

WHEREAS, information has been received by the City Council to the effect that excessive dredging operations within the San Pasqual Valley area by City lessees will create a situation whereby City property may be significantly damaged if such excessive dredging continues; and

WHEREAS, excessive sand dredging will negatively impact the ecological, geological and agricultural value of the Valley; and

WHEREAS, excessive sand dredging, without guidance from a thorough engineering study to be completed later this year, may result in immeasurable costs to the City in terms of waste of City resources and loss of taxpayer assets; and

WHEREAS, the City legally gave notice to certain San Pasqual lessees on May 7, 1979, informing them of the City's intent to exercise its right to share in the proceeds of all sand removal activities since the inception of the leases; and

WHEREAS, the City seeks to avoid any potential damage of City resources in the interest of the public health, safety and general welfare and specifically in the interest of avoiding any undue waste of City resources; NOW, THEREFORE,

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

That the City Manager and the City Attorney are hereby authorized and directed to prepare and deliver an appropriate notice to lessees in the San Pasqual Valley area to temporarily

CORRECTED COPY

00324

cease and desist from conducting any dredging operations other than as approved by the City Engineering and Development Department to maintain a channel pursuant to their leases.

BE IT FURTHER RESOLVED, that to protect the rights of tenants excavating, removal or recontouring of sand shall be permitted for the purposes of maintaining a temporary pilot channel, as specifically directed by the City Manager through the Engineering and Development Department, for the draining of agricultural land and for the recovery of equipment or accomplishment of repairs. However, in no case shall any such activity occur without a City-granted land development permit.

BE IT FURTHER RESOLVED, that a portion of all sand excavated or removed by the lessee or his agents as determined appropriate by the City Engineer shall be used for land reclamation within the Valley.

BE IT FURTHER RESOLVED, that quarterly informational reports will be issued to the City Council by the City Manager specifying:

- (1) Any lessee engaged in sand excavation, removal or recontouring;
- (2) The contractor engaged in such activity;
- (3) The amount of sand to be excavated, removed or recontoured in initial and subsequent states; and
- (4) The amount of gross revenues received by the Tenant lessee for any sale, exchange or other activity resulting in remuneration for sand or any derivative thereof.

R- 251649

BE IT FURTHER RESOLVED, that the first such information report will go to the Public Facilities and Recreation Committee for discussion of all issues, including appropriate percentage of revenue of sand sales to be paid to City three months following adoption of this resolution.

BE IT FURTHER RESOLVED, that the City Auditor will monitor all exchanges, sales, contracts or other activities involving the excavation, removal or recontouring of sand for profit by San Pasqual lessees or their agents.

BE IT FURTHER RESOLVED, that the City Attorney and City Manager will take all necessary action to recover 50 percent of all gross revenues obtained by the lessees or their agents since the inception of their leases and from this day forward.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:ps:731.17
4/16/88
REV. 4/22/88
REV. 4/23/88
REV. 4/25/88
Or.Dept. PF&R

R- 251649

00326

APR 22 1980

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

On page 3 of proposed reso., retain "50% of all gross revenues."

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

On page 2, first para. of proposed reso., delete "as absolutely necessary" and replace with "as approved by the City Engr. & Dev. Dept."; on page 2, third para., change "monthly" to "quarterly"; insert at end of proposed reso. "BE IT FURTHER RESOLVED, that sand excavated or removed by the lessee or his agent(s) will be used for land reclamation within the Valley as directed by the Engr. & Dev. Dept."; first report will go to PF&R with discussion of all issues including appropriate percentage of revenue on sand, in 3 months.

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Barbara Berisgo, Deputy.

Office of the City Clerk, San Diego, California

00327

Resolution Number R-251649 Adopted APR 22 1980