

TOWN OF CORTE MADERA
ACCESSIBILITY ADVISORY COMMISSION
SEPTEMBER 8, 2008
CORTE MADERA TOWN HALL COUNCIL CHAMBERS
FINAL MINUTES

Committee members Vice Chair Robert Czeck
Present: Barbara Becker
Stuart Tanenberg

Staff Present: Public Works Manager Debra Sue Johnson
Town Manager David Bracken
Planning Director Bob Pendoley

1. Call Meeting to Order

Vice Chair Czeck called the meeting to order at 7:00 p.m.

2. Introductions

No members of the public were present, so no introductions were made.

3. Approval of Agenda

It was the consensus of the Commission to approve the agenda as submitted.

4. Public Comment on Non-Agenda Items

Commissioner Tanenberg read an e-mail from Mr. Robert Ginis expressing concern about the overlay project behind the Aegis Facility and Paradise Market. Mr. Ginis stated none of the required curb cuts were done. Town Manager Bracken stated this was a slurry seal and not an overlay project and thus does not require new curb cuts. Public Works Manager Johnson stated there was a difference in maintenance requirements. Commissioner Tanenberg asked if this was one of the streets that had been identified as needing improvements such as curb cuts. Town Manager Bracken stated every corner that should have a ramp or has a non-compliant ramp has been identified in the Transition Plan. The Transition Plan does not go into detail about when the ramps would be done. Commissioner Tanenberg asked if priority is given to areas with schools, shopping center, etc. Town Manager Bracken stated "no" but the Commission certainly could discuss goals and objectives at a future meeting. Commissioner Becker asked who would be responsible on school property. Town Manager Bracken stated the Town would need to bring those ramps up to compliance. Commissioner Tanenberg stated he would walk the Granada School campus to ascertain any accessibility issues.

Vice Chair Czeck had questions about the Transition Plan.

Commissioner Becker discussed the need to limit the amount of time given to individuals during the public comment period.

5. Approval of Meeting Minutes June 16, 2008

M/s, Tanenberg-Becker, to continue approval of the meeting minutes of June 16, 2008 to the next meeting.
Ayes: All

6. Old Business

a. Accessibility along San Clemente Drive, progress report

Public Works Manager Johnson made a Powerpoint presentation.

Town Manager Bracken stated the maintenance of sidewalks is the responsibility of the adjacent property owner. However, there is no law that allows the Town to require a driveway approach to make it a fully accessible path of travel. What can trigger that requirement are major improvements and this is done as a condition of approval through the Design Review process.

Public Works Manager Johnson stated the Town has sent two letters, the first one asked for permission to gain access to properties to make improvements. There was no response. A second letter went out again asking for permission to gain access and asking property owner to assist in paying for the improvements. The only response the Town received was from the California Highway Patrol asking how much they would need to pay. She stated the entire south section from the sanitary sewer pump station to the corner was done along with installation of four ramps (about 250 feet). Public Works Manager Johnson pointed out the ramps that were fixed. The light pole was moved and that path of travel is good up to the Harley Davidson Dealership. It is good from the EAH complex to 45 San Clemente and up to Lazy Boy Furniture. The remaining issues are the areas by the Harley Dealership, the CHP, and in front of 45 San Clemente. Planning Director Pendoley noted that EAH is a private project and the sidewalk was an agreement along with the bus stop.

Commissioner Tanenberg asked if the Town could require property owners to comply with Federal ADA mandates. Town Manager Bracken stated that was a question for the Town Attorney but he did not think so. The law is somewhat vague in terms of telling jurisdictions when it should be applied. Commissioner Tanenberg asked if the Town could be held liable. Town Manager Bracken stated “no”.

Commissioner Tanenberg stated the best-case scenario is to keep pressure on the property owners. Public Works Director Johnson agreed and stated she would try to get a grant to do the work and in the mean time send a third letter. Commissioner Becker suggested they “dangle a carrot” in front of the business owners.

Public Works Manager Johnson stated the Bay Side Trail Project, which would run along San Clemente Drive, would be fully accessible. This project is funded through the Transportation Authority of Marin (TAM).

b. Bus stop improvements at Town Hall, progress report

Public Works Manager Johnson presented a staff report. She stated the bus stop improvements would be included in the Tamalpais/Redwood/Corte Madera overlay project. It is currently in the design phase and she hopes to begin the project in the spring.

Vice Chair Czeck had questions about the red zones.

c. Tamal Vista utility pole, side walk accessibility update

Public Works Manager Johnson presented a staff report. She noted this was by the Bank of Marin and the crew was able to install the necessary 36” clearance. Town Manager Bracken pointed out some other problem areas and stated one of the problems was that often the right-of-way was on the back of the sidewalk.

Vice Chair Czeck asked if the utility companies could be put on notice by the Town that one of their poles is blocking a sidewalk. Town Manager Bracken stated the Town has done that in the past. Vice Chair Czeck had questions about the right-of-way issue.

Commissioner Becker suggested going to the Public Utilities Commission for assistance.

Vice Chair Czeck asked about the number of “pole issues” throughout the Town. Town Manager Bracken stated that information was contained in the Transition Plan and he guessed it to be in the neighborhood of 200.

Vice Chair Czeck asked why this particular pole gained some much attention. Town Manager Bracken stated it was an old pole that was replaced.

d. Higgins Landing Dock Project:

1. Review Becker memo dated 4-28-08- summary of meeting 4-14-08 ADA aspects of project
2. Pendoley presentation to Town Council on 9-9-08

Planning Director Pendoley presented a staff report. The estimated cost for the dock is \$432,000. The Town has received \$130,000 from the California Boating and Waterways Department. The other possible funding agency is the California Coastal Conservancy but they do not seem interested in funding this project at this point in time. He discussed the Bay Water Trail and the fact that the project received a lot of adverse comments in the environmental review, particularly surrounding Corte Madera. Town Manager Bracken stated they need additional funding to complete the project. There is no General Fund money for Capital Projects this fiscal year and the Town was experiencing a deficit. He discussed the Town’s fiscal constraints.

Vice Chair Czeck asked how other capital projects would be funded. Public Works Manager Johnson stated through grant funding. Vice Chair Czeck asked if the landing dock project would “die in the water”. Town Manager Bracken stated “no” and added it might take longer than people would like. He always keeps an optimistic outlook.

Commissioner Tanenberg stated there was a group of people that would do fundraising once they get a firmer figure. Town Manager Bracken agreed.

Commissioner Becker stated this project was unique and she discussed the groundswell of support in and around the community.

Town Manager Bracken discussed federal regulations pertaining to docks (which are considered a “facility”) including ramp slopes, landing lengths and widths, the number of handrails, etc. He noted there was a provision that exempts an entity from conforming to these regulations if it is found to be “impractical to do so”. He discussed the proposed changes to the guidelines. Planning Director Pendoley noted there were specific regulations pertaining to docks but they are considered “draft guidelines” and were not enforceable.

Planning Director Pendoley stated they would keep the Commission informed about funding opportunities.

7. New Business

- a. Review Skaff complaint as reported on 8-19-08 Town Council Meeting

Town Manager Bracken presented the staff report.

Commissioner Becker asked if this claim is being heard in Federal or Superior Court. Town Manager Bracken stated it was a claim against the Town and not being heard in any court. It is not a lawsuit against the Town at this point in time. He stated it was a three-page claim that is very generic in nature and somewhat vague.

Vice Chair Czeck asked what the process was when someone files a claim. Town Manager Bracken stated it was turned over to the Town Attorney for review. He discussed a prior lawsuit against the Town and the how it was resolved. Vice Chair Czeck asked if the Town Hall bus stops were a part of that resolution. Town Manager Bracken stated “yes”.

Town Manager Bracken stated he would keep the Commission posted on this issue.

b. How to improve communication between Commission and Town Council

Town Manager Bracken stated staff would make themselves available to the Commission as needed. He would include a synopsis of the Commission meetings in his weekly report to the Town Council. Public Works Manager Johnson asked the Commission to end meetings with bullet-points of priorities and major concerns. Town Manager Bracken suggested the Commission make formal motions on recommendations to the Council. He also suggested that the Commission work on a set of goals and objectives and perhaps a Mission Statement.

Vice Chair Czeck stated the Commission has, in the past, tried to deal with projects that would be cost effective to complete as opposed to long-range projects. He stated he thought the idea of setting some goals was a good one but he did not want to spend a lot of time on it.

Commissioner Becker stated this was all a “work in progress”.

Vice Chair Czeck stated he would like the Commission to have the opportunity to review plans for projects they are involved in.

c. Review Capital Projects Budgeted, with ADA components to be completed this year

Town Manager Bracken presented the staff report and stated the Tamalpais project was the only Accessibility project budgeted. He discussed how the capital projects were divided into categories, including Flood Control Projects, Accessibility Projects, Recreation Projects, etc.

Vice Chair Czeck summarized the meeting as follow: 1) approval of June 16th minutes at next meeting; 2) provide Mr. Stainbrook with the official complaint packet; 3) decision to adhere to the “three minute rule” during the public comment period.

8. Adjournment

Vice Chair Czeck stated the next meeting would be held on Monday, October 13, 2008.

The meeting was adjourned at 9:30 p.m.