

**CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION
May 13, 2015**

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, May 13, 2015, Chairwoman Carol Wofsey called the meeting to order at 6:30 p.m. In addition to Chairwoman Wofsey, the following members of the commission were present:

- Curtis Tunstall
- Robert Warbin
- Jeff Hales
- Jackie Womack
- Eva Creer

Also in attendance:

- Councilmember Stephen Kraft
- City Engineer, Sinan Alpaslan P.E.
- Public Works and Parks Liaison, Angelica Gutierrez

Members not present:

- Mark Barnes (excused)
- Police Department Representative P.O. Shaun Margul (excused)

1. Approval of Agenda

- Mr. Hales made a motion to move the "Council Liaison report" before the "Approval of the minutes". Motion was seconded by Mr. Tunstall and unanimously approved.
- ***Mr. Hales made a motion to add a vote to the by-laws discussion as recommended by staff in an email to the commission. The motion was seconded by Mr. Tunstall and unanimously approved.***
- ***Mr. Hales made a motion to approve the amended agenda. The motion was seconded by Mr. Womack and unanimously approved.***
- ~~Mr. Hales made a motion to move the "By-Laws discussion/vote" after the Action item called "7300 block of Forsyth Boulevard parking petitions". Motion was seconded by Mr. Womack and was unanimously approved.~~

2. Approval of Minutes

A. February 11, 2015 minutes drafted by Staff

No vote on this item

B. February 11, 2015 minutes amended by Commissioner Hales

Mr. Hales made a point of clarification that what he has provided is not a separate draft of minutes, but rather corrections and amendments to reflect the discussions that took place in the meeting.

Ms. Wofsey indicated that she thought the commissioners would decide whether the proposed amendments are a separate draft.

Mr. Hales stated that he submitted amendments and corrections to the draft minutes similar to the way that it is done in council. He said that there seems to be resistance to recording what our commissions discuss. He reiterated that he has offered amendments to the minutes as proposed by staff.

Mr. Womack stated he believed the commissioners need to have more control over the commissions and he believes we should record our own minutes.

Mr. Hales asked if there were any proposed amendments that any commissioner has trouble with in terms of their recollection of the meeting. He asked that because he went through the audio and provided a summary that was helpful so that the commission can have a reference of what went into the decisions and so the council knows what we considered by looking at the minutes.

Mr. Hales made a motion to approve the minutes as amended. Motion was seconded by Mr. Womack.

Roll call vote was:

Ayes: Mrs. Wofsey, Mr. Tunstall, Mr. Womack, Mr. Hales, Mrs. Creer

Nays: Mr. Warbin.

Motion passed.

C. April 8, 2015 minutes drafted by Staff

Mr. Hales moved to postpone the approval of the April 8, 2015 minutes to next meeting, seconded by Mr. Tunstall and unanimously approved.

3. Council Liaison Report

None _____

4. Agenda items

A. 7300 block of Forsyth Boulevard parking petitions

Mrs. Gutierrez presented the two petitions from residents of the south side of the 7300 block of Forsyth Blvd. (7310-7318-7320 Forsyth) to restrict parking along this block of Forsyth Blvd.

Petitions:

1. Implement a "15 – minute" parking restriction on each side of driveways at 7310 and 7320 Forsyth Blvd, for a distance of 60 feet or 3 parking spaces
2. Implement an "At all times" parking restriction on each side of driveways at 7310 and 7320 Forsyth Blvd, for a distance of 60 feet or 3 parking spaces.

The petition preferred by the residents is to restrict parking for 15 minutes, to accommodate deliveries, and any short term parking needs.

Due to the importance of the safety concerns and the input provided by the Police Department, it is recommended that Petition to restrict parking at all times for 60 feet on each side of the driveway entrances of both 7310 and 7320 Forsyth Blvd, is forwarded to Council for approval.

Hal Colton and Jim Marchbank, both Presidents from the Condominium Associations from 7310 and 7320 Forsyth Blvd respectively, expressed that they respected the recommendation from staff and any action will improve existing conditions. It was discussed that trash pick-up services are exempt of any parking restriction, and moving trucks could request permission to temporarily park on street when needed. Commercial parking from businesses location around Lindell Blvd is not expected to be affected by this change. Parking is provided in front of the businesses and in the small surface lot at the corner of Forsyth Blvd and Lindell Blvd.

Mr. Tunstall moved to approve the petition #2 – no parking at anytime. Mrs. Creer seconded the motion and was unanimously approved.

5. By-Laws Discussion

The discussion about the amendments made by Commissioner Hales to the By-Laws included the following points:

- Add a Vice Chairperson
- Under Informational Role, changed "Secretary" to "Staff Member"
- Add provisions to the Secretary's Role
- Meeting Audio recording requirement

Mr. Hales indicated that he believed it would be wise to have a position of Vice Chairperson elected to preside over meetings at which the Chairperson is absent. With regards to the commission secretary, Mr. Hales stated that commissioners have been told that commissioners cannot direct staff. The commission by laws state that the secretary "serves" the commission which is challenged when the secretary is unable to serve the commission in a way that commission wants, particularly as that relates to recording minutes. Mr. Hales also stated that he believed the bylaws need to be amended because they state that the secretary "shall be a member of public works", but the city code states in section 120.430 that the secretary "shall be elected" and our bylaws are not consistent with city code. Mr. Hales stated that he believed the secretary should be a citizen member of the commission if the commission wishes to include summary discussion in the minutes. He pointed out that we include summary discussion of the statements of citizens who speak, and of the Officer Margul as it should, but questioned why staff summaries are included in the minutes along with citizens, but commissioners' summary discussion is not included.

Ms. Wofsey pointed out that the staff liason is a non-voting member of the commission and can be the secretary, but the commission could also elect another secretary.

Mr. Hales stated that he was not suggesting that the city code prevented the staff member from being the secretary.

Ms. Wofsey thought the proposal of a Vice Chairperson is a good one and is in agreement. She stated that she believed that practicality dictates that the commission may select any member of the commission as secretary, including non-voting members. She wanted to ensure that we could thoroughly review the proposed changes and amendments and expressed concern that while she would like recordings of the meetings, the commission cannot direct staff to record the meetings.

Mr. Womack indicated that he thought this was something that the commission wanted to do and wanted to vote on.

Ms. Wofsey stated that any commissioner can record and expressed concern that an official recording for the commission would be subject to the sunshine laws and

would be an official record of the city. She believed it would have to be stored and stored for a number of years and it could not be disposed of.

Dr. Warbin, expressed that he still had questions about the legal status of the commission being a part of the government or a commission that is appointed to advise the government. This was of importance and concern because he stated that Mr. Hales had brought up another provision of Robert's Rules that addressed the specific governmental committees and how their minutes should be recorded. If it does not fall under those guidelines, he stated he was comfortable recording what was done because that is what Robert's Rules states is appropriate. He also stated his concern that someone serving as secretary must make a judgement about transcribing what was said and whether those comments are appropriate to the minutes themselves. Mr. Warbin stated he would question whether some of the statements included are germane to the matters discussed and that could lead to time consuming discussions. Dr. Warbin indicated that he didn't have the time to read through a transcript of a 90 minute meeting and recall if that was what was said from a month before. Dr. Warbin agreed with Ms. Wofsey that that there should be some type of archival process. He expressed concerns over the word "summary" is not very specific.

Dr. Kraft stated that the commission does not want a non-staff member making the agenda. He recommended changing the wording to "the secretary can record" from "the secretary shall record". He said if you say "shall", it is a record of the commission, and he is unsure how you store it and it would subject to the sunshine law.

Mr. Hales stated that he recalled from the council meetings the discussion of the city clerk taking down meeting audio from the city website and asked Dr. Kraft if that is legal.

Dr. Kraft stated that he didn't know and it would require an attorney to review but he knew that once you record audio, someone can ask to hear the recording. If it "shall" be recorded, you can have attorney who doesn't like the meeting minutes can request the audio and the city doesn't have a way of preserving the recording and the commission would have to work it out.

Ms. Wofsey stated that recording can be taken off the website, but it is a record and it must be maintained and cannot be destroyed and would need to be archived for the statutory period. Similarly, if the commission decides to record, it becomes an official record and must be maintained as official record and subject to all of the rules subject to public records and believes that is untenable. Ms. Wofsey also believes a provision should be added where only one position may be held by a commissioner at a time. She disagreed with Dr. Kraft about a voting member of the commission preparing the meeting agendas with the assistance of staff.

Mr. Hales responded that his intent regarding the audio was not to direct any member of staff. He stated that the code considers non-voting and voting members all members of the commission. In response to Dr. Warbin, Mr. Hales stated that the

minutes prepared by staff were three pages, with his amendments, they were four and one-quarter pages. He assured the commission members that you can read the minutes with the amendments and it would not take an hour and twenty minutes, the length of the meeting. He conceded that sometimes there are inclusions to the minutes that are not germane to the meeting and indicated that in previous minutes there were inclusions of statements that were not germane. He indicated that there is a level of subjectivity involved and that is what secretaries do, but what is important to him is that there is a record of what the commission considered in the commission minutes.

Ms. Wofsey asked about section 3.3.

Mr. Hales said the change he proposed was to change the secretary's informational role to the staff member's informational role.

Dr. Warbin pointed out that there were points of view taken in previous minutes either two months ago or last months meeting that were not reported related to stops signs, and wisely he thought. He stated that he appreciated the thoroughness with Mr. Hales has approached the minutes. He indicated that there is the potential of a slippery slope and believed we should stay with an objective approach.

Mr. Womack believed that we haven't followed the rules as well as we should, though we have improved as a commission.

Ms. Wofsey asked if staff could check with the council on the public records questions.

Vote to amend the By-Laws was postponed until further review is completed to the document by all the Commissioners.

Mr. Hales made a motion to postpone consideration of the proposed changes to the By-Laws until next meeting. Motion seconded by Mrs. Creer and unanimously approved.

6. Adjournment.

The meeting was adjourned at 7:36 pm

Minutes prepared by Angelica Gutierrez, Public Works and Parks Department

Amendments in bold italics prepared by Jeff Hales.