

RESOLUTION NO. 75532

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE APPEAL TO REVERSE THE TRAFFIC APPEALS COMMISSION'S DECISION TO UPHOLD THE DIRECTOR OF TRANSPORTATION'S DENIAL OF THE REQUEST FOR INSTALLATION OF ALL-WAY STOP SIGNS AT THE TWO INTERSECTIONS OF VALLEJO DRIVE AND COLOMBO DRIVE, AND VALLEJO DRIVE AND LATIMER AVENUE

WHEREAS, in November 2008, the Hathaway Park Neighborhood Association ("Association") requested installation of all-way stop signs at the intersections of Vallejo Drive and Colombo Drive, and Vallejo Drive and Latimer Avenue, in the City of San José; and

WHEREAS, pursuant to the provisions of City Council Policy 8-1 and Chapter 11.18 of the San José Municipal Code, the City's Department of Transportation ("DOT") conducted stop sign studies of the two intersections and determined that both intersections failed to receive the minimum 20 points under Council Policy 8-1 for consideration for installation of all-way stop signs; and

WHEREAS, on June 22, 2009, DOT sent a letter to the Association informing it of the results of the stop sign studies; and

WHEREAS, on August 24, 2009, the Association submitted a letter to DOT requesting an appeal of the decision of the Director of DOT to deny the request for installation of all-way stop signs at the intersections of Vallejo Drive and Colombo Drive, and Vallejo Drive and Latimer Avenue; and

WHEREAS, pursuant to and in accordance with the provisions of Section 11.18.050 of the San José Municipal Code, the Traffic Appeals Commission for the City of San José ("Commission") conducted a public hearing on October 15, 2009 on the appeal of the

denial by the Director of DOT for installation of all-way stop signs at the intersections of Vallejo Drive and Colombo Drive, and Vallejo Drive and Latimer Avenue, in the City of San José, notice of which was duly given; and

WHEREAS, at said hearing, the Traffic Appeals Commission gave all persons the full opportunity to be heard and to present evidence and testimony with respect to the request for installation of all-way stop signs, and after hearing all of the testimony and review and consideration of the full record, the Traffic Appeals Commission voted to affirm DOT's decision to deny the request for all-way stop control at both intersections; and

WHEREAS, on February 25, 2010, DOT sent a letter to the Association summarizing the results of the Traffic Appeals Commission hearing and providing information about the process to appeal the Traffic Appeals Commission's decision ("Decision") to the City Council pursuant to Section 11.18.060 of the San José Municipal Code; and

WHEREAS, by letter received on March 9, 2010 from the Association, and by letter received on March 15, 2010 from Keith Knudson, requests to appeal the Decision were received by DOT; and

WHEREAS, notice of the date, time and place of the hearing before the City Council on the appeal of the Decision was duly and properly given pursuant to and in compliance with the provisions and requirements of Chapter 11.18 of the San José Municipal Code; and

WHEREAS, at the date, time and place provided in said notice, the City Council of the City of San José conducted a public hearing *de novo* on the appeal of the adoption of the Decision and provided all persons with an opportunity to be heard and provide testimony or evidence on the matter of the appeal of the Decision pursuant to Section 11.18.060 of the San José Municipal Code;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. This Council has considered the full record before it, including the stop sign studies and all related written and oral testimony received.
2. This Council hereby approves the appeals to reverse the Traffic Appeals Commission's decision to uphold the Director of DOT's decision to deny requests for installation of all-ways stops signs at the two intersections of Vallejo Drive and Colombo Drive, and Vallejo Drive and Latimer Avenue and directs the City's Administration to install all-way stops signs at the two intersections of Vallejo Drive and Colombo Drive, and Vallejo Drive and Latimer Avenue.
3. The Director of Department of Transportation shall mail a copy of this resolution of the City Council to the requestor, and any other person who has requested notice under section 11.18.040F of the Municipal Code, at the addresses shown for such purpose on the notice of appeal to Council or request for notice of hearing form.
4. The provisions of California Code of Civil Procedure Section 1094.6 govern the time within which judicial review must be sought of the Council decision.

ADOPTED this 17th day of August, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk