

TOWN OF CORTE MADERA  
ACCESSIBILITY ADVISORY COMMISSION  
**DECEMBER 8, 2008**  
CORTE MADERA TOWN HALL COUNCIL CHAMBERS

**FINAL MINUTES**

Commissioners Present: Chair Robert Czeck  
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 7:11 p.m.

2. Introductions

No introductions were made.

3. Approve Meeting Minutes of November 10, 2008

M/s, Tanenberg/N. Becker, to approve the meeting minutes of November 10, 2008 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

Manager Johnson distributed a copy of the San Rafael Chamber of Commerce Newsletter regarding a new law signed by the Governor. She stated chambers of commerce want to promote business and employment for people with disabilities. The law tries to “reduce unwarranted and unnecessary litigation that does not advance the goals of disability access.” She noted chambers of commerce have worked diligently for a number of years for reform because of a small, but widely destructive, atypical group of plaintiffs and lawyers who use the laws and court systems to seek monetary profit rather than access.

6. Old Business

Manager Johnson briefly discussed an update regarding the claim filed by Mr. Richard Skaff. She reported he recently filed a Federal lawsuit against the Town. The Town has yet to be served. Chair Czeck asked if he has complied with the request to fill out the necessary grievance forms. Manager Johnson stated “no”. She would report back to the Commission in January. Commissioner N. Becker discussed the specificity required in filing a Federal lawsuit. Chair Czeck asked about any benefits to filing a Federal lawsuit. Commissioner N. Becker stated that when a federal law like the ADA is involved, the federal courts have jurisdiction and that sometimes plaintiffs prefer federal court because they think they will avoid local politics.

The Commission had questions about prior lawsuits.

Commissioner Meyer asked if Mr. Stainbrook's presentation overlapped the same areas of concern that Mr. Skaff has presented to the Commission. Commissioner B. Becker stated they were not sure since Mr. Stainbrook's pictures were vague.

Chair Czeck asked Manager Johnson to discuss some of the projects that were discussed at previous meetings. Manager Johnson stated there were no changes but she would be presenting some preliminary plans for the Tamalpais Overlay Project. She has a budget meeting scheduled tomorrow with the Town Manager and Finance Director. Chair Czeck asked when the overlay work would take place. Manager Johnson stated it should start sometime next spring or summer.

Chair Czeck asked if the follow up letter regarding the problems at Granada School had been sent. Manager Johnson stated she was waiting for more information. Commissioner Meyer stated he would give it to Manager Johnson at the end of the meeting.

Commissioner Tanenberg has questions about the status of the Higgins Landing Boat Dock. Manager Johnson stated no progress had been made. Commissioner Tanenberg stated he was under the impression that the Town has no money for the project and it was up to the residents who were organizing the project to raise the money. Manager Johnson stated one of the grant providers was willing to help with the design. Planning Director Pendoley is in charge of this but has been working on other urgent matters including the General Plan Update. Chair Czeck noted one of the grants could be lost if they do not act soon. Commissioner Meyer asked if there were any conceptual designs or schematics. Manager Johnson stated "yes" but it was not clear whether they meet current requirements. Chair Czeck asked Commissioner B. Becker to forward a copy of her memorandum to the new Commissioners. Commissioner N. Becker discussed the dock in Sausalito that accommodates wheelchairs by using a ramp/elevator type system. She will provide information about the location and manufacturer of the ramp at the next meeting. Commissioner B. Becker noted they need the RFP to determine costs prior to any fundraising activities.

Chair Czeck stated the Meadowsweet red curbs were the talk of the neighborhood.

Commissioner Tanenberg referred to the requirement that after a certain amount of money is spent on construction projects then 20% has to be applied to ADA. He asked if that applied to all public buildings. Manager Johnson stated it applies to all construction unless they apply for a hardship exemption. They would still need to meet a minimum requirement.

Manager Johnson stated they opened the bids for the solar project last week and they were in the range of \$1.2 million to \$2.3 million. The project is on hold due to the Town's financial situation.

7. New Business  
a. 2009 Goals and Objectives

Chair Czeck asked for comments on goals and objectives.

Commissioner B. Becker stated the newsletter has been eliminated due to cost. Chair Czeck asked for suggestions on how to inject some community awareness and generates more involvement. Manager Johnson stated the agendas and minutes from the meetings are posted on the Public Works Department Website. They could also include a column of information on the department website. Commissioner N. Becker suggested the Commission undertake the following project- creation of a disability information link on the Town Website. Chair Czeck stated that was a good idea and added this could eliminate some of the grievances. Commissioner Tanenberg agreed and suggested the Commission review the Town Website and come back with some recommendations.

Commissioner Tanenberg suggested the meetings be run in a more formal manner and he volunteered to be the parliamentarian in terms of making sure they are following Robert's Rules of Order. He would like to come up with a Design Review process and a process that would allow for more oversight on projects to

make sure they are done to standards and specifications. Manager Johnson referred to the Ordinance that set up the Commission and read the Purpose Section. She noted the Commission was responsible for programs, services, and activities and not just facilities and hardspace. Commissioner Meyer asked if the Town offers any social programs that are ADA related. Manager Johnson stated she did not think so. Chair Czeck stated it would be a good idea to ask the Web designer to attend a meeting. Manager Johnson stated she would ask the designer, who is a consultant, to provide a memo explaining how the Website is compliant.

Chair Czeck asked if the Commission would like to discuss the issue regarding the need to improve communication between the Commission and the Town Council. Manager Johnson stated she prepares a synopsis of meetings and forwards them to the Town Manager who, in turn, forwards it to the Town Council. Commissioner B. Becker asked her to copy the Commission. Commissioner Tanenberg stated what was missing in the past was feedback. He discussed an incident that happened in the past regarding the Higgins Landing Boat Dock. Commissioner N. Becker stated that the Commission should be represented at a Town Council meeting if a recommendation is going to be discussed by the Council. Chair Czeck stated perhaps they need a more formal presentation of ADA related projects. Manager Johnson recommended they invite one of the Councilmembers to a meeting. Commissioner B. Becker asked if one of the Councilmembers could serve as a liaison. She noted projects were initiated by a resident, outside person, or staff and the cover sheet should include a bullet that indicates whether or not it is ADA related. Manager Johnson stated the first draft of her budget should include a list of projects that might have ADA components. The Commission would review this information and give their input. Commissioner Tanenberg asked about the timeline for the budget. Manager Johnson stated they start the planning process in March and the first presentation to the Council is in April or May. The budget is adopted before July 1<sup>st</sup>. Commissioner Meyer asked about their involvement with private development. Manager Johnson stated the Public Works Department does not address private property ADA issues unless there is work on the sidewalk or driveway. She noted the turnaround time for plan checking is about one week. Commissioner Meyer stated he would like the Commission to do a site visit of projects that have been completed. Manager Johnson noted only two Commissioners could meet at a time per the Brown Act. Commissioner B. Becker noted some of the ramps in Town had to be redone so she would like to look at the project before completion. She stated the entire Commission, individually, should do site visits.

Chair Czeck summarized that there would be some additional structure on how the Commission relates to the Council and reviews projects. There would be an improvement to public relations through the Website. He asked about the format for the agenda. The Commission had a few minor suggestions but, in general, was satisfied.

Chair Czeck asked for suggestions on how to improve the Commissions' effectiveness. He stated that building relationships would certainly help. Commissioner Meyer agreed and added this was especially important in times of shrinking budgets. Manager Johnson stated the improved public relations would help the residents to reach out to the Commission. Commissioner N. Becker asked if the Commission prepares a list of accomplishments. Commissioner Tanenberg stated "yes". Commissioner N. Becker asked about neighborhood associations. Commissioner B. Becker stated there were many around Town. Manager Johnson stated the "Christmas Tree Hill Association" was very active. Commissioner N. Becker stated they could be an outreach source. Commissioner B. Becker stated they could develop a Powerpoint presentation to present to the associations. Manager Johnson stated the Powerpoint presentation could be added to the Website.

## 8 Commissioner Reports

Commissioner Meyer gave photographs of Granada School to Manager Johnson and briefly discussed some of the deficiencies.

## 9. Adjournment

The meeting was adjourned at 8:52 p.m.

The next meeting would be held on Monday, January 12, 2009.