

ADJOURNED REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, DECEMBER 15, 1976
HELD THURSDAY, DECEMBER 16, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

Present-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro,
and Mayor Wilson.

Absent--None.

Vacant--District 7.

Clerk---LaVerne Miller.

Mayor Wilson called the Adjourned Regular Meeting to order at 2:32 p.m.

Roll call was taken.

It was reported that this Meeting had been adjourned from Wednesday, December 15, 1976 to this time by order of the Council.

The Assistant City Clerk reported that copies of the Order of Adjournment covering the adjournment of this Meeting from Wednesday, December 15, 1976 to 8:30 a.m., Thursday, December 16, 1976 had been posted as required by law, and the Order of Adjournment had been mailed as required by law, and that the proper Certificates of Posting and Mailing are on file.

(Item 257)

The matter, continued from the Meetings of December 8, 10, and 15, 1976, approving the transfer of 280 Certificates of Public Convenience and Necessity from the San Diego Yellow Cab Company to the new owners, was presented.

City Manager McKinley answered questions directed by the Council.

Attorney Alec Cory, representing the Armour Oil Company, appeared to speak and answered questions directed by the Council.

Councilman Johnson left the Chambers.

Discussion followed.

Councilman Johnson entered the Chambers.

(Item 257 - Continued)

Councilman Morrow proposed the following amendments to Council Policy 500-2: Issuance of Certificates of Public Convenience and Necessity shall be based on a 2,000 base - population, no new certificates shall be issued to the owners of the Yellow Cab Company until the current certificates meet 50% of the City population, and Council Policy 500-2 shall not be revised for at least two years.

Mr. Cory answered questions directed by the Council.

City Attorney Witt answered questions directed by the Council.

Discussion followed.

A motion by Councilman Gade to adopt the proposed Resolution and refer Council Policy 500-2, with the proposed amendments, to the Transportation and Land Use Committee for review, received no vote at this time.

Discussion followed.

Councilman Johnson withdrew his second to the previous motion of Councilman Gade. Mayor Wilson then offered his second to the motion by Councilman Gade.

Discussion followed.

Mr. Grela, Mr. Newport, Steve Ferguson, Mr. LeVecq, and Ronny Moore appeared to speak in opposition to Councilman Gade's motion.

Mr. Witt and Transportation Director Simpson answered questions directed by the Council.

Committee Consultant Wilken and Mr. McKinley answered questions directed by the Council.

Director Simpson presented his report on the financial report of the Armour Oil Company and answered questions directed by the Council regarding the mechanical condition of the Yellow Cab Company's taxicabs and how the City assures that the Company has adequate insurance coverage.

Discussion followed.

Mr. Cory answered questions directed by the Council.

A vote was then taken on the previous motion by Councilman Gade to adopt the proposed Resolution and refer Council Policy 500-2, with the proposed amendments, to the Transportation and Land Use Committee for review, which failed due to the lack of five affirmative votes by the following vote: Yeas-Councilman Johnson, Hubbard, Gade, and Mayor Wilson. Nays-Councilmen O'Connor, Williams, Morrow, and Haro. Absent-None. District 7 vacant.

A motion by Councilwoman O'Connor to reconsider Items 205, 206, 207, 208, and 257 from the Meeting of December 15, 1976, passed unanimously.

Mayor Wilson recessed the Adjourned Regular Meeting at 3:41 p.m. Upon reconvening at 3:56 p.m., the roll call showed all Council members present.

(Item 205 - Supplemental No. 1)

A proposed Resolution, amending Council Policy No. 500-2, Taxicabs - Certificates of Convenience and Necessity, was presented.

Committee Consultant Wilken presented the Transportation and Land Use Committee report.

Attorney Alec Cory withdrew the Armour Oil Company's application for transfer of 280 Certificates of Public Convenience and Necessity from the Yellow Cab Company.

(Item 205 - Supplemental No. 1 - Continued)

Councilman Haro offered an amendment to Council Policy 500-2, a proviso that Item 2 would not apply to the 280 Yellow Cab Company certificates would be included in this document.

Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

A motion by Councilman Morrow to adopt the proposed Resolution as amended, received no vote at this time.

Discussion followed.

The vote was then taken on the previous motion of Councilman Morrow, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, and Haro. Nays-Councilman Gade and Mayor Wilson. Absent-None. District 7 vacant.

RESOLUTION 217293, amending Council Policy No. 500-2 regarding taxicabs - certificates of convenience and necessity; rescinding Resolution No. 172292, adopted August 21, 1962.

Supplemental No. 1

Items 206, 207, and 208/were discussed simultaneously.

(Items 206, 207, and 208 - Supplemental No. 1)

A. proposed Resolution, granting the transfer of eleven (11) certificates of public convenience and necessity for taxicabs from Pleasureline Products, Inc., dba La Jolla Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code;

A proposed Resolution, granting the transfer of nine (9) certificates of public convenience and necessity for taxicabs from Pleasureline Products, Ind., dba ABC Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code; and

A proposed Resolution, granting the transfer of sixteen (16) certificates of public convenience and necessity for taxicabs from Pleasureline Products, Inc., dba Checker Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code, were presented.

The motion of Councilman Gade to dopt the proposed Resolutions, received no vote at this time.

Discussion followed.

The vote was then taken on the previous motion of Councilman Gade, which passed unanimously, and the following Resolutions were adopted:

RESOLUTION 217294, granting the transfer of eleven (11) certificates of public convenience and necessity from Pleasureline Products, Inc., dba La Jolla Cab Company, to Mr. Virgil Vance, dba La Jolla Cab Company; and

RESOLUTION 217295, granting the transfer of nine (9) certificates of public convenience and necessity from Pleasureline Products, Inc., dba ABC Cab Company, to Mr. Ruben Madrigal, dba U.S.A. Cab Company, subject to compliance with all provisions of the San Diego Municipal Code.

RESOLUTION _____, granting the transfer of sixteen (16) Certificates of public convenience and necessity for taxicabs from Pleasureline Products, Inc., dba Checker Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code, was not numbered as it was reconsidered at a later time.

(Items 206, 207, and 208 - Supplemental No. 1 - Continued)

A motion by Councilman Morrow to direct the City Manager to expedite the processing of all applications for taxicab certificates, received no vote at this time.

Attorney Alec Cory restated the withdrawal of Armour Oil Company's application for the transfer of 280 certificates of public convenience and necessity from the Yellow Cab Company.

The Council discussed the matter.

City Manager McKinley and Director Simpson, Transportation Department, answered questions directed by the Council.

O. D. Hedrick, Red Cab Company, appeared to address the Council.

Director Simpson and City Attorney Witt answered questions directed by the Council.

Lee Moore, President, Diamond Cab Company, and Mr. Harper appeared to address the Council.

Mr. Guy Sellick, President, Checker Cab Company, withdrew his application for the transfer of sixteen certificates of public convenience and necessity - Item 208.

Councilwoman O'Connor left the Chambers.

City Attorney Witt, Mr. Sellick and Attorney Herbert Weiss addressed the Council and answered questions directed by the Council.

Councilwoman O'Connor entered the Chambers.

A motion by Councilman Gade to reconsider Item 208, passed unanimously.

Mr. Selleck withdrew his application for the sixteen certificates of public convenience and necessity.

A motion by Councilman Morrow to file the item, passed unanimously.

Bill Hilton, Yellow Cab Company, Mr. Newport and Director Simpson, Transportation Department, addressed the Council and answered questions directed by the Council.

Councilwoman O'Connor left the Chambers.

Miss Nelson, Senior Chief Deputy City Attorney Fitzpatrick, Jack Stevenson, and Ron Moore addressed the Council and answered questions directed by the Council. The Council discussed the matter regarding reduced insurance premiums.

Councilwoman O'Connor entered the Chambers.

A vote was then taken on the previous motion of Councilman Morrow to direct the City Manager to expedite the processing of all applications for taxicab certificates, which passed unanimously.

Councilwoman O'Connor left the Chambers.

Mayor Wilson recessed the Adjourned Regular Meeting at 4:55 p.m. Upon reconvening at 6:06 p.m., the roll call showed all Councilmembers present.


On motion of Councilman Morrow, the balance of the items on the December 14, 1976 agenda, consisting of: Items 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 38, 40, and 41, and the items on the December 15, 1976 agenda consisting of: Items 201, 202, 203, 204, 250, 251, 252, 253, and 404 to a Special Meeting on Tuesday, December 21, 1976, 8:30 a.m., in the Council Chambers, City Administration Building, 202 "C" Street.

There being no further business to come before the Council at this time, the Adjourned Regular Meeting was adjourned at 6:07 p.m. on motion of Councilman Gade.



Mayor of The City of San Diego, California

ATTEST:


City Clerk of The City of San Diego, California

SPECIAL MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, DECEMBER 16, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

Present--Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro,
and Mayor Wilson.

Absent--None.

Vacant--District 7.

Clerk---LaVerne Miller.

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

TO Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, and Haro,
members of the City Council of The City of San Diego, California.

A SPECIAL MEETING of the City Council is hereby called to be held in the
Council Chambers, City Administration Building, 202 "C" Street, San Diego,
California, on Thursday, December 16, 1976, at the hour of 8:30 a.m.

Said meeting will be held for the purpose of conducting the hearing continued
from the meeting of December 14, 1976 on the matter of considering the applications
of the six finalists for appointment to fill the vacancy which exists in Council
District No. 7.

Dated December 15, 1976

PETE WILSON
Mayor

Mayor Wilson called the Special Meeting to order at 8:52 a.m.

(Item 1)

Roll call was taken.

(Item 2 - First Time)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time
and place set for the hearing, continued from the Meeting of December 14, 1976,
on the matter of considering the applications of the six finalists for appointment
to fill the vacancy which exists in Council District No. 7.

Discussion followed.

The motion of Councilman Gade to close the period for submitting questions from
the public at 9:05 a.m., passed unanimously.

The motion of Councilman Gade to extend the period for the public questioning
of the finalists to

(Item 2 - Continued)

questions directed by the Council.

Finalist Evonne Schulze appeared to address the Council and answered questions directed by the Council.

Finalist Frank Robert Sessions appeared to address the Council and answered questions directed by the Council.

Mayor Wilson recessed the Special Meeting at 9:54 a.m. Upon reconvening at 10:25 a.m., the Roll Call showed all present.

Finalist Lawrence W. Stirling appeared to address the Council and answered questions directed by the Council.

Finalist Joel M. Strobl appeared to address the Council and answered questions directed by the Council.

Finalist Vernon T. Yoshioka appeared to address the Council and answered questions directed by the Council.

City Attorney Witt answered questions directed by the Council.

The Council members cast their first ballot on the six finalists in order to come up with two candidates. The vote was as follows:

Johnson - Lawrence W. Stirling and Joel M. Strobl;
O'Connor - None;

Hubbard - Lawrence W. Stirling and Joel M. Strobl;
Williams - Evonne Schulze and Frank Robert Sessions;

Morrow - Evonne Schulze and Frank Robert Sessions;

Gade - Lawrence W. Stirling and Joel M. Strobl;

Haro - Evonne Schulze and Frank Robert Sessions; and

Mayor Wilson - Lawrence W. Stirling and Joel M. Strobl.

The Council members cast their second ballot on the six finalists in order to come up with one candidate. The vote was as follows:

Johnson - Joel M. Strobl;

O'Connor - None;

Hubbard - Joel M. Strobl;

Williams - Evonne Schulze;

Morrow - Frank Robert Sessions;

Gade - Joel M. Strobl;

Haro - Evonne Schulze; and

Mayor Wilson - Lawrence W. Stirling.

The Council discussed the matter.

A motion by Councilman Gade to call for another ballot, received no vote at this time.

The Council discussed the matter further.

A vote was then taken on the previous motion by Councilman Gade to call for another ballot, which passed by the following vote: Yeas- Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, and Mayor Wilson. Nays-Councilman Haro. Absent-None.

(Item 2 - Continued)

The Council members cast their third ballot on the six finalists in order to come up with one candidate. The vote was as follows:

Johnson - Joel M. Strobl;
O'Connor - None.
Hubbard - Lawrence W. Stirling;
Williams - Evonne Schulze;
Morrow - Frank Robert Sessions;
Gade - Joel M. Strobl;
Haro - Evonne Schulze; and
Mayor Wilson - Lawrence W. Stirling.
The Council discussed the matter.

A motion by Councilman Hubbard to call for another ballot, received no vote.

The Council discussed the matter.

By Common Consent, the Council members cast their fourth ballot on the six finalists in order to come up with one candidate. The vote was as follows:

Johnson - Lawrence W. Stirling;
O'Connor - None.
Hubbard - Lawrence W. Stirling;
Williams - Evonne Schulze;
Morrow - Evonne Schulze;
Gade - Lawrence W. Stirling;
Haro - Evonne Schulze; and
Mayor Wilson - Lawrence W. Stirling.

A motion by Councilman Hubbard to continue the matter to Wednesday, December 22, 1976 at a Time Certain for public questioning of the two finalists, died for lack of a second.

A motion by Councilman Morrow to open the appointment process to applicants who will agree not to run for the office in the Municipal Election in September, 1977, died for lack of a second.

The Council discussed the matter.

A motion by Councilwoman O'Connor to cease the appointment process and call for Special Elections, died for lack of a second.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council regarding the appointment procedure adopted by the Council unanimously on December 7, 1976.

The Council discussed the matter.

A motion by Councilman Morrow to change the rules and select the top candidate and only the top finalist, died for lack of a second.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council regarding the procedure set by the Council.

Mayor Wilson directed the City Clerk to prepare a certified transcript of the December 7, 1976 Council meeting.

An unidentified person appeared to address the Council.

On motion of Councilman Gade, the chairman of the Public Services and Safety Committee was directed to give notice of the cancellation of the 2:00 p.m. Public Services and Safety Committee Meeting of December 16, 1976, Item 205, Supplemental #1, amending Council Policy No. 500-2, Taxicabs - Certificates of Convenience and Necessity, and Item 2, under discussion, were continued to 2:00 p.m., Thursday, December 16, 1976.

Mayor Wilson recessed the Special Council Meeting at 11:55 a.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:30 p.m. the roll call showed all Councilmembers present.

(Item 2 - Second Time)

Mayor Wilson read the certified transcript of the Council Meeting of December 7, 1976 into the record to indicate the action and rules adopted by the Council regarding the appointment to fill the vacancy which exists in Council District 7.

Discussion followed.

On motion of Councilman Hubbard, the Special Meeting was recessed at 2:31 p.m. and Item 2 was trailed in order to consider the Unfinished Business from the Regular Council Meeting of Wednesday, December 15, 1976.

Upon reconvening at 5:07 p.m. the roll call showed Councilmen O'Connor, Morrow and Haro absent.

(Item 2 - Third Time)

Discussion followed.

Councilmen Morrow, O'Connor, and Haro entered the Chambers.

Discussion followed.

A motion by Councilman Morrow to nominate Lawrence W. Stirling and direct that he is to fill the position died for lack of a second.

By common consent the Council members cast their fifth ballot in order to come up with one candidate. The vote was as follows:

Johnson - Strobl;
O'Connor - None;
Hubbard - Strobl;
Williams - Schulze;
Morrow - Schulze;
Gade - Strobl; and
Mayor Wilson - Stirling.

A motion by Councilman Gade to continue the Special Meeting as a Regular Meeting to Tuesday, December 21, 1976 - 2:00 p.m. to attempt to resolve the deadlock, received no vote at this time.

Arlene Van de Wetering, Joe Cannizzaro, Ben Harrel, Jewell Hooper, and Lawrence Wittenberg appeared to speak.

Mr. Strobl, Mrs. Schulze, Mr. Krinsky, and Mr. Stirling appeared to speak.

The vote was then taken on the previous motion of Councilman Gade, which failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, and Mayor Wilson. Nays-Councilmen O'Connor, Williams, Morrow, and Haro. Absent-None. District 7 vacant.

(Item 3 - Third Time - Continued)

A motion by Councilman Morrow to change the City Charter and vote on each candidate, was ruled out and died for lack of a second.

Discussion followed.

A motion by Councilman Morrow to have the Council members cast their sixth ballot, noting that three votes had been cast for Schulze, three for Strobl and one for Stirling on the fifth ballot, died for lack of a second.

Mr. Witt answered questions directed by the Council.

The Council members then cast their sixth ballot in order to come up with one candidate. The vote was as follows:

Johnson - Strobl;
O'Connor - None;
Hubbard - Stirling;
Williams - Schulze;
Morrow - Schulze;
Gade - Stirling;
Haro - Schulze; and
Mayor Wilson - Stirling.

The motion of Councilman Morrow to declare a deadlock and abandon the appointment procedure for selecting a candidate for appointment to fill the vacancy which exists in Council District No. 7, received no vote at this time.

Mr. Witt answered questions directed by the Council.

Discussion followed.

The vote was then taken on the previous motion of Councilman Morrow, which failed due to lack of five affirmative votes by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, and Haro. Nays-Councilmen Johnson, Hubbard, Gade, and Mayor Wilson. Absent-None. District 7 vacant.

Discussion followed.

Mr. Witt answered questions directed by the Council regarding a continuance.

Mayor Wilson recessed the Special Meeting at 6:05 p.m. Upon reconvening at 6:08 the roll call showed all Council members present.

The motion of Councilman Morrow to continue the Special Meeting on the appointment process to Saturday, December 18, 1976 - 8:30 a.m., received no vote.

Discussion followed.

Councilwoman O'Connor withdrew her second to the previous motion by Councilman Morrow to continue the Special Meeting on the appointment process to Saturday, December 18, 1976 - 8:30 a.m., which died for lack of a second.

The motion of Councilman Hubbard to continue the Special Meeting on the appointment process to fill the vacancy in Council District No. 7, to December 21, 1976 - 2:00 p.m., passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Haro, and Mayor Wilson. Nays-Councilman Morrow. Absent-None. District 7 vacant.

There being no further business to come before the Council at this time, the Special Meeting was adjourned at 6:15 p.m. on motion of Councilman Hubbard.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Charles G. Robinson
City Clerk of The City of San Diego, California