

RESOLUTION NO. 223261

APR 16 1979

WHEREAS, by Resolution No. 217594 adopted on February 1, 1977, the City Council granted an individual owner/operator Certificate of Public Convenience and Necessity to operate a taxicab to one Steven F. Ferguson; and

WHEREAS, Steven F. Ferguson has previously been found to be in violation of former San Diego Municipal Code Sections 72.0104 and 72.0107 and Council Policies 500-2 and 500-5 in that his past record has been shown to be unsatisfactory; as more fully evidenced by a report from Mr. Martin Breslauer, then Assistant to the City Manager, acting as a hearing officer in connection with this matter, a copy of which report is on file in the office of the City Clerk as Document No. 764608; and

WHEREAS, pursuant to former San Diego Municipal Code Section 72.0101(k) Steven F. Ferguson's actions, as indicated by said report and the testimony before this City Council on August 29, 1978, provided reasonable justification for revoking his certificate in the absence of any extenuating circumstances; and

WHEREAS, extenuating circumstances were so found and said certificate was not revoked at that time; and

WHEREAS, on August 29, 1978, the San Diego City Council adopted Resolution No. 221730 establishing that it was the intent of the Council to revoke the Certificate of Public Convenience and Necessity issued to Mr. Steven F. Ferguson to

MICROFILMED

02109

operate a taxicab business within the City of San Diego if any violation of the law by Mr. Ferguson is reported; and

WHEREAS, on October 27, 1978, a citizen's complaint concerning a taxicab fare refusal was filed with the Police Department by two citizens, Mr. Walter N. Dietzen and Dr. Larry J. Fogel which indicated that they approached the first taxicab in line, Ferguson Cab #31, at Lindberg Field on October 20, 1978. The taxicab driver asked the two citizens, "Where are you going?" Mr. Dietzen replied, "To NTC." The driver turned away and reentered the taxicab without saying anything. As Mr. Dietzen called to the taxi driver several times, the driver pulled the cab ahead about two car lengths and loaded two other passengers. Mr. Dietzen and Dr. Fogel separately reviewed a photographic lineup at the Police Department and both identified a photograph of Mr. Steven F. Ferguson as the driver who refused them taxicab service on the date in question; and

WHEREAS, the complainants are willing to testify before this City Council upon request; and

WHEREAS, former Section 72.0106(j) (now 75.0204) of the San Diego Municipal Code states that "It shall be unlawful for the driver or operator of any taxicab to refuse a prospective fare. . . ."; and

WHEREAS, this latest violation of law meets the provisions imposed by Council Resolution No. 221730; and

WHEREAS, in the best interests of the public, it is recommended that Mr. Ferguson's certificate be revoked; and

MICROFILMED
223261

02110

WHEREAS, Mr. Ferguson has volunteered to surrender his taxicab driver identification card to the Chief of Police, pursuant to San Diego Municipal Code Section 75.0114(h) for a period of sixty (60) days, from April 17 through June 15, 1979, and has agreed not to operate a taxicab in San Diego during this period of time; and

WHEREAS, it is the intent of the City Council to revoke Mr. Ferguson's Certificate of Public Convenience and Necessity to operate a taxicab in the City of San Diego at the end of this sixty (60) day period after giving Mr. Ferguson the opportunity to transfer his Certificate of Public Convenience and Necessity to another person, pursuant to the provisions of San Diego Municipal Code Section 75.0105; NOW, THEREFORE,

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

That the Certificate of Public Convenience and Necessity to operate a taxicab in the City of San Diego granted to Mr. Steven F. Ferguson by Council Resolution No. 217594 be and it is hereby revoked effective June 16, 1979, unless said Certificate has been transferred to another person by Mr. Ferguson prior to this date, pursuant to the provisions of San Diego Municipal Code Section 75.0105.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

MICROFILMED

SHS:CMF:vl/rc:504.1
3/15/79 REVISED 4/17/79
Or. Dept.: Police Dept.

223261

02111

Passed and adopted by the Council of The City of San Diego on APR 16 1979,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Pita Andrews*, Deputy.

MICROFILMED

Office of the City Clerk, San Diego, California	
Resolution Number	<u>223261</u>
Adopted	<u>APR 16 1979</u>