our City Attorney who established clarity on the legal issues facing the city. Helping us work through this problem, putting the decision in the hands of our citizens through the City Council. When I went down to the Children's Pool before I was sworn in, in a hoodie, I noticed that, and I was undecided. I notice that children absolutely loved the seals. And I also noticed the tourists who had gathered to witness our seals. The only concern I had related to some of the adults the confrontation and conflict that existed at the pool. It was not reflecting well on San Diego and it was not a good example for our children. And so I want to applaud both Ms. Frye and Ms. Lightner for working on this issue to try to create clear policies. To try to strike a balance and I believe their vigorous leadership on both sides of this issue have allowed us to consider policy changes that will be for the betterment of the Children's Pool and for San Diego.

In particular I want to applaud Ms. Lightner for her idea to create a ranger and docent program. I believe this will have the biggest positive impact on achieving effective shared use at the Children's Pool. And that is why I'm pleased to second both of the motions on the floor this evening.

HUESO: Thank you. President Pro Tem Faulkner?

FAULKNER: Thank you President Hueso and I'll be brief, to the point. I'm going to support both motions as well, I want to thank my colleague to the right of me Ms. Lightner for all of the work that she's done on this particularly with her community over the years. Not only since she's been elected but for years before that. I will support my colleague Ms. Frye's motion as well. I will just say briefly as I've done on other votes regarding the seals, I believe the seals are loved by residents and visitors alike. And they are a very special part of San Diego, and I do understand some of the differences of opinions that were expressed here tonight, and have been expressed in other Council hearings that we've had on the matter. But I believe the plan today is very important because it supports keeping the seals but it also ensures public access. Those two elements I think are, were very important so I'm happy to support the motions.

HUESO: Very well, Councilmember Gloria?

GLORIA: Thank you. Thank you, thank you Council President Hueso. I want to thank my colleagues Ms. Lightner and Ms. Frye for giving us an opportunity to bring this item forward. I want to let the folks of La Jolla know that you are well represented by Councilmember Sherri Lightner who I think has done much to improve the motion that we have before us. And I look forward to supporting both her motion and Ms. Frye's motion. I would say that as an ardent seal supporter I would like to have seen greater protections for the seals. Because I believe that it's a unique asset for our community and one that we would do, be wise to accentuate and improve upon. I think that this is a step in the right direction and that's why I can support the motion. I would say that I'm disappointed by the behavior of members of the public that would necessitate this sort of intervention. And certainly some of the video shown on both sides frankly don't speak well for the people who are visiting that particular beach. And I would hope that today's action today would get us to start to understand that human beings must learn to share our natural environment. To nurture it, not to dominate it and to abuse it. And I hope that learning to do that, that we realize that improving our environment not only improve the environment but improves our own quality of life. So I think our motion today moves that forward and again I acknowledge the leadership of Ms. Frye and Ms. Lightner today. Thank you very much.

HUESO: Councilmember Young.

YOUNG: Thank you. And I am, I probably look at this a little bit differently. I would admit I've been to see the seals a number of times but I can't say that I'm as frequent a visitor as some of you have been. And so you know I'm not really sure about the physiological or psychological effects that these seals endure when a person comes close to them. I, I really can't tell, I don't know if any of you can tell, but I don't know. I don't know how these, the seals feel when you come close to them. But, and I would

also that you know, you have to think will there ever be a time, I think one of the gentlemen actually came and spoke, that there will be too many seals there. I mean is there going to be a time at some point in time where there are so many, and, and the question is for me, is how many is too much? I don't know? I think at some point in time....

HUESO: Those are rhetorical questions ladies and gentlemen, just pay attention here.

YOUNG: No actually I wanted everyone to answer individually. And I think that there is a limit. I mean there's got to be a limit. And you know I just think that having a permanent, permanent rope would, would effectively close the, that pool for human use just forever and I just won't support that. I just, I just, it's interesting there was one point in time and I don't know what the environmental impact would be either if you just allowed you know seals to just continue to multiply at the site there. That was interesting, there was one at the beginning there was a, a video that showed the little bird pecking at the, at the seals. And I suspect that, that pup seal didn't like that either. You know? But it's something that it actually happens I assume in, in it's natural environment that seals are disturbed by a lot of different things. So that's how I look at it, as I said I hope I don't sound like a, I'm too ill-informed but I mean just from somebody that is a, a person that tries to make the right decision that's how I look at it, and that's how I feel. And so I am going to support only Ms. Lightner's motion and then that's, that would be my, (inaudible) comments....

HUESO: Please ladies and gentlemen. Councilmember Emerald.

EMERALD: Thank you very much. And thank you to everybody for being here this evening and being part of this important process. When we first began discussing this issue at the Natural Resources and Culture Committee, Ms. Frye reminded us that she's been working on this issue now since she came onto Council which is about 9 years ago, too long. And that she would just love to see a resolution to it and I have a feeling that tonight we have an opportunity to hit the reset button and to, to start communicating with each other on a more productive level and creating I think a, a more optimistic future for this issue. It has become a very serious conflict. And I do believe that we do need to declare an emergency to change that permit. When we have our police officers responding to D runs which are usually reserved for natural or manmade disasters, crime waves in neighborhoods that are dealing with narcotics and burglaries and so forth, we need to stop and take a look at this situation. It's out of control. And it's good people behaving badly. And it does send the wrong message I think to people who visit the city and it certainly sends a wrong message to our children. So and we've come a long way as a council in discussing this issue. It wasn't too long ago that we were pretty, getting pretty heated our committee meetings and found ourselves in deadlock. But tonight after listening, to so many people who are well informed, who do care about their community. Who do care about kids and wildlife it, it gives all of us pause and reminds of the duty that we have. To try to strike a balance, to try to do something for everybody involved and I think the motions on the floor this evening do that. It's a step in the right direction and as I said before a real opportunity to hit the reset button and write a whole new and very positive chapter in this issue that

has been debated far too long here in the City of San Diego. So thank everybody for being here. And thanks to our Council for coming together and finding some solutions.

HUESO: I would like to also thank Councilmember Frye and Councilmember Lightner for both motions that I will make huge strides into solving this problem. I don't take this issue lightly myself. I'm a frequent visitor to this area. I, I come here with my kids. I also like to kayak in the area. And sometimes we visit the seals at Children's Pool and we walk around over to Shell Beach and we swim there. It's within a stone's throw where the seals are themselves. But that beach, Shell Beach is open to the public and many people go there to swim so this important coastal resource is not completely closed off to the community. And I think it's important that we, we respect wildlife and that's one of the important lessons in this decision. You know there is, there should be some concern when you enter nature and, and the uncertainty of it. And many times to say that when you enter the water you're not at least assuming some risk for the you know, what nature has to offer sometimes can't be predicted. And we can study it and we've been studying the behavior of nature and it's something that we are still learning about so, to say that something is going to happen or predict something is going to happen I think is, is not realistic. I mean anything can happen we know that. But when you look on the issue of shark attacks where have shark attacks occurred in our county in the past 20 years? Even past 30 years? Solana Beach does not have seals, Sunset Beach, ladies and gentlemen you've had your opportunity. You've had your opportunity. Sunset Beach does not have seals. Solana Beach does not have seals.

MALE: Councilmember (inaudible).

HUESO: Sir. This is not your opportunity to speak. Please, no I'm not asking for your information. You had your opportunity to present it. You had your opportunity ladies and gentlemen. And I'm simply stating my experiences off the coast of, of The Cove we had huge kelp beds that are also, are a deterrent to Great Whites, they don't like to hang around, around the kelp beds and that's a fact. And, and can somebody, I'll ask this question, when was the last time we had a shark attack that, at La Jolla Cove? We've had seals there for 20 years now.

MALE: The seal's colony's range is 25 miles north and south.
(inaudible).

HUESO: Okay, alright.

MALE: Including Solana Beach (overtalking).

HUESO: He didn't answer my question, but anyway which proves my point. Ladies and gentlemen I mean like I said I swim to the mile marker, and I'm very confident that I'm not placing my life at risk. And you know I make this decision because I am a swimmer and frequent user and I think we're making the right decision and respecting wildlife and that's where I'm supporting the motion. But again I think all of you have some important points and some truth in what you say but, you know we can't run away from the fact that we have to take action because if the sharks aren't going to hurt the people at the beach, it's other people that are very passionate about

issues that are going to hurt other people at the beach. So we have to intervene and, and create laws that hopefully will keep the public peace. So we have, we're going to begin with the motions. Is there any, we're going to divide the motions...

FRYE: And also President Hueso just to be clear so that there is no confusion after this vote takes place I want to make it very clear what the motion is.

HUESO: Well Ms. Frye....

FRYE: Just in case Council President Hueso....

HUESO: You made motion 1, 2, part of 3, 4, and 6.

FRYE: Which is number 1 in it's entirety as written on slide number 22 of the Power Point of the presentation....

HUESO: Let me ask you before you clarify, do you have any reticence about taking up your motions in it's entirety with all the items and then we'll take up Ms. Lightner's motion so we'll have two votes.

FRYE: Yeah it will be two votes. But I just want to be clear what my motion is, so that after the vote tonight it is very clear and no one says they didn't know what the motion was. Or there is a discussion about what the motion was.

HUESO: And the motion's on the screen.

FRYE: So it is very clear, and then it's....

HUESO: (overtalking).

FRYE: I can't read that, I'm too old. And then....

HUESO: We've read the motion because it's in the slide so Ms. Frye is it any different than what's in the slide?

FRYE: Okay, terrific and then the only thing different for the motion was number 3 that Councilmember Lightner's motion would address which was the prohibition of dogs. And then number 5 was not included in the motion as a courtesy again to Councilmember Lightner to be able to make that motion herself.

HUESO: Very well. So we'll begin with Ms. Frye's motion. All those in favor indicate by raising your hand. So one, two, three, four, five, six passes, six to two, with Councilmembers Lightner and Young voting no. On Ms. Lightner's motion she added number 7 which was pertinent to the pupping season, Ms. Lightner can you explain since we don't have that one in writing. Number 7, what was number 7 with regards to the pupping season? Okay. Informational report back to Council on, on the pupping season? Can you...

LIGHTNER: Number 7 was to direct staff to return to Council with recommendations on whether the pupping season dates need to be altered to account

for actual behaviors at the Children's Pool and what, and that means seal pupping behaviors not people behaviors. And what process would need to be followed in order to alter these dates along with any associated costs.

HUESO: If at all?

LIGHTNER: If at all.

HUESO: Okay, very well so we have a motion and a second motion by Councilmember Lightner, second by Councilmember DeMaio. Please all those in favor indicate by raising your hand. And that passes unanimously. Again good evening everybody, thank you for joining us, we have no adjournments in memory. We will go into closed session tomorrow at 9:00 a.m. And we'll take up CS1, which is (Relly) vs. City of San Diego. CS2 is Patricia Frazier et. al. vs. City of San Diego and Michael (Tiabaraga) vs. City of San Diego. And CS3, ladies and gentlemen? Please exit quietly. Ladies and gentlemen? Please exit quietly ladies and gentlemen we're reading some items into the record. CS3 is a conference with labor negotiators pursuant to Government Code Section 54957.6. And CS4 is (inaudible) Local 127 and San Diego MEA vs. City of San Diego. We'll now recess Council to closed session on Tuesday May 18th at 9:00 a.m.