

FINAL MINUTES

FLOOD CONTROL BOARD

OCTOBER 5, 2009

CORTE MADERA TOWN HALL COUNCIL CHAMBERS

Boardmembers Robert Bundy, Chair
Present: Stephanie Bennett
Vaso Medigovich
Barry Trailer
Sanford Zeller

Councilmembers Alexandra Cock
Present:

Staff Present: Town Manager David Bracken
Public Works Director/Town Engineer Dan Ring

Chair Bundy opened the meeting at 7:32 p.m.

1. Public Open Time

Councilmember Cock stated she would like to approach the homeowners in the Golden Hind area about the possibility of some additional landscaping or the placement of berms to mitigate flooding. She would like to come up with a “game plan” in relation to those areas where they need to get cooperation from the City of Larkspur and the County of Marin. Town Manager Bracken referred to some levee work and stated they do have some money budgeted this year. Staff, along with the Board, did look at the idea of berms or a fill-type of scenario and he noted this does get a little more difficult. A berm type of wall in a back yard could certainly have an effect but the problem is that most of the back yards, especially in Mariner Cove (especially around Golden Hind), are environmental habitats. He stated they would need to go through the regulatory process for work in these areas and these agencies usually do not want to see a piece-meal approach in terms of flood control. In addition, the regulatory process has gotten very tedious. Boardmember Medigovich asked if the Town would be involved if someone wanted to landscape their back yard. Town Manager Bracken stated “yes, by default”. Public Works Director Ring noted it would depend on the location of the landscaping in the back yard. Chair Bundy stated this was a great idea to encourage homeowners to try to protect their homes and yards for the short-term by use of landscaping or berming up near the house. They should not try to do something out near the water because then they would have problem with the accumulation of rainwater. He noted these are just short-term solutions. The ideal thing would be to try to get a number of homeowners to put together some type of cooperative solution. Town Manager Bracken stated this was a good idea and the County did this type of work in backyards in the Santa Venetia area. The Town would not prohibit this type of work but would instead make sure all the property regulatory permits were issued, which could include a grading permit. Councilmember Cock asked if the Town could approach the affected homeowner and try to set up a meeting. Town Manager Bracken stated “yes” but noted they could encounter some resistance. Boardmember Bennett noted a lot of the homes in that area have new owners. Boardmember Trailer asked if it might be worthwhile to go around the area in a boat and take some photographs from the water. This could be part of the discussion and the education process. Town Manager Bracken stated that was a great idea and the Town has the survey data. He noted the AN West study addressed two problems- water coming overland and water coming from the drainage system. Chair Bundy stated this should be an informal, “neighborhood” approach. Boardmember Medigovich stated he was glad this issue has been brought up and suggested staff continue to work with the homeowner associations. In addition, he suggested they begin discussions with Supervisor Kinsey since the process would include working with the County.

2. Review and Approval of the April 6, 2009 Meeting Minutes

M/s, Trailer-Medigovich, and carried unanimously to approve the minutes of April 6, 2009 as submitted.

3. Introduction of New Director of Public Works/Town Engineer

Town Manager Bracken introduced Public Works Director/Town Engineer Dan Ring. He stated Public Works Director Ring is a licensed Civil Engineer and lives in Corte Madera. He noted he also sat on the Flood Board for a period of time.

The Board welcomed Public Works Director Ring.

4. Elect New Chair and New Vice-Chair

M/s, Zeller-Medigovich, and carried unanimously to maintain the status quo with Boardmember Bundy serving as Chair and Boardmember Zeller serving as Vice-Chair.

5. Project Status

Boardmember Medigovich referred to Lagoon #1 and asked why the issue did not come to the Flood Board prior to it going to the Town Council. Town Manager Bracken stated he was asked by the Council to write up a "white paper" (identifying the problem and some solutions) on algae. He noted this would not be an action item on the Council agenda. This is not really a flood control issue although the amount of algae is related to the depth of water. It is more of an aesthetic issue. His research into Lagoon #1 revealed that there have been problems with algae and other things since its construction. He noted regulatory agencies would get involved with any proposed treatments. Boardmember Trailer noted they had a serious algae problem in the lagoon near his home and a resident was concerned that it might be a health hazard. He plans to make a presentation at tomorrow night's Council meeting. It is really a maintenance problem. Boardmember Medigovich asked about the ownership of the lagoon. Town Manager Bracken stated the Town owns the lagoon. Boardmember Trailer stated the deed specifies that the Town owns the lagoon but homeowners can build docks, as long as they are on pilings, and they have the right to boating, fishing, and bathing. The Town had the right to access the lagoon for flood control purposes but could not build any structures. There is nothing in the deed that specifies that the Town must maintain the lagoon although many of the residents feel that is Town's responsibility. Boardmember Medigovich stated it would be helpful to get a copy of the actual deed from the County Records Office. Town Manager Bracken stated he would do that. Boardmember Medigovich stated he thought that the deed stated that the primary purpose of Lagoon #1 was for flood control and the residents have a recreational easement over it. It belongs to the Town. Town Manager Bracken agreed and stated he had other documentation that backed that up.

Town Manager Bracken presented a Powerpoint presentation regarding the following current fiscal year projects: 1) Major Emergency Repairs- \$75,000 (\$3,000 spent); 2) Corrugated Metal Pipe- \$75,000 (\$30,000 spent); 3) 405 Corte Madera Avenue- \$105,000 (start next week); 4) Marquart Lagoon Pump Station- \$250,000 (prepare bid documents); 5) Golden Hind/Ebbtide Gate- \$40,000 (bid soon); 6) Paradise/San Clemente Levee- \$20,000 (bid soon); 7) Golden Hind/Cay Passage Pump Station- \$600,000 (phase over two years); 8) San Clemente Pump Station Upgrade- \$30,000 (winter); 9) Repair Town Levees- \$10,000 (investigate funding/design options).

Boardmember Trailer referred to project #3, 405 Corte Madera Avenue, and asked if they got a competitive bid. Town Manager Bracken stated it was done on a time and materials basis and he discussed the need to "pothole" the utilities.

Chair Bundy referred to project #5, Golden Hind/Ebbtide Gate, and had questions about the gravity aspect of the project and what would need to be done to hook a pump into it. Town Manager Bracken stated he would discuss this in relation to project #8.

Chair Bundy referred to project #7, Golden Hind/Cay Passage Pump Station, and stated he had concerns about putting in a pump station without the benefit of a floodwall. The pump station would be most effective if they had a flood wall that would project things from coming in and the pump at this point would simply evacuate rain water a little bit faster at a high tide. This is a fairly significant cost and he would prefer to see the initial phase of that storm drain done at other locations to keep the water from backing up. Town Manager Bracken stated due to the grade in the street they have had to close the streets but not because water is coming overland. It is not a levee issue but rather a matter of the amount of rainfall during a high tide. Chair Bundy reiterated this was a lot of money to get rainwater retention off faster while it backs up in the storm drain in other areas. Town Manager Bracken noted this was a Pilot Project. Boardmember Medigovich asked why the pumps were so expensive and stated it was supposed to be a package system. Town Manager Bracken stated even the package systems were not cheap anymore and this included some of the tributary improvements. This is the entire package. Boardmember Medigovich asked if they were similar to the sanitary system they put in at Neal Cummins. Town Manager Bracken stated "yes, but they are bigger pumps". He described the system. Chair Bundy had questions about the generator and asked if there was a backup. Town Manager Bracken stated he was not sure but would get this information to the Board. Boardmember Medigovich asked if the crown of the street would be changed. Town Manager Bracken stated "no". Boardmember Trailer asked if the Town would seek the formation of an assessment district if the Pilot Project were successful. Town Manager Bracken stated maybe to build the levees. He noted the majority of phone calls he receives are about curb ponding. Chair Bundy stated a lot of this is from the water backing up. Redoing the tributaries to improve the drainage and putting in the duckbill valve onboard would solve a good deal of the problems with the exception of the heavy rains. Boardmember Bennett noted some street do not have drains so this would be a good starting point. Town Manager Bracken stated this Pilot Project at least provides a "light at the end of the tunnel". Boardmember Medigovich had questions about the location of the proposed pump station. Town Manager Bracken stated it would be at Cay Passage and would drain the school, etc. Boardmember Medigovich asked Town Manager Bracken to look at the crown of the street around Cay Passage and Ebbside and think about putting in about 6" of asphalt to help keep the puddles from crossing the street. Boardmember Trailer asked about prioritizing the elements of the project. Chair Bundy stated it seems like they would get more benefit for the neighborhood by doing just the first phase, the gravity/tributary part, without the pump. Town Manager Bracken stated some would agree and some would disagree. Chair Bundy stated he was onboard with the Pilot Project and ultimately they will need the pumps installed. He is rethinking the entire scenario and looking at doing more of the gravity drainage improvements with the duckbill because it was so successful. Boardmember Bennett agreed and stated the initial phase was very successful and maybe they do not need the pump station at this point. Town Manager Bracken reiterated that some of the neighbors would disagree. He stated they do not want to stop the design right now since it would be needed eventually. He stated the Board should look at this project again in December. Boardmember Bennett asked about the cost of the pump station. Town Manager Bracken stated he did not have that figure with him but would provide it to the Board.

Boardmember Medigovich referred to project #9, Repair Town Levees, and asked Town Manager Bracken if he had spoken to Macy's or Nordstrom's about the north/south levees. Town Manager Bracken stated "no". Chair Bundy asked if that levee could be raised with some fill. Town Manager Bracken stated a geotechnical engineer would say "no" and would probably advise some restructuring of the levee. Chair Bundy asked if staff still saw sheet piling as the ultimate solution. Town Manager Bracken stated "no" and added he saw an earthen levee as the ultimate solution.

Boardmember Bennett asked if the Board would discuss the list of maintenance items that are done by the department prior to the winter. Town Manager Bracken stated this could be included on next month's agenda.

Boardmember Medigovich asked staff if they were familiar with the project at 35 Palm, a house that has been completely rebuilt. He noted there was a large pipe that comes out at the back of the house that used to go into a concrete slough. Town Manager Bracken stated he was not familiar with this project.

Chair Bundy suggested the Board hold a public meeting to get a sense of what the community would like to see in terms of flood protection. He has a concern about the cost of the pumps. Councilmember Cock agreed that the Board should hold a workshop meeting. Town Manager Bracken stated staff would set something up this winter.

6. Discussion of Updates to Title 16 of the Municipal Code-Protection of Flood Hazard Areas

Town Manager Bracken presented a brief staff report. He noted they need to make this update because the FEMA flood maps changed the datum (from NGVD to NAVD). He noted the flood plain is now 9.0 NAVD but the ordinance says the base flood elevation is 6.0 NGVD. He stated these measurement affect the floor elevation for new construction and construction that exceeds 50% of the appraised valuation of the house. In areas of special flood hazard on the shoreline of San Francisco Bay, Corte Madera Creek, or San Clemente Creek, contractors must raise the finished floor to elevation 9.0. This makes construction of a second story problematic. Town Manager Bracken stated he did not want to try to resolve anything tonight but rather bring this back to the Board at a later date. He asked the Board to email some feedback.

Boardmember Medigovich stated the intention of the ordinance was to make sure construction was done correctly and not too low for anything done to Marin Primary or Marin County Day School. Boardmember Medigovich asked if Marin County Day School wanted to put a building on the parking lot would they need to fill it so it was up to NAVD 9.00. Town Manager Bracken stated this is the regulation for new buildings but that is not what the ordinance currently says. The ordinance says if they exceed the 50% valuation over a 5-year period they need to raise the entire school up to elevation 9.0. Boardmember Medigovich stated he is won over on the interior stuff.

Public Works Director Ring briefly discussed the 1-foot and 3-foot freeboard issue and whether or not it should be eliminated. Boardmember Bennett stated they need to look at the way these levels would change the appearance of neighborhoods. Boardmember Medigovich stated the policy should be adjusted so this need is triggered at a minimum level. Town Manager Bracken stated they need to change the ordinance due to the new datum. This is a simple change. While they are doing this they should look at the other issues as well. He will prepare a draft and bring it back to the Board.

Boardmember Zeller suggested the following modification: 1) deletion of the phrase “6.0 NVDG plus the amount of ultimate settlement anticipated for the structure”. This is too vague and arbitrary. Boardmember Bennett stated this was in the AN West report. Town Manager Bracken stated they would take whatever the geotechnical engineer tells them on that and then they get Community Rating System (CRS) credit for that. He noted that was a good point and has not been a big issue. Boardmember Medigovich asked how much credit they would get. Town Manager Bracken stated he would find out.

Boardmember Zeller noted the condominiums at 13 Lucky Drive were jacked up on a steel perimeter foundation and he asked if there was a provision for “future jacking”. Town Manager Bracken stated “no”. Boardmember Zeller asked if they could get credit for doing something like that. Town Manager Bracken stated he would find out.

Boardmember Medigovich asked if they could get a list of the potentially affected properties. Town Manager Bracken stated “yes”. Boardmember Bennett asked that the list distinguish between private homes and schools.

Boardmember Trailer asked if they were CRS rated. Town Manager Bracken stated “yes” but they are not getting credit right now for being a foot higher than the base flood elevation. Boardmember Trailer asked if there was a financial benefit to the current CRS rating. Town Manager Bracken stated “yes”.

Chair Bundy stated the next meeting would be held on Monday, December 7th.

The meeting was adjourned at 9:10 p.m.

