

## MINUTES

### CITY OF SAN JOSE

#### TRAFFIC APPEALS COMMISSION – MAY 17, 2012

##### A. CALL TO ORDER

The regularly scheduled meeting of the Traffic Appeals Commission (TAC) was called to order by Acting Chair Edwin at 7:00 p.m.

**Commissioners present:** Arul Edwin, Mark Blaszczyk, Stephen Gifford, Elizabeth Kabanek, James Prunty, June Cooley

**Commissioner not present:**

**Staff present:** Winnie Pagan, Meihah Nguyen

**Guests:** Amanda Montez, Council Liaison staff

**Quorum:** Yes

##### B. APPROVAL OF AUGUST 19, 2010 MINUTES

The minutes were approved as written.

##### C. UPDATE ON STAFF'S INVESTIGATION FOR ADEQUATE POSTING AND VISIBILITY OF SPEED LIMIT SIGNS ON GAVOTA AVENUE & LOLLIE COURT

Winnie Pagan began by recapping Commissioners' request for investigation of adequate posting and visibility of speed limit signs on Gavota Avenue and Lollie Court due to residents' speeding concern at the conclusion of the August 19, 2010 appeals hearing. Winnie reported that an additional speed limit sign was installed midway on Gavota Avenue to remind motorists of the appropriate traveling speed. For the speed limit sign on Lollie Court that was partially blocked by a tree, the resident of adjacent property agreed to trim down their tree for visibility of the speed limit sign.

Winnie also added that with service reduction and limited resources, speeding concerns are referred to San Jose Police Traffic Enforcement Unit for enforcement of posted speed limit.

**D. DISCUSSION AND APPROVAL OF DRAFT BY-LAWS TO SUPERCEDE RESOLUTION NO. 54490**

Winnie Pagan provided background information leading to a call for updating Resolution 54490. Specifically, at a previous appeals hearing, questions arose from Commissioners regarding the scope of review such as field visits and quorum requirement. These items are not clarified in existing by-laws. As a result, former Chair Commissioner Pelton called for formation of a committee to study and update current Resolution 54490. The draft by-laws set forth is a result of staff research and coordination with City Attorney Office and some TAC Commissioners.

Below lists notable areas of changes:

- **Section 101 Office of Commission** updates the office and meeting location at the City Hall address.
- **Section 103 Numbers of Members** reiterates the Muni code requirement of 7 members
- **Section 202 Term of Office of Chairperson and Vice Chairperson** states a one year term beginning July 1<sup>st</sup> through June 30<sup>th</sup> of the following year.
- **Section 205 Powers and Duties of Chairperson** reiterates the powers and duties set in Muni Code Section 2.08.080.
- **Section 300 Regular Meeting** updated to reflect meeting on the third Thursday at 7 pm of the month, as needed.
- **Section 303 Quorum** specifies 4 members present at a meeting to qualify as quorum which is consistent with Muni Code specification of a quorum as majority of members, filled or vacant.
- **Section 304 Procedure** specifies an affirmative vote of at least 4 members shall be necessary for action. With less than 4 affirmative votes, no action shall be taken since the minority number of votes cannot speak for the majority of the members.
- **Section 401 Scope of Formal Review** includes clarification for commissioner's conduct during site visits for the purpose of fair and impartial review. Site visits *should* be conducted independently at the discretion of the commissioner, on public right of way with no interaction with the public. Any information obtained at the time should be disclosed at the hearing.
- **Section 409 Findings and Order** was added to reiterate Muni Code Chapter 11.18.040 & 11.18.050 regarding the requirements for the Hearing for Traffic Appeals.
- **Section 600 Consistency with Other Law** stipulates that if any rules in the by-laws differ from or are inconsistent with provisions of other City rules and regulations, the provision of law of a hierarchy shall prevail.

**Commissioners' comments:**

- **Section 201:** Commissioner Gifford asked if Section 201 election of officers still requires for affirmative vote of 4 members for election of Chair and Vice Chair. Staff responded yes based on requirement per **Section 304 Procedure**.

- **Section 202:** Commissioner Kabanek asked if the Chair and Vice Chair term is for one year. Can they be re-elected? Staff responded yes. And expanded that the one year term also allows opportunity for others to serve as Chair and Vice Chair.
- **Section 401:** Commissioners Kabanek and Cooley are concerned about the limited language regarding independent site visits. Request to have the language include a maximum number of commissioners permitted at the same location concurrently due to possibility of commissioners appearing at the location at the same time. Commissioner Blaszczyk and Prunty pointed out the language states “should” rather than “shall” which suggests a conduct rather than a required conduct. Commissioner Blaszczyk also added that with allowance of site visits, the agenda should set aside time for discussion and sharing of information noted during field visits. Chair Edwin motion to have the section remain as is due to the suggested language. Commissioner Prunty, Blaszczyk, Gifford, and Arul voted to keep the section as is.
- **Section 407:** Commissioner Gifford asked if Commissioners still need to fill out a speaker card during hearing. Staff noted that speaker cards are intended for hearing with large mass of guests. The Traffic Appeals Commission rarely holds hearing with that many guests. As such, this commission can choose not to use the speaker cards. Commissioner Blaszczyk commented that the section only states questioning of persons only through the Chairperson. He would like to have language allowing for direct questioning and discussion with other Commissioners and public guests when appropriate. Staff clarified that the language does not prohibit open deliberation with others. The current language is intended for the Chair to maintain control on the order of the hearing. A member may request for open deliberation with the Chair’s approval.

**Commissioner’s decision:**

A motion was made for adoption of Draft By-Laws amending Resolution No. 54490. The result was a unanimous ayes vote to adopt the Draft By-Laws.

**E. ELECTION OF NEXT CHAIRPERSON AND VICE CHAIRPERSON**

Commissioner Blaszczyk volunteered to serve as next Chairperson. Commissioner Cooley volunteered to serve as next Vice-Chairperson. Chairperson Arul nominated both for their position. Unanimous ayes vote from all Commissioners on the nomination.

**F. MEETING WAS ADJOURNED AT 7:55 PM**

Respectfully submitted:



Meihah Nguyen  
Traffic Appeals Commission Secretary

Approved:



Mark Blaszczyk  
TAC - Chairperson