

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - TUESDAY, AUGUST 23, 1977  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE  
2:00 p.m.

Present--Councilmen Johnson, O'Connor, Hubbard, Haro and Mayor Wilson.  
Absent--Councilmen Williams, Morrow, Gade and Strobl.  
Clerk---Charles G. Abdelnour.

(Item 1)

Roll call was taken.

(Item 2)

Mayor Wilson introduced Reverend James Denison, Associate Pastor at Skyline Wesleyan Church, who gave the Invocation.

(Item 3)

Councilman Haro led the Pledge of Allegiance.

(Special Order of Business)

Councilman Haro introduced Annie Gutierrez, who is a Domestic Policy Advisor to President Carter.

No action was taken on this item.

The Council at this time considered requests for continuances:  
Items 20 and 21.

(Item 20)

NOTICED HEARINGS: (Continued from the Meetings of January 29, February 12, November 10 and 23, 1976 and May 24, 1977.) Mira Mesa Boulevard, Phase I Assessment District. a) Proposed acquisition and improvement of Mira Mesa Boulevard between existing Mira Mesa Boulevard near Parkdale Avenue and I-805 north of Carroll Canyon Road - the improvements consisting of grading and the construction of paving, curbs, gutters, ditches, dikes and storm drain facilities - under Resolution of Intention 214894; and b) Proposed changes to the Mira Mesa Boulevard, Phase I Assessment District consisting of revised plan sheets for traffic signals and safety lighting facilities providing a street crossing for equestrians, certain revised and additional pages for the specifications, a revised estimate of costs and expenses, an amended sheet of the diagram, and a revision of the entire proposed assessment - under Resolution of Intention 216598, was presented.

(Item 20 - Continued)

Councilman Morrow entered the Chambers.

Larry Marshall appeared to speak on the continuance.

A motion by Councilman Johnson to continue the item to the Meeting of September 7, 1977 - p.m. for full Council, received no second at this time.

J. F. McLaughlin, Engineering and Development Department, answered questions directed by Council.

Councilman Hubbard offered a second to the motion of Councilman Johnson to continue the item to the Meeting of September 7, 1977 - p.m. for full Council, which received no vote at this time.

Larry Marshall appeared to speak on the continuance.

Mr. Hamilton, Engineering and Development Department, answered questions directed by Council.

RESOLUTION 219113, continuing the hearings on the proposal to pave and otherwise improve Mira Mesa Boulevard between existing Mira Mesa Boulevard near Parkdale Avenue and I-805 north of Carroll Canyon Road, under Resolution of Intention No 214894, adopted December 17, 1975, last continued from the meeting of May 24, 1977, be and they are further continued to the hour of 2:00 p.m., Wednesday, September 7, 1977, was adopted on motion of Councilman Johnson.

(Item 21)

NOTICED HEARINGS: Application of Western Properties, a division of Western Home Loan Corporation, owner, and Southwestern Broadcasters, Inc., permittee, under Conditional Use Permit No. 483-PC, to construct and operate a 70-foot FM radio antenna on top of an existing ten-story office building and a radio broadcast studio located at the northwest corner of Balboa and Genesee Avenues, on property more particularly described as a portion of LOT 1959, East Clairemont Unit 12, in the CO and CA-S Zones, was presented.

Mike Thornes appeared to speak on the continuance.

A motion by Councilwoman O'Connor to continue the item to the Meeting of September 7, 1977 - p.m. for full Council, received no second at this time.

Mr. Reynolds appeared to speak on the continuance.

Discussion followed.

Councilman Johnson offered a second to the motion of Councilwoman O'Connor and the vote was then taken on the motion to continue the item to the Meeting of September 7, 1977 - p.m. for full Council, which passed unanimously.

(Item 22)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposed Ordinance amending Chapter II, Article 3, Division 11 of the San Diego Municipal Code by amending Section 23.1103 (Rule X, Section 3, of the Rules of the Civil Service Commission) relating to leaves of absence. It was reported that no written protests were received.

Personnel Director Williams and Assistant City Manager Blair answered questions directed by Council.

No one appeared to be heard.

The hearing was closed on motion of Councilman Johnson.

A proposed Ordinance amending Chapter II, Article 3, Division 11 of the San Diego Municipal Code by amending Section 23.1103 (Rule X, Section 3, of the Rules of the Civil Service Commission) relating to leaves of absence was introduced on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow, Haro and Mayor Wilson. Nays-None. Absent-Councilmen Williams, Gade and Strobl.

(Item 23)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposed Ordinance amending Chapter II, Article 3, Division 12, of the San Diego Municipal Code by amending Section 23.1203 (Rule XI, Section 3, of the Rules of the Civil Service Commission) relating to resignations, removals, suspensions and layoffs. It was reported that no written protests were received.

Personnel Director Williams answered questions directed by Council. Discussion followed.

No one appeared to be heard.

The hearing was closed on motion of Councilman Johnson.

A proposed Ordinance amending Chapter II, Article 3, Division 12, of the San Diego Municipal Code by amending Section 23.1203 (Rule XI, Section 3, of the Rules of the Civil Service Commission) relating to resignations, removals, suspensions and layoffs was introduced on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow, Haro and Mayor Wilson. Nays-None. Absent-Councilmen Williams, Gade and Strobl.

(Item 24)

Four proposed Resolutions relative to payment of in-lieu taxes for the Metropolitan Water District of Southern California on property within the City of San Diego: a) Electing to pay out of Municipal Funds one hundred percent of an amount in lieu of taxes which would otherwise be levied upon property within the City by the Metropolitan Water District of Southern California for the Fiscal Year beginning July 1, 1977, and ending June 30, 1978, and appropriating such in-lieu amount; b) Electing to pay out of Municipal Funds one hundred percent of an amount of in lieu of taxes which would otherwise be levied upon property within the City by the San Diego County Water Authority for the Fiscal Year beginning July 1, 1977, and ending

SEP 7 1977

ORDINANCE NO. 12140  
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 23.1103 [RULE X, SECTION 3, OF THE RULES OF THE CIVIL SERVICE COMMISSION] RELATING TO LEAVES OF ABSENCE.

WHEREAS, the Civil Service Commission, at its regularly scheduled meeting of July 7, 1977, approved changes in Civil Service Rule X, Leaves of Absence, to accommodate agreements reached with employee organizations in the meet and confer process and incorporated in Memoranda of Understanding; and

WHEREAS, said changes relate to limitations on vacation accrual for employees hired after July 1, 1977, and pay in lieu of vacation; and

WHEREAS, the Commission now forwards to the City Council for final approval said amendments to the Rules with a "do pass" recommendation; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 3, Division 11, of the San Diego Municipal Code [Rule X, Section 3, of the Rules of the Civil Service Commission] be and the same is hereby amended by amending Section 23.1103 to read as follows:

## DIVISION 11

## LEAVES OF ABSENCE

SEC. 23.1103 ANNUAL VACATION  
[Rule X, Section 3 of the Rules  
of the Civil Service Commission]

(1) FULL-TIME ACTIVE SERVICE: A full-time eligible

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employee shall be entitled to an annual vacation with full pay as follows:

(a) Ten workdays after completion of the first year of active service.

(b) Ten workdays each fifty-two weeks, credited biweekly, cumulative to 30 workdays or 240 hours (cumulative to 200 hours for employees hired after July 1, 1977), during the second through fifth years of active service.

(c) Fifteen workdays each fifty-two weeks, credited biweekly, cumulative to 45 workdays or 360 hours (cumulative to 300 hours for employees hired after July 1, 1977), during the sixth through fifteenth years of active service.

(d) Twenty workdays each fifty-two weeks, credited biweekly, cumulative to 60 workdays or 480 hours (cumulative to 400 hours for employees hired after July 1, 1977), during the sixteenth and succeeding years of active service; provided that the employee shall be granted, at his/her request, pay in lieu of 40 hours of said vacation once each calendar year whenever sufficient vacation credits have been earned.

(e) After one year of active service, vacation leave may be taken as accumulated with approval of appointing authority.

(2) PART-TIME EMPLOYEES PAID ON A BIWEEKLY BASIS:  
Eligible employees who are paid regularly one-half or three-quarters of the biweekly salary for their class shall be entitled to the prorated number of workdays vacation specified in paragraph (1) above, at their usual rate of pay.

(3) VACATION EARNED DURING LAST YEAR: Upon separation from service for any cause, an eligible employee who has completed at least one year of active service shall be entitled to pay in lieu for the number of accumulated vacation days credited to his or her account under the provisions of this Rule. If, in the case of retirement, the employee elects to place himself or herself on terminal vacation leave, the period of terminal vacation leave shall be considered in computing currently earned vacation.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
Jack Katz  
Chief Deputy City Attorney

JK:rc:301  
7/20/77  
Or.Dept.: Personnel

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ORDINANCE NO. 12141  
(New Series)

SEP 7 1977

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3,  
DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 23.1203 [RULE XI, SECTION 3,  
OF THE RULES OF THE CIVIL SERVICE COMMISSION]  
RELATING TO RESIGNATIONS, REMOVALS, SUSPENSIONS  
AND LAYOFFS.

WHEREAS, the Charter of The City of San Diego was amended  
in 1975 to give the Civil Service Commission discretion in  
establishing procedures for conducting hearings for disciplin-  
ary actions; and

WHEREAS, it is now desirable to remove inappropriate  
language and to eliminate the requirement that the Commission  
predetermine the types of outside employment which are incom-  
patible with City employment; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 3, Division 12, of  
the San Diego Municipal Code be and the same is hereby amended  
by amending Section 23.1203 [Rule XI, Section 3, of the Rules  
of the Civil Service Commission] to read as follows:

DIVISION 12

RESIGNATION, REMOVAL, SUSPENSION, LAYOFF

SEC. 23.1203 CAUSE FOR REMOVAL OR SUSPENSION  
[Rule XI, Section 3, of the Rules  
of the Civil Service Commission]

The following are declared to be causes for removal or  
suspension from the classified service of the City, though  
charges may be based on causes other than those enumerated:

m. That the employee has violated the provisions of Section 135 of the Charter of The City of San Diego.

n. That the employee has failed to obey an order from the City Manager or other department head to terminate or desist from outside employment or enterprise that has been determined to be incompatible with City employment or detrimental to the efficiency of his or her regular City work.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
Jack Katz  
Chief Deputy City Attorney

JK:rc:301  
7/20/77  
Or.Dept.: Personnel



f. That the employee has failed to pay or make reasonable provision for future payment of just debts when annoyance is caused the employee's superior officer or other City officer or scandal is caused the service because of such failure.

g. That the employee has been convicted of a criminal offense involving moral turpitude.

h. That the employee through negligence or wilful conduct has caused damage to public property or waste of public supplies.

i. That the employee has been guilty of any conduct unbecoming an officer or employee of the City.

j. That the employee has been absent without leave, contrary to the rules of the Commission, or has failed to report after leave of absence has expired, or after such leave of absence has been disapproved, revoked or canceled by the Commission; provided, however, that if such absence or failure to report is excusable, the Commission may dismiss the charges.

k. That the employee has hindered the regular operation of the department or division because of excessive absenteeism.

l. That the employee has violated the provisions of Section 134 of the Charter of The City of San Diego.

a. That the employee is incompetent or inefficient in the performance of his or her duty.

b. That the employee has been offensive in his or her conduct toward fellow employees, wards of the City, or the public.

c. That the employee has some permanent or chronic physical or mental ailment which incapacitates the employee for the proper performance of his or her duties.

d. That the employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given by a superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience, or injury to the City or the public.

e. That the employee has solicited or taken for personal use a fee, gift, or other valuable thing in the course of his or her employment or in connection with it when such fee, gift or other valuable thing is so solicited or given the employee by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

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(Item 24 - Continued)

June 30, 1978; c) Declaring intention to pay out of Municipal Funds of the whole of the amount of taxes to be derived from that area of the Metropolitan Water District of Southern California which is within the City, for the Fiscal Year beginning July 1, 1978, in an amount to be fixed in August, 1978, by Resolution of the Board of Directors of the District; and d) Declaring intention to pay out of Municipal Funds the whole of the amount of taxes to be derived from that area of the San Diego County Water Authority which is within the City for the Fiscal Year beginning July 1, 1978, in an amount to be fixed in August, 1978, by Resolution of the Board of Directors of the Authority, was presented.

A motion by Councilwoman O'Connor to continue the item to the Meeting of August 24, 1977 at approximately 3:00 p.m., to allow an absent Councilmember to be present and for an opinion from the City Attorney received no vote at this time.

Discussion followed.

A vote was then taken on the previous motion of Councilwoman O'Connor to continue the item to the Meeting of August 24, 1977 at approximately 3:00 p.m., to allow an absent Councilmember to be present and for an opinion from the City Attorney, which passed unanimously.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Haro at 2:43 p.m.



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Mayor of The City of San Diego, California

ATTEST:



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City Clerk of The City of San Diego, California