

(R-88-1941)

RESOLUTION NUMBER R- 270604

ADOPTED ON FEB 29 1988

BE IT RESOLVED, by the Council of The City of San Diego, that in connection with the Mission Beach Plunge steps and pedestal, the City Council directs as follows:

1. City staff is hereby directed to retract the stop work order with a stipulation that the steps and pedestal not be removed.

2. The City Manager and the City Attorney are directed to work with the Intergovernmental Relations Department to seek state legislation on an urgency basis which will exempt the Mission Beach Plunge from the requirements of the state-promulgated regulations relating to the steps and the pedestal.

3. In the event the City is not successful in obtaining such an exemption, the City Council accepts the concept of payment for subsequent additional costs resulting from later removal of the steps and pedestal, subject to additional review to ascertain the actual additional costs which would be involved.

4. The City Council further accepts the concept that, if the steps and pedestal are required to remain in place, the City would indemnify the lessee and sublessee in the event of future claims arising from the existence and use of the steps and pedestal. This provision shall not apply in the event and to the extent any such claims are covered by liability insurance.

5. The City Attorney is directed to investigate whether the City could already be exempt from the new regulations as a result of having maintained the steps and pedestal in their existing configuration for the past sixty-two years, with the theories of nonconforming use and vested rights to be reviewed.

6. The City Attorney is further directed to review the possibility of requiring waivers of liability by future users of the pool.

BE IT FURTHER RESOLVED, that the Mayor and City staff are hereby requested to work with the Board of Supervisors and Legislative Representatives in Sacramento to have special legislation to exempt from the code the pedestal and the steps, and to come up with a schedule to keep everything on course.

APPROVED: JOHN W. WITT, City Attorney

By

  
Harold O. Valderhaug  
Deputy City Attorney

HOV:ps  
03/23/88  
Or.Dept:Clerk  
R-88-1941  
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FEB 29 1988

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Rhonda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California	
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