

TOWN OF CORTE MADERA
ACCESSIBILITY ADVISORY COMMISSION
MARCH 9, 2009
CORTE MADERA TOWN HALL COUNCIL CHAMBERS

FINAL MINUTES

Commissioners Chair Robert Czeck
Present: Barbara Becker
 Nance Becker
 Ted Meyer
 Stuart Tanenberg

Staff Present: Public Works Manager Debra Sue Johnson

1. Call Meeting to Order

Chair Czeck called the meeting to order at 7:09 p.m.

2. Introductions

No introductions were made.

3. Approve Meeting Minutes of February 9, 2009

M/s, Tanenberg/N. Becker, to approve the meeting minutes of February 9, 2009 as amended.

Ayes: All

4. Approval of the Agenda

M/s, Czeck/Tanenberg, to approve the agenda as submitted.

Ayes: All

5. Public Comment on Non-Agenda Items

There were no comments.

6. Old Business

A. Lakeside Drive Improvements- Safe Routes to Schools

Public Works Manager Johnson presented a brief staff report and distributed photographs of the finished product.

Chair Czeck asked when the project was completed. Public Works Manager Johnson stated last Friday.

Commissioner Tanenberg asked why there were cones near the curb. Public Works Manager Johnson stated they were still working on the storm drain. Commissioner Tanenberg asked if the all the holes were filled. Public Works Manager Johnson stated "yes". Commissioner Tanenberg asked if the gravel transition path on the north side was compliant. Public Works Manager Johnson stated "yes". Chair Czeck asked if that path would ever be paved. Public Works Director Johnson stated "no" upon the recommendation of the Town Manager. Commissioner Tanenberg asked if the Public Works Department would periodically check the path to make sure it stays in conformity. Public Works Manager Johnson stated "yes". Commissioner Tanenberg noted that path would get "chewed up" really fast. He stated the

only other problem was the curb cut out on the south side of the street does not drain properly. Public Works Manager Johnson stated she would have the inspector look at that.

Chair Czeck asked if all the gravel was new. Public Works Manager Johnson stated they extended the gravel path by about 20 feet past the new sidewalk. It is about four to five inches deep.

Commissioner Meyer asked if the striping should be yellow since this is a Safe Routes to School Project. Public Works Manager Johnson “no” since it was too far from the school.

Chair Czeck asked about the driving force for the project. Public Works Manager Johnson stated it was funded as a Safe Routes to Schools Project.

Commissioner Tanenberg asked if the project went out to bid. Public Works Manager Johnson stated “yes”. Commissioner Tanenberg noted the Commission never reviewed the plans.

Commissioner Meyer asked about the follow-up maintenance for this project. Public Works Manager Johnson stated there is a one-year warranty from the final sign-off of the project. The inspector went out on Thursday and met with the contractor. There could be a couple of items that need to be addressed. Commissioner Meyer asked if the plans were done in-house. Public Works Manager Johnson stated they were done by the in-house consultant except for the signing and striping.

Commissioner Tanenberg asked if the area near the cones where the asphalt was high would ultimately be mitigated. Public Works Manager Johnson stated “yes” and the specifications would be decided by the engineer.

Chair Czeck asked if someone from the Commission should look at the project before it is finalized. Commissioner Meyer stated he would like to rely on the professionals. Public Works Manager Johnson stated that is a question for the Town Manager and Town Council. B. Becker stated it would be helpful if the Commission could review the design ahead of time. Commissioner N. Becker stated they would be more effective in an “issue spotting” role and review plans for any deficiencies, etc. She did not feel competent on signing off on a project.

Commissioner B. Becker stated it seemed like the people designing the project were not aware of the needs of the disabled community since they had to go back and fix some things. Public Works Manager Johnson stated it did not have anything to do with the design but rather the contractor making a couple of mistakes and ultimately fixing them. This is not uncommon.

Commissioner Tanenberg stated the transition from the sidewalk to the gravel path was not compliant. He would like someone to look at it. Public Works Manager Johnson stated the Town Engineer is of the opinion that it is compliant per the specifications and regulations. Commissioner B. Becker stated wheelchairs and kids on bikes would have problems traveling across that area. Chair Czeck stated anything that is not paved would ultimately end up with potholes due to the rain.

B. Richard Skaff update: N. Becker

Commissioner N. Becker reported she went on the Website service that has information of the Federal northern district court. In 2008, Mr. Skaff filed five separate lawsuits regarding accessibility. She read citations from the lawsuit which claims that violations occurred in areas at and around the Town Center Shopping Center, the Recreation Center, the paint store, Paradise Drive Shopping Center, and the railroad right-of-way. The actual problems have not been identified. He wants an injunction from the court ordering the Town to fix the curbs, sidewalks, walkways, etc. and to develop and implement a self-evaluation and transition plan. He wants personal damages for his injuries. He sued under the Americans with Disabilities Act (ADA) and the Federal Rehabilitation Act. She noted the Town does have a Transition Plan that includes a schedule.

Public Works Manager Johnson stated the Transition Plan has a schedule that is based on funding. She spoke to the Town Attorney who indicated that the Town and plaintiff exchanged initial disclosures on Friday, March 6th. The plaintiff will be disclosing specific locations for the Town to address. There is a case management conference scheduled for March 12th.

Commissioner Tanenberg stated the lawsuit identifies several private enterprises and he asked if the sidewalks were the responsibility of the property owners. Public Works Manager Johnson stated “yes” and noted adjacent property owners were responsible to the middle of the road.

Commissioner B. Becker stated some of the items cited in the disclosure would probably be some of the same items presented to the Commission by Mr. Stainbrook last year. The Commission asked Mr. Stainbrook to follow the Town procedures and follow up with the Commission. Mr. Stainbrook was non-responsive.

Chair Czeck asked if the Town Attorney would come to the Commission for advice. Public Works Manager Johnson stated “yes, eventually”. Commissioner N. Becker stated it would be worthwhile to meet with the Town Attorney after the specifics of the lawsuit were made available.

Public Works Manager Johnson stated this would be a long process.

Commissioner Tanenberg asked about the date of the original lawsuit against the Town. Public Works Manager Johnson stated she was not sure but the Town drafted the Transition Plan in the 1990’s. This was the first plan in the County and the Town decided to be pro-active.

7. New Business

A. Commissioner expectations

Chair Czeck asked for comments on the expectations of the Commission as a group and individually.

Commissioner Tanenberg stated he has lowered his expectations since joining the Commission partly due to a lack of funding. It seems like the Commission has been delegated to oversight duties as opposed to being pro-active and pushing projects forward.

Commissioner Meyer distributed an article from the Independent Journal praising the disabled access at the Marin County Civic Center. He stated the County is also lacking funding and they have shifted their focus to process as opposed to actual improvements.

Commissioner N. Becker stated her first impression was that the Commission’s role was to act as mediators in helping to solve problems. Public Works Manager Johnson stated complaints initially come to staff for resolution and then to the Commission as mediators if staff could not come up with a solution. The problem would ultimately go to the Town Council if the Commission could not resolve it.

Commissioner Meyer stated he thought there would be a lot of people utilizing the grievance procedure and the Commission would be weighing in on the “gray areas”. Commissioner B. Becker stated they need to increase their exposure.

Chair Czeck stated he thought there would be more communication with the Council. He felt the Commission was under-utilized and there was more that could be done. He noted they have had exposure to many projects. The lack of funding could give them the opportunity to work on a template for future projects.

Commissioner N. Becker stated the Commission should discuss the “obstacles” and issues that the Commission needs to address, such as a way to incentivize private property owners.

Chair Czeck stated prioritization was a key issue for the Commission. He asked if the Commission should be the “bird-dogs” of the community and search out problems as opposed to simply reviewing projects. Public Works Manager Johnson read the duties listed in the Ordinance and stated they were very clear.

Commissioner B. Becker noted the Commission should attempt greater outreach with Town departments and other Boards and Commissions, such as the Disaster Council, etc. They need to know the Commission was a resource. Chair Czeck stated he missed the joint meeting with the Traffic Advisory Committee (TAC) and asked if it was a productive meeting. Commissioner Tanenberg stated the focus was on the Madera/Monona Avenue intersection and it was quite beneficial.

Chair Czeck asked for comments about the “missing links” that would provide more “bite” to the Commission. Commissioner Tanenberg stated there were other ADA related things that the Commission could get involved in such as employment law, providing accommodations for people who want to use programs, etc. Public Works Manager Johnson agreed.

Commissioner N. Becker asked if the Commission could publish articles in the Twin Cities Times and Independent Journal regarding different ADA issues. Public Works Manager Johnson stated they would need to be approved by the Town Manager. Commissioner Meyer stated they should try to make some contact with the Larkspur School District. Public Works Manager Johnson stated they could invite the Superintendent to a meeting.

Chair Czeck stated it might be beneficial to see what similar Commissions are doing in other communities. Public Works Manager Johnson stated she was not aware of other AAC’s in the Bay Area. Chair Czeck stated the public relations component was worthwhile.

Commissioner Meyer stated there was a Marin County ADA Coordinator and perhaps the Commission should use him as a resource. Commissioner B. Becker stated his focus is on the County buildings. Public Works Manager Johnson stated she has tried to use this individual as a resource but he was too busy. Commissioner B. Becker discussed some of the problems at the County level.

Commissioner N. Becker summarized the discussion: 1) Are the current expectations of the Council consistent with the ordinance that created the AAC?; 2) How do we make sure that the AAC has input in design and development decisions?; 3) The need for increased awareness about the AAC on the part of various Town departments so the Commission could serve as a resource; 4) Is there any way to work with private land owners to provide incentives for increased accessibility?; 5) There is a concern on the part of the Commission that a lack of funding has not allowed them to be more pro-active; 6) The Commission should coordinate and perhaps hold a joint meeting with the Disaster Council; 7) Review and possible update of the Transition Plan; 8) Better communication with the Town Council.

Commissioner B. Becker asked if the Town could adopt an ordinance requiring plans and input from the AAC for any project with an ADA component. Public Works Manager Johnson stated she would bring those projects to the Commission.

B. Mission Statement Review

Chair Czeck noted the Commission has a Mission Statement that is included in the document (Ordinance No. 893) that created the Commission. Commissioner Tanenberg stated the ordinance clearly delineates the charge of the Commission.

Chair Czeck asked if the Commission should have a bonafied Mission Statement, and if so, does the statement in the Ordinance suffice. He asked if this was information that should be made available to the public. Public Works Manager Johnson stated the Commission should not veer from what is contained in the Ordinance since that is their directive from the Council. Commissioner Meyer stated there was a “Purpose” paragraph in the Ordinance and he asked if that was still the directive of the Council. He noted the purpose and mission statements were quite broad.

Commissioner Tanenberg stated the Mission Statement contained in the Ordinance was appropriate. Commissioner Meyer agreed but asked if this continues to be the directive of the Council. Public Works Manager Johnson stated they would need to ask the Council.

C. Review of AAC activities and accomplishments

This item was continued.

D. Suggested Agenda Items for Joint Meeting with Town Council and Notification of Meeting Date Change for April

Public Works Manager Johnson stated the Commission would meet with the Council prior to their Regular meeting on Tuesday, April 21st. The joint meeting would start at 6:30 p.m. and the Regular Council meeting would begin around 7:30 p.m. She noted the Commission already discussed agenda items.

It was the consensus of the Commission to skip the regular meeting of Monday, April 6th in lieu of the joint meeting.

8 Commissioner Reports

Commissioner Meyer stated there was a new voluntary certified access specialist program offered through the State Architect's Office that is geared towards public officials, architects, engineers, etc. This would be a good bulletin item to post in the Town offices.

9. Adjournment

The meeting was adjourned at 9:21 p.m.

The next meeting would be held on Tuesday April 21, 2009. This would be a joint meeting with the Town Council and would start at 6:30 p.m.