REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL AND SANITARY DISTRICT #2 BOARD

In the Town Hall of the Town of Corte Madera, on September 2, 2008 at 7:32 p.m.

PRESENT: Mayor Lappert
Councilmembers Condon, Dupar, Ravasio, *Cock

Town Manager David Bracken
Director of Emergency Services Bob Fox
Twin Cities Police Chief Phil Green
Director of Planning/Assistant Town Manager Robert Pendoley
Assistant Town Attorney Veronica Nebb
Public Works Manager Debra Sue Johnson

OPEN SESSION

Salute to the Flag

1. OPEN TIME FOR PUBLIC DISCUSSION

George Topor suggested the Town consider running cooperative advertisements in the San Francisco Chronicle. He displayed a recent issue boasting ads from both Tiburon and Mill Valley and informed the Town Council that the ads are free to the Town provided they secure three paying advertisements from community businesses.

Councilmember Ravasio said he attended an informal local budget meeting held in the Council Chambers and there was much discussion regarding the Park Madera Center. He stated that the break even point for the center may take much longer than the estimated three years and that the current arrangement with the management company may not be the most efficient operating strategy. He proposed that the Council review alternatives to current management practices to minimize losses. Mayor Lappert agreed with Councilmember Ravasio's idea and said the Town agreed to purchase the center on certain premises and conditions, but as things change it is the duty of the Town Council to ensure the project remains on target.

The Town Manager said staff has been reviewing alternatives and suggested placing on an agenda a discussion concerning the Park Madera Center, specifically its revenue and expenditures.

2. COUNCIL AND TOWN MANAGER REPORTS

The Town Manager gave the following report:

- The blast heard the afternoon of Friday August 29, 2008 was the result of a suspicious package delivered to the Corte Madera DMV. The package was x-rayed, delivered to the CHP who contacted the bomb squad; detonation took place in the gravel lot next to Nordstrom's before determining the box contained old road flares;
- The Planning Commission has scheduled the following reviews of the general plan:
    - September 4, 2008 – Chapters 7 and 8

    - September 11, 2008 – review of the draft final EIR
    - September 18, 2008 – set-up for plan revisions
    - October 2, 2008 – set-up for more plan revisions and adopting the resolution forwarding the draft final EIR to the Town Council
- The Accessibility Advisory Commission meets September 8, 2008;
- The Flood Control Board meets September 11, 2008. He will suggest to the Board that the meeting be rescheduled so that he and other members may attend Mill Valley's meeting on sea level rise;
- He distributed current Corte Madera zoning maps to the Town Council;
- The Streets Smarts banners paid for by federal grant monies are up. The messages are aimed at motorists, pedestrians and cyclists urging all to slow down and exercise caution.

Councilmember Condon gave the following report:

- She attended the Chamber of Commerce meeting today. The annual golf tournament is scheduled for September 11, 2008 and interested parties are invited to contact the Chamber of Commerce. The Chamber continues its strong supportive position of the new police facility and is discussing various methods of outreach to support Measure E.

* Councilmember Cock was noted present at 7:40 p.m.

Mayor Lappert gave the following report:

- The Town Council will hear more in the future with respects to whether or not the County will assume control over the library.

CONSENT CALENDAR

Town Items

3a. Approved Warrant and Payroll for the Period August 8, 2008, through August 25, 2008, Warrant Check Numbers 120829 through 120953 and Payroll Check Numbers 2551 Through 2584, Payroll Direct Deposit Numbers 12061 through 12283, and Payroll Wire Transfer Numbers 772 through 780 and Wire –Twin Cities Police Monthly Payment

3b. Reappointed Barbara Becker and Robert Czeck to the Town's Accessibility Advisory Commission

3c. Adopted Resolution No. 3569 Establishing No Parking Zones on Mariner Green Drive and Mariner Green Court – Requested by the Mariner Townhouse Association

MOTION: Moved by Condon, seconded by Dupar, and carried unanimously by those present,

To approve Consent Calendar items 3a, 3b and 3c.

Joan Brayard referred to Item 3c, questioned and confirmed there is a proposal to issue tickets for parking in red zones on Mariner Green Drive and Mariner Green Court and said the homeowners association recently decided to eliminate 50% of the available parking in her neighborhood. She expressed her support of that decision as well as to enforce red zone parking, but asked that enforcement be delayed for two years until the eliminated parking has again been made available. She explained that the upcoming construction plans and limited street parking will require her to park far from her home and as someone who routinely returns late in the evening, it is a personal danger. She asked the Town Council to curb and review this resolution at a later date

Mayor Lappert questioned why so much parking had been eliminated. The Town Manager explained "no parking" zones currently exist on the neighborhood's private streets and that the homeowners' association asked if the Twin Cities Police Department could enforce them. He said the resolution would permit the Twin Cities Police to enforce current parking regulations and the Town cannot address what parking residents have or are losing.

Ms. Brayard said homeowners were not properly notified of the change, said the red zones have not been enforced since 1960 and to do so during construction, when there are only 141 remaining parking spaces, was unfair. The Town Manager noted that the Town Council could choose to reschedule the item, obtain written complaints and await a response from the homeowners' association.

Meg Valentine, Mariner Green HOA President, agreed parking is problematic and construction will further complicate it. She said the entire homeowners' association voted on the matter and the Board is only asking for the ability to enforce parking as it currently exists.

Mayor Lappert suggested that the homeowners' association could formally request that police ignore enforcement during construction periods.

Richard Gray said the "no parking" zones have been identified by the Fire Department as key areas to ensure that the road is wide enough to allow emergency equipment through. He agreed that parking is impacted but feels that because the association has little means of enforcement, local police need the power to enforce fire zones. He said construction will not start until next year with the plan to complete it in two segments over a two year period; this will only inconvenience half the residents at a time. He expressed support of the resolution and said that provided parking does not impact the passage of safety equipment, they could consider suspending enforcement during construction periods.

Mayor Lappert asked and confirmed that the Town Council does not mediate homeowner association disputes; said the Town was asked by the association to enforce parking and that he doubts the police would ticket unless complaints are received.

Councilmember Condon said she reviewed the item and found it reasonable. She asked if any of the current no parking zones were unnecessary for emergency vehicle access and whether they could be

modified. The Town Manager said parking issues are always contentious and as these are private streets, the Town needs to rely on homeowners and the homeowner association for those decisions.

The Assistant Town Attorney Nebb confirmed the vote taken would stand unless Councilmembers wish to reconsider.

The vote on 3c was upheld.

Sanitary District Item

3d. South Madera Gardens Sewer Rehabilitation Project No. 40-201 Rejected All Bids Submitted and Authorize Staff t Re-Bid

MOTION: Moved by Dupar, seconded by Ravasio, and carried unanimously by those present,

To approve Sanitary District item 3d.

BUSINESS ITEMS

4. Status Report on the Dock at Higgins Landing Park

The Director of Planning presented the staff report, describing various proposed plans for the Higgins Landing Dock. The former dock was removed in 2005 and an advisory committee for the reconstruction project was appointed in 2006. He said plans entail expanding the Town-owned bus unloading zone to create ADA accessible parking.

The principal issue concerning plans for new construction is ADA (Americans with Disabilities Act) compliance and the U.S. Accessibility Board has developed draft regulations but they have not been adopted by the U.S. Department of Justice. Lacking fully adopted standards, the Town is required to treat this like any other public facility. The primary problem with the dock's design is that the dock must float and therefore the ramp is in constant motion. He said a basic rule for compliance is that the path of travel must never be steeper than a one foot drop in twelve feet of travel (1:12 slope) and is difficult to achieve with a ramp that is always moving.

The advisory committee included ex officio members Architect and former ADA coordinator for the Port of San Francisco Kevin Jensen. Mr. Jensen suggested that the bus turnout be converted to accessible parking and use of a ramp that would rise in coordination with the dock and lead to a landing with a conventional ADA ramp. Despite initial calculations, further investigation revealed that the ramp would not remain within the acceptable slope and would carry a cost of approximately $330,000. Town staff was concerned with the cost, potential lack of compliance and lack of convenience for small watercraft users.

The Director of Planning reviewed Mr. Jensen's second design which incorporated a much longer ramp and larger floating dock, resulting in a shallower rise and fall and more useable space. While

the design was acceptable in terms of rise and fall of the ramp as well as usability, costs were estimated at $425,000.

After discussing this and other possibilities with the AAC (Accessibility Advisory Commission), Mr. Jensen proposed an even longer ramp of nearly 95 feet. The design was presented to the AAC on April 17, 2008; detailed plans were submitted June 2, 2008 and engineers offered an estimated cost of $430,000. Advantages of this design include a guaranteed 1:12 or better slope, and ample space for small watercraft users. Disadvantages of the design include overall length (approximately 175 feet from the shoreline into the channel) and the overall cost.

The Director of Planning reviewed available funding for the project, citing $130,000 from the California Department of Waterways, $20,000 from the Board of Supervisors and $14,500 from the Town's general fund. The latter two have already been spent on feasibility studies, declarations and permits. Staff recommends that the Town Council initiate a request for proposals (RFP) for designs, asking qualified architects and engineers to provide detailed designs and specifications for the project. He stated that recent conversations with California Boating and Waterways and the Coastal Conservancy have indicated an interest in considering an application for additional grant monies. Staff further recommends that the Town not spend additional monies on the RFP until these grants are secured.

Councilmember Ravasio asked if the RFP's (Requests for Proposals) would include an estimate on cost, and the Director of Planning thought they would.

Councilmember Ravasio asked for clarification on the overall length of the structure. The Director of Planning explained that the proposed design includes 25 feet from the bulkhead and a 52 foot long ramp.

Mayor Lappert asked if the design specifically accommodates persons in wheelchairs and staff clarified that it must also accommodate persons with crutches or other supportive mobility devices. Mayor Lappert asked if it would possible to incorporate a lift mechanism to lower people into the water and staff indicated that it would be insufficient.

David McPherson said he has heard of the potential for a boat storage structure on site, indicated his desire to rent such a space and suggested this as a possible revenue or a cost offset source for the Town. Mr. McPherson also expressed his support of this design, stating that greater walk around space on the landing makes the most sense for kayak, canoe and small watercraft users. Mayor Lappert stated that boat storage is part of the overall plan for the facility but development costs are not included in the pricing discussed tonight.

Jim Granger said he used the former dock to take his wife, a stroke victim, out onto the water and asked that the Town not overlook this opportunity because of cost.

Roger Hugo said he collected over 250 signatures from Corte Madera, Larkspur, and Tiburon residents who would like to see project would go forward. Mayor Lappert asked if he could collect

donations along with the signatures. Mr. Hugo said some signers have asked how to make donations and he suggested the Town post something in its bulletin to notify parties on how to do so.

Joan Vaughn said she was involved with the development of Higgins Landing in 1981, said it is unfortunate the site fell into such disrepair, but that it is an important recreational function that the Town should try to reestablish. She suggested that if the Town move forward with obtaining a bid, it would be easier to acquire fundraising commitments.

Penny Wells said she has been heavily involved in the development of the San Francisco Bay Water Trail; expressed intense interest in the Higgins Landing Dock as part of the project and her desire to facilitate expenditures of money from the Coastal Conservancy and California Boating and Waterways. Ms. Wells said a financial opportunity exists right now; by next summer many locations will be competing for these funds and it is important for the Town to move forward and obtain actual estimates to capitalize on the available monies.

Lawrence Chin said the redevelopment of Higgins Landing Dock is at a critical juncture now, as recent conversations with a reputable local contractor suggest a cost of $187,500. While the actual cost is dependent upon the finalized details, he believes the final figures will come in much lower than the cost estimates. He cited the already secured $175,000 in funding, noting that the Town has already spent $20,000, and he urged the Town Council to move forward in obtaining a target amount. Mr. Chin also thought the Town owed an incredible debt of gratitude to Ms. Wells and Mr. Jensen for their contributions to the project.

Janet Lorenzo spoke of her professional experience with government procurement and suggested that when the Town issues an RFP it use a statement of objectives indicating the overall goals, including financial for the project, while steering clear of specifications

Kevin Jensen said both of his design schemes were fully ADA accessible with the key difference being the fixed ramp design. He believed the land design could be done separately; said cost estimates are conservative; and most likely include a lot of design contingencies that are better expressed by a range cost, and that the final cost would not go as high as predicted.

Mayor Lappert said the Town has no budget for this project and cost was not the concerning factor, but that the main role of the Planning Commission is to ensure that the final product does not run into trouble with ADA compliance standards. Mr. Jensen said that while he believes this design meets the full intent of current ADA requirements, he doubts that any professional would ever guarantee such a thing.

Larry Chin confirmed the Town Council's receipt of Richard Skaff's letter stating his support.

That Town Manager said that while it is not typical, he would be happy to pursue a design build contract, provided it complied with the Public Contracts Code.

The Assistant Town Attorney said the Town could put the project out to bid with a variety of design

alternatives including a request for bids on design or design and construction, but warned that the results may be difficult to compare with one another. She said the ultimate goal is to shift the design liability to the design contractor. She advised that the approach is up to the Town Council but setting design specifications would be difficult as they do not know what those are.

Mayor Lappert expressed his desire to see the project move forward.

Councilmember Condon acknowledged the time people have put into the project and urged fellow Councilmembers to proceed. She said unfortunately the Town is unable to finance the project and suggested they heed the advice of Ms. Wells regarding potential funding and asked that the Town Manager collaborate with Mr. Jensen on the best approach.

Councilmember Cock voiced support for issuing an RFP and said her biggest concern is that final construction costs inevitably seem to go substantially over-budget. She cautioned the Town to ensure that it has more funds committed than estimated.

Councilmember Dupar said he has been in favor of the project but is concerned by the rising costs.

Councilmember Ravasio echoed the other Councilmember comments and extended thanks to those who have committed so much time to the project.

MOTION: Moved by Condon, seconded by Dupar, and carried unanimously by those present,

To instruct staff to distribute a Request For Proposals to prepare plans and specifications for an ADA compliant dock at Higgins Landing Park.

5. Accept Bicycle Plan Update Project No. 06-503

The Public Works Manager presented the 2008 Bicycle Transportation Plan update. The plan updates the existing 2001 plan; it is the result of a collaborative effort between the Bicycle Plan Advisory Committee (BPAC) and the Traffic Advisory Committee (TAC), and is funded by the Transportation Authority of Marin (TAM). She said acceptance of the document is required by the Metropolitan Transportation Commission (MTC) in order for the Town to qualify for State and Federal funding available for bicycle improvements but does not obligate the Town to pursue the projects as proposed.

Andy Perry, Marin Bike Coalition, thanked Ms. Johnson, and the BPAC for their work. He encouraged the Town to embrace and seek pedestrian projects to make the town safer for cyclists and pedestrians; to prioritize these projects; and said all other towns with an approved bicycle pedestrian master plan have adopted a complete streets policy; a non-binding policy asking the Town to consider bicycle and pedestrian improvements in all projects. He encouraged the Town to complete these projects in a timely fashion, noting that surrounding areas are currently moving forward on major bike facilities.

Mr. Perry questioned whether or not the plan had been released to the public. The Public Works Manager said it was currently posted on the Town's website. Mr. Perry noted that Marin County is one of four non-motorized transportation pilot programs around the country and that successful completion of fund expenditures are being monitored on a federal level with big opportunities for additional funding.

Doug Moore said he commutes daily to San Francisco on his bicycle; encouraged implementation of the pla; and voiced his desire for the Town to seize this opportunity for leadership.

Joseph Shirado encouraged the Council to endorse the plan and increase safety for families, including children, the elderly and those coming from out-of-town to enjoy the area.

Beth Cook voiced her desire to make the town bike-friendly; expressed her long-standing desire for a footbridge connecting east and west Corte Madera; and her belief that the more comprehensive and interconnected the Town's biking infrastructure was, the more people would use it.

Janet Lorenzo said the existing bicycle pathways and facilities are great and encouraged the Council to continue forward with their efforts.

Thomas Cook voiced his support of the bicycle master plan and the obviously necessary consideration of the Town's pedestrian and cyclists' needs.

Jan O'Brien said despite beautiful sections of biking pathways, the Town needs to address "interconnectedness," especially en route to the ferry.

Mayor Lappert noted that the current I-580 interchange improvements include paths of travel.

Chris Churchill said he regularly commutes to San Francisco on his bike and expressed his desire to see various sections of road addressed. The commute is pleasant for the most part but there are moments where a pleasant path turns into shoddy roadway. Mr. Churchill said he is in favor of the plan; would like to see it adopted; and feels that other communities have moved forward with their efforts with great success. He also said that even small improvements are extremely effective and he looks forward to the improved safety conditions.

David McPherson, member of the BPAC, encouraged adoption of the plan.

Joe Maylen reiterated earlier comments on the desire for connectivity and encouraged the Council to develop a mentality that considers what elements might increase the enjoyable nature of walking and cycling within Corte Madera.

Mike Deverall encouraged the Town Council to continue the planning process and the Twin Cities Police Department to aggressively enforce the law with regards to cyclist traffic violations.

MOTION: Moved by Ravasio, seconded by Cock, and carried unanimously by those present,

To accept Bicycle Plan Update, Project No. 06-503.

Councilmember Dupar said that despite the Town's desire and efforts to make Corte Madera a cyclist's nirvana, certain areas fall under other jurisdiction; and out of the control of the Town; and believes the Town should be praised for its efforts rather than being criticized.

Mayor Lappert noted the desire of residents to consider both cyclist and pedestrians in the Town's projects and the Town Manager confirmed that it does.

The Public Works Manager responded to Andy Perry's comment on the complete streets issue, noting it was not currently part of the plan but it would be coming before the Town Council in the future.

Mayor Lappert noted that when the Town's major shopping centers expressed a desire to expand several years ago, he brought up the need for bicycle access. He asked and confirmed that this is something they could require the centers to fund or implement as a condition of approval.

Councilmember Cock said she is the Town Council's representative for the BPAC and the Traffic Advisory Committee and there are a lot of grants and monies available from a variety of sources at this time which increases the likelihood that the Town can implement provisions of the new plan.

6. Extension of Bicycle Plan Advisory Committee (BPAC) by Establishing a Bicycle Advisory Committee (BAC)

The Public Works Manager presented the staff report, stating the BPAC was formed in 2007 as a temporary committee to assist in the development of the Bicycle Pedestrian Master Plan. As stated in the resolution once the plan was accepted by the Town Council, the committee would be dissolved. However the members would like to continue to meet in an advisory capacity as the Bicycle Advisory Committee.

David McPherson is a member of the former BPAC and asked the Town Council to extend or make permanent the BAC. He said that the committee would act as the Town's ears to the community and assist the Town Council in any way they could.

Andy Perry echoed Mr. McPherson's previous statements, stating that the eyes of the BPAC or BAC are critical to the successful implementation of the plan's upcoming projects.

Councilmember Dupar questioned and confirmed with the Public Works Manager that the BPAC's current members would like to continue to serve and that staff was requesting an approval period of one year because this was based on the duration of the previous BPAC.

MOTION: Moved by Dupar, seconded by Condon, and carried unanimously by those present,

To continue the Bicycle Master Plan Committee by Establishing a Bicycle Advisory Committee, Resolution 3570.

7. Approve Minutes of August 19, 2008

MOTION: Moved by Dupar, seconded by Cock, and carried unanimously by those present,

To approve the minutes of August 19, 2008.

ADJOURNMENT

The meeting was adjourned at 9:02 p.m. to the next regular meeting to be held on September 16, 2008.