



Agenda Report

24-120

Agenda Date: 6/25/2024

REPORT TO COUNCIL

SUBJECT

Action and Direction on the Re-opening of the George F. Haines International Swim Center (ISC) for Temporary Use with a Maximum Occupancy of 200 people

COUNCIL PILLAR

Enhance Community Sports, Recreational and Arts Assets

BACKGROUND

On January 18, 2024, after receiving a report on conditions at the George F. Haines International Swim Center (ISC) that presented substantial risks to public health and safety, the City Manager directed that the ISC be closed immediately. Since that time, staff has provided regular updates to the City Council on the status of reports from regulatory agencies and the feasibility of re-opening the ISC.

The purpose of this item is to provide the City Council with a status update on actions taken since the last update on May 28, 2024 and to seek Council direction on whether to proceed with improvements that would allow for the temporary use of two pools at the ISC.

DISCUSSION

In the April 23, 2024 Report to Council (RTC 24-336), information was provided to the City Council regarding the corrective actions being required by the County Department of Environmental Health and the City's Building Official to re-open the ISC. In that report, it was noted that the estimated cost to temporarily re-open the ISC with a maximum occupancy of 200 people would be approximately \$1.9 million. In that report, it was also noted that staff was continuing to work with its consultant team to explore other options including temporary and permanent solutions.

In the May 28, 2024 Report to Council (RTC 24-579), it was noted that two developments had occurred that would impact the schedule for an option to temporarily re-open the ISC.

The first development was a letter dated May 13, 2024 from the Santa Clara County Department of Environment Health ("County") indicating that they would be conducting evaluations of all pools throughout the County to ensure enclosures are sufficient to prevent accidental access. In speaking with County staff, City staff was advised that all pools in the County would be assessed due to the critical nature of potential dangers; but that specific timelines would be determined by the individual inspectors.

On May 20, 2024, the City's Mary Gomez pool was evaluated with the City required to complete corrective actions within 30 days. Staff has subsequently completed this remediation and to date, no other City pool has been subject to this round of inspections.

The second development was the completion of preliminary, high-level options for temporary and permanent solutions and a desire to obtain feedback from the three swim groups (Santa Clara Swim Club, Santa Clara Artistic Swimming/Aquamajds, and the Santa Clara Dive Club) prior to proceeding with the finalization of cost estimates.

City staff met with the swim groups on May 9, 2024 to seek their input on the potential options. Based on those discussions, the parties agreed that the acquisition of a temporary, modular pool was prohibitive due to cost and use limitations. Enclosed is a schematic design of a Myrtha Pool option at an estimated cost of \$50,108,460, which does not include site preparation costs or site rental/acquisition costs, if necessary (Attachment 1). It is important to keep in mind that this estimate assumes siting the facility at the current location. Should a new location be identified, these costs may vary depending on the conditions and requirements of a new site.

The breakdown of the \$50 million dollar cost is as follows:

Myrtha Dive Pool Option		\$50,108,460
Modernizations & Reconfigurations	\$840,000	
New Buildings	\$11,925,000	
New Shade Structure & Bleachers	\$4,782,180	
Site Development	\$10,567,875	
Swimming Pools (2 Separate)	\$16,224,169	
Escalation to Midpoint of Construction	\$5,769,234	

It is staff's recommendation that the City Council provide direction that a temporary, modular pool option be removed from consideration.

In a subsequent meeting with the swim clubs on May 16, 2024, City staff discussed the restrictions and cost considerations associated with temporarily re-opening the lap and training pools at the ISC based on conversations with the County Department of Environmental Health and the City's Building Official.

Should the City wish to re-open the ISC temporarily, the conditions to do so would be as follows:

1. Maximum occupancy of 200 on-site with no access to the bleachers, diving pool, or administrative buildings.
2. All identified deficiencies in the exterior fencing will need to be addressed.
3. Installation of interior fencing to ensure that identified amenities remain safely secured and off-limits for use.
4. Replastering of the lap and training pools to address deficiencies. The County has indicated a willingness to allow the pool to re-open temporarily without the replastering of the pool with the condition that there is an agreed-upon timeline for doing so (within six months).
5. Remediation of the canopy gutters.
6. Installation of support amenities including showers and restrooms.

The following table provides a punch list of the *least* amount of work that will be required to achieve

compliance, together with corresponding cost estimates:

Action Required	Estimate
One-Time Costs¹	
Exterior Fencing	\$500,000
Interior Security Fencing & Gates (as this would be new fencing, it would be considered a Public Works project. Estimate makes this assumption)	\$310,000
Replastering of the lap and training pools (expense does not include tile/deck repair; Actual cost will likely increase)	\$1,050,000
Total One-Time Costs	\$1,860,000
Ongoing Costs	
2 showers + ADA; 25% discount (if contract is longer than 6 months)	\$53,955 annually w/ discount
Total Annual Ongoing Costs	\$53,995

¹Excludes costs associated with the canopy gutter remediation that has been completed. With the completion of this work, the porta potties are no longer needed, which reduces the ongoing costs.

The swim teams acknowledged the substantial cost associated with this temporary use, but would still support the reopening of the ISC while plans for a new swim center are discussed. While the teams recognized that, given the amount of work required to re-open as a temporary facility, it would likely be many months before the required approvals could be obtained, it is their hope that if work begins now, the ISC might be available for next season's practices. In the interim, the teams would continue to explore other facility use options in the community.

Council Direction

The original direction to staff requested that both temporary and permanent options be explored. Staff continues to work with the consultant team to refine the options for permanent solutions and plans to bring forward options for a permanent solution in August; however, the costs of those permanent solutions may be affected by a decision to consider a temporary re-opening of the ISC. For example, the decision to proceed with a temporary solution may push back the timeline for a permanent facility, thereby escalating the cost to design and build the permanent solution. Should the decision be made to continue the closure of the facility, the City may be able to move faster on a permanent solution (provided funding is available) as there would be no need to remediate the fencing or replaster the existing lap and training pools. In addition, the City could begin to realize savings related to the utilities and on-going maintenance.

For that reason, City staff is seeking formal Council direction now on the issue of whether to pursue improvements that would allow for a temporary re-opening of the ISC.

Options for Consideration

The following section provides a summary of two options: 1) Proceed with improvements that would provide for the temporary, re-opening of the ISC or 2) Proceed with actions that would continue the

closure of the ISC pending the development of a permanent facility.

Temporary Re-Opening - this option would allow for the re-opening of two bodies of water with a maximum occupancy of 200 on site. Dive pool would not be accessible.	
<i>Pros:</i>	<i>Cons:</i>
Would provide access to two bodies of water at the ISC for use by the Santa Clara Swim Club pending development of permanent facility	Does not address the needs of the Santa Clara Artistic Swimming (Aquamaid) as the team requires a warmer and deeper body of water or the Dive Team which requires deeper water. A temporary re-opening of the ISC would not improve the experience for the City's lap swim program. This program was moved to the Mary Gomez pool where there is the ability to maintain a consistent schedule of programs. Given the age of the ISC and the consistent pattern of closures required to make repairs at the ISC, the continued use of the Mary Gomez pool rather than a temporary relocation back to the ISC, would provide a more stable experience for lap swimmers.
Maintains the tradition of the Swim Club at the ISC.	Substantial cost to remediate deficiencies and obtain County/City approvals. Some of these costs, such as the exterior perimeter fencing and replastering of the pools, will be duplicative as they will be required again in a permanent facility.
Improvements to the exterior perimeter will be made to address the identified deficiencies.	Maximum occupancy of 200.
The two bodies of water (lap and training pools) that will be authorized for use will be replastered.	Maximum occupancy would not allow for competitive events.
	No guarantee facility will remain operational given age of facility; thereby negating the cost of improvements.
	Uncertainty in maintaining a consistent schedule due to unanticipated repairs that are more expensive, require greater staff resources and negatively impact the experience for users

	The Santa Clara Swim Club has purchased Killarney Farms Swim Center which will provide access to an additional body of water for their programs without impacting public swim programs or requiring City investment.
	The requirement to replaster the lap and training pools will result in a disruption to operations sometime within six months.

To provide the City Council with a sense of the potential savings with respect to maintenance at the ISC, the following table provides a sample of the expenses that have been incurred at the ISC for repairs over the past few years:

Supplier	Total Cost (2021-2024)
Acme Boiler & Water Heating Co.	\$2,226.54
Bay City Boiler & Engineering	\$3,796.22
Bruce Barton Pump Svc Inc.	\$17,929.91
Essel Technology Services, Inc.	\$572
Industrial Plumbing Supply	\$4,723.57
Knorr Systems, Inc.	\$28,417.51
Leslies Swimming Pool Supplies	\$4,799.32
Lincoln Aquatics	\$79,310.82
San Jose Boiler Works	\$10,082.72
Santa Clara Lighting Inc.	\$2,700.84
Santa Clara Industrial Inc	\$264.34
SCP Distributors	\$23,376.19
Stephen Ciari Plumbing and Heating, Inc.	\$16,234.19
SWA Services Group	\$51,332.82
	\$245,766.99

A second alternative that the City Council may wish to consider is to continue the closure of the ISC and re-direct resources to prepare for a permanent, new facility. The following chart provides a summary of the pros/cons of that option:

Prepare for Permanent Facility - this option would continue the closure of the ISC and include actions to maintain the safety and security of the site (such as the draining of water from the pools) and a reduction in expenses by turning off utilities and further limiting ongoing maintenance.	
Pros:	Cons:

A reduction in costs for utilities and maintenance pending development of a permanent facility.	None of the three swim clubs will have access to water at the ISC.
Directs City's investment towards a future, permanent solution.	Temporary loss of historical presence of the swim clubs at the ISC.
Assuming pools are drained and covered, eliminates the cost of required improvements to address identified deficiencies. Will require costs to drain/cover pools.	Will require investment to drain and install pool coverings while the site is closed. Staff will be exploring what will be the most cost effective means to safely secure the pools in compliance with County regulations (dirt, pool coverings, etc.
Allows City staff to be re-directed to support remaining, open pools both in terms of programming and maintenance.	The City's remaining bodies of water will continue to be impacted pending the development of a permanent facility. However, provided that the remaining pools continue to be operational, the City programs can be accommodated with the existing bodies of water.
Eliminates the negative impact of service disruptions and instability of programming which frustrates users, is focused on remediation rather than preventative maintenance and more expensive	

It should be noted that the work to remediate the canopy has been completed. The required inspection and approval to re-open the north and south restrooms with access from the park has been obtained. Consequently, the restrooms can be re-opened. This action has been delayed pending the direction from the City Council on whether or not to re-open the ISC on a temporary basis as this would entail providing access from inside the ISC. When the restrooms are re-opened, the City will remove the porta-potties that have been installed to support all park users.

The review and approval of the County and City Building Official will be required to ensure compliance with their prior reports regardless of whether the Council decides to pursue a temporary re-opening or a permanent closure of the ISC pending development of a new facility.

Conclusion

The City continues to expend funds at the ISC without the benefit of programming revenue or an approved plan of action for the short and long term. In this report, staff has provided two short-term options for the Council to consider:

1. Fund improvements to comply with County and City requirements in order to temporarily re-open the ISC with a maximum occupancy of 200 people at an estimated cost of \$1.8 million;

or

2. Direct staff to continue the closure of the ISC pending the development of a new permanent facility and to take necessary actions such as draining the pools and installing covers to meet the requirements of the City and County. Because the pool closures would be custom and there are no local vendors who perform this work, estimates for this option would require on-site inspections and additional time to acquire estimates. Staff has already reached out to vendors and is waiting responses. It is anticipated that the cost for this option will be between \$100,000 to \$200,000. Staff is also exploring other options that might be more cost effective while still meeting County requirements. Any costs to secure the pools would be offset by a reduction in ongoing costs for water, gas and electricity as well as chemicals and repair costs.

As noted above, City staff continues to have conversations with the three swim clubs. At the May meetings, the groups and City staff came to consensus around a preferred option for a facility with four bodies of water and new support amenities. While preliminary estimates have been completed, a peer review of those estimates has been requested. As such, staff will be bringing recommendations for a permanent facility to the City Council for consideration in August following the City Council recess.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

Should the City Council wish to pursue a temporary reopening of the ISC, the estimated cost to do so would \$1,860,000 in one-time costs and an additional \$53,955 in ongoing, annual costs for showers. There would not be a continued cost for porta-potties as the north and south restroom facilities have been approved for re-opening with park access.

Should the City Council approve the continued closure of the ISC, all of these costs would be eliminated. The City would also benefit from additional savings in gas, electricity and water. For reference, in FY 2022/23, the City incurred expenses at the ISC in the amount of \$281,546 for gas, \$47,741 for electricity and \$53,695 for water. While difficult to predict, the City would also likely save in maintenance and repair costs given the age of the facility and the City’s recent experience in 2023 of having to close for over 100 days during the year for maintenance and repair. If this option is selected, there would be a cost to drain the pools and install appropriate pool coverings.

Partial funding has been set aside for the temporary or permanent ISC options in the Planning and Construction of Temporary and/or Permanent ISC Replacement Facility project in the Parks & Recreation Capital Fund. The total project budget is \$1.9 million, including \$1.0 million added in the FY 2024/25 and FY 2025/26 Biennial Capital Budget. With the carryover of funds from FY 2023/24 to FY 2024/25, the FY 2024/25 budget is \$1.16 million and the FY 2025/26 budget is \$0.5 million, bringing the total available funding to \$1.66 million. These funds, which are subject to the approval of the FY 2024/25 and FY 2025/26 Capital Improvement Program Budget, could be applied to a temporary or permanent solution, with additional funding needed in either scenario. Based on City Council direction, staff intends to return to the Council at a later date for the additional appropriation of funds, if needed.

COORDINATION

This report has been coordinated with the City Attorney's Office and the City Manager.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

It is recommended that the City Council:

1. Remove from further consideration the option for a temporary, modular pool solution; and
2. Direct staff to continue the closure of the ISC and authorize the City Manager to take all necessary steps to ensure the safety and security of the site, including draining and covering the pools, pending the development of a permanent, new facility.

Reviewed by: Cynthia Bojorquez, Assistant City Manager and Acting Director - Parks & Recreation Department

Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS

1. Myrtha Pool Solution Option