



AGENDA

CORTE MADERA TOWN COUNCIL
AND SANITARY DISTRICT NO. 2 BOARD
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE
TUESDAY, SEPTEMBER 20, 2016
6:45 P.M.

6:45pm - CLOSED SESSION

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom
at The Village at Corte Madera) APN 024-032-19

Agency negotiator: David Bracken

Negotiating parties: Macerich (Giancarlo Filartiga and Cecily Barclay)

Under negotiation: Whether, and under what price and terms, the property could
potentially be leased to the Village at Corte Madera

II. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Closed Session Pursuant to Cal. Gov't Code Section 54957

Title: Town Attorney

III. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)

Name of case: Larson v. Town of Corte Madera, et al., MCSC Case
No.CIV1602760

1. 7:30pm: OPEN SESSION

I. CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG

II. REPORT OUT OF CLOSED SESSION

2. OPEN TIME FOR PUBLIC DISCUSSION

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

3. PRESENTATIONS

3.I David Bracken – Commendation for Service to the Town of Corte Madera

3.II Dan McCadden – Commendation for Service on the Planning Commission

3.III Tom McHugh – Commendation for Service to the Planning Commission

4. TOWN MANAGER AND COUNCIL REPORTS

- Town Manager Report

- Director of Planning & Building Report on Status of Tamal Vista East Corridor Study

- Council Reports

5. CONSENT CALENDAR

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item (s) will be at the discretion of the Mayor and Town Council.

- 5.I. Waive Further Reading And Authorize Introduction And/Or Adoption Of Ordinances And Resolutions By Title Only

This item contains standard language authorizing Town Council to introduce and/or adopt Resolutions and Ordinances by Title only and waive further reading.

- 5.II. Adoption Of A Resolution Declaring October 1, 2016, To Be Bay Day In The Town Of Corte Madera (Report from Rebecca Vaughn, Town Clerk)

Documents:

[5.II BAY DAY RESOLUTION.PDF](#)

- 5.III. Adoption Of A Resolution Requesting MTC Allocate FY 16-17 Transportation Development Act Article 3 Pedestrian/ Bicycle Project Funding To The Redwood Highway Multi-Use Pathway Repaving Project (Report from Nisha Patel, Senior Civil Engineer)

Documents:

[5.III REQUEST TO MTC FOR ALLOCATION OF TDA FUNDS PED BIKE PATH PROJECT.PDF](#)

- 5.IV. Approve A Supplemental Appropriation For Purchase Of EMTRAC And Consultant Services For Signal Synchronization (Report from Nisha Patel, Senior Civil Engineer)

Documents:

[5.IV APPROP FOR PURCHASE AND INSTALLATION OF EMTRAC.PDF](#)

- 5.V. Approve Warrants And Payroll For The Period 9/01/16 Through 9/14/16:
Warrant Check Numbers 214430 through 214483, Payroll Check Numbers 5298 through 5305, Payroll Direct Deposit Numbers 30380 through 30452, Payroll Wire Transfer Numbers 2058 through 2061, and Wire Transfer of 9/30/16.

(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents:

[5.V PAYROLL AND DEMANDS 9.1.16 TO 9.14.16.PDF](#)

6. PUBLIC HEARINGS

- 6.I. Consideration And Possible Action To Introduce Ordinance Changing Election Date For Mayor And Councilmembers From November Of Odd-Numbered Years To June Of Even-Numbered Years
(Report from Rebecca Vaughn, Town Clerk)

Documents:

[6.I INTRO OF ORDINANCE TO CHANGE ELECTION DATE.PDF](#)

7. BUSINESS ITEMS

- 7.I. Consideration And Possible Action To Adopt Proposed Resolution No. 34/2016, A Resolution Of The Town Council Of The Town Of Corte Madera (1) Adopting The Position Classification And Job Description Of Director Of Public Works/Town Engineer/Manager Of Sanitary District No. 2/Assistant Town Manager; And (2) Deleting The Position Classification And Job Description Of Director Of Public Works (Engineering & Public Works Administration)

And

Consideration and Possible Action to Adopt Proposed Resolution No. 35/2016, A Resolution of the Town Council of the Town of Corte Madera Amending Compensation Schedule B and Compensation Schedule C of Resolution No. 38/2015 - A Resolution of the Town Council of the Town of Corte Madera Fixing Compensation and Establishing Certain Benefits for Department Head Employees of the Town of Corte Madera Effective September 26, 2016 (Sets Salary Range of New Position Classification – Director of Public Works/Town Engineer/Manager of Sanitary District No. 2/Assistant Town Manager)

And

Consideration and Possible Action to Approve a Supplemental Appropriation of \$170,600 for Filling the Vacant Department Head Position in the Public Works Administrative Office

(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents:

[7.I ADOPT POSITION CLASS JOB DESCRIPT AND SUPPL APPROP.PDF](#)

- 7.II. Consideration, Discussion And Possible Direction To Staff Regarding An Amendment To Resolution 2214, "No Parking" Areas Located On The 900, 1000 And 1100 Blocks Of Meadowsweet Drive
(Report from Kelly Crowe, Associate Civil Engineer)

Documents:

[7.II NO PARKING AREA ON 900 1000 AND 1100 BLOCKS OF MEADOWSWEET.PDF](#)

- 7.III. Consideration, Discussion And Possible Direction To Staff Regarding Encroachments On Railroad Right Of Way Between Willow Avenue And Montecito Avenue
(Report from David Bracken, Town Manager)

Documents:

[7.III ENCROACHMENTS ON RAILROAD RIGHT OF WAY.PDF](#)

7.IV. Appointments To The Sales Tax Citizens Oversight Committee And The Flood Control Board To Fill Vacant Seats

(Report from Rebecca Vaughn, Town Clerk)

Documents:

[7.IV APPOINTMENTS TO SALES TAX OVERSIGHT COMM AND FLOOD BOARD.PDF](#)

7.V. Consideration And Possible Action To Adopt Proposed Resolution 37/2016 In Opposition To Proposition 53, Revenue Bonds, And Resolution 38/2016 In Support Of Proposition 54, California Legislature Transparency Act Of 2016 As Recommended By The League Of California Cities

(Report from Rebecca Vaughn, Town Clerk)

Documents:

[7.V RESOLUTIONS OPPOSING PROP 53 AND SUPPORTING PROP 54.PDF](#)

7.VI. Review Of Draft October 4, 2016 Town Council Agenda

Documents:

[7.VI 10.04.16 DRAFT AGENDA.PDF](#)

7.VII. Approval Of Minutes Of September 6, 2016 Town Council Meeting

Documents:

[7.VII 090616 DRAFT CORTE MADERA COUNCIL MINUTES.PDF](#)

8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

To sign up to receive automatic notifications regarding meetings and agendas, please visit the Town's website at <http://www.townofcortemadera.org> and click on "Notify Me" to register, or email the Town Clerk at: rvaughn@tcmmail.org.



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 15, 2016

MEETING DATE: September 20, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: REBECCA VAUGHN, TOWN CLERK

**SUBJECT: ADOPT RESOLUTION NO. 39/2016 DECLARING OCTOBER 1, 2016,
AND THE FIRST SATURDAY OF FUTURE YEARS TO BE “BAY DAY”**

* * * * *

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt the attached resolution proclaiming October 1, 2016, and the first Saturday of October in future years, “Bay Day”.

TOWN MANAGER'S RECOMMENDATION:

Support staff’s recommendation.

BACKGROUND:

Bay Day is a newly dedicated annual celebration spearheaded by Save the Bay, in coordination with the Association of Bay Area Governments (ABAG), to designate October 1, 2016 as a special day when the Bay Area comes together to celebrate San Francisco Bay. On Bay Day, dozens of cultural attractions, community organizations, small businesses, non-profits and parks all around the Bay Area will host special, Bay-themed programs so residents can explore, enjoy, and learn more about the Bay.

As the administrator of several regional projects working to enhance San Francisco Bay, including the San Francisco Estuary Partnership, the San Francisco Bay Restoration Authority, the San Francisco Bay Trail and the San Francisco Bay Area Water Trail, ABAG has requested that all cities and counties in the Bay Area pass resolutions authorizing October 1, 2016, and the first Saturday of October in future years as “Bay Day” in recognition of this valuable resource that defines the region.

ATTACHMENT:

1. Draft Resolution declaring October 1, 2016, to be “Bay Day”

ATTACHMENT 1

**DRAFT RESOLUTION DECLARING OCTOBER 1, 2016,
TO BE “BAY DAY”**

RESOLUTION NO. 39/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
DECLARING OCTOBER 1, 2016, AND THE FIRST SATURDAY OF OCTOBER IN
FUTURE YEARS TO BE “BAY DAY”**

WHEREAS, the San Francisco Bay is central to the quality of life of all residents of the Town of Corte Madera and the Bay Area and sustains a wide range of recreational and commercial activities that are critical to the local economy; and

WHEREAS, the health of San Francisco Bay and therefore of the Bay Area is threatened by pollution and climate change, and restoring Bay wetlands and reducing pollution in the Bay provides multiple benefits for all Bay Area residents and local wildlife; and

WHEREAS, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program, approved by voters as Measure AA on June 7, 2016, will protect San Francisco Bay for future generations by reducing trash, pollution, and harmful toxins, improving water quality, restoring habitat for fish, birds, and wildlife, protecting communities from floods, and increasing shoreline public access; and

WHEREAS, the people of the Bay Area should celebrate San Francisco Bay together as a region on at least one Bay Day each year to inspire appreciation, conversation, education, and action for the Bay, in order to highlight the work of Save The Bay and other environmental organizations and individuals to improve the health of San Francisco Bay over the past fifty years.

NOW, THEREFORE, the Town Council of the Town of Corte Madera does hereby proclaim October 1, 2016, and the first Saturday of October in future years, to be

“Bay Day”

in the Town of Corte Madera and commends all Bay Day organizers for their efforts to inspire the entire Bay Area to celebrate, protect, and restore San Francisco Bay.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 20th day of September, 2016, by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

ATTEST:

Sloan C. Bailey, Mayor

Rebecca Vaughn, Town Clerk



TOWN MANAGER

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 14, 2016
MEETING DATE: September 20, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL
FROM: NISHA PATEL, SENIOR CIVIL ENGINEER
SUBJECT: CONSIDERATION AND ADOPTION OF RESOLUTION 33/2016 REQUESTING TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE ALLOCATION OF FISCAL YEAR 2016-2017 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/ BICYCLE PROJECT FUNDING



PURPOSE:

Staff applied for TDA state funds for the Redwood Highway Multi-use Pathway Repaving project in the amount of \$100,000 with the Transportation Authority of Marin (TAM) OBAG (One Bay Area Grant Program) Call for Projects in May 2016. At their meeting on July 28, 2016, the TAM Board recommended that TAM staff recommend MTC allocate funds for the project. To be eligible for TDA funds, MTC requires a local agency's Council approve a resolution requesting allocation for the funds.

STAFF RECOMMENDATION:

Adopt Resolution 33/2016.

OPTIONS:

1. Adopt the attached Resolution 33/2016 to request from MTC for allocation of fiscal year 2016-2017 TDA Article 3 pedestrian/ bicycle project funding;
2. Provide comments to staff and recommend edits to the resolution, as necessary, and adopt the Resolution as amended; or
3. Take no action at this time.

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

ENVIRONMENTAL IMPACT:

Pursuant to preliminary review of the project in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, this project is Categorically Exempt (Class 1, Existing Facilities) under Article 19, Section 15301 (c).

FISCAL IMPACT:

There are no matching funds required to receive TDA funds. Although at the time of grant application staff estimated the project would cost \$150,000, the project is more likely to cost under \$110,000. The project has an approved budget of \$10,000 in fiscal year 2016-2017, and \$100,000 was the forecasted budget for the following fiscal year. The Town has applied for \$100,000 in TDA funds for allocation in fiscal year 2016-2017. If the project costs over \$110,000, the Miscellaneous Street Repairs Capital Projects (Project Nos. 15-809 and 15-811) have a total of \$40,000 available budget in fiscal year 2016-2017.

BACKGROUND/DISCUSSION:

The existing pathway along the east side of Redwood Highway from Tamalpais Drive/ San Clemente to Wornum Drive provides access and connection for bicycles and pedestrians to the trail along San Clemente Drive from Paradise Drive to Tamalpais Drive, at its south end. It connects with the future North South Greenway Bicycle Pathway Gap Closure Project at its north end. All three pathways are part of the San Francisco Bay Trail. The path along Redwood Highway is 3,940 feet in length and is consistently eight feet wide. It is currently in poor condition. It has pavement worn to the base rock, deep cracks, damaged bender board, and uplifted pavement from tree roots.

The Redwood Highway Multi-use Pathway Repaving Project will rehabilitate the pathway along the east side of Redwood Highway in Corte Madera by removing tree roots, grinding the paving, overlaying it with new asphalt, and installing a new header board. This project was included in the 2015-2017 Capital Budget and Program. Staff applied for TDA funds for the pathway project in the amount of \$100,000 with the Transportation Authority of Marin (TAM) OBAG (One Bay Area Grant Program) Call for Projects on May 6, 2016.

At their regular meeting on July 28, 2016, the TAM Board recommended that MTC allocate \$100,000 in funds for the pathway project. For the project to be eligible for TDA funds, MTC requires that the Town Council approve a resolution requesting allocation for the funds. The draft resolution is attached as Attachment I.

CONCLUSION:

It is recommended that the Town Council review the attached draft Town of Corte Madera Resolution Requesting to the MTC for the Allocation of Fiscal Year 2016-2017 Transportation Development Act (TDA) Article 3 Pedestrian/ Bicycle Project Funding, provide staff with comments and/or edits, if any, and adopt the Resolution.

ATTACHMENTS:

1. Draft Resolution including Exhibits A and B

cc: Scott McDonald, TAM
David Chan, TAM

ATTACHMENT I

DRAFT RESOLUTION

RESOLUTION NO. 33/2016

A RESOLUTION OF THE TOWN OF CORTE MADERA OF MARIN COUNTY REQUESTING TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2016-2017 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/ BICYCLE PROJECT FUNDING



WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists;

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No.4108, entitled “Transportation Development Act, Article 3, Pedestrian and Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of “TDA Article 3” funding;

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the Town of Corte Madera desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Exhibit B to this resolution, which are for the exclusive benefit and use of pedestrians and bicyclists.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Corte Madera, State of California, as follows:

1. The Town of Corte Madera declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.
2. There is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit B to this resolution, or that might impair the ability of the Town of Corte Madera to carry out the project.
3. The project has been reviewed by the Bicycle and Pedestrian Advisory Committee (BPAC) of Town of Corte Madera.
4. The Town of Corte Madera attests to the accuracy of and approves the statements in Exhibit A to this resolution.
5. A certified copy of this resolution and its exhibits, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may

be, of Marin County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.



I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Town Council of the Town of Corte Madera at a regular meeting thereof held on the 20th day of September, 2016, by the following vote:

Ayes, and in favor thereof, Council Members:

Noes, Council Members:

Abstain, Council Members:

Absent, Council Members:

Dated: September 20, 2016

ATTEST:

Rebecca Vaughn, Town Clerk

APPROVED:

Sloan C. Bailey, Mayor

RESOLUTION NO. 33/2016

Exhibit A

Re: A RESOLUTION OF THE TOWN OF CORTE MADERA OF MARIN COUNTY REQUESTING TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2016-2017 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/ BICYCLE PROJECT FUNDING.

Findings

1. That the Town of Corte Madera is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the Town of Corte Madera legally impeded from undertaking the project described in "Exhibit B" of this resolution.
2. That the Town of Corte Madera has committed adequate staffing resources to complete the project(s) described in Exhibit B.
3. A review of the project described in Exhibit B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project.
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Exhibit B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Exhibit B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description of the project in Exhibit B, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in Exhibit B are for maintenance of a Class I bikeway which is closed to motorized traffic, and an allocation of TDA Article 3 funding for such a plan has not been received by the Town of Corte Madera within the prior five fiscal years.
8. That the project described in Exhibit B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Exhibit B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in Exhibit B will be completed before the funds expire.
11. That the Town of Corte Madera agrees to maintain, or provide for the maintenance of, the project and facilities described in Exhibit B, for the benefit of and use by the public.

Resolution No. 33/2016

Exhibit B

TDA Article 3 Project Application Form

Fiscal Year of this Claim: Fiscal Year 2016/ 2017 Applicant: Town of Corte Madera

Contact person: Nisha Patel

Mailing Address: 300 Tamalpais Drive, Corte Madera, CA 94925

E-Mail Address: npatel@tcmmail.org Telephone: (415)927-5120

Secondary Contact (in event primary not available) David Bracken

E-Mail Address: dbracken@tcmmail.org Telephone: (415)927-5068

Short Title Description of Project: Redwood Highway Multi-use Path Repaving Project

Amount of claim: \$100,000

Functional Description of Project:
 Repave existing asphalt multi-use Class 1 pathway along the east side of Redwood Highway from San Clemente/ Tamalpais Drive to Wornum Drive by grinding and overlaying.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: Grind and overlay of existing asphalt, replace damaged header board, and root trimming of some areas.

| Funding Source | All Prior FYs | Application FY | Next FY | Following FYs | Totals |
|-------------------------|---------------|----------------|---------|---------------|-----------|
| TDA Article 3 | | \$100,000 | | | \$100,000 |
| list all other sources: | | | | | |
| 1. CM Sales Tax | | \$50,000 | | | \$50,000 |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| Totals | | | | | |

| Project Eligibility: | YES?/NO? |
|--|----------|
| A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated). | yes |
| B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page. | no |
| C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov). | yes |
| D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: multiple meetings in 2015 and 2016, and ongoing _____ | yes |
| E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction). NOE was filed with the County Clerk | yes |
| F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____ | yes |
| G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____) | yes |



TOWN MANAGER

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 14, 2016
MEETING DATE: September 20, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL

FROM: NISHA PATEL, SENIOR CIVIL ENGINEER
SCOTT SHURTZ, ACTING FIRE CHIEF

SUBJECT: APPROVE AN APPROPRIATION FOR PURCHASE AND INSTALLATION OF
EMTRAC EQUIPMENT AND SIGNAL SYNCHRONIZATION

* * * * *

PURPOSE:

Installation of the EMTRAC system at 8 of the 16 signalized intersections within the Town limits and in 4 Corte Madera Fire Department vehicles will allow the Town to move towards this new technology emergency pre-emption system. Emergency pre-emption systems reduce emergency service response time. Fully analyzed signal synchronization along the Tamalpais Drive/ Redwood Highway corridor and the Tamal Vista Boulevard/ Wornum Drive corridor will reduce travel times and delays.

STAFF RECOMMENDATION:

By motion approve a \$70,000 appropriation for purchase and installation of EMTRAC equipment at 8 signalized intersections within the Tamalpais Drive/ Redwood Highway corridor and in 4 Corte Madera Fire Department vehicles, and for performing signal synchronization along the Tamalpais Drive/ Redwood Highway corridor and the Tamal Vista Boulevard/ Wornum Drive corridor.

OPTIONS:

1. Approve an appropriation in the amount of \$70,000.
2. Do not approve an appropriation, and provide staff an alternative direction in which to proceed.

DISTRICT MANAGER'S RECOMMENDATION:

Support staff's recommendation.

GOVERNING POLICIES:

Action on this item is consistent with the implementing policies found in Section 4.5 "Goals, Policies, and Implementation Programs for Circulation", of the General Plan.

ENVIRONMENTAL IMPACT:

Pursuant to preliminary review of the project in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, this project is Categorically Exempt (Class 2, Replacement of Reconstruction) per Article 19, Section 15302 (c).

FISCAL IMPACT:

This project was not included in the Fiscal Year 2015-2017 Capital Improvement Budget. The Town was awarded a grant for consultant costs for signal synchronization through Metropolitan Transportation Commission (MTC). The consultant costs (including GPS clocks) are \$44,700 of which the Town is required to contribute 20%; the Town will be required to pay \$8,940. MTC will directly pay their share of consultant costs. The costs for the projects are provided below.

| | |
|--|--------------|
| EMTRAC Intersection Equipment | \$28,000 |
| EMTRAC Intersection Equipment Installation | 8,000 |
| EMTRAC Programming | 2,500 |
| EMTRAC Vehicle Equipment | 13,600 |
| Signal Synchronization Town match | 8,940 |
| GPS Clock Installation | 2,700 |
| Timing Updates | 2,700 |
| Subtotal | 66,440 |
| Contingency (5.4%) | <u>3,560</u> |
| Total (appropriation request) | \$70,000 |

BACKGROUND:

Signal Synchronization

Tamalpais Drive from Madera Boulevard to the south driveway entrance to the Village at Corte Madera experiences heavy delays and congestion for the eastbound and westbound directions during the morning and evening peaks. Traffic is also very heavy and congested along this corridor during holidays and weekends due to the increase in shopping activities at each of the shopping centers, The Village and the Town Center.

Tamal Vista Drive from Fifer Drive to Wornum Drive, continuing east to Redwood Highway is the most heavily congested corridor in the Town. The nearby off-ramp for the southbound Highway 101 at Lucky Drive/ Fifer Drive can easily back-up onto the freeway, causing significant delays to traffic on the southbound Highway 101, as well as cars entering Highway 101 from Sir Francis Drake Blvd (the largest main arterial in Marin County).

Improvements to signal synchronization of the corridor of Tamalpais Drive from Madera Boulevard to the south driveway entrance of The Village shopping center, and synchronization of the Tamal Vista Boulevard corridor from Fifer Drive to Wornum Drive continuing east to Redwood Highway will improve air quality through decreased motor vehicle emissions and fuel

consumption by reducing travel times and delays, and improve the reliability and predictability of travel along arterials. Mobility issues during school start and end times currently exist and will be addressed. The coordinated timing will also improve the safety of motorists, pedestrians, and bicyclists because coordination plans that promote uniform travel speeds could reduce rear-end collisions. Any improvements that can be implemented to reduce congestion and improve air quality will benefit Town residents.

Staff applied for a Program for Signal Synchronization (PASS) Grant for consultant services for signal synchronization of three corridors in Town in May 2016. The Town was awarded funding for two corridors, Tamalpais/ Redwood Highway and Tamal Vista Boulevard/ Wornum Drive, to include the following intersections.

Tamalpais Drive/ Redwood Highway

Redwood Highway and south driveway of The Village at Corte Madera
Tamalpais Drive and south driveway of the Town Center
Tamalpais Drive and Redwood Highway/ San Clemente Drive
Tamalpais Drive and Madera Avenue/ Sanford Street
Tamalpais Drive and Highway 101 northbound off-ramp
Tamalpais Drive and Highway 101 southbound off-ramp

Tamal Vista Boulevard/ Wornum Drive

Redwood Highway and Wornum Drive
Tamal Vista Boulevard and Wornum Drive
Tamal Vista Boulevard and Fifer Avenue

Kimley-Horn is the consultant that MTC assigned to the Town. Their consultant services include, in summary, hose counts, intersection traffic counts, floating vehicle time and delay studies, existing signal timing review, installation of GPS clocks, new coordinated signal timings with Synchro modeling software, and setting review for new emergency vehicle pre-emption. The detailed scope, schedule, and budget for the PASS signal timing is provided as Attachment I. Earlier this year, the Town retained Kimley-Horn to provide updated minimum yellow and green, and “don’t walk” timing per current MUTCD and Caltrans standards for all of the signalized intersections in Town. They are familiar with our traffic signal system which will provide a more efficiently developed and accurate analysis. Kimley-Horn started work on the signal synchronization project in mid-August. They will complete the recommendations report in December 2016. We will be ready to implement the coordinated timing with our traffic signal consultant in February 2017. By May 2017, we will have a final project report with cost-benefit analysis and revised final coordinated timing implemented in the field.

Emergency Vehicle Pre-emption

A traffic signal pre-emption system controls the traffic signals to allow emergency vehicles with a transmitter to pass through the controlled intersection with a green light, stopping other traffic to give a clear path.

The Town has had the Opticom traffic signal pre-emption system at all our signalized intersection and in the Corte Madera Fire Department vehicles since the 1980’s. The Opticom system is optical (light) based, and is subject to high maintenance and adjustment on an ongoing basis. The technology is out of date.

As you know, the Fire Departments of the City of Larkspur and Town of Corte Madera have

joined. But, the City of Larkspur has the EMTRAC system at the intersections it has emergency pre-emption. The Larkspur Fire Department vehicles have the Opticom and the EMTRAC equipment in their vehicles so that they can control the signals within Corte Madera and Larkspur. The County of Marin Fire Department has the EMTRAC pre-emption system in place, and they have adopted that as their standard specification for new or existing signals.

The proposed EMTRAC system is GPS/ radio frequency based and not subject to the same periodic damage and adjustment requirements as the Opticom system. It is state of the art and best practice technology. With the Opticom system, the emitter light in the vehicle has to be in full view by the sensor/ detector light on the traffic signal arm. For instance, if it is blocked by trees or a semi-truck, the pre-emption will not work. With the EMTRAC system, the pre-emption will work if the Fire Department vehicle is not directly pointing in the direction of the equipment at the intersection. The vehicle could be approaching a corner, but the equipment at the intersection would already engage based on the Fire Department vehicle location. The Town of Corte Madera is proposing to install the EMTRAC system at the intersections of Redwood Highway and south driveway (The Village Shopping Center), Tamalpais Drive and south driveway (Town Center), Tamalpais Drive and Redwood Highway/ San Clemente Drive, Tamalpais Drive and Madera Avenue/ Sanford Street, Tamalpais Drive and Eastman Avenue, Tamalpais Drive/ Redwood Avenue and Corte Madera Avenue, Tamalpais Drive & southbound 101 freeway off ramp, Tamalpais Dr. & northbound 101 freeway off ramp.

Emergency vehicle pre-emption allows for improved response times for our emergency units and those of neighboring agencies (with the same system) who regularly respond to Corte Madera. The EMTRAC system will allow for greater accuracy in control over the traffic signals, and Corte Madera Fire vehicles will also be able to control the City of Larkspur signals (with emergency vehicle pre-emption) as well as those in unincorporated Marin County within Larkspur, such as Sir Francis Drake Blvd. This will allow better response time to transport Corte Madera Fire Ambulance patients to Marin General Hospital.

Town staff recommends approving the adjustment to the adopted FY 2016-17 Capital Budget to appropriate funds in the amount of \$70,000 from the Town of Corte Madera Sales Tax Override Fund for EMTRAC equipment and installation, and signal synchronization consultant services.

ATTACHMENTS:

- I. Kimley-Horn 2016/17 PASS Signal Timing Project (Scope, Schedule, and Budget)
- II. Quotes for EMTRAC Equipment and Installation

ATTACHMENT I

**Kimley-Horn 2016/17 PASS Signal Timing Project
Scope, Schedule, and Budget**



PROGRAM FOR ARTERIAL SYSTEM SYNCHRONIZATION

TOWN OF CORTE MADERA 2016/17 PASS SIGNAL TIMING PROJECT

Deliverable 1B: Final Scope, Schedule, and Budget (SSB)

August 24, 2016

Prepared for:



Prepared by: Kimley»»Horn

Project Understanding

The Town of Corte Madera, in conjunction with Caltrans, received a Program for Arterial System Synchronization (PASS) grant from the Metropolitan Transportation Commission (MTC) to conduct a signal timing study for nine (9) traffic signals on three corridors, Tamalpais Drive-Redwood Highway, Tamal Vista Boulevard, and Wornum Drive. The goal of the project is to conduct timing analysis and develop and implement signal coordination plans for the weekday AM, midday, and PM peak periods at all project intersections and two weekend peak periods for the signals on Tamalpais Drive-Redwood Highway. The project includes six (6) traffic signals on Tamalpais Drive-Redwood Highway, two (2) traffic signals on Tamal Vista Boulevard, and one (1) signal at Wornum Drive/Redwood Highway. Seven (7) of the signals are owned and operated by the Town while two of the signals are owned and operated by Caltrans. **Table 1** summarizes the project intersections, the intersection ownership, and the scope of work for each.

Table 1: Project Intersections

| Intersection No. | Main Street | Cross Street | Signal Ownership | Controller Type | Services |
|---|----------------------------|--------------------------|------------------|-----------------|----------|
| Tamalpais Drive Traffic Signals (6 signals) | | | | | |
| 1 | Tamalpais Drive | Madera Blvd./Sanford St. | Town | 170 | A, B, C |
| 2 | Tamalpais Drive | South Driveway | Town | 170E | A, B, C |
| 3 | Tamalpais Drive | U.S. 101 SB Ramps | Caltrans | 170E | A, B, C |
| 4 | Tamalpais Drive | U.S. 101 NB Ramps | Caltrans | 170E | A, B, C |
| 5 | Tamalpais Dr.-Redwood Hwy. | San Clemente Drive | Town | 170E | A, B, C |
| 6 | Redwood Highway | South Driveway | Town | 170E | A, B, C |
| Tamal Vista Blvd. & Wornum Drive Traffic Signals (3 signals) | | | | | |
| 7 | Tamal Vista Blvd. | Fifer Avenue | Town | 170E | A, C |
| 8 | Tamal Vista Blvd. | Wornum Drive | Town | 170 | A, C |
| 9 | Wornum Drive | Redwood Highway | Town | 170E | A, C |

Notes:

A – Prepare Weekday AM, Midday, and PM peak plans (Standard Scope of Work)

B – Prepare two Weekend plans (Standard Scope of Work)

C – GPS clock to be furnished by MTC and installed by Town/Caltrans

There is currently no interconnect between the project intersections. As a result, installation of GPS clocks is required for time-based coordination, with GPS clocks to be installed at all nine (9) of the intersections as part of the project. The Town signals have 170/170E controllers with BI Tran (McCain) 200 and 233 firmware and the Caltrans signals have 170E controllers with Caltrans local C8 firmware. Field implementation of the timing is required at all the project intersections.

Scope of Services

The Scope of Services for the project will be conducted in accordance to the Standard Scope of Work for the PASS Consultants and based on discussions with the Agencies involved in the project. The PASS Standard Scope of Work is attached in the **Appendix A1**.

The following sections (Tasks 1 through 4) outline additions, clarifications, and/or deletions only to the Standard Scope of Work.

Task 1 - Project Kick-off

No changes or clarifications to the Standard Scope of Work for this task. A copy of the sign-in sheet from the project Kick-off Meeting showing project contacts is attached in the **Appendix A2**.

Task 2 – Analysis of Existing Conditions

Task 2.1 – Data Collection and field reviews

Intersection phasing and signal timing sheets have been provided by the Town. Corridorwide collision records for the past three (3) years have been requested and will be provided by the Town. Kimley-Horn will request and collect current timing sheets from Caltrans for their intersections.

Weekday turning movement counts, including vehicular, pedestrian, and bicycle counts, will be collected at the nine (9) projects intersections. Turning movement counts will be collected for six (6) hours during the following times, which were selected based on review of historic daily traffic count data:

Tamalpais Drive-Redwood Highway Signals (6 intersections):

- AM Peak 7:30 AM to 9:30 AM
- Midday Peak 11:00 AM to 1:00 PM
- PM Peak 4:00 PM to 6:00 PM

Tamal Vista Boulevard & Wornum Drive Signals (3 intersections):

- AM Peak 7:00 AM to 9:00 AM
- Afternoon Peak 1:30 PM to 3:30 PM
- PM Peak 4:00 PM to 6:00 PM

In addition, weekend turning movement counts, including vehicular, pedestrian, and bicycle counts, will be collected at the six (6) intersections on Tamalpais Drive as shown in **Table 1**. Turning movement counts will be collected for four (4) hours during the following times, which were selected based on review of historic daily count traffic data:

- Saturday Peak 11:00 PM to 1:00 PM
- Saturday Off-Peak 4:00 PM to 6:00 PM

Weekday turning movement counts will be collected on a Tuesday, Wednesday, or Thursday. Weekend turning movement counts will be collected on one Saturday. Traffic counts will not be collected on holidays or during abnormal weather conditions, on school breaks or periods of construction.

In addition, 24-hour tube counts will be collected for seven (7) consecutive days at the following four (4) locations to understand daily and weekly trends:

1. **Tamalpais Drive** east of Madera Boulevard
2. **Tamalpais Drive** west of San Clemente Drive
3. **Tamal Vista Boulevard** between Fifer Avenue and Wornum Drive
4. **Wornum Drive** east of Tamal Vista Boulevard

“Before” and “After” floating vehicle travel time and delay studies will be completed in both directions on each of the project corridors between the following limits, or along the following path:

- **Tamalpais Drive-Redwood Highway** between Madera Boulevard and South Driveway (Village Shopping Center)
- **Tamal Vista Boulevard-Wornum Drive Route**
 - Travelling Southbound/Eastbound: Southbound on Tamal Vista Boulevard from Fifer Avenue, left onto Wornum Drive, eastbound on Wornum Drive to Redwood Highway, and left onto northbound Redwood Highway.
 - Travelling Westbound/Northbound: Southbound right onto Wornum Drive from Redwood Highway, westbound on Wornum Drive to Tamal Vista Boulevard, right onto northbound Tamal Vista Boulevard, and northbound Tamal Vista Boulevard to Fifer Avenue.

Travel time runs will be conducted during the time periods at which coordination will be developed.

Task 2.2.1 – Review of Actuated Settings

Signal timing, including pedestrian clearances and minimum green time for bicycles, will be reviewed in accordance with the current California MUTCD and Town and Caltrans standards. Standards to be used for review clearance intervals and other agency timing preferences to be used in the study are as follows:

- The Town and Caltrans will allow lead/lag operation, as applicable, if a significant benefit to operation can be demonstrated.
- Pedestrian Clearance Intervals (Flashing Don't Walk or FDW) for the Town signals were updated previously by Kimley-Horn with a Town project. Kimley-Horn will do a brief check of the pedestrian clearance intervals to verify conformance with current standards.
- Pedestrian Clearance Intervals (Flashing Don't Walk or FDW) for the Caltrans signals will be reviewed based on the following methodology:

$$FDW \text{ (sec)} = \frac{\text{Curb-to-curb distance at center of crosswalk}}{3.5 \frac{\text{ft}}{\text{s}} \text{ walking time}}$$

- Yellow intervals for the Town signals were updated previously by Kimley-Horn with a Town project. Yellow intervals for the Caltrans signals will be reviewed based on the following methodology, as highlighted in **Tables 2 and 3**, which is based on the California MUTCD guidance:

Table 2: Minimum Yellow Clearance - Based on 85th Percentile Speed

| Approach Speed – 85 th Percentile (mph) | Yellow Interval (seconds) |
|--|---------------------------|
| 25 or less | 3.0 |
| 30 | 3.2 |
| 35 | 3.6 |
| 40 | 3.9 |
| 45 | 4.3 |

Table 3: Minimum Yellow Clearance - Based on Posted Speed

| Approach Speed – Posted (mph) | Yellow Interval (seconds) |
|-------------------------------|---------------------------|
| 15 | 3.0 |
| 20 | 3.2 |
| 25 | 3.6 |
| 30 | 3.7 |
| 35 | 4.1 |
| 40 | 4.4 |
| 45 | 4.8 |

- Minimum greens for bicycle crossing for the Caltrans signals will be reviewed based on the following methodology for movements with bike lanes, routes, or detection:

$$G_{\min} + Y + R_{\text{clear}} \geq 6\text{sec} + \frac{W + 6\text{ft}}{14.7 \frac{\text{ft}}{\text{sec}}}$$

G_{\min} = Length of minimum green interval (sec)

Y = Length of yellow interval (sec)

R_{clear} = Length of red clearance interval (sec)

W = Distance from limit line to far side of last conflicting lane (ft)

Task 2.2.4 – Signal Coordination Optimization Software

The Synchro modeling software (version 8.0) will be used for the development of coordinated signal timings for the project.

Task 3 – Development of Recommendations

Kimley-Horn will submit a summary of preliminary recommended signal groupings and cycle lengths, including existing versus proposed performance measures, for review prior to development of the draft signal timing plans and Recommendations Report. This will allow the Town and Caltrans to review the proposed cycle lengths prior to conducting the detailed timing analysis. Kimley-Horn will meet with the Town to review and discuss the preliminary signal grouping and cycle lengths.

The Town is planning on installing emergency vehicle pre-emption (EMTRAC) at the project intersections. Kimley-Horn will conduct a review of the settings for emergency vehicle pre-emption and include recommended settings in the Recommendations Report.

Task 4 – Implementation and Evaluation

Kimley-Horn will provide marked-up signal timing sheets to the Town and Caltrans and will assist with implementation of the timing. The marked-up signal timing sheets will include only the recommended changes (i.e. coordination parameters, changes to initial timings, etc.).

Schedule

Kimley-Horn will provide the services in accordance with the schedule outlined in **Table 4**. The schedule is based on the assumption that traffic data and the review of deliverables will be provided in a timely manner and in general accordance with the schedule.

Table 4: Project Schedule

| Task | Estimated Completion Date |
|---|---|
| Del. 1A: Draft Scope, Schedule, and Budget | August 11 th , 2016 |
| Agency Review | August 19 th , 2016 |
| Del. 1B: Final Scope, Schedule, and Budget | August 24 th , 2016 |
| Data Collection and Field Review | September 24 th , 2016 |
| Del. 2A: Draft Existing Conditions Report, including existing converted timing sheets | October 7 th , 2016 |
| Agency Review (2 weeks) | October 21 st , 2016 |
| Del. 2B: Final Existing Conditions Report, including computer models with existing timings | October 28 th , 2016 |
| Signal Grouping and Cycle Lengths | November 18 th , 2016 |
| Agency Review (2 weeks) | December 2 nd , 2016 |
| Del. 3A: Draft Recommendations Report | December 16 th , 2016 |
| Agency Review (4 weeks) | January 13 th , 2017 |
| Del. 3B: Revised Recommendations Report, including computer models with recommended timings | January 27 th , 2017 |
| Preliminary Implementation and Fine-tuning | Initiate February 7 th , 2017 |
| Del. 4A: Draft Project Report with Benefit-cost Analysis, including the computer models | March 24 th , 2017 |
| Agency Review (3 weeks) | April 14 th , 2017 |
| Del. 4B: Final Project Report with Benefit-cost Analysis, including the computer models | May 5 th , 2017 |

Estimated Level of Effort

Table 5 summarizes the estimated level of effort for the standard scope of services, which includes development and implementation of signal coordination plans during the weekday AM, midday, and PM peak periods (3 plans) for all nine (9) project traffic signals and weekend peak periods (2 plans) for the six (6) traffic signals on Tamalpais Drive-Redwood Highway.

Table 5: Estimated Level of Effort Summary

| Task | Hours by Staff | | | | Total |
|-------------------------------------|----------------|-----------|------------|----------|------------|
| | Sr. Prof. | Prof. II | Analyst | Admin | |
| 1 – Project Kick-off | 4 | 1 | 2 | 2 | 9 |
| 2 – Analysis of Existing Conditions | 4 | 16 | 48 | 2 | 70 |
| 3 – Development of Recommendations | 8 | 12 | 24 | 2 | 46 |
| 4 – Implementation and Evaluation | 24 | 4 | 32 | 1 | 61 |
| Total Hours | 40 | 33 | 106 | 7 | 186 |

Project Budget

Timing plans will be developed for the Weekday AM, midday, and PM peak periods (3 scenarios) at all nine (9) project traffic signals and for the Weekend Peak (2 scenarios) at six (6) project intersections, all of which require field implementation. Based on the PASS standard fees, the fees for signals that require field implementation is \$2,800 per intersection for 3 scenarios and \$2,500 per intersection for 2 scenarios. **Table 6** outlines the project budget, including the base budgets for both weekday and weekend timing development.

In addition, the project includes nine GPS clocks at \$500 each, for a total cost of \$4,500.

Table 6: Project Budget

| Services | No. of Signals | Unit Cost | Total |
|---|----------------|-----------|-----------------|
| Base Budget (Weekday): Traffic Signals with Field Implementation for 3 scenarios (Weekday AM, midday, PM) | 9 | \$2,800 | \$25,200 |
| Base Budget (Weekend): Traffic Signals with Field Implementation for 2 scenarios (Weekend Peak and Off-peak) | 6 | \$2,500 | \$15,000 |
| TOTAL | | | \$40,200 |

Table 7 shows the payment amounts for each deliverable or milestone based on the standard percentages per deliverable or milestone.

Table 7: Payment Summary

| Deliverable # | Deliverable Description | Amount Due |
|----------------------|--|-----------------------|
| 1A | Draft Scope, Schedule, and Budget | \$2,010 (5%) |
| | Base Budget (Weekday) | \$1,260 |
| | Base Budget (Weekend) | \$750 |
| 1B | Final Scope, Schedule, and Budget (SSB) | \$2,010 (5%) |
| | Base Budget (Weekday) | \$1,260 |
| | Base Budget (Weekend) | \$750 |
| 2A | Draft Existing Conditions Report | \$12,060 (30%) |
| | Base Budget (Weekday) | \$7,560 |
| | Base Budget (Weekend) | \$4,500 |
| 2B | Final Existing Conditions Report | \$4,020 (10%) |
| | Base Budget (Weekday) | \$2,520 |
| | Base Budget (Weekend) | \$1,500 |
| 3A | Draft Recommendations Report | \$6,030 (15%) |
| | Base Budget (Weekday) | \$3,780 |
| | Base Budget (Weekend) | \$2,250 |
| 3B | Revised Recommendations Report | \$4,020 (10%) |
| | Base Budget (Weekday) | \$2,520 |
| | Base Budget (Weekend) | \$1,500 |
| 4 | Preliminary Implementation and Fine-tuning | \$6,030 (15%) |
| | Base Budget (Weekday) | \$3,780 |
| | Base Budget (Weekend) | \$2,250 |
| 4A | Draft Project Report with Benefit-Cost Analysis | \$2,010 (5%) |
| | Base Budget (Weekday) | \$1,260 |
| | Base Budget (Weekend) | \$750 |
| 4B | Final Project Report with Benefit-Cost Analysis | \$2,010 (5%) |
| | Base Budget (Weekday) | \$1,260 |
| | Base Budget (Weekend) | \$750 |

APPENDIX

A1: Standard Scope of Work

ATTACHMENT A1
Scope of Work

The services to be performed by Consultant shall consist of services requested by the MTC Project Manager or a designated representative. At the beginning of each annual project cycle, all selected Consultant shall meet with the MTC Project Manager to discuss various aspects of the PASS, such as program guidelines, logistics, services, invoices, communication preferences, etc. Caltrans staff will also participate in this meeting to discuss their signal timing preferences, if applicable. The electronic files of all project deliverables shall be clearly named and dated. The project administration guidelines applicable to the particular Cycle of PASS projects shall be reviewed and discussed at this meeting. The standard scope of work, schedule and budget for a typical PASS project includes, but is not limited to, the following:

1. Project Kick-off

- 1.1. Consultant shall coordinate a kick-off meeting with the project sponsors, and MTC Project Manager or designated representative. This meeting will help to understand the roles and responsibilities of each stakeholder; establish communication channels; discuss the deliverable review preferences for each stakeholder; discuss in detail the scope of work, schedule, and budget; understand the needs and requirements of all stakeholders; gather available data and information; and obtain a thorough understanding of the goals of the project.
- 1.2. Consultant shall have the opportunity to discuss with the project sponsors and other stakeholders their preferences for signal timing, cycle length preferences, status of corridor equipment, anticipated construction activities, any helpful “do’s and don’ts, and other project related information.
- 1.3. Consultant shall prepare the *Deliverable 1A: Draft Scope of Work, Schedule and Budget report* for review by the project sponsors and the MTC Project Manager. This report shall include all the details discussed in the kick-off meeting. Consultant shall address all of the comments received and submit a revised report to the MTC Project Manager for final approval. The approved version will be considered the *Deliverable 1B: Final Scope of Work, Schedule, and Budget (SSB)* for the project.
- 1.4. Consultant shall revise the SSB if any significant changes are required or requested in the approved version during any stage of the project. The revised version shall include the nature and details on all of the changes with a revised date and title. Consultant may also be asked to perform any additional services described in detail in Task 5: *Additional Services* at any stage of the project.

| | |
|------------------------|--|
| Deliverable 1A: | Draft Scope of Work, Schedule, and Budget |
| Deliverable 1B: | Final Scope of Work, Schedule, and Budget (SSB) |

2. Analysis of Existing Conditions

Consultant shall collect and analyze all the data necessary to thoroughly understand existing traffic conditions in the project corridors. This stage of the project includes data collection and analysis, thorough field observations, input from signal maintenance staff, contractors, vendors, etc. regarding any pertinent issues in the project corridors. The purpose of this task is to help the project sponsors and other stakeholders understand the current traffic conditions in the project corridors, such as traffic patterns, volumes, peak hours, bottlenecks, collision history, hot spots, etc.

2.1. Data Collection and field reviews – Consultant shall collect all the data as listed in Deliverable 1B: Final Scope of Work, Schedule and Budget (SSB).

- 2.1.1. Consultant shall collect existing timing sheets, coordination plans, traffic signal as-built drawings, aerial photos and maps, corridor and intersection collision data for three years, Synchro and other computer models and data, if available, from the project sponsors and other stakeholders.
- 2.1.2. Consultant shall conduct peak period turning movement counts at all study intersections, including pedestrian and bicycle counts, and seven-day 24-hour machine counts (ADT Counts) with vehicle classifications at strategic locations to determine periods of coordination. All counts shall be taken during times and days that are representative of the times and days for which coordination plans shall be developed. No counts shall be taken during the weeks with holidays or school breaks, or on the days where the typical traffic patterns are impacted by construction activity, major incidents, adverse weather conditions, etc.
- 2.1.3. Consultant shall collect turning movement counts along with bicycle and pedestrian counts, using video data collection technologies. MTC prefers this method, as the videos help to review any data collection errors, if needed. Consultant shall provide access to the raw counts, videos, formatted data, via an FTP site or other web-portals approved by all of the stakeholders. Other data collection methods shall be considered based on the preference of the project sponsor or if video data collection is not feasible. Consultant shall take all the steps possible to provide the data to the project sponsors in any or all formats, such as PDF, MS Excel and/or Synchro computer models.
- 2.1.4. Consultant or their authorized subcontractors' costs for collecting the turning movement counts, with bicycle and pedestrian counts at all project intersections, is included in the project budget per intersection. The ADT or the seven-day 24-hour machine counts are included in the project costs, at the rate of one ADT count for every four project signals. Any additional counts have to be approved by MTC, and billed at a negotiated rate.

- 2.1.5. Consultant shall provide the MTC Project Manager electronic files of all turning movement counts, bicycle and pedestrian counts, ADT counts, collision data, all developed Synchro models, controller and cabinet photos, and any other project related data when requested or at the end of the project, whichever is earliest.
 - 2.1.6. Consultant shall conduct thorough field reviews at all study intersections and street segments to verify lane geometry, speed limits, storage lengths, signal phasing, distances between intersections, and crosswalk lengths, even if the information is available through other sources, such as aerial photos and speed surveys. Consultant shall conduct extensive field reviews at key intersections to measure queue lengths and saturation flows for heavy movements with input from project sponsors.
 - 2.1.7. Consultant shall conduct the “before” travel time data, including the number of stops, during times and days that are representative of the times and days for which coordination plans shall be developed. Consultant shall conduct as many runs as possible within the coordination period, but at least a minimum of four runs shall be conducted for each direction for each peak period. Consultant shall conduct these studies using the floating car method or any method approved by the project sponsors.
 - 2.1.8. Consultant shall verify signal coordination and transit priority capabilities of existing equipment and communications infrastructure. Consultant shall take digital photos of the controller cabinet and the contents of the controller cabinet, at all project locations, unless waived by the project sponsors or MTC.
- 2.2. Analysis of Existing Conditions – Consultant shall analyze the data obtained from Task 2.1 as follows:
- 2.2.1. Consultant shall review initial and actuated settings for each study intersection to identify opportunities to minimize delay during non-coordination periods and enhance pedestrian and bicyclist safety. The analysis shall include, but not be limited to, review of minimum and maximum green settings; yellow and red times; pedestrian timing; and gap, extension, and reduction settings.
 - 2.2.2. Consultant shall analyze the intersection and corridor-wide collision data for at least three years of available data. This data shall be summarized and evaluated to identify any signal timing practices that may help reduce similar potential incidents in the future.
 - 2.2.3. Consultant shall analyze the typical traffic patterns during the peak periods for which coordination plans shall be developed. Consultant shall note factors that generally affect signal progression including, but not limited to: intersections with high pedestrian or bicyclist volumes; over-saturated intersections; uneven lane distribution; high volumes of trucks and buses; and presence and location of bus stops.

- 2.2.4. Consultant shall develop models for each peak period project corridors and calibrate the model based on travel time and delay studies, and field observations of queue lengths and saturation flows for heavy movements at key intersections. Consultant shall use the modeling software as per directions from the project sponsors.
- 2.2.5. Consultant shall summarize the results of the existing conditions analyses in *Deliverable 2A: Draft Existing Conditions Report* for review by the project sponsors and MTC Project Manager. At a minimum, the report shall include the following: project description; project map showing the intersections and services; analysis from the counts; field verification results of the controllers and their communication capabilities; factors that are expected to affect progression; and model calibration results.
- 2.2.6. Consultant shall meet with the project sponsors to discuss the results of the existing conditions analyses and field observations. Consultant shall revise the report after addressing the comments received from the project sponsors. Consultant shall submit a *Response to Comments Report* addressing all the comments/concerns received from all stakeholders, while submitting the *Deliverable 2B: Final Existing Conditions Report* for approval.

| | |
|------------------------|--|
| Deliverable 2A: | Draft Existing Conditions Report |
| Deliverable 2B: | Final Existing Conditions Report, including the Response to Comments Report |

3. Development of Recommendations

This stage of the project involves the following tasks and deliverables:

- 3.1. Consultant shall develop the optimal time-of-day coordination plans after analyzing the signal grouping; phasing and phase sequence, including conditional service; cycle lengths, splits, offsets; collision diagrams/data and other available data. The Consultant shall meet with the project sponsors or submit an interim deliverable to discuss and agree on the preliminary signal grouping and cycle lengths.
- 3.2. Consultant shall develop recommendations of optimal initial and actuated settings; time-of-day coordination plans and hours of coordinated operation; and transit signal priority plans and hours of operation, if applicable.
- 3.3. Consultant shall summarize recommendations in the *Deliverable 3A: Draft Recommendations Report*. The report shall also include a comparison of existing and proposed timings, the justifications for the recommended changes, and a description of the expected improvements.

- 3.4. Consultant shall follow the applicable state and federal standards in making these recommendations. Any exceptions need to be discussed in detail with the project sponsors and the MTC Project Manager.
- 3.5. Consultant shall meet with the project sponsors to discuss the proposed recommendations, justifications and anticipated improvements. Consultant shall revise the report after addressing the comments received from the project sponsors. Consultant shall submit a *Response to Comments Report* addressing all the comments/concerns received from all stakeholders, while submitting the *Deliverable 3B: Revised Recommendations Report* for approval.

| | |
|------------------------|--|
| Deliverable 3A: | Draft Recommendations Report |
| Deliverable 3B: | Revised Recommendations Report, including the Response to Comments Report |

4. Implementation and Evaluation

This is the final stage of the project requiring the coordination of all project sponsors and MTC. The various tasks involved in this stage include, but are not limited to, the following:

- 4.1. Consultant shall prepare the appropriate timing sheets in the format requested by the project sponsors for review and approval. Consultant shall revise the timing sheets based on comments received from the project sponsors.
- 4.2. Consultant, with the help of project sponsors, shall implement the new timing plans remotely or in the field. Consultant shall use all the resources required to complete this task effectively, and any short-comings may impact the Consultant performance during the review process. Consultant shall employ enough staff resources to monitor the traffic for the entire duration the new plans are implemented for the first time. This requirement shall be followed any time changes are made to the timing plans during the fine-tuning process. Consultant shall have qualified staff available to immediately address any issues or agency concerns that may result from the implementation of the new timing plans.
- 4.3. Consultant, with the help of project sponsors, shall fine-tune the new timing plans to the satisfaction of the project sponsors. Consultant shall fine-tune timings in the field and record all changes. Fine-tuning shall be conducted during times and days that are representative of the times and days for which coordination plans were developed. This requires additional field visits to verify and assess any changes made during the fine-tuning process.
- 4.4. Consultant shall conduct the “after” travel time and delay studies, including the number of stops, during the new coordination periods. Consultant shall conduct as many runs as possible within the coordination period, but at least a minimum of four runs shall be conducted for each direction for each peak period. Consultant shall conduct these studies using the floating car method or any method approved by the project sponsors.

- 4.5. Consultant shall calculate measures of effectiveness using the results from the “before” and “after” studies. These measures generally include the travel-time savings, emissions savings, speed increases, reduction in the number of stops, cost savings from reduced emissions and benefit-cost analysis results. The methodology used for these calculations shall be provided or approved by the MTC Project Manager.
- 4.6. Consultant shall submit a *Deliverable 4A: Draft Project Report*, which shall include the following for each PASS project: overview, goals and objectives, corridors and services, project map, results from the data collection and analyses, the preliminary recommendations, new timings implementation, fine-tuning results, comparison of the old and new timings, etc. The report will also include any unique issues that were resolved and any qualitative benefits achieved with the project. The qualitative benefits will generally include the benefits to pedestrians, benefits to bicyclists, effects on transit, traffic safety, etc.
- 4.7. Consultant shall revise the report after addressing the comments received from the project sponsors and the MTC Project Manager. Consultant shall submit a *Response to Comments Report* addressing all the comments/concerns received from all stakeholders, while submitting the *Deliverable 4B: Final Project Report* for approval.
- 4.8. Consultant shall assist MTC in producing Fact Sheets for each project by providing the required maps, tables, data or text as requested by the MTC Project Manager.

| | |
|------------------------|---|
| Task 4: | Preliminary Implementation and Fine-tuning |
| Deliverable 4A: | Draft Project Report with Benefit-Cost Analysis, including the computer models |
| Deliverable 4B: | Final Project Report with Benefit-Cost Analysis, including the computer models and Response to Comments Report |

5. Additional Services

In addition to the basic signal coordination plans, the Consultant may also be asked to provide additional services related to the PASS projects. These services shall be requested by the project sponsor in their application and shall be included in the SSB, contingent upon approval by MTC Project Manager. Consultant shall include a detailed description of the scope of the additional service, a staffing plan, and level of effort, additional budget, and payment schedule in the SSB. If the scope of work and budget for these services cannot be reasonably negotiated, MTC, at its sole discretion, can withdraw the project assignment from the Consultant and assign a different Consultant to the project. Additional services may be requested at any stage of the project, as needed, and shall be included in a revised SSB, if approved by the MTC Project Manager.

- 5.1. Consultant may be asked to develop additional timing plans, such as incident management flush plans, transit signal priority plans, traffic responsive timing plans, weekend timing plans, school peak timing plans, etc. Such services may include

additional meetings, additional data collection, field visits, technical analyses, studies, fine-tuning, conditional diagrams, etc.

- 5.2. Consultants, with the help of the transit agency, may be asked to review the existing capabilities or conditions of the transit signal priority of buses serving the project corridors. The PASS will also provide help in establishing communication between the signals and buses as this step is crucial to implementing new transit signal priority plans.
- 5.3. Consultant may be asked to work on some pilot tasks/projects to help with the expansion of PASS projects and services. These pilot tasks/projects will help MTC understand the level of effort, budget, and potential benefits to mobility and air quality that could help expand future cycles of the Program. The pilot tasks/projects may include, but not be limited to: development of advanced signal timing plans; Systems Engineering analyses; and ITS Engineering and Design.
- 5.4. Consultant may be asked to perform these additional services for any projects retimed in the last two years under the PASS. These tasks may also include updating coversheets, reformatting timing plans, evaluating the effects of new timing plans, etc.
- 5.5. Consultant may be asked to subcontract an electrical contractor or other firms with required licenses and expertise to install GPS clocks or other communications equipment for certain projects. Consultant may be asked to coordinate the installation of these equipment including assisting the local agencies in securing any permits required for the project.
- 5.6. Consultant may be asked to prepare presentation materials and/or make formal presentations on the PASS project to various policy boards and commissions.
- 5.7. Consultant may be asked to assist in organizing seminars on various topics that contribute to improved mobility and emissions reductions. The typical tasks include developing seminar outlines, securing speakers, preparing presentation materials, etc.

6. Reduced Services

Consultant may be requested to not perform some of the services listed above for certain projects. If reduced services are requested by the project sponsor or the MTC Project Manager, Consultant shall clearly document all relevant details in the SSB. The fee for reduced services shall be a percentage of the base fee per intersection, or a negotiated amount, which is commensurate with the proportion of services reduced. If these cannot be reasonably negotiated, MTC, at its sole discretion, can withdraw the project assignment from the Consultant and assign a different Consultant to the project.

A2: Sign-In Sheet

Kick-off Meeting



Date: Tuesday, August 2, 2016
 Time: 1:00 PM to 2:30 PM
 Location: Town of Corte Madera
 300 Tamalpais Drive

Town of Corte Madera - 2016/17 PASS Project Kick-Off Meeting

CONTACT LIST

| Name | Agency / Company | Phone Number | Email Address |
|--------------|----------------------|--------------|------------------------------|
| Brian Sowers | Kimley Horn | 925-398-4862 | brian.sowers@kimley-horn.com |
| Nisha Patel | Town of Corte Madera | 415 927 5120 | npatel@tcmmail.org |
| Linda Lee | MTC | 415 778 5225 | lllee@mtc.ca.gov |
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Quotes for EMTRAC Equipment and Installation



Quote

Emtrac Systems

Protecting Those Who Protect Us

Date: 09_13_2016
QUOTE #: 2016_09_13_CorteMadera CA
Customer ID: CorteMadera94925

To: Town of Corte Madera CA
Corte Madera Fire Department
342 Tamalpais Dr.
Corte Madera, CA 94925
Nisha A. Patel, P.E

Ship to: Town of Corte Madera CA
Corte Madera Fire Department
342 Tamalpais Dr.
Corte Madera, CA 94925
(415) 927-5118

Town of Corte Madera

NPatel@tcmmail.org

| Shipper Job | Shipping Method | Shipping Terms | Delivery Date | Payment Terms | Due Date |
|------------------------|-----------------|------------------|----------------|---------------|----------|
| Luke - Corte Madera ca | UPS Ground | Shipping Applies | 60 Days | net 30 | |

| Qty | Item # | Description | Unit Price | Quantity | Unit Price | Discount | Total Price |
|------|---------------------|---|-------------|----------|------------------|----------|---------------------|
| | | GPS/Radio | | | | | |
| 8.00 | ST-9367-INTKIT | Intersection Equipment as needed | \$ 4,039.00 | | \$ (539.00) | | \$ 28,000.00 |
| | ST-9365 | RF/Optical Priority Detector-Dual(EncodedOptical/GPS- Radio/Multi-Mode) | | | | | |
| | ST-9263 | 18 antenna (Height 21 inches) | | | | | |
| | ST-9128 | Mounting bracket for omni-directional antenna (slide or mast arm) | | | | | |
| | ST-9374 | Hex/Knurled Combo N male for RG-58 cable connector to antenna as needed | | | | | |
| | ST-9063 | BNC male crimp connector fits EMTRAC RG-58 coax cable as needed | | | | | |
| | ST-9267 | Hex/Knurled Combo N male for RG-8 cable connector to antenna as needed | | | | | |
| | ST-9187 | BNC male crimp connector fits EMTRAC RG-8 coax cable as needed | | | | | |
| | ST-9186 | RG8- 50-Ohm Cable Loss 10.3 dB/900 MHz as needed | | | | | |
| 1.00 | PSS-Support/Mapping | Programming/Mapping/field support | \$ 2,500.00 | | | | \$ 2,500.00 |
| 8.00 | Labor | Intersection installation | \$ 1,000.00 | | | | \$ 8,000.00 |
| | | | | | Subtotal | | \$ 38,500.00 |
| | | | | | Sales Tax | | |
| | | | | | Total | | \$ 38,500.00 |

Luke Faubion VP Sales, Emtrac Systems O(408) 665-2480 C(618)316-3015 L.Faubion@EmtracSystems.com

- Notes:
- Discounts shown are earned if payment is paid net 30
 - PRICING FOR INSTALLATION IS AN ESTIMATION AND SHOULD BE VIEWED AS AN ESTIMATION FOR BUDGET USE ONLY.**
 - Freight note Sales tax is Not included in this quote. If you have a shipping account with UPS/Fedex please list.
 - Items listed are the only items being quoted.
 - Quote shall remain valid for 31 days.
 - onsite support must be schedule 3 week in advance
 - These Prices are confidential and should be treated as such
 - Coordinate with City personnel as to Job Date and Time Schedule
 - Install necessary field wiring and materials if/as needed as per City direction
 - Install Traffic Signal Cabinet wiring accordingly if/as needed as per City direction
 - Install Traffic Signal Cabinet hardware accordingly if/as needed as per City direction
 - Assist personnel with turn-on support if/as needed as per City direction
 - Make all necessary connections and check for proper operations**
 - Clean up debris in area associated with Emtrac installation project
 - Contact and communicate with Fire and City of job completion
 - "AS NEEDED" refers to the type of connector and Type of Coax Cable used. It will be for the RG-8 or RG-58 Coax and associated connectors.
- *** This proposal is under the assumption of all existing conduits being in good and serviceable condition.



prepared by Luke Faubion, Emtrac Systems on behalf of Cal Signal Corp.

Address all Purchase orders to:

Cal Signal Corp: 197 Airport Blvd, Burlingame, CA 94010
Phone 650 343-6100 Fax 650 343-6126 SBE No. 1038380



Emtra Systems
Protecting Those Who Protect Us

Date: 7/19/2014
QUOTE #: 2014-07-19-CorteMadera Fire
Customer ID: Cortemadefire99975

To: City of Corte Madera Fire
Corte Madera Fire Department
112 Tamayus Dr
Corte Madera, CA 94925

Ship to: City of Corte Madera Fire
Corte Madera Fire Department
112 Tamayus Dr
Corte Madera, CA 94925

City: Corte Madera Fire

Nisha A. Patel, P.E.

(415) 927-5120

NPatel@cmmail.org

Luke CorteMadera Fire UPS Ground Shipping Applies 60 Days net 30

| | | | | | | |
|------|---------|---------------------------------------|----|----------|----|-----------|
| 4.00 | | Vehicle Equipment | \$ | 3,400.00 | \$ | 13,600.00 |
| | ST-9280 | Standard VCU KIT | | | | |
| | | includes ST-9284-EJ VCU | | | | |
| | | ST-9019-L10 Power Cable 10ft Standard | | | | |
| | | ST-9065-L15 GPS/UHF Antenna (900MHZ) | | | | |
| | | ST-9280 VCU Installation kit | | | | |
| | | ST-9072 hardware kit | | | | |

Subtotal \$ 13,600.00

Sales Tax

Total \$ 13,600.00

Luke Faubion VP Sales, Emtra Systems O(408) 685-2480 C(618)316-3015 L.Faubion@EmtraSystems.com

Notes:

1) Discounts shown are earned if payment paid net 30

2) Freight note Sales tax is not included in this quote. If you have a shipping account with UPS/Fedex please let us know.

3. Items listed are the only items being quoted.

4) Quote shall remain valid for 31 days.

5) Onsite support must be schedule 3 week in advance

6) These Prices are confidential and should be treated as such

7) Coordinate with City personnel to Job Date and Time Schedule

8. Coordinate with Fire as to Time and Date to pick-up Emtra equipment to be installed

9) List all Emtra equipment locations as pre-determined by City

10) Assist personnel with turn-on support as needed as per City direction

11) City to supply materials and equipment for Emtra installations. Any additional equipment needed shall be the City Fire departments responsibility to supply.



cal signal 408-771-1111

prepared by Luke Faubion, Emtra Systems on behalf of Cal Signal Corp.

Address all Purchase orders to:

Cal Signal Corp: 197 Airport Blvd, Burlingame, CA 94010

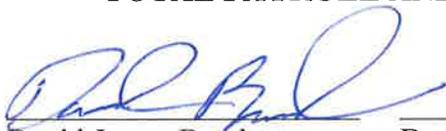
Phone 650 343-6100 Fax 650 343-6126 SBI No. 1038380

instal
+ \$650/signal

TOWN OF CORTE MADERA
RATIFICATION AND APPROVAL OF
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)
PERIOD 09/01/16 – 09/14/16

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 09/01/16 through and including 09/14/16 in accordance with Corte Madera Municipal Code Section 2.12.145 and Chapter 2.28(Statutory provisions contained in Government Code Sections 37202 through 37209 and Sections 40802 through 40805 and Section 40805.5).

| | | |
|--|-----------------|----------------------|
| Payroll (08/29/16-09/11/16) | | |
| Payroll Check Numbers | 5298 – 5305 | \$ 20,891.36 |
| Payroll Direct Deposit Numbers | 30380 – 30452 | 200,332.02 |
| Payroll Wire Transfer Numbers | 2058 – 2061 | <u>107,483.80</u> |
| <u>Total Payroll</u> | | \$ 328,707.18 |
| | | |
| Warrant Check Numbers | 214430 – 214483 | \$ 222,292.28 |
| Wire- Central Marin Police Monthly Payment (09/30/16) | | 258,000.00 |
| Wire- CalPERS Fire Classic Annual Unfunded Liability Payment (00/00/00) | | 0.00 |
| Wire- CalPERS Misc. Classic Annual Unfunded Liability Payment (00/00/00) | | 0.00 |
| Wire- CalPERS Misc. PEPRA Annual Unfunded Liability Payment (00/00/00) | | 0.00 |
| Wire- MERA Annual Bond Payment (00/00/00) | | 0.00 |
| Wire- Park Madera Semi-Annual Debt (00/00/00) | | <u>0.00</u> |
| <u>Total Demands (Accounts Payable)</u> | | \$ 480,292.28 |
| | | |
| TOTAL PAYROLL AND DEMANDS | | \$ 808,999.46 |

| | | | |
|---|---------------------|--|----------------------|
|  _____ David James Bracken Town Manager | Date <u>9/15/16</u> |  _____ George T. Warman, Jr. Director of Administrative Services/ Town Treasurer | Date <u>09/14/16</u> |
|---|---------------------|--|----------------------|

APPROVED AT MEETING OF 09/20/16

 SLOAN C. BAILEY, MAYOR

 DIANE FURST, VICE MAYOR

 JAMES ANDREWS, COUNCIL MEMEBER

 CARLA CONDON, COUNCIL MEMBER

 MICHAEL LAPPERT, COUNCIL MEMBER

*Checks listed do not correspond to a month or an accounting period because of overlap between months and accounting periods. Questions concerning the check register should be directed to George Warman at 927-5055. In his absence, ask for Jonna Intoschi or Lina Atze
 \word97\finance\approv2.doc

ACCTS PAYABLE
JUNE
SEPT CHECK RUN

vchlist
09/07/2016 8:04:15AM

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|--------------------------------|----------|--------------------------------|---------|------|--|----------------------------------|
| 214430 | 9/7/2016 | dc115c DC ELECTRIC GROUP, INC. | 26415 | | J2128-421 TAM DR; SL KD 580B J2128-421 TAM DR; SL KD 580B | 3,435.00 |
| | | | | | Total : | 3,435.00 |
| 214431 | 9/7/2016 | ro005c ROUND STAR WEST, LLC | 11428 | | SPRING 2016 ACTIVITY SPRING 2016 ACTIVITY | 413.30 |
| | | | | | Total : | 413.30 |
| 2 Vouchers for bank code : bom | | | | | | Bank total : 3,848.30 |
| 2 Vouchers in this report | | | | | | Total vouchers : 3,848.30 |

Voucher List
TOWN OF CORTE MADERA

SEPT

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|----------|---|-------------------|------|--|---|
| 214432 | 9/7/2016 | aa101c A & S LANDSCAPE MATERIALS, INC | 379958 | | MULCH FOR SAN CLEMENT SCHO MULCH FOR SAN CLEMENT SCHO | 131.65 Total : 131.65 |
| 214433 | 9/7/2016 | aa104c AARP! | R-35073 | | CONTRACT INSTRUCTOR CONTRACT INSTRUCTOR | 270.00 Total : 270.00 |
| 214434 | 9/7/2016 | al048c ALHAMBRA AND SIERRA SPRINGS, 2875 | 5135078 083116 | | WATER WATER | 101.40 Total : 101.40 |
| 214435 | 9/7/2016 | al046c ALHAMBRA, 28776025139045 (PW-342) | 5139045 083116 | | WATER WATER | 98.58 Total : 98.58 |
| 214436 | 9/7/2016 | am035c AMY SKEWES-COX, AICP | 160/3 | | MCDS INITIAL STUDY MCDS INITIAL STUDY | 35,926.94 Total : 35,926.94 |
| 214437 | 9/7/2016 | at111c AT & T MOBILITY - 436050713282 | 07/25/16-08/24/16 | | UTILITIES - TELEPHONE UTILITIES - TELEPHONE | 143.98 Total : 143.98 |
| 214438 | 9/7/2016 | at050c ATHENS ADMINISTRATORS, WORKERS' (09/01/2016STMT | | | W.C. CLAIM PAYMENT EXPENSE W.C. CLAIM PAYMENT EXPENSE | 3,105.22 Total : 3,105.22 |
| 214439 | 9/7/2016 | ba600c B & G GLASS | 7775 7778 | | BUILDING MAINTENANCE - REC BUILDING MAINTENANCE - REC REPAIRS TO LOWER FLOOR DOOF REPAIRS TO LOWER FLOOR DOOF | 9,530.66 8,878.00 Total : 18,408.66 |
| 214440 | 9/7/2016 | co008c COASTLAND CIVIL ENG., INC. | 39845 | | PAVEMENT REHABILITATION PAVEMENT REHABILITATION | 2,017.53 |

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|----------|--------|--------------------------------------|-------------------|--|------------------|
| 214440 | 9/7/2016 | co008c | co008c COASTLAND CIVIL ENG., INC. | (Continued) | | Total : 2,017.53 |
| 214441 | 9/7/2016 | co136c | CODE SOURCE | 8920 | INSPECTION SERVICES FOR JULY | 120.00 |
| | | | | 8928 | INSPECTION SERVICES FOR JULY 255 SAUSALITO ST - ADDITON AND 255 SAUSALITO ST - ADDITON AND | 345.00 |
| | | | | | Total : | 465.00 |
| 214442 | 9/7/2016 | co162c | COLLEGE OF MARIN | R-35076 | ADMISSION AND TRASPORTATION ADMISSION AND TRASPORTATION | 568.00 |
| | | | | | Total : | 568.00 |
| 214443 | 9/7/2016 | co173c | COMCAST - 0209597, 0209571 &, 005632 | 09/01/16-09/30/16 | CORP. YARD "DSL" LINE CORP. YARD "DSL" LINE | 111.20 |
| | | | | | Total : | 111.20 |
| 214444 | 9/7/2016 | da025c | D & K AUTO SERVICES | 51686 | BEARING | |
| | | | | 51701 | BEARING | 56.70 |
| | | | | | MOTOR VEHICLE SERVICE ON 201 MOTOR VEHICLE SERVICE ON 201 | 150.29 |
| | | | | | Total : | 206.99 |
| 214445 | 9/7/2016 | pc101c | DANG, MICHAEL | 9153 | DATA PROCESSING SUPPLIES | |
| | | | | | DATA PROCESSING SUPPLIES | 1,881.04 |
| | | | | | DATA PROCESSING SUPPLIES | 69.99 |
| | | | | | DATA PROCESSING SUPPLIES | 29.99 |
| | | | | | TOWN WIDE SYSTEM MAINTENAN | 8,280.00 |
| | | | | | SEWER | -1,495.00 |
| | | | | | FIRE | -517.50 |
| | | | | | RECREATION | -517.50 |
| | | | | | SEWER | 1,495.00 |
| | | | | | FIRE | 517.50 |
| | | | | | RECREATION | 517.50 |
| | | | | | Total : | 10,261.02 |
| 214446 | 9/7/2016 | su103c | DANIEL MUTISO MUITHYA | 1538 | JANITORIAL SVCS. | |

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|----------|------------------------------------|----------------|------|---------------------------|-----------|
| 214446 | 9/7/2016 | su103c DANIEL MUTISO MUIHYA | (Continued) | | JANITORIAL SVCS. | 2,200.00 |
| | | | | | Total : | 2,200.00 |
| 214447 | 9/7/2016 | da120c DAVID KEANE | 09/01/2016STMT | | GENERAL ENG. | 2,875.00 |
| | | | | | GENERAL ENG. | 850.00 |
| | | | | | GENERAL SANITARY | 5,525.00 |
| | | | | | PLAN CHECK | 1,275.00 |
| | | | | | SANITARY PLAN CHECK | |
| | | | | | Total : | 10,525.00 |
| 214448 | 9/7/2016 | dc115c DC ELECTRIC GROUP, INC. | 26342 | | M1005-TS ROUTINE | |
| | | | 26343 | | M1005-TS ROUTINE | 2,237.82 |
| | | | 26432 | | M1006-TS RESPONSE | |
| | | | | | M1006-TS RESPONSE | 783.80 |
| | | | | | J2300-TAM & EASTMAN SL KD | |
| | | | | | J2300-TAM & EASTMAN SL KD | 942.61 |
| | | | | | Total : | 3,964.23 |
| 214449 | 9/7/2016 | fi122c FITCH, GREG | R-34981 | | PICNIC DEPOSIT REFUND | |
| | | | | | PICNIC DEPOSIT REFUND | 200.00 |
| | | | | | Total : | 200.00 |
| 214450 | 9/7/2016 | he125c HEPPNER RISK MGMT., DARRELL | AUGUST 2016 | | RISK MGMT - HEPPNER | |
| | | | | | RISK MGMT - HEPPNER | 1,677.75 |
| | | | | | RISK MGMT - HEPPNER | 1,678.00 |
| | | | | | RISK MGMT - HEPPNER | 373.00 |
| | | | | | Total : | 3,728.75 |
| 214451 | 9/7/2016 | ho175c HORIZON | 1Q068915 | | CREDIT | |
| | | | 1Q070980 | | CREDIT | -35.92 |
| | | | | | IRRIGATION SUPPLIES | |
| | | | | | IRRIGATION SUPPLIES | 422.51 |
| | | | | | Total : | 386.59 |
| 214452 | 9/7/2016 | ir020c IRON MOUNTAIN | MYC4061 | | RECORD STORAGE | |

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|----------|---------------------------------|----------------|------|--|---|
| 214452 | 9/7/2016 | ir020c IRON MOUNTAIN | (Continued) | | RECORD STORAGE | 167.21 |
| | | | | | Total : | 167.21 |
| 214453 | 9/7/2016 | jo124c JOHNSON, ROBERT B. | 6600 | | SAN CLEMENTE PUMP STATION - L SAN CLEMENTE PUMP STATION - L | 2,839.28 |
| | | | | | Total : | 2,839.28 |
| 214454 | 9/7/2016 | ko200c KOCH, JANICE | 08/31/2016STMT | | MILEAGE MILEAGE ADMINISTRATIVE SERVICES PLANNING & BUILDING | 109.94 231.66 234.08 |
| | | | | | Total : | 575.68 |
| 214455 | 9/7/2016 | nh001c NHA ADVISORS, LLC | 2016-0831 | | GENERAL CONSULTING - FINANCIAL GENERAL CONSULTING - FINANCIAL | 24,827.45 |
| | | | | | Total : | 24,827.45 |
| 214456 | 9/7/2016 | of026c OFFICE DEPOT - TOWN HALL | 860912382001 | | OFFICE SUPPLIES OFFICE SUPPLIES MEETINGS MEETINGS MEETINGS MEETINGS MEETINGS MEETINGS | 21.80 6.16 6.16 6.16 6.16 6.16 6.17 |
| | | | | | Total : | 58.77 |
| 214457 | 9/7/2016 | pr026c PRAUN, BRAD | R-35075 | | SOCCER REGISTRATION FEES SOCCER REGISTRATION FEES | 768.38 |
| | | | | | Total : | 768.38 |
| 214458 | 9/7/2016 | pu108c PURE POTENTIAL SOCCER | 2016-0831 | | CONTRACT INSTRUCTOR CONTRACT INSTRUCTOR | 2,625.00 |
| | | | | | Total : | 2,625.00 |

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount | |
|---------------------------------|----------|---------------------------------------|----------------|------|--------------------------------|--------------|------------|
| 214459 | 9/7/2016 | si034c SAINI, UPNEET | 08/30/2016STMT | | TRANSIENT OCCUPANCY TAX | | |
| | | | | | TRANSIENT OCCUPANCY TAX | 117.20 | |
| | | | | | TRANSIENT OCCUPANCY TAX | 117.20 | |
| | | | | | TRANSIENT OCCUPANCY TAX | 468.68 | |
| | | | | | Total : | 703.08 | |
| 214460 | 9/7/2016 | st132c STAPLES BUSINESS ADVANTAGE | 8040561418 | | OFFICE SUPPLIES | | |
| | | | 8040659366 | | OFFICE SUPPLIES | 370.82 | |
| | | | | | OFFICE SUPPLIES | 85.31 | |
| | | | | | OFFICE SUPPLIES | | |
| | | | | | Total : | 456.13 | |
| 214461 | 9/7/2016 | ta180c TAMALPAIS PAINT & COLOR-TOWN | 08/31/2016DISC | | DISCOUNT TAKEN | | |
| | | | 08/31/2016STMT | | DISCOUNT TAKEN | -0.87 | |
| | | | | | MISC. SUPPLIES | | |
| | | | | | MISC. SUPPLIES | 29.80 | |
| | | | | | MISC. SUPPLIES | 57.17 | |
| | | | | | Total : | 86.10 | |
| 214462 | 9/7/2016 | bo101c TOWNSEND, MICHAEL D. | 09/04/2016STMT | | REMOVE AND REPLACE SEWER AI | | |
| | | | | | REMOVE AND REPLACE SEWER AI | 32,220.00 | |
| | | | | | REMOVE AND REPLACE SEWER AI | 8,000.00 | |
| | | | | | Total : | 40,220.00 | |
| 214463 | 9/7/2016 | tr108c TRANSPORTATION AUTH'Y OF MARIN | 09/01/2016STMT | | FY2016-17 TAM CMA FEE PRO-RAT, | | |
| | | | | | FY2016-17 TAM CMA FEE PRO-RAT, | 19,675.00 | |
| | | | | | Total : | 19,675.00 | |
| 214464 | 9/7/2016 | wa295c WATER COMPONENTS | 30420035 | | GALV. GRATE PEDESTRIAN | | |
| | | | 30420133 | | GALV. GRATE PEDESTRIAN | 429.35 | |
| | | | | | WATERPLUG/MASTERSEAL | | |
| | | | | | WATERPLUG/MASTERSEAL | 109.05 | |
| | | | | | Total : | 538.40 | |
| 33 Vouchers for bank code : bom | | | | | | Bank total : | 186,361.22 |

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| <u>Voucher</u> | <u>Date</u> | <u>Vendor</u> | <u>Invoice</u> | <u>PO #</u> | <u>Description/Account</u> | <u>Amount</u> | |
|----------------|-------------------------|---------------|----------------|-------------|----------------------------|------------------|------------|
| 33 | Vouchers in this report | | | | | Total vouchers : | 186,361.22 |

Voucher List
TOWN OF CORTE MADERA

SEPT

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|----------------|-----------|----------------------------------|--------------|------|--------------------------------------|----------|
| 214465 | 9/14/2016 | st024c ALPHAGRAPHICS MARIN | 55864 | | WINDOW ENVELOPES WINDOW ENVELOPES | 513.13 |
| Total : | | | | | | 513.13 |
| 214466 | 9/14/2016 | co136c CODE SOURCE | 8914 | | 197 TAMAL VISTA BLVD BLDG 1 | |
| | | | 8915 | | 197 TAMAL VISTA BLVD BLDG 1 | 440.00 |
| | | | 8916 | | 203 TAMAL VISTA BLVD BLDG 2 | |
| | | | 8917 | | 203 TAMAL VISTA BLVD BLDG 2 | 2,760.00 |
| | | | 8918 | | 195 TAMAL VISTA BLVD BLDG 3 | |
| | | | 8919 | | 195 TAMAL VISTA BLVD BLDG 3 | 680.00 |
| | | | 8932 | | 195 TAMAL VISTA BLVD BLDG 4 | |
| | | | | | 195 TAMAL VISTA BLVD BLDG 4 | 2,240.00 |
| | | | | | 199 TAMAL VISTA BLVD BLDG 5 & 6 | |
| | | | | | 199 TAMAL VISTA BLVD BLDG 5 & 6 | 600.00 |
| | | | | | 203 TAMAL VISTA BLVD - BLDG 2 PC | |
| | | | | | 203 TAMAL VISTA BLVD - BLDG 2 PC | 40.00 |
| | | | | | 1421 CASA BUENA DR - GRADING / | |
| | | | | | 1421 CASA BUENA DR - GRADING / | 212.50 |
| | | | | | 1421 CASA BUENA DR - GRADING / | 212.50 |
| Total : | | | | | | 7,185.00 |
| 214467 | 9/14/2016 | co017c COMMUNITY MEDIA CENTER OF | 09/12/16STMT | | CABLE CASTING MEETING | |
| | | | | | CABLE CASTING MEETING | 871.88 |
| | | | | | CABLE CASTING MEETING | 871.87 |
| Total : | | | | | | 1,743.75 |
| 214468 | 9/14/2016 | cr066c CROPPER ACCOUNTANCY CORP. | 1216 | | PLANNING PHASE IN PROCESS | |
| | | | | | PLANNING PHASE IN PROCESS | 3,500.00 |
| Total : | | | | | | 3,500.00 |
| 214469 | 9/14/2016 | da025c D & K AUTO SERVICES | 51753 | | CLEANER | |
| | | | 51756 | | CLEANER | 235.18 |
| | | | 51758 | | INSTALL STROBE LIGHT SWITHC C | |
| | | | | | INSTALL STROBE LIGHT SWITHC C | 200.31 |
| | | | | | REPLACE DRIVE BELT ON S-52 | |

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|-----------|--------------------------------------|----------------|------|--------------------------------|----------|
| 214469 | 9/14/2016 | da025c D & K AUTO SERVICES | (Continued) | | REPLACE DRIVE BELT ON S-52 | 197.53 |
| | | | 51786 | | 3 SETS OF WIPER BLADES | |
| | | | 51795 | | 3 SETS OF WIPER BLADES | 101.68 |
| | | | 51796 | | 6 GALLONS OF COLLANT | |
| | | | 51796 | | 6 GALLONS OF COLLANT | 163.43 |
| | | | 51800 | | INSTALL STROBE LIGHT SWITHC C | |
| | | | 51800 | | INSTALL STROBE LIGHT SWITHC C | 210.31 |
| | | | 51802 | | EXHAUST FLUID & RUBBING COMF | |
| | | | 51802 | | EXHAUST FLUID & RUBBING COMF | 273.92 |
| | | | 51807 | | MOTOR VEHICLE SERVICE AND RE | |
| | | | 51807 | | MOTOR VEHICLE SERVICE AND RE | 397.77 |
| | | | | | MOTOR VEHICLE SERVICE S-8 | |
| | | | | | MOTOR VEHICLE SERVICE S-8 | 204.36 |
| | | | | | Total : | 1,984.49 |
| 214470 | 9/14/2016 | de105c DE FRANCIS, TONI | 08/29/2016STMT | | CORTE MADERA FLOOD CONTROL | |
| | | | | | CORTE MADERA FLOOD CONTROL | 180.00 |
| | | | | | Total : | 180.00 |
| 214471 | 9/14/2016 | de230c DEPT. OF JUSTICE ACCT. OFFICE | 187136 | | PERMIT TECH RECRUITMENT | |
| | | | | | PERMIT TECH RECRUITMENT | 49.00 |
| | | | | | Total : | 49.00 |
| 214472 | 9/14/2016 | fa110c FASTENAL | CASAR19963 | | HAND TOOLS, MINOR EQUIPMENT | |
| | | | | | HAND TOOLS, MINOR EQUIPMENT | 112.72 |
| | | | | | Total : | 112.72 |
| 214473 | 9/14/2016 | fe075c FEDERAL EXPRESS CORPORATION | 5-533-73130 | | OFFICE SUPPLIES | |
| | | | | | OFFICE SUPPLIES | 56.08 |
| | | | | | Total : | 56.08 |
| 214474 | 9/14/2016 | ge120c GEORGE HILLS COMPANY, INC. | INV1010960 | | MONTHLY LIAB. CLAIMS ADMIN. FE | |
| | | | | | MONTHLY LIAB. CLAIMS ADMIN. FE | 416.50 |
| | | | | | Total : | 416.50 |

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|-----------|-------------------------------------|--------------|------|--|----------|
| 214475 | 9/14/2016 | go035c GOVERNMENTJOBS.COM, INC. | INV17033 | | CUSTOMER SERVICE REPRESENT CUSTOMER SERVICE REPRESENT | 175.00 |
| | | | | | Total : | 175.00 |
| 214476 | 9/14/2016 | ja025c JACKSON'S HARDWARE, INC. | S2818214.001 | | SAFTEY & PROTECTIVE ITEMS SAFTEY & PROTECTIVE ITEMS | 101.27 |
| | | | | | Total : | 101.27 |
| 214477 | 9/14/2016 | la034c LAK ASSOCIATES, LLC | 2-1455 | | MARIN MONTESSORI STUDY MARIN MONTESSORI STUDY | 3,218.75 |
| | | | | | Total : | 3,218.75 |
| 214478 | 9/14/2016 | me112c MEDICAL CENTER OF MARIN | 00083081-00 | | BACK ROUND EXAM AND DRUG SC BACK ROUND EXAM AND DRUG SC | 130.00 |
| | | | | | Total : | 130.00 |
| 214479 | 9/14/2016 | mu125c MUNICIPAL MAINT.EQUIP., INC. | 0112773-IN | | FITLERS FOR STREET SWEEPER FITLERS FOR STREET SWEEPER | 295.03 |
| | | | | | Total : | 295.03 |
| 214480 | 9/14/2016 | op104c OPENGOVE, INC. | 2255 | | OPENGOVE INTELLIGENCE OPENGOVE INTELLIGENCE | 8,500.00 |
| | | | | | Total : | 8,500.00 |
| 214481 | 9/14/2016 | pe140c PEROZZI, CARLO | 6534 | | AUGUST MAINTENANCE AUGUST MAINTENANCE AUGUST MAINTENANCE | 400.00 |
| | | | | | Total : | 600.00 |
| 214482 | 9/14/2016 | so063c SONIC.NET, INC. | 8897195 | | TOWN 'DSL' LINE TOWN 'DSL' LINE | 508.46 |
| | | | | | Total : | 508.46 |
| 214483 | 9/14/2016 | wa295c WATER COMPONENTS | 30421097 | | BUIDLING SUPPLIES BUIDLING SUPPLIES | 2,813.58 |
| | | | | | Total : | 2,813.58 |

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

| <u>Voucher</u> | <u>Date</u> | <u>Vendor</u> | <u>Invoice</u> | <u>PO #</u> | <u>Description/Account</u> | <u>Amount</u> |
|----------------|-------------|------------------------------|----------------|-------------|----------------------------|---------------|
| 19 | | Vouchers for bank code : bom | | | Bank total : | 32,082.76 |
| 19 | | Vouchers in this report | | | Total vouchers : | 32,082.76 |

DB

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 15, 2016
MEETING DATE: September 20, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: REBECCA VAUGHN, TOWN CLERK

**SUBJECT: CONSIDER INTRODUCTION OF AN AMENDMENT TO TITLE 2,
CHAPTER 2.38 OF THE CORTE MADERA MUNICIPAL CODE, "GENERAL
MUNICIPAL ELECTIONS"**

* * * * *

STAFF RECOMMENDATION:

Staff recommends that the Town Council, after review of all information and public comment, introduce the proposed amendment to Title 2 Chapter 2.38 of the Corte Madera Municipal Code, "General Elections", moving the Town's Election Date for Mayor and Councilmembers from November of odd-numbered years to June of even-numbered years and electing office holders to four and a half year terms in the next two election cycles.

OPTIONS:

- 1) The Council may introduce the proposed ordinance
- 2) The Council may provide changes to the proposed ordinance and direct staff to bring back the ordinance for introduction at a subsequent Town Council meeting.
- 3) The Council may consider an alternate method of moving the Town's elections to even-numbered years, such as shortening or lengthening the terms of current officeholders, direct staff to bring back the ordinance for introduction at a subsequent Town Council meeting

TOWN MANAGER'S RECOMMENDATION:

Town Manager supports staff recommendation.

BACKGROUND:

At the August 16, 2016 Town Council meeting, the Town Council discussed proposed changes to the Town's municipal elections required to bring the Town into compliance with Senate Bill 415. SB 415 was adopted in September 2015, and requires municipalities and special districts with especially low voter turnout to consolidate their contests with statewide elections. The law

goes into effect January 1, 2017 and compliance, if deemed necessary, is required by November 2022.

Upon review of the options available, the Town Council determined that it was not supportive of either increasing or decreasing the terms of the current officeholders. Staff was directed to draft an ordinance to be considered for introduction that would move the Town's elections for Mayors and Councilmembers to June of even-numbered years by 2022. The move is proposed to be phased in by electing officeholders to four and a half year terms during the next two election cycles, November 2017 and November 2019. Following completion of the migration to the even-year June election date, in June 2022, officeholders would once again be elected to four-year terms.

ATTACHMENTS:

1. Draft Ordinance 957
2. Staff Report and Attachments Provided at August 16, 2016 Town Council Meeting
3. Minutes of August 16, 2016 Town Council Meeting

ATTACHMENT 1

DRAFT ORDINANCE 957

ORDINANCENO. 957

**AN ORDINANCE OF THE TOWN OF CORTE MADERA AMENDING TITLE 2
CHAPTER 2.38 OF THE CORTE MADERA MUNICIPAL CODE, “GENERAL
MUNICIPAL ELECTIONS”**

THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA does ordain as follows:

Section 1. Chapter 2.38 of Title 2 of the Corte Madera Municipal Code is hereby amended to read as set forth below:

2.38.010 Date of General Municipal Election. Beginning with the June 2022 election, pursuant to Elections Code sections 1000(c), 1301, and 10403.5, General Municipal Elections shall be held on the first Tuesday after the first Monday in June as set forth in Section 1000(c) of the Elections Code.

2.38.020 Applicability of California Elections Code. When an election is held pursuant to Section 2.38.010, and the election is consolidated with another election, the provisions contained in Part 3 (commencing with Section 10400), Division 10 of the California Elections Code shall govern the consolidation, and, if the County Clerk is requested to conduct the General Municipal Election, Section 10403 of the California Elections Code shall apply to that election.

2.38.030 Effect on Prospective Town Elected Officers. Following the operative date of this ordinance, terms of office shall be affected as follows:

Those prospective Town Officers elected on November 7, 2017, whose four-year terms of office would have, prior to the adoption of this ordinance, expired in November 2021, shall instead remain in office until the certification of the June 2022 election results.

Those prospective Town Officers elected on November 5, 2019, whose four-year terms of office would have, prior to the adoption of this ordinance, expired in November 2023, shall instead remain in office until the certification of the June 2024 election results.

2.38.040 Notice to Voters of Change in Election Date. Within 30 days after this ordinance becomes operative, the Town Clerk shall cause a notice to be mailed to all registered voters of the change in election date.

Section 2. The Town Clerk is hereby directed to transmit a copy of this Ordinance to the Clerk of the Board of Supervisors of Marin County, together with the request that the Board approve this Ordinance and provide the Town with notice of such approval. This Ordinance shall become operative upon such approval.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted the ordinance and

each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. A summary of this ordinance shall be published in the Marin Independent Journal within 5 days prior to passage and 15 days after passage.

* * * * *

This ordinance was introduced on the ___ day of _____, 2016 and adopted on the ___ day of _____, 2016 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVE:

SLOAN C. BAILEY
MAYOR

ATTEST:

REBECCA VAUGHN
TOWN CLERK

ATTACHMENT 2

**STAFF REPORT AND ATTACHMENTS PROVIDED AT
AUGUST 16, 2016 TOWN COUNCIL MEETING**


TOWN MANAGER

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: August 10, 2016
MEETING DATE: August 16, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL
FROM: REBECCA VAUGHN, TOWN CLERK / ASSISTANT TO THE TOWN MANAGER
SUBJECT: DISCUSSION AND POSSIBLE ACTION TO CONSIDER CHANGE OF ELECTION DATE FROM NOVEMBER OF ODD YEARS TO JUNE OR NOVEMBER OF EVEN YEARS



STAFF RECOMMENDATION:

Discuss proposed options and consider providing direction to staff to draft an ordinance to change date of municipal elections and bring an ordinance back for introduction at a date to be determined.

TOWN MANAGER’S RECOMMENDATION:

Support staff’s recommendation

OPTIONS:

1. Direct staff to draft an Ordinance to change the date of municipal elections to November of even years commencing in November, 2020 and to phase in the shift to even year elections by electing office holders in 2017 and 2019 to serve 3-year terms, expiring in 2020 and 2022, respectively.
2. Direct staff to draft an Ordinance to change the date of municipal elections to November of even years commencing in November, 2018. This would require cancellation of the November 2017 municipal elections and would extend the terms of all current Councilmembers for an additional year.
3. Direct staff to draft an Ordinance to change the date of municipal elections to June of even years commencing in June, 2018. This would require cancellation of the November 2017 municipal elections and would extend the terms of all current Councilmembers for an additional six months.
4. Reject all options and provide further direction to staff.

FISCAL IMPACT:

It is expected that the Town would save money if the date of the election were changed to even-numbered years. The amount saved each year would vary based upon how many items the Town has on the ballot and the number of total jurisdictions sharing the cost of the election.

The Marin County Department of Elections charges jurisdictions based upon a methodology approved by the Marin County Board of Supervisors in 2003. The basic elements for billing are the number of jurisdictions and the number of measures and/or contests on a ballot. When more jurisdictions are on the same ballot, costs are spread out among them. However, the cost for an individual jurisdiction increases when it has several items on a ballot. The Town of Corte Madera had 5,793 registered voters for the 2015 election, and the current cost per registered voter is approximately \$1.75-\$3.00.

Costs for the past three elections are as follows:

2015: \$12,793.59

2014: \$4,652.81

2013: \$9,282.73

Although costs vary according to the factors cited above, this comparison gives an idea of the savings to be expected by switching to even year elections.

BACKGROUND:

On April 19, 2016, the Town Council had a preliminary discussion regarding a move of the municipal election date from November of odd-numbered years to either June or November of even-numbered years. The reason for considering a change in election years is to potentially have a larger voter turnout for local elections and for possible cost savings. The Town currently holds municipal elections in November of odd-numbered years. Eight out of the 11 cities in Marin follow this practice. The Town Council discussed several options and expressed interest in further research and requested that staff bring back options for consideration at a later date.

Historically, the Town of Corte Madera held elections in April of even-numbered years. The scheduling of off-cycle municipal elections originated in the Progressive Era, during the late 1800s and early 1900s, when reformers believed separating local politics from state and national elections would benefit democracy. It was thought that this practice kept local government issues in the forefront and possibly prevented partisan politics from clouding local elections, which are non-partisan. Following the passage of Proposition 13 in 1978, cities and towns looked for cost savings wherever possible, and consolidating municipal elections with school district elections provided cost savings while keeping municipal elections partisan-free.

On January 19, 1982, the Town Council unanimously approved Ordinance No. 707 (Attachment 1), phasing in a move to November of odd-numbered years over two election cycles. Officeholders elected in April of 1982 and 1984 would be elected to terms of 3.5 years, expiring in November of 1985 and 1987, respectively. Following the April, 1984 election, municipal elections would then take place in November of odd-numbered years.

Recent election cycles have experienced increasingly low voter turnout, and research has shown that when local governments choose to go on-cycle and align municipal elections with statewide elections in November, turnout starts to increase.

The voter turnout for the last municipal election, held in November, 2015 was 32.09%, with 1,859 cards cast in Corte Madera out of 5,793 registered voters. Voter turnout for the previous three even-year elections was as follows:

| | |
|-------------------------|--------------------------|
| Odd year voter turnout: | Even year voter turnout: |
| 2015: 32.09% | 2014: 60.00% |
| 2013: 44.73% | 2012: 87.51% |
| 2011: 54.12% | 2010: 75.78% |
| | 2008: unavailable |

The voter turnout for 2008 was unavailable because the Town did not have any measures on the ballot during that election cycle.

State policymakers are aware of the phenomenon of decreased voter turnout, and last year Senate Bill 415 was adopted (Attachment 2) which requires jurisdictions with especially low voter turnout to consolidate their contests with statewide elections. This law takes effect Jan. 1, 2018, and jurisdictions that fit the criteria for determining low turnout must adopt a plan to consolidate future elections with a statewide election not later than the November 8, 2022 statewide general election.

The average turnout for the Town of Corte Madera over for the past three even year elections was 74.43%. The difference between the average even year turnout (74.43%) and the last odd year turnout (32.09%) is 42.34% which exceeds the 25% differential threshold established by SB 415. Given these percentages, it would appear that the Town would be required to move elections to coincide with statewide elections.

Excerpt from Senate Bill 415:

SB 415, Hueso. California Voter Participation Rights Act, approved by Governor Brown on September 1, 2015.

Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date. Existing law also establishes certain dates for statewide elections. Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

This bill, commencing January 1, 2018, would prohibit a political subdivision, as defined, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in voter turnout for a regularly scheduled election in that political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

Senate Bill 415 applies to cities, counties, school districts and other special districts that have a regular election date that is different from the statewide primary or general election. If an agency fails to comply,

SB 415 authorizes local citizens to file a lawsuit to force the agency to change its regular election date. Should the court find the jurisdiction in violation, it has the power to ensure future elections occur on the statewide primary or general election (June or November of even-numbered years), and to award attorney's fees and costs to the successful plaintiff.

Arguments in favor of moving election date:

- Proponents say the change would mean lower costs by avoiding odd-year elections and combining all elections together
- Too many elections can cause voter fatigue
- Turnout is higher for even year elections, which usually feature federal and state races.
- Makes municipal elections seem as important as state and federal elections if they are on the same ballot
- Saves taxpayer dollars

Arguments in opposition to moving election date:

- Could potential hamstringing a municipality from holding bond votes in odd years should they be able to take advantage of low rates.
- Too many choices on one ballot can cause voter fatigue
- Municipal office holders appear at the end of a ballot and voters may pay less attention to lower ballot items
- Most municipalities have nonpartisan offices and having local elections on ballots with partisan races could muddy the distinction enjoyed by local candidates.
- Municipal candidates may face difficulty trying to get messages out while competing for air time with presidential, gubernatorial, congressional, state legislative and county-level races.
- Possibility for increased voter wait times and longer lines on election day

DISCUSSION OF OPTIONS:

Option 1. Direct staff to draft an Ordinance to change the date of municipal elections to November of even years commencing in November, 2020 and to phase in the shift to even year elections by electing office holders in 2017 and 2019 to serve 3-year terms, expiring in 2020 and 2022, respectively.

There is precedent for selecting Option 1, as it is similar to how the Town Council chose to phase in the move from April of even-numbered years to November of odd-numbered years in 1982. Under Option 1, officeholders elected in November, 2017 would serve three-year terms, expiring in November, 2020. Officeholders elected in November, 2019 would serve three-year terms, expiring in November, 2022. Following November, 2020, the Town of Corte Madera's municipal elections would take place in even-numbered years.

The drawback to this option is that back-to-back elections would need to be held in November, 2019 and 2020. Additionally, cost-savings and potential increase in voter turnout resulting from a move to even-numbered years would not be realized for several years out, as the change is phased in over several election cycles. However, this option may be more palatable to the public, since terms are truncated, rather than lengthened.

Option 2. Direct staff to draft an Ordinance to change the date of municipal elections to November of even years commencing in November, 2018. This would require cancellation of the November 2017 municipal elections and would extend the terms of all current Councilmembers for an additional year.

With Option 2, the cost-savings and potential increase in voter turnout resulting from a move to even-numbered years would be realized immediately. Selection of this option would result in the cancellation of the November, 2017 election and would lengthen the terms of office holders to a total of five years each. The terms of the three officeholders expiring in November, 2017 would be extended through November, 2018. The terms of the two officeholders expiring in November, 2019 would be extended through November, 2020. Following November, 2018, the Town of Corte Madera's municipal elections would take place in November of even-numbered years.

Option 3. Direct staff to draft an Ordinance to change the date of municipal elections to June of even years commencing in June, 2018. This would require cancellation of the November 2017 municipal elections and would extend the terms of all current Councilmembers for an additional six months.

With Option 3, the cost-savings and potential increase in voter turnout resulting from a move to even-numbered years would be realized immediately. Selection of this option would result in the cancellation of the November, 2017 election and would lengthen the terms of office holders to a total of four and a half years each. The terms of the three officeholders expiring in November, 2017 would be extended through June, 2018. The terms of the two officeholders expiring in November, 2019 would be extended through June, 2020. Following June, 2018, the Town of Corte Madera's municipal elections would take place in June of even-numbered years.

With a selection of any of these options, the Town Clerk would notify, by mail, all registered voters. The notice would explain to voters that the date of the election has been changed, and the method by which the change will be enacted. The cost for this one-time mailing is approximately \$5,000.

At this time, staff is requesting that the Town Council discuss and select one of the three available options, or provide further direction to staff regarding additional options. Upon receiving direction from the Town Council, staff, if requested, will prepare a draft ordinance for consideration and introduction at a future Town Council meeting.

Attachments:

1. Ordinance No. 707, approved January 19, 1982, and minutes from the December 15, 1981 and January 19, 1982 Town Council meetings.
2. Senate Bill No. 415: California Voter Participation Rights Act, approved by Governor Brown on September 1, 2015.
3. Corte Madera Municipal Code Chapter 2.38 – General Municipal Elections

ATTACHMENT 1

Ordinance No. 707, approved January 19, 1982, and minutes from the December 15, 1981 and January 19, 1982 Town Council meetings.

ORDINANCE NO. 707

AN ORDINANCE OF THE TOWN OF CORTE MADERA ADDING CHAPTER 2.38, "GENERAL MUNICIPAL ELECTIONS", TO TITLE 2 OF THE CORTE MADERA MUNICIPAL CODE

THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA does ordain as follows:

Section 1. Chapter 2.38 of Title 2 of the Corte Madera Municipal Code is hereby added to read as set forth below:

2.38.010 Date of General Municipal Election. General Municipal Elections shall be held on the same day as School District Elections as set forth in Section 2602 of the Elections Code.

2.38.020 Applicability of California Elections Code. When an election is held pursuant to Section 2.38.010, and the election is consolidated with another election, the provisions contained in Part 2.5 (commencing with Section 23300) of Division 14 of the California Elections Code shall govern the consolidation, and, if the County Clerk is requested to conduct the General Municipal Election, Section 22003 of the California Elections Code shall be applicable to that election.

2.38.030 Effect on perspective Town Elected Officers. Following the operative date of this ordinance, terms of office shall be affected as follows:

- a. For those prospective Town Officers elected on April 13, 1982, whose four-year terms of office would have, prior to the adoption of this ordinance, expired on the Tuesday succeeding the second Tuesday in April of an even-numbered year, shall instead, remain in office until no later than the fourth Tuesday of November 1985.
- b. For those prospective Town Officers elected on April 10, 1984, whose four-year terms of office would have, prior to the adoption of this ordinance, expired on the Tuesday succeeding the second Tuesday in April of an even-numbered year, shall instead, remain in office until no later than the fourth Tuesday of November 1987.

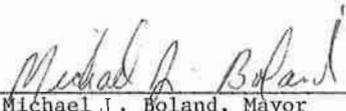
2.38.040 Notice to Voters of Change in Election Date. Within 30 days after this ordinance becomes operative, the Town Clerk shall cause a notice to be mailed to all registered voters of the change in the election date.

2.38.050 Elections Affected. This ordinance is intended to apply to, and shall be applicable only to those municipal elections held after April 3, 1984.

Section 2. This ordinance is adopted pursuant to the provisions of California Government Code Section 36503.5, and shall become operative upon the approval of the Board of Supervisors of Marin County.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. A summary of this ordinance shall be published in the Twin Cities within 5 days prior to passage and 15 days after passage.


Michael J. Boland, Mayor

ATTEST:


Betty Behel, Town Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 707 of the Town of Corte Madera, entitled as above, and that it was introduced on December 15, 1981 and adopted by the Council on January 19, 1982 by the following vote:

- AYES, and in favor thereof, Councilmembers: Haehl, Sullivan, Flahive, Dunn and Mayor Boland
- NOES, Councilmembers: None
- ABSENT, Councilmembers: None

That a summary was published in the Twin Cities Times on December 24, 1981 and January 28, 1982, and will become operative upon approval by the Board of Supervisors.


Betty Behel, Town Clerk

Town Council meeting of 12/15/81

CONSENT CALENDAR

- 3a. Approved minutes of meeting of 12/1/81
- 3b. Adopted Resolution No. 2056, Approving amended Parcel Map - Lands of Burgraf - 425 Montecito
- 3c. Accepted the work of Project No. 81-002 and authorized the recordation of a Notice of Completion
- 3d. Adopted Resolution No. 10-81, requesting that Certain Remaining Sanitary District #2 Assessment District Monies on deposit with the County of Marin be transferred to Treasurer of Sanitary District #2 of Marin County

MOTION: To approve Items 3a,3b,3c and 3d on the Consent Calendar.

Moved: Councilmember Sullivan

Vote: Unanimous

UNFINISHED BUSINESS

4. Resolution rescinding Resolution No. 2053 and designating public parks/areas where animals are prohibited and where they are permitted on a leash

The Town Engineer described the areas of the Town Park where he thought dogs on leashes could be permitted without interfering with the activities in the park.

MOTION: To adopt Resolution No. 2057, rescinding Resolution No. 2053, and designating public parks/areas where animals are prohibited.

Moved: Councilmember Dunn

Vote: Unanimous

5. Introduction of Ordinance adding Chapter 2.38 "Municipal Elections", to Title 2 of the Corte Madera Municipal Code (At issue is whether to shorten by 5 months or lengthen by 18 months Council terms)

Council discussed the two options available to them (lengthening or shortening terms) in making a change in election dates to coincide with school district elections and reached a consensus to shorten terms by five months for the next two elections.

MOTION: To introduce Ordinance No. 707, adding Chapter 2.38 "Municipal Elections", to Title 2 of the Corte Madera Municipal Code.

Moved: Councilmember Dunn

Vote: Unanimous

6. Consideration of Town Position on Proposed Abandonment, Portion of Northwestern Pacific Railroad Right-of-Way

Ms. Susan Black, Attorney for Handi-Kup, advised the Council that the proposed abandonment would have a negative economic effect on Handi-Kup. Charles Thompson, 108 Sandpiper Circle, proposed that a bike path be constructed in the right-of-way if it is abandoned.

MOTION: To oppose the abandonment because of the adverse effects on Handi-Kup unless the right-of-way can be retained intact.

Moved: Councilmember Flahive

Vote: Unanimous

Town Council meeting of 1/19/82

8g. Adopted Resolution No. 2064, approving 5-year Federal Aid Urban Program

8h. Approved Paradise Drive Reorganization (Annexation) No. 2

8i. Approved Warrants Nos. 4974 thru 5327, 200379 thru 200426, payroll checks Nos. 3507 thru 3634 and 101622 thru 101755 in the amount of \$587,239.21

MOTION: To approved Items 8a,8b,8d (1) & (2), 8f (1) & (2), 8g, 8h and 8i on the Consent Calendar.

Moved: Councilmember Flahive
Vote: Unanimous

* * * * *

After questions were answered, the following two items were approved.

8c. Awarded contract for Project 80-003A to Don Dowd Company

8e. Adopted Resolution No. 2065, amending Town Classification Plan by eliminating Sewer Maintenance Supervisor position and replacing same with Leadworker Classification

Moved: Councilmember Flahive
Vote: Unanimous

UNFINISHED BUSINESS

9. Adoption of Ordinance adding Chapter 2.38 "Municipal Elections" to Title 2 of the Corte Madera Municipal Code (Effective date 2/4/82)

Ordinance No. 707 was reviewed and title read.

MOTION: Council waives further reading and adopts Ordinance No. 707, adding Chapter 2.38 "Municipal Elections" to Title 2 of the Corte Madera Municipal Code (Effective date 2/4/82)

Moved: Councilmember Haehl
Vote: Ayes: Councilmembers Haehl, Sullivan, Flahive, Dunn and Mayor Boland
Noes: None

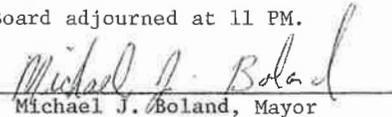
NEW BUSINESS

10. Request by Ecumenical Association for Housing for financial assistance and general endorsement of program to develop a visual media presentation on creating affordable housing in Marin County

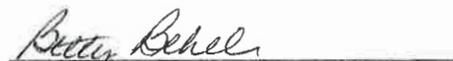
MOTION: To endorse program for visual media presentation and authorize a one-time only contribution of \$50 to Ecumenical Association for Housing for this program.

Moved: Councilmember Haehl
Vote: Unanimous

ADJOURNMENT: Town Council and Sanitary Board adjourned at 11 PM.


Michael J. Boland, Mayor

ATTEST:


Betty Behel, Town Clerk

ATTACHMENT 2

Senate Bill No. 415: California Voter Participation Rights Act,
approved by Governor Brown on September 1, 2015.



SB-415 Voter participation. (2015-2016)

Senate Bill No. 415

CHAPTER 235

An act to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, relating to elections.

[Approved by Governor September 01, 2015. Filed with Secretary of State September 01, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 415, Hueso. Voter participation.

Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date. Existing law also establishes certain dates for statewide elections. Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

This bill, commencing January 1, 2018, would prohibit a political subdivision, as defined, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in voter turnout for a regularly scheduled election in that political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

This bill would require a court to implement appropriate remedies upon a violation of this prohibition. The bill would authorize a voter who resides in a political subdivision where a violation is alleged to file an action in superior court to enforce this prohibition, and it would allow a prevailing plaintiff other than the state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 1.7 (commencing with Section 14050) is added to Division 14 of the Elections Code, to read:

CHAPTER 1.7. Voter Participation

14050. This chapter shall be known and may be cited as the California Voter Participation Rights Act.

14051. As used in this chapter:

(a) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, a city, a school district, a community college district, or other district organized pursuant to state law.

(b) "Significant decrease in voter turnout" means the voter turnout for a regularly scheduled election in a political subdivision is at least 25 percent less than the average voter turnout within that political subdivision for the previous four statewide general elections.

(c) "Voter turnout" means the percentage of voters who are eligible to cast ballots within a given political subdivision who voted.

14052. (a) Except as provided in subdivision (b), a political subdivision shall not hold an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout.

(b) A political subdivision may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election.

14053. Upon a finding of a violation of subdivision (a) of Section 14052, the court shall implement appropriate remedies, including the imposition of concurrent election dates for future elections and the upgrade of voting equipment or systems to do so. In imposing remedies pursuant to this section, a court may also require a county board of supervisors to approve consolidation pursuant to Section 10402.5.

14054. In an action to enforce subdivision (a) of Section 14052, the court shall allow the prevailing plaintiff other than the state or political subdivision of the state, a reasonable attorney's fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A prevailing defendant shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

14055. A voter who resides in a political subdivision where a violation of subdivision (a) of Section 14052 is alleged may file an action pursuant to that section in the superior court of the county in which the political subdivision is located.

14056. This chapter does not apply to special elections.

14057. This chapter shall become operative on January 1, 2018.

ATTACHMENT 3

Corte Madera Municipal Code
Chapter 2.38 – General Municipal Elections

Chapter 2.38 - GENERAL MUNICIPAL ELECTIONS

Sections:

2.38.010 - Date of general municipal election.

General municipal elections shall be held on the same day as school district elections as set forth in Section 2602 of the Elections Code.

(Ord. 707 § 1 (part), 1982)

2.38.020 - Applicability of California Elections Code .

When an election is held pursuant to Section 2.38.010 and the election is consolidated with another election, the provisions contained in Part 2.5 (commencing with Section 23300) of Division 14 of the California Elections Code shall govern the consolidation, and, if the county clerk is requested to conduct the general municipal election, Section 22003 of the California Elections Code shall be applicable to that election.

(Ord. 707 § 1 (part), 1982)

ATTACHMENT 3

MINUTES OF AUGUST 16, 2016 TOWN COUNCIL MEETING

1 Services/Town Treasurer)
2

3 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the
4 following vote: 4-0-1 (Ayes: Andrews, Condon, Lappert and Bailey; Noes:
5 None; Absent: Furst).
6

7 To approve the Town Consent Calendar Items 5.I, 5.II, 5.III, 5.IV and 5.V
8

9 **6. PUBLIC HEARINGS - None**

10
11 **7. BUSINESS ITEMS**

12
13 7.I Discussion and Possible Action to Consider Change of Election Date from
14 November of Odd Years to June or November of Even Years
15 (Report from Rebecca Vaughn, Town Clerk/Assistant to the Town Manager)
16

17 Town Clerk/Assistant to the Town Manager Rebecca Vaughn said this evening is a
18 continuation of discussion that began on April 19th. Unfortunately, staff was not aware of
19 SB 415 which she wrote about in her staff report. This came up when her Intern conducted
20 research on how other agencies handled the challenge of changing their election dates. She
21 found that numerous Southern California cities were writing letters of support or in
22 opposition to the Senate Bill. When she dug further and conducted some analysis, this could
23 easily pertain to Corte Madera and its low voter turnout.
24

25 In September 2015, California adopted SB 415 which requires cities with especially low
26 voter turnout which is defined as 25% less than the average voter turnout for the last 4
27 state elections to consolidate their contests with state elections, and their options for that
28 consolidation is either June or November of even years. The law takes effect next January
29 and under this law, a plan must be in place to be on an even year track by November 2022.
30

31 Ms. Vaughn explained that the Town's differential of the average of their 2014, 2012 and
32 2010 elections and the 2015 elections was 42% which is significantly greater than 25%.
33 The average of their previous year elections was 74.43% and 2015 election turnout was
34 32.09%.
35

36 Therefore, during discussions at the April 19th Council meeting, Council asked staff to do
37 some research on cost and potential for voter fatigue. Staff was unable to determine and
38 hard and fast rule as to whether costs would be decreased, but the general sense is the cost
39 is decreased based on the more jurisdictions one consolidates with. When on a state
40 election term, the ballot is shared with numerous agencies. The Town's contests are shared
41 with the school district.
42

43 The other item staff was asked to look into was the potential for voter fatigue with too

1 many items being on a state or federal election and a municipal contest being further down
2 the ballot and whether or not people had a tendency to vote the top of the ticket but not
3 necessarily vote all the way down.
4

5 Ms. Vaughn said she asked Dan Miller at Marin County who is in charge of filing services
6 and he said the City of Sausalito holds their municipal elections in November of even years.
7 She asked if she could receive an estimate of the voter turnout for Sausalito's items as
8 opposed to how Sausalito voted for the entire ticket. He indicated that in the 2012
9 Presidential election, Sausalito Councilmembers were voted on 87%. In that same election,
10 the total ticket was 87.37%. This is a difference from .37% which is insignificant in terms of
11 whether or not there was voter fatigue. In 2014 the total votes in Sausalito were 62.37%
12 and the Sausalito contest was 60.10% or about 2.1% differential.
13

14 Therefore, this might alleviate some concerns about voter fatigue, but this is just one
15 municipality's experience. The Town's contest varies each year and they never know what
16 will happen with any election.
17

18 Given research, Ms. Vaughn stated she has three potential options for the Council to
19 consider:
20

- 21 1. Based on precedent set by the Town in 1982 when the Town wanted to move from
22 April of even years to November of odd years, this change came about because the
23 Council wanted to find a way to save costs in the wake of Proposition 13 and tax
24 revenue reductions, and they wanted to still maintain a sense of non-partisanship.
25 To phase this in, they kept elections in 1982 and 1984 but elected Councilmembers
26 to 3 year terms. Following the second election in 1984, they were on an odd year
27 track.
28

29 Therefore, with this option, the Council would direct staff to draft an ordinance
30 changing the date of the municipal elections to November of even years
31 commencing in November 2020 and phase in the shift by electing office holders in
32 2017 and 2019 to serve 3 year terms, expiring in 2020 and 2022.
33

34 The financial impact of this is that the Town would have back to back elections in
35 2019 and 2020.
36

- 37 2. Direct staff to draft an ordinance to change the date of municipal elections to
38 November of even years commencing in November 2018 requiring the cancellation
39 of the November 2017 Municipal Election and extending terms of existing
40 Councilmembers for an additional year.
41

42 Financially, the Town would save the cost of holding an election next November
43 which cost almost \$13,000.

1
2 3. To draft an ordinance to change the date of municipal elections to June of even years
3 commencing June 2018, requiring the cancellation of the November 2017 municipal
4 elections and extending the terms of current Councilmembers for an additional 6
5 months. Again, this would cancel the June 2017 elections and saving costs for one
6 year. She said it may be more palatable to extend Councilmember terms for 6
7 months, but the potential for increased voter turnout might not be as great as in
8 terms of even years versus what it is for November of even years.
9

10 Mayor Bailey asked if there is any data between the differences between the turnouts in
11 June versus November voting.
12

13 Ms. Vaughn said she does not, but she asked the Towns of Ross and Belvedere for their
14 perceptions of the turnout in their June elections, and they indicated their elections were
15 around the low to mid 60% range.
16

17 Mayor Bailey said he knows Sausalito holds elections in even years in November and he
18 asked what other towns in Marin have even year elections. Ms. Vaughn stated Ross and
19 Belvedere have June of even years. Sausalito is the only city with November of even year
20 elections. The other 8 towns are November of odd years. She noted that she did bring up
21 the subject when she had their last Quarterly Clerks' meeting and all other clerks were
22 similarly surprised and will be discussing it with their management and Council as well.
23

24 Mayor Bailey asked if there are any legal prohibitions related to shortening or lengthening
25 Town Councilmembers' terms.
26

27 Mr. Riddle stated the only legal restriction is that they cannot lengthen or shorten a term by
28 more than 12 months.
29

30 Ms. Vaughn said she saw this as well and took it to mean 365 days; however, when looking
31 at the dates of the November 2017 election and the potential 2018 election, there was a
32 difference of between 361 days, so the Council would be under the 365 days if they chose
33 to extend by one year.
34

35 Mayor Bailey opened the public comment period.
36

37 PHYLLIS METCALFE, Parkview Circle, said since 2011 the law changed and all propositions
38 go on the November ballot. There is one qualification that a Constitutional Amendment can
39 go on the June ballot. The difference is that a citizen's initiative must be done by April. The
40 legislature only has to do something 31 days before and they can place constitutional
41 amendments, rejection of a statute, a bond measure, different levies and appropriations.
42

43 This year, she said there will be 17 statewide propositions on the ballot and a possibility of

1 3 more referendums, 2 bond measures and reclassification of some property crimes as
2 felonies. In addition, there is 1 countywide measure for a sales tax for low income
3 preschoolers, and 16 other local measures in jurisdictions. For example, Kentfield has 3
4 measures on the ballot. She added that senators, assembly members, local judges and
5 county supervisors and MMWD boardmembers and healthcare districts are on the ballot
6 when people apply and they are not on the ballot this year.

7
8 She suggested going with the June even year ballot because there is fatigue. Sausalito is not
9 a good example in the sense that it is a split Council and voters try to get a majority and so
10 people get wound up in it, but Corte Madera does not have that. There are not big issues
11 where people are trying to have Councilmembers recalled, etc., so the Council will go
12 through all of the state and national positions, all measures, and finally at the end of the
13 ballot. If they change the election to June, there is the turnout for the primary election and
14 what is seen in Ross and Belvedere. It is a healthy turnout and she thinks if there is a
15 measure in Corte Madera, it will get more attention yet they will be attached to the state
16 and national primaries. Therefore, she suggested changing elections to June of even years
17 versus November of even years.

18
19 DAVID KUNHARDT, Hill Path, said he was in favor of squaring up Corte Madera elections
20 with larger elections, whether June or November and thinks even years is the critical piece.
21 He said the difference between the number of votes at the top of a national ballot and the
22 number of votes in the bottom of the ballot is insignificant in comparison to the number of
23 votes received in an even year June or November versus an odd year. The Town is
24 depriving itself of having the consent of the governed if they continue with the odd year
25 elections. On June 7, 2016, Marin County had the second highest voter turnout of any
26 county in California with 67%, and Corte Madera also has good turnout. June would be a
27 good time to have local contests as well. Therefore, he personally feels they should be
28 bigger in their hope of what citizens can take on in the length of a ballot than concerned
29 about maintaining the preciousness of a tiny non-partisan local election which is more
30 expensive.

31
32 JENNIFER LARSON, Willow Avenue, thinks June and November sound like good ideas. She
33 does not think it would be good to extend any Councilmember term for any length of time,
34 which does not seem fair for those who voted in the last election and it does not seem fair
35 to anyone planning to run for Council in a certain time period to potentially have to extend
36 another 6 months to one year, especially when there is the option to hold it in the 2022
37 timeframe.

38
39 Mayor Bailey asked for Ms. Larson's comments regarding the shortening of terms.

40
41 Ms. Larson said anything that changes what people voted for and is retroactive should not
42 be done since there are other options.

43

1 Mayor Bailey confirmed that the item was not an action item but something for discussion.
2 Ms. Vaughn said she hoped that the Council would like something in the 3 options or create
3 a hybrid of their own and direct staff to bring it back at a later date with a draft ordinance
4 to introduce, and she thinks the timeframe would be at the second meeting in September.

5
6 Councilmember Lappert said what is surprising is the Senate Bill so the Town has no
7 choice. What he is against it is that he was raised in a country where everyone was
8 required to vote. This allows activism, a more concentrated effort for advertising dollars,
9 and if people know they can pull all of their information pertinent for Corte Madera, it will
10 affect them. He stated this is another attempt to manage the lives of the smaller cities. 15%
11 to 20% of the electorate knows what they are voting for and this is the way it will always
12 be.

13
14 He said he is proud of the over 300 votes were those people who were informed. If they
15 were to have 1,000 voters, they would have voted for the last thing that came in on
16 *NextDoor.com*. Therefore, he voted for June in even years over November.

17
18 Mayor Bailey asked what he thought about term lengths. Councilmember Lappert said he
19 would leave that to the mechanics of how they function here so the next election can be a
20 six month extension to 2017.

21
22 Ms. Vaughn stated if the Town phased it in, the Council would be looking at terms of 2 ½
23 years, but they could do an option 1 with ending up with a June election for 3 ½ years.

24
25 Councilmember Andrews said if there is a choice between extending current Council terms
26 or modifying the length of future Council terms, he would support modifying future Council
27 terms. In terms of the date of the election, he believes June would be preferable for reasons
28 given, but also on the odd-numbered years, this is when the Town reviews its two year
29 budgets. If there was a June of odd numbered years, the person would take office in July
30 and have a whole year to get up to speed to address the budget.

31
32 In terms of what is done for modifying future Council terms, they could do a stub term of 3
33 years or do an extended term which is 5 years, and he did not have strong feelings between
34 those two.

35
36 Councilmember Condon said she was not comfortable at all with extending anyone's term
37 for an extra year. She said given this is now a mandate with the Senate Bill, she thinks the
38 option of a June election and extending it 6 months would be the best alternative and she
39 was opposed to voting herself an extra year. She asked to change the election to June.

40
41 Ms. Vaughn said she was re-writing Option 1 to end up with June of even years and make
42 them 3 ½ year terms, the unfortunate part of that would be that there would be back to
43 back elections. They would have an election of 2017 and November 2019 and those office

1 holders would have terms that would expire in June of 2020 and 2022. Finally, the Council
2 would be on the even year as of 2020.

3
4 Town Manager Bracken noted that Councilmember Condon wanted to change Option 3 to
5 June 2018, and then they would have 4 year elections after that every June of an even year.

6
7 MOTION: Moved by Andrews, seconded by Condon, and approved unanimously by the
8 following vote: 3-0-1 (Ayes: Andrews, Condon, Lappert and Bailey; Noes:
9 None; Absent: Furst).

10
11 To re-open public comment

12
13 PHYLLIS METCALFE asked to keep it simple and Option 3 is the easiest to do for staff and
14 for people to understand. It is an extension of 6 months on a term. If someone does not
15 want to serve for 6 months more, they could retire and their seat could be appointed. She
16 said when changes are made there have been additions onto terms and not shortening
17 terms. She suggested extending the period until June 2018 and then the Council will be in
18 line with 2022 with terms.

19
20 Mayor Bailey said he does not think the Council ought to do anything that affects their
21 current terms for better or for worse. He had been in favor of truncating or shortening his
22 term to get them on track and then those elected next would be on track. It is not realistic
23 for the next cycle to be shortened, but he would be willing to shorten his. When working
24 through it, it is like abandonment of duty which is not much different than giving some
25 extra time. Therefore, he suggested sticking with the existing term, but beginning with the
26 next election, anybody elected in that election should be the amount to get the council on
27 an even-year election cycle. If that is 2 ½ years or 3 1/2 years, it would be reduced. His term
28 therefore would expire in June 2017 instead of November 2017, and he is saying anyone
29 elected in that term should be elected for 3 ½ years instead of 4 years, which means their
30 term would end in June 2020 instead of November 2020. From June 2020 forward, another
31 councilmembers' cycle is forever on a term of even years.

32
33 Ms. Vaughn said this is correct, but it would lead the Council to having an election in
34 November 2019 and June of 2020. City Attorney Riddle said he thinks this would end up
35 making Councilmembers have 2 ½ year terms which cannot be done. Regulations state
36 terms cannot be shortened for more than one year. State law requires 4 year terms.

37
38 Mayor Bailey asked if they could get an exception for one election year, and Mr. Riddle said
39 not unless they go to the legislature.

40
41 Mayor Bailey said he was not supportive of increasing Councilmembers' terms.
42 Councilmember Lappert said the Council could always appoint someone and the
43 Councilmember could step down if they want to.

1
2 Mayor Bailey asked Ms. Vaughn to provide the Council with an alternate Option 3 which
3 begins when the Council's current cycle concludes and whether there is any way to set it up
4 for the Council to get on board as quickly as possible without extending terms, and to have
5 a 4 ½ year term so those running next are running for a long term. It would be subject to
6 voter participation.

7
8 Ms. Vaughn asked and confirmed it would be for one term where Option 1 currently affects
9 two terms.

10
11 City Attorney Riddle said he will look at this and said those elected in 2017 would serve
12 until June 2022 and there will be an election in 2019 would serve until 2024.

13
14 Ms. Vaughn stated the Council is potentially talking about electing office holders for terms
15 of 4 ½ years expiring in June of 2022.

16
17 Councilmember Andrews said in 2017, 3 people will be elected to terms that will end in
18 June of 2022 or 4 ½ years. In June 2019, 2 people would be elected to terms until June of
19 2024.

20
21 Ms. Vaughn asked if the Council would like an ordinance to review at the next meeting, and
22 Councilmembers confirmed. Ms. Vaughn said an option 2 could be for what is listed as
23 Option 3 and this could be revisited at the same time.

24
25 7.II Review of Draft September 6, 2016 Town Council Agenda

26
27 There were no comments regarding the agenda.

28
29 7.III Approval of Minutes of August 2, 2016 Town Council Meeting

30
31 Councilmember Condon requested the following revision:

- 32 • Page 10, line 35, change date to "August 28th" for Age-Friendly Corte Madera to
33 sponsor the party.

34
35 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the
36 following vote: 3-0-1-1 (Ayes: Andrews, Condon and Lappert; Noes: None;
37 Absent: Furst; Abstain: Bailey).

38
39 To approve the Minutes of the August 2, 2016 Town Council Meeting, as
40 amended

41
42 **8. ADJOURNMENT**

43

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: September 14, 2016
Meeting Date: September 20, 2016

TO: MAYOR AND TOWN COUNCIL

FROM: GEORGE T. WARMAN, JR., DIRECTOR OF ADMINISTRATIVE SERVICES/
TOWN TREASURER

SUBJECT: 1. ADOPTION OF PROPOSED RESOLUTION NO. 34/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA (1)
ADOPTING THE POSITION CLASSIFICATION AND JOB
DESCRIPTION OF DIRECTOR OF PUBLIC WORKS/TOWN ENGINEER/MANAGER
SANITARY DISTRICT NO. 2/ASSISTANT TOWN MANAGER; AND (2) DELETING
THE POSITION CLASSIFICATION AND JOB DESCRIPTION OF DIRECTOR OF
PUBLIC WORKS (ENGINEERING & PUBLIC WORKS ADMINISTRATION)

AND

2. ADOPTION OF PROPOSED RESOLUTION NO. 35/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
AMENDING COMPENSATION SCHEDULE B AND COMPENSATION SCHEDULE C OF
RESOLUTION NO. 38/2015 -

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
FIXING COMPENSATION AND ESTABLISHING CERTAIN BENEFITS FOR
DEPARTMENT HEAD EMPLOYEES OF THE TOWN OF CORTE MADERA
EFFECTIVE SEPTEMBER 26, 2016
(SETS SALARY RANGE OF NEW POSITION CLASSIFICATION)

AND

3. APPROVE A SUPPLEMENTAL APPROPRIATION OF \$170,600 FOR FILLING
THE VACANT DEPARTMENT HEAD POSITION IN THE PUBLIC WORKS
ADMINISTRATIVE OFFICE

* * * * *

PURPOSE:

- 1) To adopt the new Position Classification and Job Description of Director of Public Works/Town Engineer/Manager Sanitary District No. 2/Assistant Town Manager; and delete the Position Classification and Job Description of Director of Public Works (Engineering & Public Works Administration).
- 2) To set the salary range of the Director of Public Works/Town Engineer/Manager Sanitary District No. 2/Assistant Town Manager; and delete the salary range of the Director of Public Works (Engineering & Public Works Administration).
- 3) Approve a supplemental appropriation of \$170,600 for the balance of this fiscal year for filling the vacant Department Head position in the Public Works Administrative Office.

RECOMMENDATION:

1. Staff recommends that the Town Council adopt the proposed Resolution No. 34/2016 in Attachment #1.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA (1) ADOPTING THE POSITION CLASSIFICATION AND JOB DESCRIPTION OF DIRECTOR OF PUBLIC WORKS/TOWN ENGINEER/MANAGER SANITARY DISTRICT NO. 2/ASSISTANT TOWN MANAGER; AND (2) DELETING THE POSITION CLASSIFICATION AND JOB DESCRIPTION OF DIRECTOR OF PUBLIC WORKS (ENGINEERING & PUBLIC WORKS ADMINISTRATION)

AND

2. Staff recommends that the Town Council adopt proposed Resolution No. 35/2016 in Attachment #2.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AMENDING COMPENSATION SCHEDULE B AND COMPENSATION SCHEDULE C OF RESOLUTION NO. 38/2015 -

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA FIXING COMPENSATION AND ESTABLISHING CERTAIN BENEFITS FOR DEPARTMENT HEAD EMPLOYEES OF THE TOWN OF CORTE MADERA EFFECTIVE SEPTEMBER 26, 2016 (SETS SALARY RANGE OF NEW POSITION CLASSIFICATION)

AND

3. Staff recommends that the Town Council approve a Supplemental Appropriation of \$170,600 for the balance of this fiscal year for filling the vacant Department Head position in the Public Works Administrative Office.

BACKGROUND:

The former Director of Public Works (Engineering & Public Works), Mr. Barry Hogue, retired effective April 30, 2015. The Town Manager, Mr. David Bracken, who was also the Town Engineer, has filled the Department Head position since that time. A new Town Manager is being employed effective September 26th and Mr. Bracken will be returning to the position he held prior to becoming Town Manager in September of 2006. In addition to being the Director of Public Works and Town Engineer, he will also be Manager of Sanitary District No. 2 and Assistant Town Manager (Range 25D-\$16,667 per month). This salary is being set 15% above Mr. Hogue's salary (Range 21D-\$14,527 per month). The salary range is 10% above the range that Mr. Bracken would have been if he had not been appointed Town Manager in 2006 (Range 22D-\$15,060). There is no comparable position in the County of Marin and the recommended salary range is based on an internal comparison between the new Town Manager's salary (\$18,250 per month) and existing Department Heads. Mr. Bracken's salary would be approximately 10% below the new Town Manager's salary.

GENERAL PLAN:

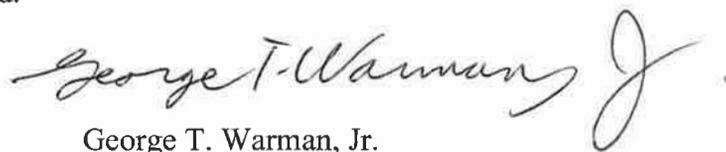
Not applicable.

ENVIRONMENTAL IMPACT:

Not applicable.

FISCAL IMPACT:

The additional cost this fiscal year is approximately \$170,600. A supplemental appropriation in this amount is required.



George T. Warman, Jr.
Director of Administrative Services/
Town Treasurer

ATTACHMENT:

1. Proposed Resolution No. 34/2016
2. Proposed Resolution No. 35/2016

ATTACHMENT #1

PROPOSED RESOLUTION
No. 34/2016

RESOLUTION NO. 34/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
(1) ADOPTING THE POSITION CLASSIFICATION AND JOB
DESCRIPTION OF DIRECTOR OF PUBLIC WORKS/TOWN
ENGINEER/MANAGER SANITARY DISTRICT NO. 2/ASSISTANT TOWN
MANAGER; AND (2) DELETING THE POSITION CLASSIFICATION AND
JOB DESCRIPTION DIRECTOR OF PUBLIC WORKS (ENGINEERING &
PUBLIC WORKS ADMINISTRATION)

WHEREAS, a classification plan is considered a foundation for a sound personnel management system; and

WHEREAS, it is necessary to create position classifications to identify job responsibilities assigned and experience required; and

WHEREAS, on September 16, 1997, the Town Council accepted, and on October 21, 1997, the Town Council adopted the present Classification Plan, as since amended, and the present Classification Specifications/Job Descriptions, as since amended; and

WHEREAS, it is necessary to (1) Adopt the Position Classification and Job Description of Director of Public Works/Town Engineer/Manager Sanitary District No. 2/Assistant Town Manager; and (2) Delete the position classification and job description of Director of Public Works (Engineering & Public Works Administration).

NOW, THEREFORE BE IT RESOLVED, that the Town Council does hereby (1) Adopt the Position Classification and Job Description of Director of Public Works/Town Engineer/Manager Sanitary District No. 2/Assistant Town Manager; and (2) Delete the position classification and job description of Director of Public Works (Engineering & Public Works Administration); all of which are attached hereto and incorporated herein by reference as though fully set forth.

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of Resolution No. 34/2016 duly passed and adopted by the Town Council of the Town of Corte Madera, at a meeting thereof duly held on the 20th day of September, 2016, by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

APPROVED:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

TOWN OF CORTE MADERA

**DIRECTOR OF PUBLIC WORKS/TOWN ENGINEER
MANAGER SANITARY DISTRICT NO. 2
ASSISTANT TOWN MANAGER**

DEFINITION

To assume full management responsibilities for the Public Works Department and Sanitary District; to provide highly responsible and complex administrative support to the Town Manager, department heads and the Town Council by assisting in planning, directing, managing and reviewing the activities and operations of the Town; to coordinate assigned activities with other Town departments and outside agencies; to act as Town Manager in the Town Manager's absence.

DISTINGUISHING CHARACTERISTICS

This is a single position, executive level class with responsibility for providing highly responsible and complex administrative support to the Town Manager, department heads and the Town Council. This employee performs the statutory duties of the Director of Public Works as set forth in the Municipal Codes, fulfilling assigned responsibilities within policy guidelines. Incumbent is responsible for the civil engineering, design, construction, and inspection of public works facilities, flood control facilities, sanitary sewers and pump stations, parks, medians, and buildings.

The employee in this class is responsible for the development and oversight of broad departmental goals, objectives, priorities, policies and procedures. Incumbent ensures that departmental programs and activities are completed in a timely and efficient manner, consistent with established policies and regulations. In addition to Engineering and Assistant Town Manager responsibilities, this class is distinguished from the Director of Field Maintenance and Operations in that the focus of the latter class is management of field maintenance activities and operations of the Public Works Department and Sanitary District.

SUPERVISION RECEIVED AND EXERCISED

Receives general administrative and policy direction from the Town Manager and Town Council.

Exercises general and direct supervision over supervisory, professional and clerical staff.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Plans, directs, manages, supervises and oversees the administration of the Public Works Department to include traffic and civil engineering, storm water collection, flood control, sewer drainage programs, sanitary facilities, the preparation of the Town and Sanitary District's Capital Improvement Program, all Public Works related code enforcement, and all Public Works related permitting.

Acts as the ADA Coordinator, the Flood Plain Administrator and performs all functions specified in the Corte Madera Municipal Code and as designated by the Town Manager related to Public Works.

Manages the development and implementation of departmental goals, objectives, policies, and priorities for each assigned service area and function; establishes department work plan, service levels, and staffing requirements.

Develops policies and procedures for achieving departmental goals, objectives and priorities.

Allocates resources; monitors and evaluates the efficiency and effectiveness of service delivery; monitors the allocation expenditures for personnel, supplies and equipment; directs and implements modifications and changes as necessary to achieve goals, objectives and priorities.

Maintains current inventory of Town's infrastructure, facilities and equipment.

Carries out general administrative duties on behalf of the Town Manager; coordinates and manages public and intergovernmental relations as delegated by the Town Manager; represent the Town Manager as requested.

Represents the department to elected officials, the Town Manager, other Town Departments, Town Commissions and Committees, outside agencies and professional organizations, citizen and community groups; interprets and explains department activities, programs, projects, goals, objectives and priorities.

Responds to citizen inquires and concerns.

Prepares reports, correspondence and recommendations to the Town Council, Town Manager and outside agencies.

Provides technical recommendations on department matters to the Town and other committees, commissions and boards involved in public works and Town engineering activities.

Negotiates and resolves significant sensitive and controversial problems and issues.

Selects and evaluates department personnel; considers, evaluates and resolves employee grievances; implements discipline and termination procedures; develops and promotes staff training and motivation programs; assist in labor negotiations.

Prepares, reviews and administers the department budget and long range capital improvement plans; reviews and approves payments for services.

Prepares specifications, contracts, franchises and agreements for professional services; administers contracts and agreements for services including engineering, collection of solid waste, collection and treatment of sewage, maintenance of the street lights and traffic signals and maintenance and improvement to public buildings and facilities.

Analyzes expenditure and cost data and makes recommendations on service fees and rates.

Manages and supervises municipal programs to ensure Town is in compliance with applicable state and federal laws and regulations.

JOB RELATED AND ESSENTIAL QUALIFICATIONS

Knowledge of:

Principles and practice of public administration including organization, budgeting, personnel management, and administration.

Advanced principles and practices of engineering as applied to public works services; contract law and principles of contract administration.

Operational characteristics, services, and activities of comprehensive public works and engineering programs.

Organization and management practices as applied to the analysis and evaluation of public works programs, policies, and operational needs.

Modern and complex principles and practices of public works program development and administration.

Advanced principles and practices of engineering as applied to the planning, design, and construction of a broad spectrum of public works facilities and projects.

Methods, material and techniques employed in public works construction, engineering, and traffic engineering.

Recent developments and sources of information on public works administration.

Principles and practices of municipal budget preparation and administration.

Principles of supervision, training, performance evaluation and procedures, laws and regulations involved in labor negotiations.

Pertinent Federal, State, and local laws, codes, and regulations.

Technical, legal, financial, and public relations issues and problems related to the conduct of a municipal public works program.

Safe driving principles and practices.

Skill to:

Operate modern office equipment including computer equipment.

Operate a motor vehicle safely.

Ability to:

Direct, coordinate and analyze varied public programs.

Coordinate and integrate a variety of program activities throughout the Town.

Provide administrative and professional leadership and direction for the Public Works Department; plan, organize, and direct comprehensive public works programs.

Develop, implement, and administer goals, objectives, and procedures for providing effective and efficient public works and engineering services.

Plan, organize, direct, and coordinate the work of supervisory and professional personnel; delegate authority and responsibility.

Select, supervise, train, and evaluate staff.

Identify and respond to community, Town Manager, and Town Council issues, concerns, and needs.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Administer contract services.

Research, analyze, and evaluate new service delivery methods, procedures, and techniques.

Prepare and administer large and complex budgets; allocate limited resources in a cost-effective manner.

Prepare clear and concise administrative, technical, and financial reports.

Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.

Read, interpret, and apply a wide variety of technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.

Communicate clearly and concisely, both orally and in writing.

Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

Respond tactfully and promptly to citizen requests for information and concerns.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and training that would provide the required knowledge, skills, and abilities would be qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

Experience:

Six years of responsible and varied civil engineering experience including at least two years of significant supervisory responsibilities. In addition, at least two years as a Town/City Manager is preferred.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major coursework in civil engineering. Postgraduate work preferred.

License or Certificate:

Possession of a valid certificate of registration as a Professional Civil Engineer in the State of California; possession of a valid California Driver's License.

Special Requirements:

Essential duties require the following physical skills and work environment:

Ability to work in a standard office environment and perform field inspections; requires the ability to exert a small amount of physical effort in sedentary to light work involving moving from one area of the office to another; may require the ability to operate a motor vehicle to travel to different sites and locations.

Effective Date: September 2016

Council Approval: Res. No., [Date]

TOWN OF CORTE MADERA
DIRECTOR OF PUBLIC WORKS

DEFINITION

To plan, direct, manage, supervise and oversee the administration of the Public Works Department to include traffic and civil engineering, storm water collection, flood control, sewer drainage programs, sanitary facilities, the preparation of the Town and Sanitary District's Capital Improvement Program, all Public Works related code enforcement, and all Public Works related permitting; to act as the ADA Coordinator, the Flood Plain Administrator and to perform all functions specified in the Corte Madera Municipal Code and as designated by the Town Manager related to Public Works; to coordinate assigned activities with other Town departments and outside agencies; and to provide highly responsible and complex administrative support to the Town Manager.

DISTINGUISHING CHARACTERISTICS

This is a single position class with responsibility for performing the statutory duties of the Director of Public as set forth in the Municipal Codes, fulfilling assigned responsibilities within broad guidelines. Incumbent is responsible for the design, construction, and inspection of public works facilities, flood control facilities, sanitary sewers and pump stations, parks, medians, and buildings.

The incumbent is responsible for the development and oversight of broad departmental goals, objectives, priorities, policies and procedures. Incumbent ensures that departmental programs and activities are completed in a timely and efficient manner, consistent with established policies and regulations. This class is distinguished from the Director of Field Maintenance and Operations in that the focus of the latter class is management of field maintenance operations and activities for the Public Works Department and Sanitary District.

SUPERVISION EXERCISED

Receives general administrative direction from the Town Manager.

Exercises general and direct supervision over supervisory, professional and clerical staff.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Assume full management responsibility for all departmental programs, projects and facilities;

Manage the development and implementation of departmental goals, objectives, policies, and priorities for each assigned service area and function; establish department work plan, service levels, and staffing requirements.

Develop policies and procedures for achieving departmental goals, objectives and priorities.

Allocate resources; monitor and evaluate the efficiency and effectiveness of service delivery; monitor the allocation expenditures for personnel, supplies and equipment; direct and implement modifications and changes as necessary to achieve goals, objectives and priorities.

Maintain current inventory of Town's infrastructure, facilities and equipment.

Represent the department to elected officials, the Town Manager, other Town Departments, Town Commissions and Committees, outside agencies and professional organizations, citizen and community groups; interpret and explain department activities, programs, projects, goals, objectives and priorities.

Respond to citizen inquires and concerns.

Prepare reports, correspondence and recommendations to the Town Council, Town Manager and outside agencies.

Provide technical recommendations on department matters to the Town and other committees, commissions and boards involved in public works and Town engineering activities.

Negotiate and resolve significant sensitive and controversial problems and issues.

Recruit, select, evaluate, and promote department personnel; consider, evaluate and resolve employee grievances; implement discipline and termination procedures; develop and promote staff training and motivation programs; develop and implement drug testing and training programs; assist in labor negotiations.

Prepare, review and administer the department budget and long range capital improvement plans; review and approve payments for services.

Prepare specifications, contracts, franchises and agreements for professional services; administer contracts and agreements for services including engineering, collection of solid waste, collection and treatment of sewage, maintenance of the street lights and traffic signals and maintenance and improvement to public buildings and facilities.

Analyze expenditure and cost data and make recommendations on service fees and rates.

Manage and supervise municipal programs to ensure Town is in compliance with applicable state and federal laws and regulations.

OTHER JOB RELATED DUTIES

Perform related duties and responsibilities as assigned.

JOB RELATED AND ESSENTIAL QUALIFICATIONS

Knowledge of:

Operational characteristics, services, and activities of comprehensive public works and engineering programs.

Organization and management practices as applied to the analysis and evaluation of public works programs, policies, and operational needs.

Modern and complex principles and practices of public works program development and administration.

Basic principles and practices of engineering as applied to public works services; contract law and principles of contract administration.

Advance principles and practices of engineering as applied to the planning, design, and construction of a broad spectrum of public works facilities and projects.

Methods, material and techniques employed in public works construction, engineering, and traffic engineering.

Recent developments and sources of information on public works administration.

Principles and practices of municipal budget preparation and administration.

Principles of supervision, training, performance evaluation and procedures, laws and regulations involved in labor negotiations.

Pertinent Federal, State, and local laws, codes, and regulations.

Technical, legal, financial, and public relations issues and problems related to the conduct of a municipal public works program.

Safe driving principles and practices.

Skill to:

Operate modern office equipment including computer equipment.

Operate a motor vehicle safely.

Ability to:

Provide administrative and professional leadership and direction for the Public Works Department.

Develop, implement, and administer goals, objectives, and procedures for providing effective and efficient public works services.

Plan, organize, direct, and coordinate the work of supervisory and professional personnel; delegate authority and responsibility.

Select, supervise, train, and evaluate staff.

Identify and respond to community, Town Manager, and Town Council issues, concerns, and needs.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Plan, organize, and direct comprehensive public works programs.

Administer contract services.

Research, analyze, and evaluate new service delivery methods, procedures, and techniques.

Prepare and administer large and complex budgets; allocate limited resources in a cost-effective manner.

Prepare clear and concise administrative, technical, and financial reports.

Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.

Read, interpret, and apply a wide variety of technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.

Communicate clearly and concisely, both orally and in writing.

Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

Respond tactfully and promptly to citizen requests for information and concerns.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and training that would provide the required knowledge, skills, and abilities would be qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

Experience:

Six years of responsible experience in municipal public works including three years of administrative, management and supervisory experience.

Training:

A Bachelor's degree from an accredited college or university with major course work in business or public administration, engineering, construction management or a related field is required.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid driver's license.

Special Requirements:

Essential duties require the following physical skills and work environment:

Ability to work in a standard office environment and perform field inspections; requires the ability to exert a small amount of physical effort in sedentary to light work involving moving from one area of the office to another; may require the ability to operate a motor vehicle to travel to different sites and locations.

Effective Date: October, 1997

Revised: September, 1998, May 2005, December 2010

Council Approval: Res. No. 3656, January 18, 2011

ATTACHMENT #2

PROPOSED RESOLUTION
NO. 35/2016

RESOLUTION NO. 35/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
AMENDING COMPENSATION SCHEDULE B AND COMPENSATION SCHEDULE
C OF RESOLUTION NO. 38/2015 -
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
FIXING COMPENSATION AND ESTABLISHING CERTAIN BENEFITS FOR
DEPARTMENT HEAD EMPLOYEES OF THE TOWN OF CORTE MADERA
EFFECTIVE SEPTEMBER 26, 2016

RESOLVED, by the Town Council of the Town of Corte Madera that:

1. The amended compensation schedules attached hereto and entitled "Compensation Schedule B-Department Head Employees" and "Compensation Schedule C-Department Head Employees" are hereby incorporated and adopted as the Compensation Schedules for the employees of the Town of Corte Madera shown therein beginning September 26, 2016 and ending July 1, 2018.

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of Resolution No. 35/2016 duly passed and adopted by the Town Council of the Town of Corte Madera, at a meeting thereof duly held on the 20th day of September, 2016, by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

APPROVED:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

COMPENSATION SCHEDULE B - DEPARTMENT HEAD EMPLOYEES

| <u>Position</u> | <u>Range No.</u> | <u>Salary Range</u> | | | | | <u>Provision for Work Related Transportation</u> |
|--|------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--|
| | | <u>Min</u> | <u>2</u> | <u>Step Midpt</u> | <u>4</u> | <u>Step Max</u> | |
| <i>Director of Public Works/ Town Engineer/Manager Sanitary District No. 2/ Assistant Town Manager</i> | 25D | 13,711 (79.11) | 14,397 (83.07) | 15,117 (87.22) | 15,873 (91.58) | 16,667 (96.16) | <i>Auto Allowance \$432 per month</i> |
| Director of Emergency Services* | 22DA | 12,496 (72.10) | 13,121 (75.70) | 13,777 (79.49) | 14,466 (83.46) | 15,190 (87.64) | Town Vehicle |
| Director of Public Works (Engineering & Public Works Administration) | 21D | 11,950 (68.95) | 12,548 (72.40) | 13,176 (76.02) | 13,835 (79.82) | 14,527 (83.82) | Auto Allowance \$432 per month |
| Director of Public Works (Field Maintenance & Operations) | 21D | 11,950 (68.95) | 12,548 (72.40) | 13,176 (76.02) | 13,835 (79.82) | 14,527 (83.82) | Town Vehicle |
| Director of Administrative Services/Town Treasurer | 20DA | 11,855 (68.40) | 12,448 (71.82) | 13,071 (75.42) | 13,725 (79.19) | 14,412 (83.15) | Auto Allowance \$432 per month |
| Director of Planning & Building | 20D | 11,507 (66.39) | 12,083 (69.71) | 12,688 (73.21) | 13,323 (76.87) | 13,990 (80.72) | Auto Allowance \$432 per month |
| Director of Recreation & Leisure Services | 14D | 8,867 (51.16) | 9,311 (53.72) | 9,777 (56.41) | 10,266 (59.23) | 10,780 (62.20) | Auto Allowance \$432 per month |

*See Section 14 for Educational Incentive Program for Uniformed Firefighters.

COMPENSATION SCHEDULE C - DEPARTMENT HEAD EMPLOYEES

| <u>Position</u> | <u>Range No.</u> | <u>Salary Range</u> <u>Effective 07/03/17</u> | | | | | <u>Provision for Work Related Transporation</u> |
|--|------------------|--|-------------------------------|-------------------------------|-------------------------------|-------------------------------|---|
| | | <u>Min</u> | <u>2</u> | <u>Step Midpt</u> | <u>4</u> | <u>Step Max</u> | |
| <i>Director of Public Works/ Town Engineer/Manager Sanitary District No. 2/ Assistant Town Manager</i> | 25D | 13,986 (80.69) | 14,685 (84.73) | 15,420 (88.97) | 16,191 (93.42) | 17,001 (98.09) | <i>Auto Allowance \$432 per month</i> |
| Director of Emergency Services* | 21DA | 12,496 (72.10) | 13,121 (75.70) | 13,777 (79.49) | 14,466 (83.46) | 15,190 (87.64) | Town Vehicle |
| Director of Public Works (Engineering & Public Works Administration) | 21D | 12,190 (70.33) | 12,800 (73.85) | 13,440 (77.54) | 14,112 (81.42) | 14,818 (85.49) | Auto Allowance \$432 per month |
| Director of Public Works (Field Maintenance & Operations) | 21D | 12,190 (70.33) | 12,800 (73.85) | 13,440 (77.54) | 14,112 (81.42) | 14,818 (85.49) | Town Vehicle |
| Director of Administrative Services/Town Treasurer | 20DA | 12,094 (69.78) | 12,699 (73.27) | 13,334 (76.93) | 14,001 (80.78) | 14,701 (84.82) | Auto Allowance \$432 per month |
| Director of Planning & Building | 20D | 11,738 (67.72) | 12,325 (71.11) | 12,942 (74.67) | 13,590 (78.41) | 14,270 (82.33) | Auto Allowance \$432 per month |
| Director of Recreation & Leisure Services | 14D | 9,045 (52.19) | 9,498 (54.80) | 9,973 (57.54) | 10,472 (60.42) | 10,996 (63.44) | Auto Allowance \$432 per month |

*See Section 14 for Educational Incentive Program for Uniformed Firefighters.

THIS MATERIAL HAS BEEN REVIEWED BY:

TOWN MANAGER

DB

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 14, 2016
MEETING DATE: September 20, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL
FROM: KELLY CROWE, ASSOCIATE CIVIL ENGINEER
SUBJECT: MODIFICATION TO RESOLUTION 2214 "RESOLUTION AMENDING RESOLUTION 815 (TRAFFIC RESOLUTION) ESTABLISHING A NO PARKING AREA IN THE 900, 1000 AND 1100 BLOCKS OF MEADOWSWEET DRIVE WITH SPECIFIC EXCEPTIONS"

* * * * *

PURPOSE:

Approval of this action will modify the original resolution to clarify the specific exceptions outlined in the original resolution

STAFF RECOMMENDATION:

That the Town Council adopt the Resolution No.36/2016, RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AMENDING RESOLUTION 815 (TRAFFIC RESOLUTION) ESTABLISHING A NO PARKING ZONE IN THE AREA OF THE 900, 1000 AND 1100 BLOCK OF MEADOWSWEET DRIVE WITH SPECIFIC EXCEPTIONS

OPTIONS:

The Town Council may adopt the resolution as presented, adopt the resolution with modifications, or take no action on the item.

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

GOVERNING POLICIES:

Section 10.40.040 - No Parking Areas of the Corte Madera Municipal Code.

ENVIRONMENTAL IMPACT:

Pursuant to Section 15321 of the California Environmental Quality Act, this project is categorically exempt from the provisions of that Act.

FISCAL IMPACT:

No additional cost for painting is expected. The cost for additional signage is approximately \$800.

BACKGROUND:

Resolution 2214 was adopted in 1984 and established no parking areas along Meadowsweet Drive. The resolution made a specific exception to the no parking areas and defined the requirements for parking to be allowed. Resolution 2214 defines the no parking areas as, "*Both sides of Meadowsweet Drive in the 900, 1000 and 1100 blocks except where a level roadway width of 28 feet or more exists in front of the following addresses: 940, 966, 970, 978, 988, 990, 1030, 1044 and 1100*". The Public Works Department, in accordance with the resolution, maintains the red curb painting within this area.

Within the last month the Public Works Department, while preparing for red curb re-painting, discovered that the red paint in front of 978 Meadowsweet had been painted over with black paint. Public Works staff measured the road width in front of the residence and found that only 24.5 feet of roadway existed, which did not conform to the required value of 28 feet as outlined in Resolution 2214. Public Works staff placed temporary "No Parking" signs until the painting could be completed. Mr. Hunter Sykes of 978 Meadowsweet Drive objected to the determination that parking in the area in front of his residence is not allowed and asked the Town to reconsider, citing the language in Resolution 2214 made specific reference to the allowance of parking in front of his residence.

Engineering staff has reviewed Mr. Sykes objection and has determined that the language used in Resolution 2214 does not adequately address conditions where a combination of shoulder width and pavement width provide for both a sufficient travel lane and space available for parking. In particular, the statement, "except where a level roadway width of 28 feet or more" has created confusion between residents and staff. The term roadway as defined in Section 530 of the California Vehicle Code (CVC) states, "A 'roadway' is that portion of the highway improved, designed or ordinarily used for vehicular travel". Staff interprets this to mean the extents of the roadway between the edges of pavement. Furthermore, staff could not find justification by prior Town staff that decided on the 28 foot dimension. Engineering staff has

determined that the intent of Resolution 2214 was to allow parking where it did not impede the free flow of traffic. Meadowsweet Drive most closely relates to a minor collector road per the Federal Highway Administration (FHWA)'s 2013 Highway Functional Classification Concepts, Criteria and Procedures manual. The allowable lane widths for a minor collector are between 10 and 11 feet. In Mr. Sykes case, a typical 8 foot wide parking stall can be accommodated with two 10 foot travel lanes. Engineering staff believes this would satisfy the intent of Resolution 2214.

Staff proposes to modify the language in the resolution to state, *“23.96. Western half of Meadowsweet Drive in the 900, 1000 and 1100 blocks and the eastern half of Meadowsweet Drive in the 900, 1000 and 1100 blocks except on level shoulders greater than 8 feet wide measured from the edge of pavement or in marked stalls within the paved area.*

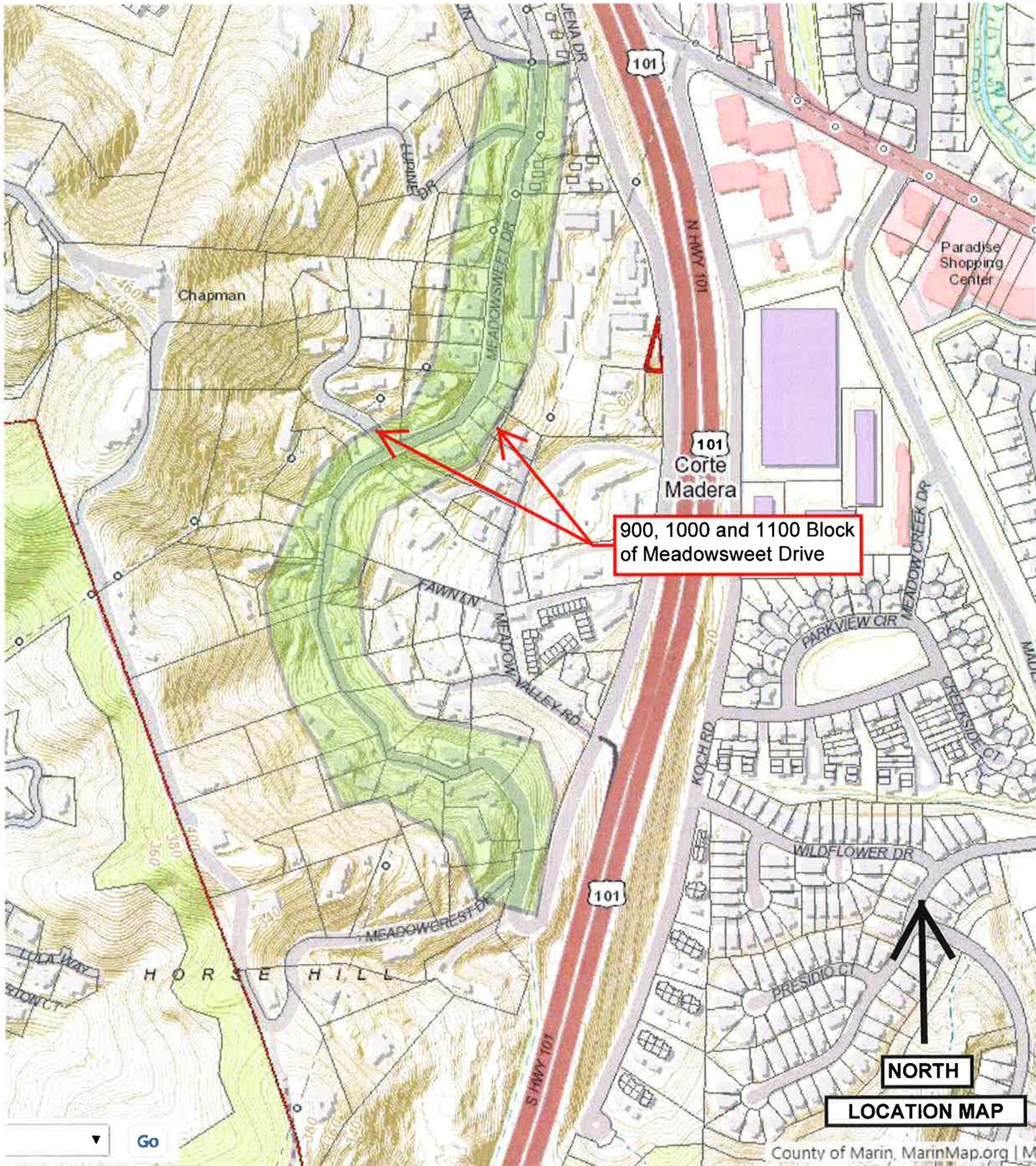
Per the modified resolution language, staff recommends marking allowable parking in paved areas and where a combination of pavement and shoulder width provide for a parking stall. Signage would be placed at both ends of the limits of this resolution that state, *“Parking on pavement shall be allowed in marked stalls only”*. This action would restore the parking area in front of 978 Meadowsweet Drive and will not adversely affect existing parking areas along the eastern half of Meadowsweet Drive in the 900, 1000 and 1100 blocks. The signage, stall striping and red curb painting will improve the delineation of the allowable parking areas.

ATTACHMENTS:

1. Location Map
2. Draft Resolution
3. Copy of Notice Distributed to Neighbors

ATTACHMENT 1

LOCATION MAP



900, 1000 and 1100 Block of Meadowsweet Drive

NORTH

LOCATION MAP

ATTACHMENT 2
DRAFT RESOLUTION

RESOLUTION NO. 36/2016

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF CORTE MADERA
AMENDING RESOLUTION 815 (TRAFFIC RESOLUTION)
ESTABLISHING A NO PARKING ZONE IN THE AREA OF THE 900, 1000 AND 1100 BLOCK
OF MEADOWSWEET DRIVE WITH SPECIFIC EXCEPTIONS



RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA THAT:

Section 23, pertaining to no parking zones of the resolution cited in the title shown above is hereby amended by modifying Sections 23.96 to read as follows:

Section 23.96. Western half of Meadowsweet Drive in the 900, 1000 and 1100 blocks and the eastern half of Meadowsweet Drive in the 900, 1000 and 1100 blocks except *on level shoulders greater than 8 feet wide measured from the edge of pavement or in marked stalls within the paved area.*



I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Town Council of the Town of Corte Madera at a regular meeting thereof held on the 20th day of September, 2016, by the following vote:

Ayes, and in favor thereof, Council Members:

Noes, Council Members:

Abstain, Council Members:

Absent, Council Members:

ATTEST: _____
Rebecca Vaughn, Town Clerk

Approved: _____
Sloan Bailey, Mayor

ATTACHMENT 3

COPY OF NOTICE DISTRIBUTED TO NEIGHBORS



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TOWN OF CORTE MADERA TOWN COUNCIL

NOTICE OF PUBLIC MEETING

NO PARKING AREA IN THE 900, 1000, AND 1100 BLOCKS OF MEADOWSWEET DRIVE

TOWN AGENCY: CORTE MADERA TOWN COUNCIL
MEETING DATE: TUESDAY, SEPTEMBER 20, 2016
TIME AND PLACE: 7:30 P.M., CORTE MADERA TOWN HALL, 300 TAMALPAIS DRIVE
SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO APPROVE A MODIFICATION TO RESOLUTION NO. 2214, "RESOLUTION AMENDING RESOLUTION 815 (TRAFFIC RESOLUTION) ESTABLISHING A NO PARKING AREA IN THE 900, 1000, AND 1100 BLOCKS OF MEADOWSWEET DRIVE WITH SPECIFIC EXCEPTIONS"

NOTICE IS HEREBY GIVEN that on September 20, 2016, at 7:30 P.M. in the Corte Madera Town Hall Council Chambers located at 300 Tamalpais Drive, the Corte Madera Town Council will hold a public meeting to consider a modification to Resolution No. 2214, "RESOLUTION AMENDING RESOLUTION 815 (TRAFFIC RESOLUTION) ESTABLISHING A NO PARKING AREA IN THE 900, 1000, AND 1100 BLOCKS OF MEADOWSWEET DRIVE WITH SPECIFIC EXCEPTIONS". The modification proposes to define allowable public parking within the subject area. A staff report will be available online at <http://townofcortemadera.org/AgendaCenter> by 5:00pm on the Friday before the Town Council meeting.

All persons interested in the foregoing are invited to appear before the Corte Madera Town Council at the time, day and place mentioned above. Staff reports are usually available by 5:00 p.m. on the Friday before the meeting and may be obtained from the Town Clerk, Corte Madera Town Hall, 300 Tamalpais Drive, Corte Madera, by calling 927-5086, or by visiting the Town's website: <http://townofcortemadera.org/AgendaCenter>. If you have any questions about the information contained in this notice, please contact the Town Hall Administrative Office at (415) 927-5050. All written correspondence will become part of the public record.

Kelly Crowe, Associate Civil Engineer

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. Notification two business days (the Friday before the meeting) prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

Sent on or before September 9, 2016

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: September 14, 2016
Meeting Date: September 20, 2016

TO: MAYOR AND MEMBERS OF THE TOWN COUNCIL

FROM: DAVID BRACKEN, TOWN MANAGER, DIRECTOR OF PUBLIC WORKS, TOWN ENGINEER *DP*

SUBJECT: CONSIDERATION, DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING ENCROACHMENTS ON RAILROAD RIGHT OF WAY BETWEEN WILLOW AVENUE AND MONTECITO AVENUE

* * * * *

PURPOSE:

Encroachment Permit and License Agreements to Permit Encroachment on Town Property are typically handled administratively by Staff (CMMC Title 12 STREETS AND SIDEWALKS), however due to the sensitive nature of this right of way staff is requesting Town Council direction before issuing a permit to construct a fence within the railroad right of way at the backyard of 221 Willow Ave.

RECOMMENDATION:

Direct staff to issue a License Agreement to Permit Encroachment on Town Property along the Railroad Right of Way on the west side of 221 Willow Avenue.

OPTIONS:

1. Deny Staff's request
2. Request additional information before acting on Staff's request.

CEQA STATUS:

Issuance of this license agreement would not constitute a “Project” under the California Environmental Quality Act (CEQA) and therefore is not subject to the requirements of the Act.

FISCAL IMPACT:

Not applicable

BACKGROUND/DISCUSSION:

Staff has received a request from Mr. Edward Conti, the owner of 221 Willow Avenue, to construct a fence in his back yard which would encroach into the east side of the Railroad Right of Way by 15 feet (see attached map and photos provided by the owner). The intent is to match the neighbor’s fences on either side of his property.

The Town purchased the section of the railroad right of way from Menke Park to the northerly end of Tunnel Lane in 2006 (see attached Quitclaim Deed). There are 17 parcels bordering this portion of the right of way. At the time of purchase almost all of those parcels had backyard improvements that most likely encroached into the right of way, and in some cases it appears that small portions of buildings may also encroach. The attached map view from Marin Map gives an idea of the encroachments.

Last May the owner of 241 Willow Ave. applied for and was granted a license agreement (attached) to build a fence in the back yard of that property which encroached into the right of way. This raised a considerable amount of concern with the neighborhood, in part because the fence was first installed without asking for or receiving a permit. Another issue that was raised with that construction was a concern that the Town was not leasing the land to those that were asking for its use.

It is very unusual for the Town to charge an ongoing fee for right of way encroachments. Right of Way encroachments occur throughout the Town. The attached license agreement for driveway, retaining wall, vegetation, etc. at 502 Chapman is a recent example.

There have been some requests that the Town require that all fences and private improvements encroaching into this the right of way be removed. Staff does not recommend this course of action. The encroachments are minimal, the fences reduce the potential for the general public to slip and fall on the steep embankment, and they limit the amount of maintenance the Town would otherwise need to perform.

Staff does recommend that license agreements be issued for any permanent or semi-permanent encroachments. This protects the Town from liability since the agreement

indemnifies and holds the Town harmless. In addition it requires the licensee to carry liability insurance, it requires County recordation, it is binding on all successors in interest to the real property, and it can be terminated by the Town, at which time the licensee, at their own cost and expense, is required to remove the improvements and restore the property to the condition it was in prior to the execution of the License.

CONCLUSION:

As mentioned above, staff recommends that the requested encroachment be granted to the owner of 221 Willow Avenue. Staff encourages everyone to walk the right of way before the meeting to get a good understanding of the area.

ATTACHMENTS:

1. Location map (Map View from Marin Map)
2. Public Notice
3. Information provided by the owner of 221 Willow Ave.
4. License Agreement to construct fence at 241 Willow Ave.
5. License Agreement to construct driveway, retaining wall and vegetation on Chapman Dr. (example of typical encroachment)
6. Deed for Railroad Right of Way

ATTACHMENT 1

Location map (Map View from Marin Map)

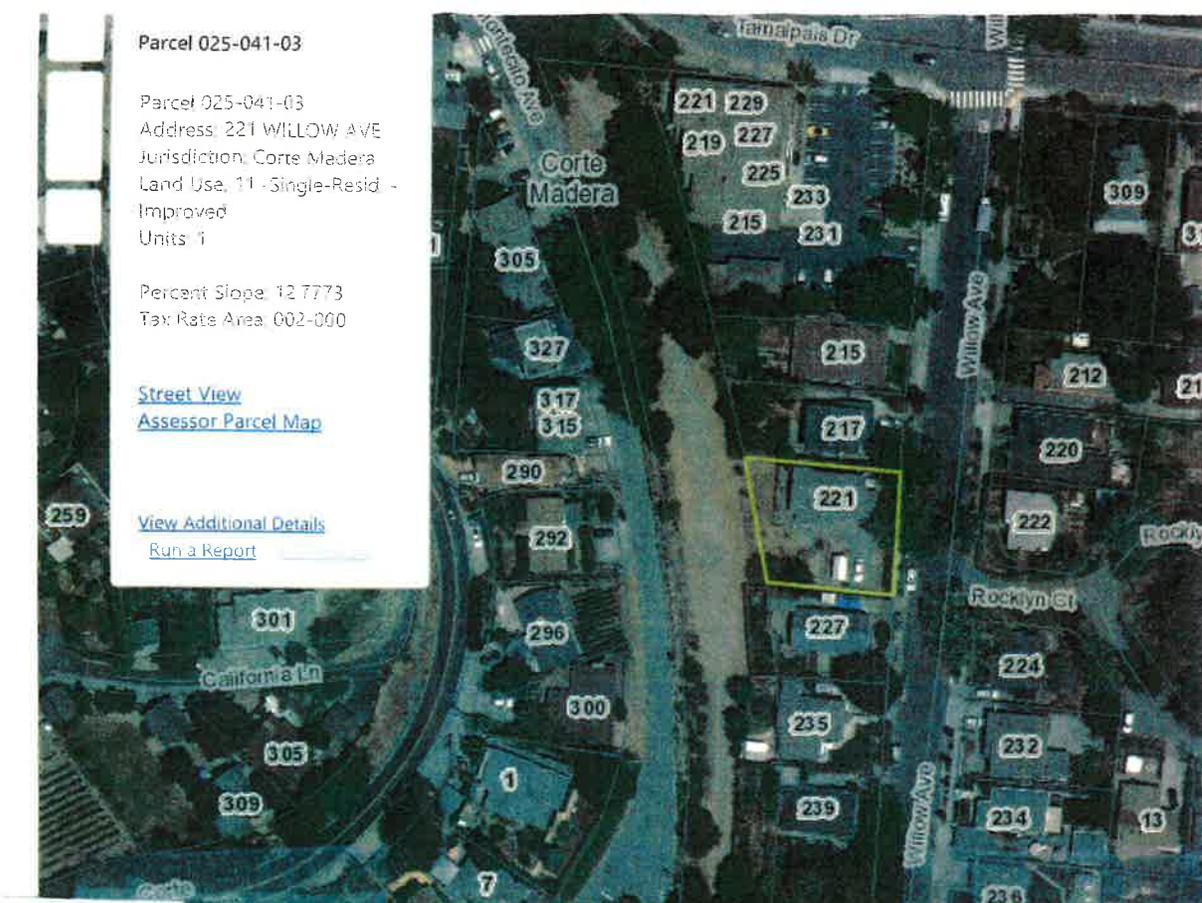
Parcel 025-041-03

Parcel 025-041-03
Address: 221 WILLOW AVE
Jurisdiction: Corte Madera
Land Use: 11 -Single-Resid -
Improved
Units: 1

Percent Slope: 12.7773
Tax Rate Area: 002-000

[Street View](#)
[Assessor Parcel Map](#)

[View Additional Details](#)
[Run a Report](#)



I want to...

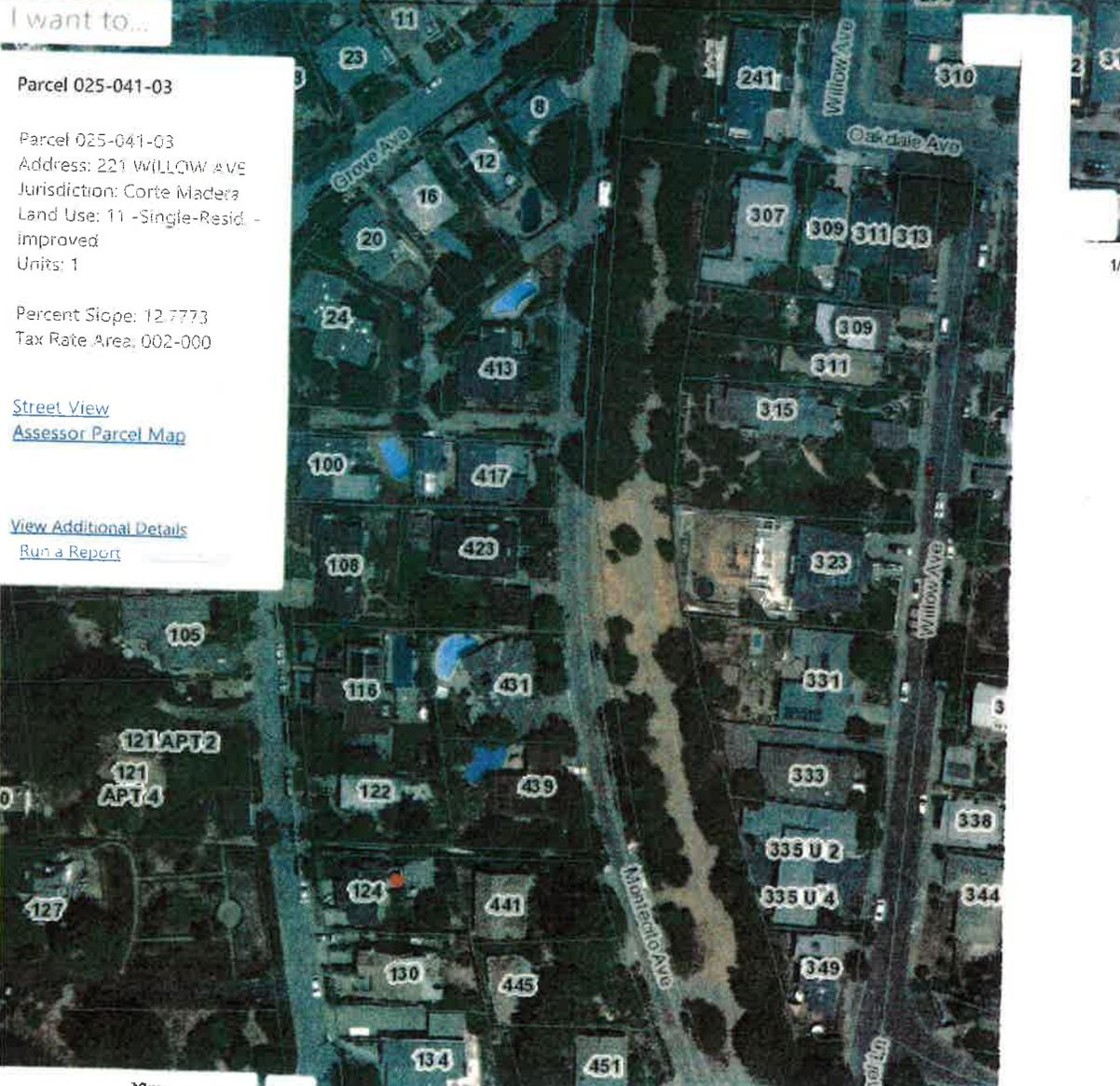
Parcel 025-041-03

Parcel 025-041-03
Address: 221 WILLOW AVE
Jurisdiction: Corte Madera
Land Use: 11 -Single-Resid -
Improved
Units: 1

Percent Slope: 12.7773
Tax Rate Area: 002-000

[Street View](#)
[Assessor Parcel Map](#)

[View Additional Details](#)
[Run a Report](#)



ATTACHMENT 2

Public Notice



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TOWN OF CORTE MADERA TOWN COUNCIL

NOTICE OF PUBLIC MEETING

ENCROACHMENTS ON RAILROAD RIGHT OF WAY

TOWN AGENCY: CORTE MADERA TOWN COUNCIL
MEETING DATE: TUESDAY SEPTEMBER 20, 2016
TIME AND PLACE: 7:30 P.M., CORTE MADERA TOWN HALL, 300 TAMALPAIS DRIVE
SUBJECT: **CONSIDERATION, DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING ENCROACHMENTS ON RAILROAD RIGHT OF WAY BETWEEN WILLOW AVENUE AND MONTECITO AVENUE**

NOTICE IS HEREBY GIVEN that on September 20, 2016, at 7:30 P.M. in the Corte Madera Town Hall Council Chambers located at 300 Tamalpais Drive, the Corte Madera Town Council will hold a public meeting to consider backyard encroachments (fences, etc.) onto the railroad right of way between Willow Avenue and Montecito Avenue. A staff report will be available online at <http://townofcortemadera.org/AgendaCenter> by 5:00pm on the Friday before the Town Council meeting.

This notice is being sent to the owners of the properties on Willow Ave. that appear to have backyard encroachments into railroad right of way and to those that spoke on this issue at a Planning Commission meeting held on June 28, 2016.

All persons interested in the foregoing are invited to appear before the Corte Madera Town Council at the time, day and place mentioned above. Staff reports are usually available by 5:00 p.m. on the Friday before the meeting and may be obtained from the Town Clerk, Corte Madera Town Hall, 300 Tamalpais Drive, Corte Madera, by calling 927-5086, or by visiting the Town's website: <http://townofcortemadera.org/AgendaCenter/>. If you have any questions about the information contained in this notice, please contact the Town Hall Administrative Office at (415) 927-5050. All written correspondence will become part of the public record.

David Bracken, Town Manager/Town Engineer

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. Notification two business days (the Friday before the meeting) prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

Sent on or before September 9, 2016

ATTACHMENT 3

Information provided by the owner of 221 Willow Ave.

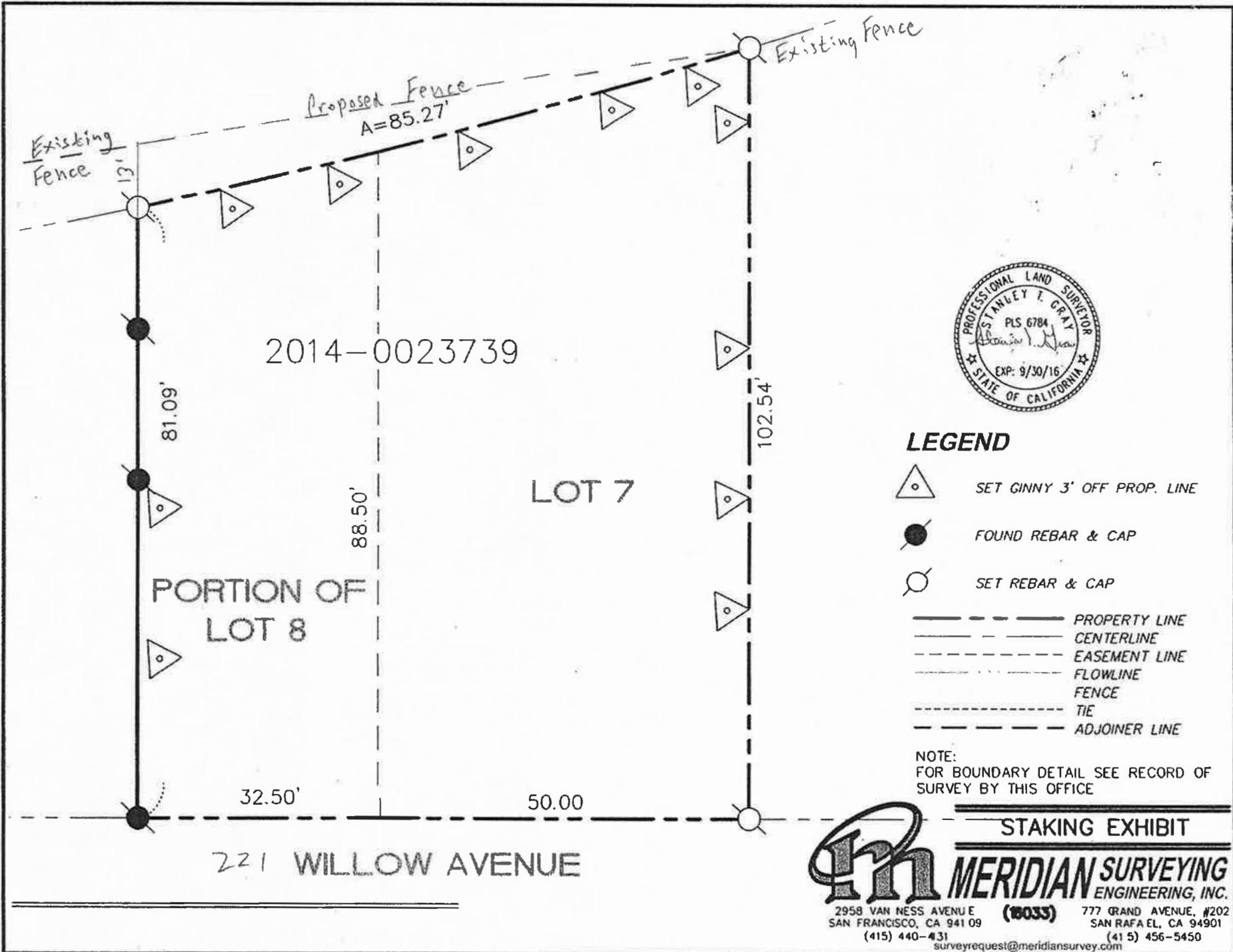
David Bracken

From: Ed Conti <econti@integral-corp.com>
Sent: Monday, August 22, 2016 10:28 AM
To: David Bracken
Subject: 221 Willow Avenue fence
Attachments: 221 Willow Ave fence.pdf; fence south end.JPG; fence north end 1.JPG; fence north end 2.JPG

David,

Please find attached a map and photos showing the location of my proposed fence between 221 Willow Ave and the trail. My house at 221 Willow Ave is the only property without a fence. I would like to install a fence that matches the neighbors' fences, as shown in the attached. The south side of the fence would be at the property corner, while the north side would encroach several feet beyond the property corner to match with the existing fences.

Thank you
Ed Conti



2014-0023739

LOT 7

PORTION OF LOT 8

221 WILLOW AVENUE



LEGEND

-  SET GINNY 3' OFF PROP. LINE
-  FOUND REBAR & CAP
-  SET REBAR & CAP
-  PROPERTY LINE
-  CENTERLINE
-  EASEMENT LINE
-  FLOWLINE
-  FENCE
-  TIE
-  ADJOINER LINE

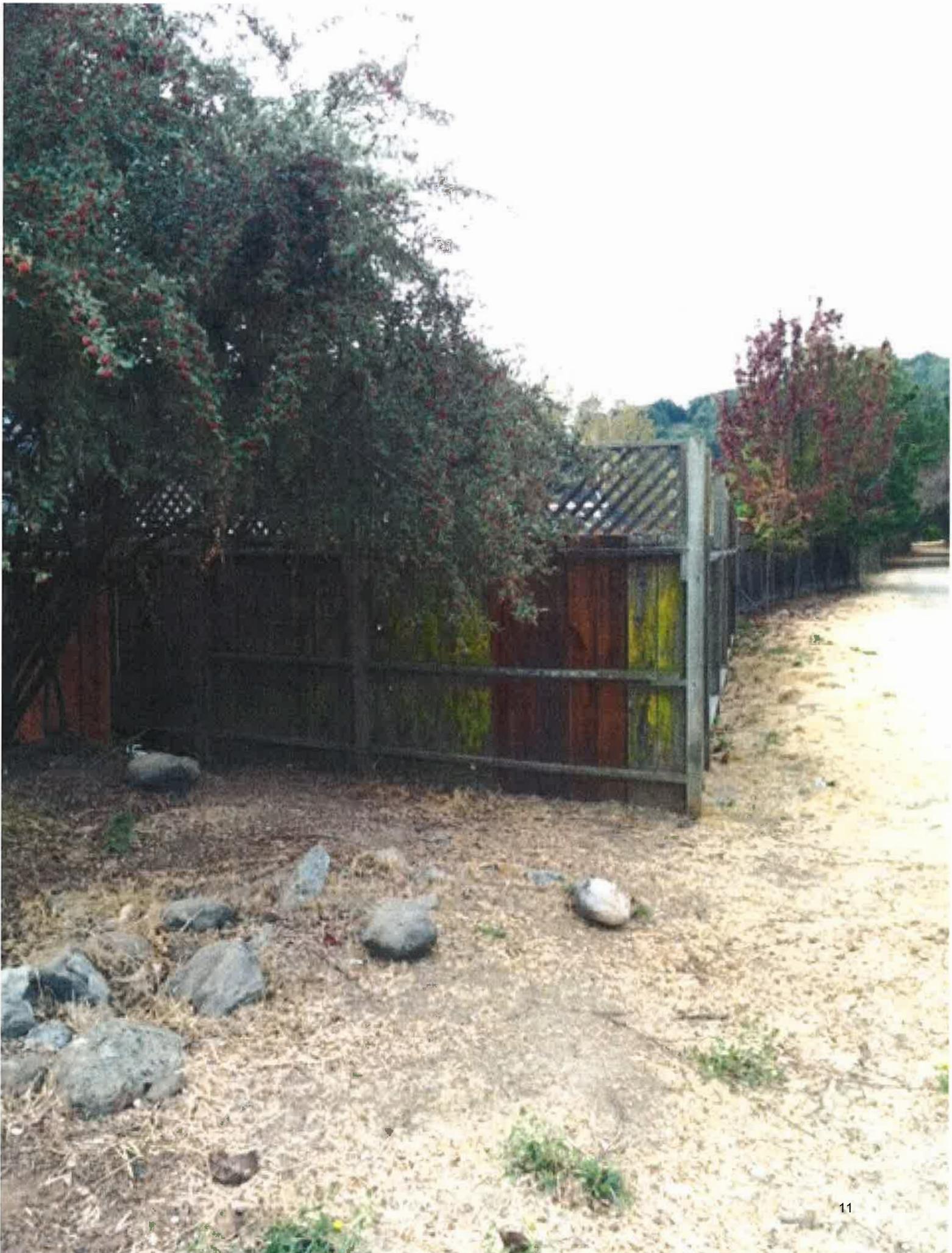
NOTE:
FOR BOUNDARY DETAIL SEE RECORD OF SURVEY BY THIS OFFICE

STAKING EXHIBIT



MERIDIAN SURVEYING
ENGINEERING, INC.

2958 VAN NESS AVENUE E (8033) 777 GRAND AVENUE, #202
SAN FRANCISCO, CA 94109 SAN RAFAEL, CA 94901
(415) 440-431 (415) 456-5450
surveyrequest@meridiansurvey.com







ATTACHMENT 4

License Agreement to construct fence at 241 Willow Ave.

13
A
D



2016-0017675

| | | |
|-------------------|----------------|------|
| Recorded | REC FEE | 0.00 |
| Official Records | | |
| County of | CONFORMED COPY | 0.00 |
| Marin | | |
| RICHARD N. BENSON | | |
| Assessor-Recorder | | |
| County Clerk | | |

08:04AM 26-Apr-2016 Page 1 of 13

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

Town of Corte Madera
Department of Public Works
300 Tamalpais Drive
Corte Madera, CA 94925

RECORD WITHOUT FEE PER G.C. 27383

LICENSE AGREEMENT TO PERMIT

ENCROACHMENT ON TOWN PROPERTY

This License Agreement is entered into on April 8, 2016, between the Town of Corte Madera, a municipal corporation, hereinafter referred to as "Licensor" and Keith T. Haag and Julie E. Haag of 241 Willow Ave., Corte Madera, California, hereinafter referred to as "Licensee", and is made with reference to the following facts:

RECITALS

A. Licensee is the owner of the real property located at 241 Willow Avenue, Corte Madera, California.

B. Adjacent to the West property line of said real property owned by Licensee, there exists a right-of-way owned by Licensor, which is owned by Licensor for residential purposes.

C. Licensee desires to construct a certain development project on the real property and as part of that construction desires to include certain improvements, which will encroach upon, and be located in the above-referenced right-of-way owned by Licensor.

D. Licensor is agreeable to permitting said encroachment upon the terms and conditions expressed herein below.

AGREEMENT

In consideration of the foregoing, and subject to the terms and conditions set forth herein below, the parties agree as follows:

1. **Grant.** Licensor hereby grants to Licensee, subject to the terms and conditions contained herein, the right to construct, maintain and install the following described improvements on the following described right-of-way owned by Licensor and shown on the diagram attached hereto as **Exhibit "A"**.

a. The improvements permitted to be constructed, maintained and installed by this License are described as follows:

Improvements adjacent to the property line consisting of wood fencing 6 feet 5 inches in height with fence gate, and landscaping improvements east and west of the wood fence, as shown in Exhibit "A".

b. The right-of-way and/or property owned by the Licensor permitted to be burdened by said improvements is described as follows:

Within the public right-of-way located within parcel 025-041-07 (along the public use path behind Willow Ave and adjacent to Montecito Avenue), as shown in Exhibit "A".

2. **License Fee.** In consideration for the license herein granted, Licensee agrees to pay Licensor a one-time lump sum payment of \$_-0-, payable upon execution of this license.

3. **Construction and Maintenance Expenses.** Licensee shall bear the cost and expense of constructing, reconstructing and maintaining the improvements described above. Licensee further agrees that all work upon or in connection with said improvements shall be done at such times and in such manner as is approved by Licensor and shall be done in accordance with plans and specifications approved by Licensor.

a. Licensee shall not modify or in any fashion change the improvements, once constructed, without the written permission of Licensor.

b. Licensee agrees to construct said improvements in a workmanlike fashion and to religiously maintain said improvements in a good and sound condition and in a condition that remains aesthetically and visually pleasing and acceptable to the Licensor. If Licensee fails to maintain said improvements in said condition, Licensee hereby grants to Licensor the right to either remove said improvements or to maintain them. If Licensor is required to remove and/or maintain said improvements, Licensee agrees to reimburse the Town for the cost thereof within 30 days after receipt of an invoice and, if such invoice is not so paid, the remaining balance shall accrue interest at the rate of 10% per year until paid. Furthermore, if said invoice is not paid, Licensee agrees to permit Licensor to impose a lien upon the real property described in **Exhibit "B"** without notice to Licensee.

4. **Removal of Improvements.** Licensee expressly acknowledges that the improvements covered by this agreement are being allowed to be constructed in a public right-of-way and that, from time to time, said right-of-way will require improvement, relocation, destruction and/or removal. In the event of said events occurring, Licensee expressly consents to the Licensor removing and/or replacing said improvements, at the unfettered and complete discretion of Licensor, and Licensee further agrees to effect the removal and replacements at its cost within 60 days of receipt of written notice to do so from Licensor or, in the event that Licensee declines to effect said removal and/or replacement, Licensee grants to Licensor the right to remove and/or replace said

improvements and the cost thereof shall be paid in accordance with the immediately preceding subparagraph.

a. Licensee hereby waives any/or all claims against Licensor for any and all damage or injury done to the real property described in **Exhibit "B"** and/or the structures located thereon caused as a result of the removal and/or replacement described in the immediately preceding paragraph and Licensee indemnifies and holds Licensor harmless for any and all such damages or injuries, irrespective of the passive or active negligence of Licensor.

5. **Indemnification and Hold Harmless.**

a. Licensee shall assume all risks of damage to the improvements and any appurtenances thereto and to any other property of Licensee or any property under the control of Licensee while upon or near Licensor's right-of-way described at paragraph 1(b).

b. Licensee further agrees to indemnify and save harmless Licensor, its officers, employees, agents, successors, and assigns, from any and all claims, liabilities, damages, failure to comply with any current or prospective laws, attorney's fees, for loss or damage to property and for injury to or death of any person arising out of the construction, maintenance, removal, replacement, rehabilitation, repair, or the location of the improvements or out of Licensee's activities on Licensor's right- of-way described hereinabove.

6. **Insurance.** Licensee, at its sole cost, shall maintain property damage insurance in the amount of \$1 million combined single limit for bodily injury and property damage with insurers which are acceptable to Licensor, insuring against all liability of Licensee and its authorized representatives arising out of and in connection with Licensee's use or occupancy of the property.

All general liability insurance and property damage insurance shall insure performance by Licensee of the indemnity provisions of paragraph 6.

Each policy, or a certificate of the policy, shall be deposited with Licensor at the commencement of the term of this agreement, and on renewal of the policy not less than twenty (20) days before expiration of the term of the policy. Licensee shall provide evidence of said insurance, the certificate and endorsements in the forms attached hereto as **Exhibit "C"**.

Licensee shall make arrangements with the insurers that the insurers shall provide Licensor with notice of cancellation or termination of the insurance at least thirty (30) days in advance of cancellation or termination.

7. **Term.** This agreement and the rights granted hereunder may be terminable by Licensor upon giving written notice to Licensee at least 6 months (6) months prior to the termination.

a. Should Licensee, its successors and assigns, at any time abandon the use of the property described in **Exhibit "B"** or any part thereof, or fail at any time to use

the same for the purpose for which development of said property was approved for a continuous period of six months, the rights and obligations hereby created shall cease to the extent of the use so abandoned and/or discontinued, and Licensor shall have the right to declare this license terminated to the extent of the use so abandoned or discontinued.

b. Upon termination of the rights and privileges hereby granted, Licensee, at its own cost and expense, agrees to remove said improvements for which this license is granted and to return the right-of-way to the condition it was in prior to the execution of this License. Should Licensee in such event fail, neglect, or refuse to remove said improvement or return the right-of-way to such condition, such removal and restoration may be performed by Licensor at the expense of Licensee, which expense, including any attorney's fees, Licensee agrees to pay upon demand and, if not so paid, said expenses shall be paid in accordance with paragraph 3(b), above.

8. **Notices.** Any and all notices and demands required or permitted to be given hereunder, shall be in writing and shall be served either personally or by certified mail, return receipt requested, to the following addresses:

If to Licensor, to: Town of Corte Madera
 Attention: Nisha Patel, P.E.
 Department of Public Works
 300 Tamalpais Drive
 Corte Madera, CA 94925

If to Licensee, to: Keith T. Haag
 Julie E. Haag
 241 Willow Ave.
 Corte Madera, CA 94925

9. **Waiver.** The waiver by Licensor of any breach or any term, covenant, or condition herein shall not be deemed to be a waiver of such term, covenant, condition or any subsequent breach of the same, or any other term, covenant or condition herein contained.

10. **Authority of Parties.** Each individual executing this agreement in behalf of a corporation or other private entity shall represent and warrant and that he/she is duly authorized to execute this agreement on behalf of the corporation and/or entity, in accordance with the duly adopted resolution of the Board of Directors of such corporation, and/or entity, a copy of said resolution shall be provided to Licensor, along with the executed original of this agreement.

11. **Attorney's Fees.** In the event that either party is required to bring an action to enforce or interpret terms and conditions of this agreement, the prevailing party shall be entitled to payment of its attorney's fees, as well as expert witness fees.

12. **Assigns and Successors.** This agreement shall inure to the benefit and be binding upon each party's assigns and successors, and it is the intent of the parties that this license and its terms and conditions shall run with the land and be binding upon all successors in interest to the real property described in **Exhibit "B"** attached hereto.

IN WITNESS WHEREOF, the undersigned have executed this agreement the day and year first written above.

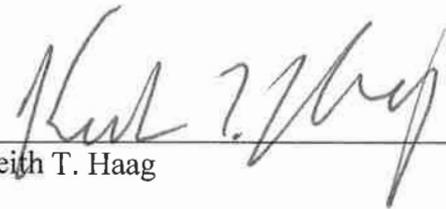
TOWN OF CORTE MADERA:

Date: 4-8-16

By 
Nisha Patel, P.E., Senior Civil Engineer

**241 WILLOW AVE.,
CORTE MADERA, CA,
PROPERTY OWNERS:**

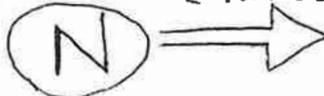
Date: 4/22/16

By 
Keith T. Haag

Date: 4/22/14

By 
Julie E. Haag

← PUBLIC USE PATH WITHIN PALM... →



NOTE: Landscaping on the west side of the fence including quantity, size and type of vegetation shall be installed at the direction of the Town.

PUBLIC RIGHT OF WAY

EXISTING WOOD FENCE

NEW GATE

NEW 6.5' CEDAR WOOD FENCE

32'

38'

30'

11.5'

7'

12'

PROPERTY MARKER

Property Line

PROPERTY MARKER

EXISTING RETAINING WALL

EXISTING WOOD FENCE

EXISTING WOOD FENCE

(E) RESIDENCE
(241 WILLOW AVE.
CORTE MADERA, CA)

HAYG RESIDENCE
241 Willow Ave.
CORTE MADERA, CA

APRIL 2014
NOT TO SCALE

EXHIBIT A - PAGE 1 OF 1

3
DT
20

2015-0049517
RECORDED
OFFICIAL RECORDS
RICHARD N. BENSON
COUNTY CLERK

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO
AND MAIL TAX STATEMENTS TO:

Keith T. Haag, Trustee
Julie E. Haag, Trustee
241 Willow Ave.
Corte Madera, CA 94925

A.P.N. 025-041-09

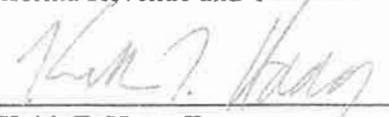
_____SPACE ABOVE THIS LINE FOR RECORDER'S USE_____

TRUST TRANSFER DEED

The undersigned Grantors, KEITH T. HAAG and JULIE E. HAAG declare under penalty of perjury under the laws of the State of California that the following is true and correct:

This conveyance is a Trust Transfer under Section 62 of the California Revenue and Taxation Code. By this Trust Transfer Deed, the Grantors transfer their interest in the property described below to a revocable inter vivos trust. There is no consideration given for this transfer. Accordingly, there is no documentary transfer tax per California Revenue and Taxation Code Section 11930.

Documentary transfer tax is \$ NONE - into Trust.



Keith T. Haag, Trustee

GRANTORS: KEITH T. HAAG and JULIE E. HAAG; husband and wife, as community property with right of survivorship

HEREBY GRANT TO

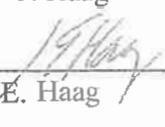
GRANTEES: KEITH T. HAAG and JULIE E. HAAG, Trustees of the Haag Family Trust dated October 16, 2015

all that real property situated in the City of Corte Madera, County of Marin, State of California, described as follows:

See Exhibit "A" attached hereto and made a part hereof.

Dated: October 16, 2015



Keith T. Haag


Julie E. Haag

EXHIBIT A

Legal Description

The land referred to is situated in the County of Marin, City of Corte Madera, State of California, and is described as follows:

LOT NUMBER 10 in Block Number 4 of Townsite of Corte Madera, as shown on "Map of McCue and Pixley Tract", recorded May 15th 1888 in Book 1 of Maps, at Pages 13 and 14 in the office of the County Recorder of the County of Marin, State of California.

EXCEPTING and reserving therefrom the portion conveyed by Mercy NY to North Shore Railroad Company, by Deed dated October 16th 1902 in Book 77 of Deeds, at Page 275, described as follows:

BEGINNING on the East boundary of the railroad right of way at the intersection therewith of the line dividing the land of the party of the first part and the land of Jas. S. McCue and running thence 85° 40' East 9.5 feet, more or less, along said dividing line; thence North 30° 35' West 87.3 feet to East boundary of said railroad right of way, thence Southerly along said East boundary of railroad right of way to the point of beginning.

APN: 025-041-09

Next Generation Homeowners Declaration

Page



Policy Number: 98200-12-20
Effective: 11/4/2015 12:01 AM
Expiration: 11/4/2016 12:01 AM
Named Insured(s): Keith Haag
 241 Willow Ave
 Corte Madera, CA 94925-1532
 keithhaag@yahoo.com
Property Insured: 241 Willow Ave
 Corte Madera, CA 94925-1532
Underwritten By: Fire Insurance Exchange
 6301 Owensmouth Ave.
 Woodland Hills, CA 91367

Premiums

| | |
|--|-----------------------|
| Full-term Premium (excluding fees) | \$2,450.40 |
| Prorated Premium (12/2/2015 - 11/4/2016) | \$0.00 |
| Total for this Transaction | \$0.00 |

This is not a bill.

Your bill with the amount due will be mailed separately.

Information on this declaration is effective 12/2/2015.

Description of Property

| Year of Construction | Construction Type | Roof Type | Number of Units | Occupancy |
|----------------------|------------------------|-----------------------------------|-----------------|-------------------------------------|
| 1957 | Wood Siding Over Frame | Asphlt/Fbrgls or Dimnsl Asphlt | 1 | Owner Occupied (Primary Res.) |

Property Coverage

| Coverage | Limit |
|----------------------------------|---------------|
| Coverage A - Dwelling | \$945,000 |
| Extended Replacement Cost | $\$472,500$ |
| Coverage B - Separate Structures | $\$1,417,500$ |
| Coverage C - Personal Property | \$708,750 |
| Contents Replacement Cost | Covered |

| Coverage | Limit |
|---------------------------|-----------|
| Coverage D - Loss of Use | \$378,000 |
| Identity Fraud Coverage | \$30,000 |
| Building Ordinance or Law | 10% |

Liability Coverage

| Coverage | Limit |
|---------------------------------|-------------|
| Coverage E - Personal Liability | \$300,000 |
| Association Loss Assessment | Not Covered |

| Coverage | Limit |
|---|---------|
| Coverage F - Medical Payments To Others | \$1,000 |

Additional Coverage

| Coverage | Limit |
|---|---------|
| Worker's Compensation - # of Inservants | Covered |

| Coverage | Limit |
|--------------------------------------|----------|
| Sewer & Drain Damage - Higher Limits | \$15,000 |

farmers.com

Policy No. 98200-12-20

Questions?

Call your agent Christopher Di Giacomo at (415) 661-3880 or email cdigiaco@farmersagent.com

Manage your account:

Go to www.farmers.com to access your account any time!



Declaration Page (continued)

Deductible

| | <i>Deductible</i> |
|---------------------------------|-------------------|
| Applicable to each covered loss | \$3,000 |

Discounts Applied to Policy

Discount Type

Home / Umbrella

Auto/Home

Discount Type

Non Smoker

Experience Rating Plan

Mortgagee / Other Interest

1st Mortgagee

Loan Number

First Republic Bank

22-555697-2

ISAOA

PO Box 790869

San Antonio, TX 78279-0869

Mortgagee Deductible Clause

The following provision applies only if a mortgagee is named in the policy:

For any loss in which only the mortgagee's interest is adjusted and settled, not including any interest you may have in the property or loss, the applicable deductible will be the smallest of the following amounts:

1. The deductible stated in the declarations or renewal notice, or
2. \$1,000.

The policy deductible stated in the declarations or renewal notice will apply to settlement of any interest you may have in the property or loss.

Policy and Endorsements

This section lists the policy form number and any applicable endorsements that make up your insurance contract. Any endorsements that you have purchased to extend coverage on your policy are also listed in the coverages section of this declarations document:

56-5532 3rd ed.; J6249 1st ed.; J6263 2nd ed.; J6965A 1st ed.; 25-8531 10-12; 438BFUNS 5-42

Other Information

- The limit of liability for this structure (Coverage A) is based on an estimate of the cost to rebuild your home, including an approximate cost for labor and materials in your area, and specific information that you have provided about your home.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

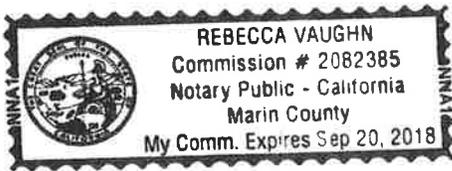
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of MARIN)
On April 22, 2016 before me, Rebecca Vaughn, Notary Public.
Date Here Insert Name and Title of the Officer
personally appeared Keith T. Haag and Julie E. Haag
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: License agreement to permit encroachment on Town Property Document Date: April 8, 2016
Number of Pages: 5 Signer(s) Other Than Named Above: Nisha Patel

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of MARIN)
On April 8, 2016 before me, REBECCA VAUGHN, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officer
personally appeared NISHA PATEL
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: License Agreement to permit Encroachment on Town Property Document Date: April 8, 2016
Number of Pages: 5 Signer(s) Other Than Named Above: Keith T. Haag, June E. Haag

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

ATTACHMENT 5

License Agreement to construct driveway, retaining wall and vegetation on
Chapman Dr. (example of typical encroachment)

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

Town of Corte Madera
Department of Public Works
300 Tamalpais Drive
Corte Madera, CA 94925

RECORD WITHOUT FEE PER G.C. 27383

**LICENSE AGREEMENT TO PERMIT
ENCROACHMENT ON TOWN PROPERTY**

This License Agreement is entered into on September 7, 2016, between the Town of Corte Madera, a municipal corporation, hereinafter referred to as "Licensor" and Craig McLean of 502 Chapman Drive, Corte Madera, CA, hereinafter referred to as "Licensee", and is made with reference to the following facts:

RECITALS

A. Licensee is the owner of the real property located at 502 Chapman Drive, Corte Madera, California.

B. Adjacent to the Easterly property line of said real property owned by Licensee, there exists a right-of-way owned by Licensor, which is owned by Licensor for residential purposes.

C. Licensee desires to construct a certain development project on the real property and as part of that construction desires to include certain improvements, which will encroach upon, and be located in the above-referenced right-of-way owned by Licensor.

D. Licensor is agreeable to permitting said encroachment upon the terms and conditions expressed herein below.

AGREEMENT

In consideration of the foregoing, and subject to the terms and conditions set forth herein below, the parties agree as follows:

1. **Grant.** Licensor hereby grants to Licensee, subject to the terms and conditions contained herein, the right to construct, maintain and install the following described improvements on the following described right-of-way owned by Licensor and shown on the diagram attached hereto as **Exhibit "A"**.

a. The improvements permitted to be constructed, maintained and installed by this License are described as follows:

Retaining walls with spread footings and drilled piers; wall drainage, surface and subsurface; wood railings on top of walls; storm drainage system; landscaping and irrigation; concrete driveway and parking area as shown in **Exhibit "A"**.

b. The right-of-way and/or property owned by the Licensor permitted to be burdened by said improvements is described as follows:

Along Chapman Drive.

2. **License Fee.** In consideration for the license herein granted, Licensee agrees to pay Licensor a one-time lump sum payment of \$ -0-, payable upon execution of this license.

3. **Construction and Maintenance Expenses.** Licensee shall bear the cost and expense of constructing, reconstructing and maintaining the improvements described above. Licensee further agrees that all work upon or in connection with said improvements shall be done at such times and in such manner as is approved by Licensor and shall be done in accordance with plans and specifications approved by Licensor.

a. Licensee shall not modify or in any fashion change the improvements, once constructed, without the written permission of Licensor.

b. Licensee agrees to construct said improvements in a workmanlike fashion and to religiously maintain said improvements in a good and sound condition and in a condition that remains aesthetically and visually pleasing and acceptable to the Licensor. If Licensee fails to maintain said improvements in said condition, Licensee hereby grants to Licensor the right to either remove said improvements or to maintain them. If Licensor is required to remove and/or maintain said improvements, Licensee agrees to reimburse the Town for the cost thereof within 30 days after receipt of an invoice and, if such invoice is not so paid, the remaining balance shall accrue interest at the rate of 10% per year until paid. Furthermore, if said invoice is not paid, Licensee agrees to permit Licensor to impose a lien upon the real property described in **Exhibit "B"** without notice to Licensee.

4. **Removal of Improvements.** Licensee expressly acknowledges that the improvements covered by this agreement are being allowed to be constructed in a public right-of-way and that, from time to time, said right-of-way will require improvement, relocation, destruction and/or removal. In the event of said events occurring, Licensee expressly consents to the Licensor removing and/or replacing said improvements, at the unfettered and complete discretion of Licensor, and Licensee further agrees to effect the removal and replacements at its cost within 60 days of receipt of written notice to do so from Licensor or, in the event that Licensee declines to effect said removal and/or replacement, Licensee grants to Licensor the right to remove and/or replace said improvements and the cost thereof shall be paid in accordance with the immediately preceding subparagraph.

a. Licensee hereby waives any/or all claims against Licensor for any and all damage or injury done to the real property described in **Exhibit "B"** and/or the structures located thereon caused as a result of the removal and/or replacement described in the immediately preceding paragraph and Licensee indemnifies and holds Licensor harmless for any and all such damages or injuries, irrespective of the passive or active negligence of Licensor.

5. **Indemnification and Hold Harmless.**

a. Licensee shall assume all risks of damage to the improvements and any appurtenances thereto and to any other property of Licensee or any property under the control of Licensee while upon or near Licensor's right-of-way described at paragraph 1(b).

b. Licensee further agrees to indemnify and save harmless Licensor, its officers, employees, agents, successors, and assigns, from any and all claims, liabilities, damages, failure to comply with any current or prospective laws, attorney's fees, for loss or damage to property and for injury to or death of any person arising out of the construction, maintenance, removal, replacement, rehabilitation, repair, or the location of the improvements or out of Licensee's activities on Licensor's right- of-way described hereinabove.

6. **Insurance.** Licensee, at its sole cost, shall maintain property damage insurance in the amount of \$1 million combined single limit for bodily injury and property damage with insurers which are acceptable to Licensor, insuring against all liability of Licensee and its authorized representatives arising out of and in connection with Licensee's use or occupancy of the property as shown in Exhibit "C"

All general liability insurance and property damage insurance shall insure performance by Licensee of the indemnity provisions of paragraph 6.

Each policy, or a certificate of the policy, shall be deposited with Licensor at the commencement of the term of this agreement, and on renewal of the policy not less than twenty (20) days before expiration of the term of the policy. Licensee shall provide evidence of said insurance, the certificate and endorsements in the forms attached hereto as **Exhibit "C"**.

Licensee shall make arrangements with the insurers that the insurers shall provide Licensor with notice of cancellation or termination of the insurance at least thirty (30) days in advance of cancellation or termination.

7. **Term.** This agreement and the rights granted hereunder may be terminable by Licensor upon giving written notice to Licensee at least 6 months (6) months prior to the termination.

a. Should Licensee, its successors and assigns, at any time abandon the use of the property described in **Exhibit "B"** or any part thereof, or fail at any time to use the same for the purpose for which development of said property was approved for a continuous period of six months, the rights and obligations hereby created shall cease to

the extent of the use so abandoned and/or discontinued, and Licensor shall have the right to declare this license terminated to the extent of the use so abandoned or discontinued.

b. Upon termination of the rights and privileges hereby granted, Licensee, at its own cost and expense, agrees to remove said improvements for which this license is granted and to return the right-of-way to the condition it was in prior to the execution of this License. Should Licensee in such event fail, neglect, or refuse to remove said improvement or return the right-of-way to such condition, such removal and restoration may be performed by Licensor at the expense of Licensee, which expense, including any attorney's fees, Licensee agrees to pay upon demand and, if not so paid, said expenses shall be paid in accordance with paragraph 3(b), above.

8. **Notices.** Any and all notices and demands required or permitted to be given hereunder, shall be in writing and shall be served either personally or by certified mail, return receipt requested, to the following addresses:

If to Licensor, to: Town of Corte Madera
Attention: David Bracken, Director of Public Works
300 Tamalpais Drive
Corte Madera, CA 94925

If to Licensee, to: Craig McLean
224 Baltimore Avenue
Corte Madera, CA 94925

9. **Waiver.** The waiver by Licensor of any breach or any term, covenant, or condition herein shall not be deemed to be a waiver of such term, covenant, condition or any subsequent breach of the same, or any other term, covenant or condition herein contained.

10. **Authority of Parties.** Each individual executing this agreement in behalf of a corporation or other private entity shall represent and warrant and that he/she is duly authorized to execute this agreement on behalf of the corporation and/or entity, in accordance with the duly adopted resolution of the Board of Directors of such corporation, and/or entity, a copy of said resolution shall be provided to Licensor, along with the executed original of this agreement.

11. **Attorney's Fees.** In the event that either party is required to bring an action to enforce or interpret terms and conditions of this agreement, the prevailing party shall be entitled to payment of its attorney's fees, as well as expert witness fees.

12. **Assigns and Successors.** This agreement shall inure to the benefit and be binding upon each party's assigns and successors, and it is the intent of the parties that this license and its terms and conditions shall run with the land and be binding upon all successors in interest to the real property described in **Exhibit "B"** attached hereto.

IN WITNESS WHEREOF, the undersigned have executed this agreement the day and year first written above.

TOWN OF CORTE MADERA

Date: 2/7/16

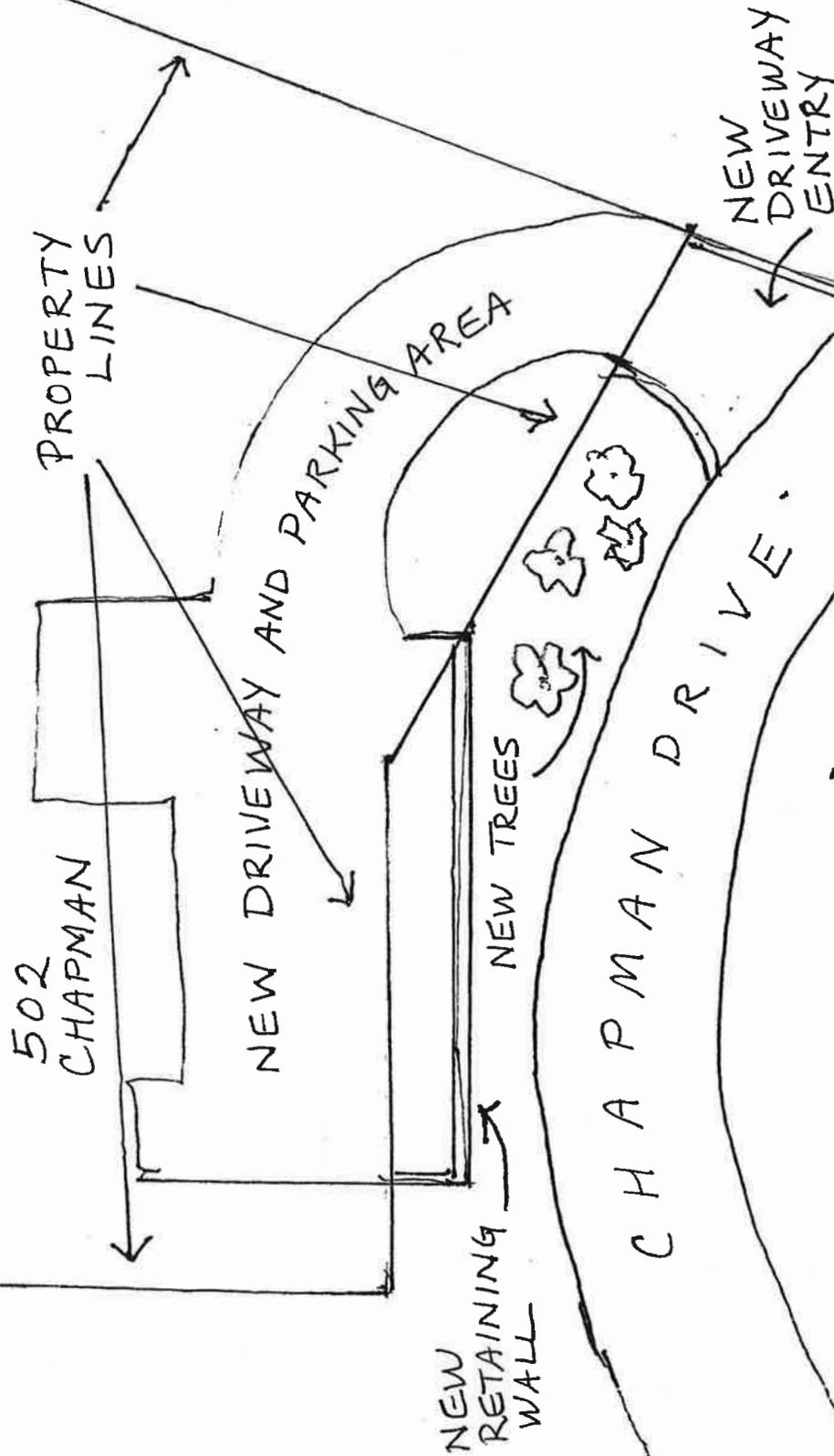
By 
David Bracken
Director of Public Works

Date: 9-7-16

By 
Craig Mc Lean

Exhibit “A”

server01\Projects\2016\2016-022\DWG\2016-022-SPGD.dwg Cor Rec 8/23/2016 3/5



SCALE: 1" = 16'



| | | | |
|------------------------------------|----------|----------|-------|
| SHEET | 1 | OF | 1 |
| SCALE: | 1" = 16' | DESIGN: | XXX |
| DATE: | Aug 2016 | DRAWN: | XXX |
| FILE: | 2016-022 | CHECKED: | J.L.H |
| 2016-022\DWG\2016-022-SPGD,COR-REC | | | |

J.L. ENGINEERING
 CIVIL ENGINEERS-LAND SURVEYORS
 1539 4th ST., SAN RAFAEL, CA. 94901 (415) 457-6647

ENCROACHMENT EXHIBIT

Lands of McLean - 502 Chapman Dr.
 APN 025-111-25, Corte Madera, Marin County, CA

Exhibit “B”



545 Fourth Street
San Rafael, CA 94901
(415) 454-8300 Fax: (415) 453-3563

PRELIMINARY REPORT

P.O. BOX 263
CORTE MADERA, CA 94976

Attention: CRAIG MCLEAN

Our Order Number 0435016637-CG

Customer Reference MCLEAN

When Replying Please Contact:

Cathy Gaidano
CGaidano@ortc.com
(415) 454-8300

Property Address:

502 Chapman Drive, Corte Madera, CA 94925

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of October 7, 2013, at 7:30 AM

OLD REPUBLIC TITLE COMPANY
For Exceptions Shown or Referred to, See Attached

OLD REPUBLIC TITLE COMPANY
ORDER NO. 0435016637-CG

The form of policy of title insurance contemplated by this report is:

ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Craig McLean, a married man as his sole and separate property

The land referred to in this Report is situated in the County of Marin, Town of Corte Madera, State of California, and is described as follows:

Being a portion of Lot 7B and 8A, as shown upon that certain Map entitled "Map No. 2 Chapman Park, Corte Madera, Marin County, California", filed for Record November 12, 1906 in Volume 2 of Maps, at Page 73, Marin County Records, and more particularly described as follows:

Beginning at the Northwesterly corner of said Lot 7B; thence along the Northerly boundary of Lot 7B, South 82° 45' 00" East, 113.68 feet to a point which bears North 82° 45' 00" West, 85.00 feet from the Northeasterly corner of said Lot 7B; thence leaving said boundary of Lot 7B, South 26° 22' 09" West, 149.85 feet; thence North 63° 37' 51" West, 117.06 feet to the most Westerly corner of said Lot 8A; thence along the boundary of said Lot 8A and 7B, North 35° 57' 00" East, 60.70 feet and North 5° 56' 00" East, 50.01 feet to the point of beginning.

APN: 025-111-25

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2013 - 2014, as follows:

| | | | |
|----------------------|---|--------------|-----------------|
| Assessor's Parcel No | : | 025-111-25 | |
| Bill No. | : | 13-5943 | |
| Code No. | : | 002-000 | |
| 1st Installment | : | \$2,289.53 | NOT Marked Paid |
| 2nd Installment | : | \$2,289.53 | NOT Marked Paid |
| Land Value | : | \$320,711.00 | |

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

3. Any special tax which is now a lien and that may be levied within the Twin Cities Police Authority Community Facilities District No. 2008-1 (Public Safety, Police and Emergency Response Facilities and Services), notice(s) for which having been recorded.

NOTE: Among other things, there are provisions in said notice(s) for a special tax to be levied annually, the amounts of which may be added to and collected with the property taxes.

NOTE: The current annual amount levied against this land is \$109.00.

NOTE: Further information on said assessment or special tax can be obtained by contacting:

Name : City Manager of the City of Larkspur
Telephone No. : (415) 927-5110

4. General Plan Covenants, Conditions and Restrictions but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in deeds of other lots in said tract, an example of which can be found in the deed

Recorded : August 29, 1908 in Book 104 of Book of Deeds, Page 379

Said Covenants, Conditions, Restrictions, etc. do not contain express provisions for forfeiture or reversion of title in the event of violation.

NOTE: "If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

5. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

6. Note: It appears that Old Republic National Title Insurance may be asked to insure against the rights of Mechanics Lien claimants. The Company may require the following:
- A. Signed indemnities by all parties.
 - B. A copy of the construction cost breakdown.
 - C. Appropriate financial statements from all Indemnitors.
7. The requirement that this Company be provided with an opportunity to inspect the land (the Company reserves the right to make additional exceptions and/or requirements upon completion of its inspection).

----- **Informational Notes** -----

- A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 2.1.
- B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and said land is unimproved. Said vacant land is known as: 502 Chapman Drive, Corte Madera, CA 94925

The ALTA loan policy, when issued, will contain the CLTA Modified 100 (TIM-52) and Modified 116 (TIM-58) endorsements. The referenced modifications to both endorsements delete only non-applicable coverage relating to improvements located upon said land.

Unless shown elsewhere in the body of this report, there appears of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

NONE

OLD REPUBLIC TITLE COMPANY
ORDER NO. 0435016637-CG

C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument
Entitled : Grant Deed
By/From : Carole Kling, a single woman and Claudia Kling, a single woman
To : Craig McLean, a married man as his sole and separate property
Dated : December 12, 2005
Recorded : December 16, 2005 in Official Records under Recorder's Serial
Number 2005-0094888

Interspousal Transfer Deed executed by Mae Westlake McLean, wife of the grantee herein to Craig McLean, a married man as his sole and separate property recorded December 16, 2005 in Official Records under Recorder's Serial Number 2005-0094889.

OLD REPUBLIC TITLE COMPANY
ORDER NO. 0435016637-CG

D. Effective October 1st, 2013, recording service fees for the types of transactions listed below are as follows:

Finance transactions - \$105.00 to record all documents necessary to close and issue the required title insurance policy(ies).

Sale transactions - \$130.00 to record all documents necessary to close and issue the required title insurance policy(ies).

Commercial transactions - \$20.00 recording service fee plus all actual charges required by the County Recorder.

All Cash transactions - \$50.00 to record all cash, non-commercial, sale transactions wherein no new deed of trust is recorded.

O.N.

If you anticipate having funds wired to Old Republic Title Company, our wiring information is as follows: Bank of the West, 300 S. Grand Ave., Los Angeles, CA 90071, credit to the account of Old Republic Title Company, Account Number 023734749, ABA Number 121100782.

When instructing the financial institution to wire funds, it is very important that you reference Old Republic Title's Order Number 0435016637.

ON-LINE BANKING TRANSFERS ARE NOT THE SAME.

"Electronic Funds Transfer" is a generic term for funds transfers, one of which is an ACH Transfer. On-line banking transfers are often completed through an ACH Transfer, not a Wire Transfer. Old Republic Title rejects all ACH Transfers and returns the funds to the sender (Government Entities/Agencies excluded.) Close of Escrow may be significantly delayed as a result of an ACH Transfer.

OLD REPUBLIC TITLE DOES NOT AUTHORIZE FUNDS TO BE DEPOSITED DIRECTLY INTO OUR ACCOUNT AT Bank of the West LOCAL BRANCH LOCATIONS.

Funds deposited directly into an account of Old Republic Title Company at a Bank of the West branch are subject to verification. Verification of unauthorized deposits is not immediate or automated following deposit. Delay in credit of funds to an escrow and delay in Close of Escrow may result.

If you want to transfer funds by Wire Transfer from a non-United States financial institution, or have questions with regard to acceptable funds, please contact your Escrow or Title Officer immediately.

Exhibit “C”

ATTACHMENT 6

Deed for Railroad Right of Way

2006-0047339

Recording Requested by:
The County of Marin and the
Town of Corte Madera

Recorded
Official Records
County of
Marin
JOAN C. THAYER
Assessor-Recorder

REC FEE 0.00

WHEN RECORDED MAIL TO:

The Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925
Attn: Jay Tashiro, Town Manager

02:12PM 27-Jul-2006 Page 1 of 8



Recording fees exempt per Gov Code § 6103

APN: 24-132-02, 25-101-01, and
25-041-07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax \$ Exempt

QUITCLAIM DEED

The County of Marin, a political subdivision of the State of California, pursuant to Resolution No. 2006-97 attached hereto and made a part hereof,

hereby Remises, Releases and Forever Quitclaims to

The Town of Corte Madera,

All of it's rights, title, and interest in and to that certain real property situated in the Town of Corte Madera and the unincorporated area of the County of Marin, State of California, described in Exhibit A, consisting of 4 pages, attached hereto and made a part hereof.

RESERVING therefrom the right for parks, open space, and incidental purposes.

ALSO RESERVING, a 20-foot wide easement over said land for pedestrian, bicycle, and equestrian purposes as described in Exhibit "A" attached hereto.

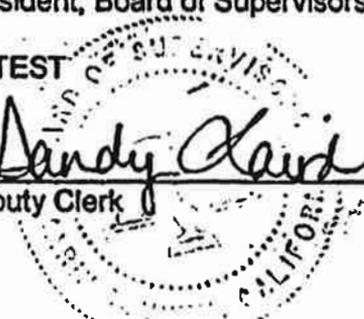
Dated: 7-18-06

COUNTY OF MARIN

Susan L. Adams
President, Board of Supervisors

ATTEST

Sandy Clark
Deputy Clerk



Certificate of Acceptance by the Town is attached hereto and made a part hereof.

EXHIBIT 'A'
COUNTY OF MARIN

PARCEL ONE

Beginning at the most southerly corner of Parcel 3 as the same is described in the deed filed for record October 18, 1902 in Book 77 Deeds at Page 256 (77D256) Marin County Records, said point also being on the easterly right of way of the Northwestern Pacific Railroad as described in the deed filed for record February 13, 1883 in Book "Y" of Deeds at Page 101 ("Y" D101), Marin County Records; thence from said Point of Beginning along the easterly line of said Parcel 3 (77D256), North 14°31'43" West 41.50 feet to a point on the southerly line of the parcel described in the deed filed for record June 26, 1907 in Book 103 Deeds at Page 350 (103D350), Marin County Records, thence along said southerly line North 75°28'17" East 35.36 feet; thence along the easterly line of said (103D350) North 14°31'43" West 50.00 feet; thence along the northerly line of said (103D350) South 75°28'17" West 30.41 feet to a point on the easterly line of said Parcel 3 of (77D256); thence along said easterly line North 14°31'43" West 74.16 feet to a point on the northerly line of said Parcel 3 of (77D256); thence along said northerly line south 89°58'00" West 6.00 feet to a point on the easterly line of Parcel 2 as described in the deed filed for record October 18, 1902 in Book 77 Deeds at Page 256 (77D256) Marin County Records; thence along said easterly line of Parcel 2 North 19°37'58" West 202.40 feet to a point on the easterly right of way of the Northwestern Pacific Railroad as the same is described in the deed filed for record February 13, 1883 in Book Y of Deeds at page 115 ("Y" D115) Marin County Records; thence along said easterly right of way on a Non-Tangent curve to the right, whose center bears South 78°38'24" East; having a radius of 1116.30 feet, a central angle of 7°38'11" and a length of 148.78 feet; thence in a northeasterly direction along said curve 148.78 feet to a point on a Non-Tangent line said line is also the easterly line of Parcel 1 as described in deed filed for record October 18, 1902 in Book 77 Deeds at Page 256 (77D256) Marin County Records; thence along said easterly line of Parcel 1 North 03°52'04" East 202.00 feet to a point on the easterly line of the parcel described in deed filed for record October 23, 1902 in Book 77 Deeds at Page 275 (77D275), Marin County Records; thence along said easterly line North 02°03'50" West 87.30 feet to a point on the said easterly right of way ("Y" D115); thence along said easterly right of way North 04°11'00" East 63.09 feet to the beginning of a Tangent curve concave to the left, the center bears North 85°49'00" West with a radius of 985.37 feet a central angle of 30°38'31" and a length of 526.98 feet; thence in a northwesterly direction along said curve 526.98 feet to a point on the southerly right of way of Tamalpais Drive (width 60.00 feet); thence along said southerly right of way of Tamalpais Avenue (formerly First Street) North 85°02'47" West 70.19 feet to a point on the westerly right of way of the Northwestern Pacific Railroad as described in deed filed for record February 13, 1883 in Book "Y" of Deeds at Page 115 ("Y" D115), Marin County Records; said point also being the northeast corner of 43 Deeds 175 (43D175) as the

same is filed for record on October 14, 1896 Marin County Records; thence continuing along said southerly road right of way and the northerly line of (43D175) North 78°10'00" West 32.00 feet; thence leaving said southerly right of way South 28°37'58" East 234.00 feet to a point on the above mentioned westerly railroad right of way ("Y" D115), said point also being the most southerly corner of (43D175), said point also being on a Non-Tangent curve concave to the right whose center bears South 74°32'23" West with a radius of 925.37 feet and a central angle of 19°37'22" and a length of 316.92 feet, said point also being on the easterly line of Montecito Avenue (30 feet wide); thence in a southerly direction along said curve 316.92 feet; thence Tangent to the above mentioned curve South 04°11'00" West 198.30 feet to the beginning of a Tangent curve concave to the left with a radius of 1176.30 feet, a central angle of 24°22'00" and a length of 500.26 feet; thence in a southeasterly direction along said curve 500.26 feet to a Tangent point; thence South 20°11'00" East 203.89 feet; thence leaving said easterly line of Montecito Avenue and the westerly railroad right of way North 69°49'00" East 60.00 feet more or less to the Point of Beginning.

(Some bearings shown hereon have been rotated to reflect their relationship to other record documents that are referenced hereon.)

Survey maps titled "RAILS TO TRAILS II – Railroad Right-of-Way from South Portal of Tunnel to Tamal Vista Blvd. and Doherty Road" Sheet 2 of 2, Conveying these Parcel are on file in the Survey office of the County of Marin.

RESERVING THEREFROM a 20-foot easement over said land for pedestrian, bicycle, and equestrian uses described following.

PARCEL TWO

Beginning at a point on the westerly right of way of the Northwestern Pacific Railroad and the northerly right of way of First Street (formerly Tamalpais Drive) as described in deed filed for record on July 29, 1912 in Book 145 Deeds Page 107 (145D107) Marin County Records; thence along said northerly road right of way North 78°10'00" West 186.35 feet to a point on the easterly right of way of Corte Madera Avenue (60.00 feet wide); thence along said road right of way North 40°45'00" West 61.89 feet; thence leaving said road right of way, along the southerly line of the lands of the Town of Corte Madera, and the northerly line of the Lands of the Northwestern Pacific Railroad the following courses; North 49°15'00" East 5.00 feet; thence North 24°08'00" East 40.53 feet; thence North 35°54'00" East 21.12 feet; thence North 47°34'00" East 12.87 feet to the most southerly corner of parcel as the same is described in deed filed for record on September 27, 1915 in Book 172 Deeds at Page 380 (172D380) Marin County Records; thence North 32°00'00" West 27.99 feet to the southerly right of way of Tamalpais Avenue (formerly Redwood Avenue); thence along said road right of way North 46°50'00" East 74.50 feet to the above mentioned westerly railroad

right of way; thence North 61°25'00" East 92.78 feet to a point on the westerly right of way of Tamalpais Avenue (formerly Park Street) as described in deed filed for record on July 19, 1897 in Book 46 Deeds at Page 133 (46D133) Marin County Records; thence along said road right of way South 32°50'00" East 148.88 feet to the beginning of a Tangent curve concave to the right with a radius of 1176.30 feet, a central angle of 08°51'54" and a length of 182.00 feet; thence southeasterly along said curve 182.00 feet to a point on the northerly right of way of Tamalpais Drive (60.00 feet wide) thence along said road right of way North 85°02'47" West 56.67 feet; thence North 78°10'00" West 51.16 feet to the Point of Beginning.

(Some bearings shown hereon have been rotated to reflect their relationship to other record documents that are referenced hereon.)

Survey maps titled "RAILS TO TRAILS II – Railroad Right-of-Way from South Portal of Tunnel to Tamal Vista Blvd. and Doherty Road" Sheet 2 of 2, Conveying these Parcel are on file in the Survey office of the County of Marin.

RESERVING THEREFROM a 20-foot easement over said land for pedestrian, bicycle, and equestrian uses described following.

PARCEL THREE

All that portion of the deed filed for record October 26, 1902 in Book 'Y' Deeds at Page 115 Marin County Records, said Lands being the Lands of the Marin County (said Lands formerly of the Northwestern Pacific Railroad) lying within the right of way of Tamalpais Drive (60 feet wide) and First Street (60 feet wide) in the Town of Corte Madera.

Survey maps titled "RAILS TO TRAILS II – Railroad Right-of-Way from South Portal of Tunnel to Tamal Vista Blvd. and Doherty Road" Sheet 2 of 2, Conveying these Parcel are on file in the Survey office of the County of Marin.

RESERVING THEREFROM a 20-foot easement over said land for pedestrian, bicycle, and equestrian uses described following.

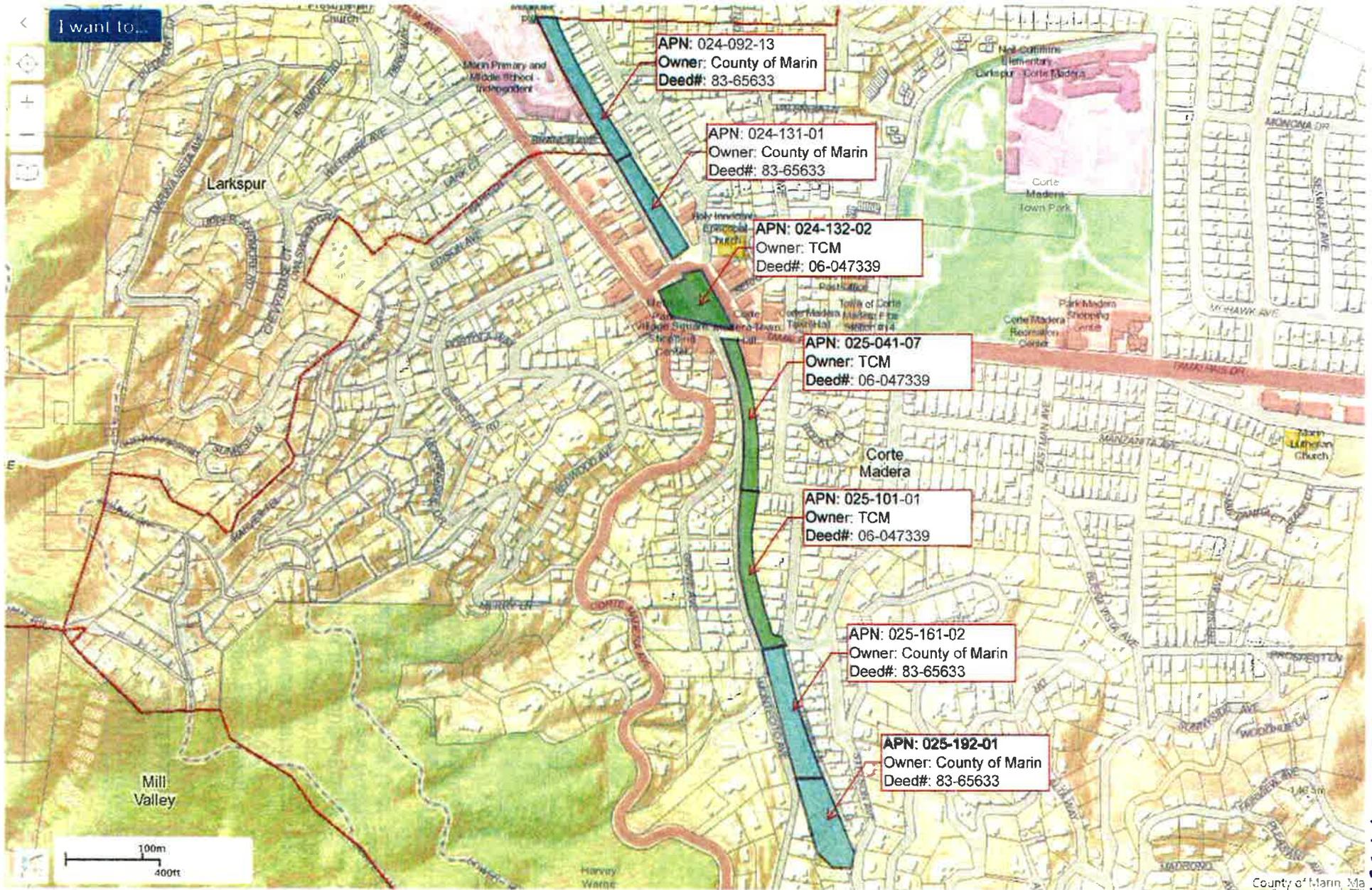
RESERVING FROM Parcels One, Two, and Three above, a 20-foot wide easement for bicycle, pedestrian, and equestrian purposes whose centerline is described as follows:

Commencing at the most southerly corner of Parcel Three, as described in the deed filed for record October 18, 1902 in Book 77 Deeds at Page 256 (77D256), Marin County Records, said corner also being on the easterly right-of-way of the

Northwestern Pacific Railroad as described in the deed filed for record February 13, 1883 in Book "Y" of Deeds at Page 101 ("Y"D101), Marin County Records; thence along the southerly line of said Parcel Three (77D256), South 69°49'00" West 30.00 feet to the Point of Beginning; thence North 20°11' West 203.89 feet; thence 478.50 feet along a tangent curve concave to the East having a radius of 1146.30 feet, through a central angle of 24°22'; thence North 4°11' East 198.29 feet; thence 587.70 feet along a non-tangent curve whose center lies North 85°50'15" West having a radius of 955.37 feet, through a central angle of 35°14'45"; thence North 31°05' West 307.94 feet to a point on the Southerly line of Tamalpais Drive (formerly Redwood), said point being distant thereon North 61°25' East 33.01 feet from the Northeast corner of Parcel Two of Parcel U of Document Number 1983-065633, Marin County Records.
The sidelines of said easement to be lengthened or shortened to meet said Southerly line of Parcel Three (77D256) and said Southerly line of Tamalpais Drive (formerly Redwood).

Michael A. Brogan
LS 5767

F:\Real Estate\PARKS\1t RR ROW County to Corte Madera\Legal Desc.doc



2006-047339

RESOLUTION NO. 2006-97

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
MARIN AUTHORIZING EXECUTION OF QUITCLAIM DEED**

WHEREAS, The COUNTY OF MARIN has determined the need to convey a portion of the lands it acquired for transportation purposes in the Town of Corte Madera and in the adjacent unincorporated area of the County; and

WHEREAS, the County currently uses said land as a bicycle and pedestrian corridor as well as for recreation; and

WHEREAS, the TOWN OF CORTE MADERA wishes to acquire this land and maintain it for transportation purposes, and use it as a bicycle and pedestrian corridor and for recreation; and

WHEREAS, it has been determined that the conveyance is beneficial to the needs of the COUNTY OF MARIN and to the TOWN OF CORTE MADERA.

NOW, THEREFORE, BE IT RESOLVED that the President of this Board of Supervisors is hereby authorized to grant and convey said deed on behalf of the COUNTY OF MARIN.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin this 18th day of July, 2006, by the following vote:

**AYES: SUPERVISORS Charles McGlashan, Harold C. Brown, Jr.
Cynthia L. Murray, Susan L. Adams**

NOES: NONE

ABSENT: SUPERVISOR Steve Kinsey



President, Board of Supervisors

ATTEST; OF SUP



DEPUTY CLERK



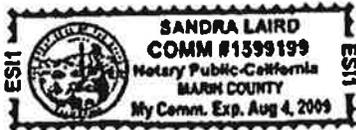
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of MARIN } ss.

On 7-19-06 before me, SANDRA LAIRD, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared SUSAN L. ADAMS
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Sandra Laird
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Quitclaim Deed

Document Date: 7-18-06 Number of Pages: 5

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: PRESIDENT, BOARD OF SUPERVISORS

Signer Is Representing: _____



RESOLUTION NO. 3447

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ACCEPTING THE CONVEYANCE OF CERTAIN PROPERTY FROM THE COUNTY OF MARIN BY QUITCLAIM DEED, SUCH PROPERTY TO BE USED FOR RECREATIONAL PURPOSE AND USES AS A PARK, BICYCLE, EQUESTRIAN AND PEDESTRIAN CORRIDOR

WHEREAS, the County of Marin has offered by quitclaim deed to convey to the Town of Corte Madera certain real property described in the Quitclaim Deed attached hereto as Exhibit A; and

WHEREAS, the Town of Corte Madera desires to accept this offer from the County of Marin of that real property described in the Quitclaim Deed attached hereto as Exhibit A; and

WHEREAS, the Town of Corte Madera desires to continue the present use of such property, and shall now, and in the future, maintain such property for recreational purposes and use as a park, bicycle, equestrian, and pedestrian corridor.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Corte Madera that offer of the real property by the County of Marin as described in the Quitclaim Deed attached hereto as Exhibit A, is hereby accepted. A copy of this resolution evidencing acceptance of that offer of real property shall be recorded with the County Recorder of the County of Marin.

PASSED AND ADOPTED at the regular meeting of the Town Council of the Town of Corte Madera on June 20, 2006, by the following votes:

AYES: Lappert, Condon, Dupar

NOES: None

ABSTAIN: None

ABSENT: Gill, Yang


Christine Green, Town Clerk


Michael Lappert, Councilmember



DB

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: September 15, 2016
Meeting Date: September 20, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL

FROM: REBECCA VAUGHN, TOWN CLERK

SUBJECT: APPOINTMENT DEANNE MORTON TO THE SALES TAX CITIZENS' OVERSIGHT COMMITTEE TO FILL A VACANT SEAT WITH TERM EXPIRING JUNE 30, 2020 AND APPOINTMENT OF NATHAN BLOMGREN TO THE FLOOD CONTROL BOARD TO FILL A VACANT SEAT WITH TERM EXPIRING JUNE 30, 2018

STAFF RECOMMENDATION:

That the Town Council Appoint Deanne Morton to the Sales Tax Citizens' Oversight Committee and Appoint Nathan Blomgren to the Flood Control Board.

TOWN MANAGER RECOMMENDATION:

Approve staff recommendation.

BACKGROUND:

Staff recommends appointment of Deanne Morton to the Sales Tax Citizens' Oversight Committee to fill the remainder of a vacant six-year term effective immediately and expiring on June 30, 2020. The Town Clerk issued a public notice seeking applicants for appointment to the vacant seat on the Sales Tax Citizens' Oversight Committee on July 15, 2016. The deadline for receipt of applications was August 19, 2016. Two applications were received.

Applicants were interviewed on Tuesday, September 13, 2016, by the Town Council Subcommittee consisting of Mayor Sloan Bailey and Councilmember Carla Condon. The Subcommittee recommends that Ms. Morton be appointed to the Sales Tax Citizens' Oversight Committee. Her skills and work experience as a tax research and writing attorney would be of value to the Town of Corte Madera's Sales Tax Citizens' Oversight Committee, and it is recommended that Ms. Morton be appointed to the Committee to fill the vacant seat with a term expiring June 30, 2020.

During the interview process, the Subcommittee discussed with Mr. Blomgren the possibility of appointment to the Flood Control Board, and he expressed interested in serving on the board. During the most recent Open Application period, only one application was received for the Flood Control Board, leaving an additional vacant seat unfilled on the seven member board. Outside of the open application period, the Town Clerk accepts applications to be considered for vacant seats on an on-going basis.

Mr. Blomgren is trained and employed as a hydrogeologist and is a California-registered Professional Geologist and has nearly 20 years of work experience managing geologic investigations and environmental remediation. These skills and work experience would be of value to the Town of Corte Madera's Flood Control Board. As such, it is recommended that he be appointed to the Board to fill the vacant seat with a term expiring June 30, 2018.

Attachment:

- 1) Applications for Appointment received from Deanne Morton and Nathan Blomgren

**TOWN OF CORTE MADERA
APPLICATION
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES**

NAME: Nathan Blomgren DATE: 8/1/2016

ADDRESS: (Home) _____ PHONE: _____

ADDRESS: (Business) 6001 Bollinger Canyon Rd PHONE: _____
San Ramon, CA 94583

EMAIL ADDRESS: nathan.blomgren@gmail.com

BOARD, COMMITTEE OR COMMISSION DESIRED: Sales Tax Citizens' Oversight Committee

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

Taxes should be fairly levied and efficiently used. I have experience with analytical business planning including long range forecasting, discounting, contingency planning, and risk. I manage projects with as much as \$20MM of spend per year. A large part of my business planning includes social and community impacts and needs.

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT:

I am a member of the Parks and Recreation Committee and the facilities sub-committee of same. I grew up in Corte Madera and plan to spend the rest of my life here. I have one child and am committed to leaving Corte Madera in great shape for future generations.

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

I left Corte Madera after high school and returned in 2012. I live with my wife and three-year-old daughter. My parents and numerous lifelong family friends still live in Corte Madera.

If you are not selected at this time, may we keep your application on file for future consideration?

YES: X NO: _____

MAIL OR DELIVER TO: **Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925**

OR EMAIL TO: **rvaughn@tcmmail.org**

**TOWN OF CORTE MADERA
APPLICATION
FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES**

NAME: Deanne Morton

DATE: 8/19/2016

ADDRESS: (Home)

PHONE: _____

Corte Madera, CA 94925

ADDRESS: (Business)

PHONE: 415-908-3264

LexisNexis
2101 K Street
Sacramento, CA 95816

EMAIL ADDRESS: deanne.morton@lexisnexis.com

BOARD, COMMITTEE OR COMMISSION DESIRED: Sales Tax Citizens' Oversight Committee

STATEMENT OF INTEREST AND/OR QUALIFICATIONS:

I would like to be more involved in community government and believe my skills make me uniquely qualified for this position and that I would bring value to the committee. I have dealt with sales tax issues in my position as a tax research and writing attorney. Please see my resume attached for more information regarding my education and tax expertise.

STATEMENT REGARDING KNOWLEDGE OF CORTE MADERA AND ANY PAST OR PRESENT COMMUNITY INVOLVEMENT: I have served on the Board of the Mariner Cove Neighborhood Association in two previous posts. I was also on the Board of Directors at The Mountain School preschool and was involved in solving a budget crisis, searching for a new director, and implementing a re-branding program for the school. I am an active member in The Cove School PTO and I have served as a classroom parent for SPARK, the non-profit organization that funds the gap for special programs in the Larkspur/Corte Madera school district.

PERSONAL INFORMATION (How long have you lived in Corte Madera, family size, etc.)

I have lived in Corte Madera since 2009. My husband and I are co-parents to our 7-year old son who is at The Cove School in East Corte Madera.

If you are not selected at this time, may we keep your application on file for future consideration?

YES: NO:

**MAIL OR DELIVER TO: Rebecca Vaughn, Town Clerk/300 Tamalpais Drive/Corte Madera 94925
OR EMAIL TO: rvaughn@tcmmail.org**

DEANNE BARNEY MORTON

(415) 260-0299 (mobile)

deanne.morton@gmail.com

EDUCATION

Golden Gate University School of Law, San Francisco, California

LL.M. Taxation, With Honors, May 2008

Honors: Merit-based scholarship

University of North Carolina School of Law, Chapel Hill, North Carolina

J.D., With Honors, May 1999

Honors: North Carolina Law Review; Dean's List, all semesters

University of North Carolina at Chapel Hill, Chapel Hill, North Carolina

B.A., International Studies, With Honors, May 1995

Honors: Dean's List, all semesters

EXPERIENCE

LexisNexis® Matthew Bender®

San Francisco, California

Attorney Writer, Managing Editor, Federal Tax Analyst

April 2011–Present

Responsible for development and maintenance of diverse analytical tax content including all areas of federal taxation and multi-jurisdictional state and local taxation. Write original tax content as well as recruit and manage a broad portfolio of outside authors including high level tax and accounting practitioners and academic professionals. Serve as managing editor for company's quarterly federal tax journal. Prepare sales and marketing materials, promote authors and products via social media, participate in product demonstrations and customer training sessions, coordinate with support and operations personnel regarding technical issues. Adhere to strict publication schedules and maintain delivery record of 100 percent on-time delivery or better. Assisted with development, testing, and migration to new tax research platform (Lexis Advance® Tax – May 2015).

LexisNexis® Matthew Bender®

San Francisco, California

Practice Area Editor, Tax & Accounting

April 2005–April 2011

Selected to serve on specialized tax team to build cutting-edge tax research platform for corporate tax accountants and lawyers (LexisNexis® Tax Center). Focused on state and local taxation with emphasis on California tax law. Recruited and managed top practitioners to craft and author innovative tax research system. Wrote original content and maintained existing content. Mentored new editors and managed recruiting efforts of state and local tax team. Assisted with marketing and trained sales team members on tax-related content. Chosen to build and shape tax offerings and related materials for Lexis® Practice Advisor. Simultaneously completed LL.M. in Taxation degree while working full-time. Retained despite team downsizing to continue working on tax research platform. Recognized as one of team's top editors in tax.

LexisNexis® Matthew Bender®

San Francisco, California

Index Editor

April 2003–April 2005

Wrote, edited, and reviewed indexes to legal treatises, attorney practice guides, and law textbooks. Worked on tax specific publications including *International Business Planning: Law & Taxation*, *Taxation of Securities Transactions*, and the *California Guide to Tax, Estate & Financial Planning for the Elderly*. Identified core legal concepts and organized legal research information for use by legal practitioners. Coordinated with editorial team regarding release schedules, manuscript delivery, and subject specific legal issues. Supervised and reviewed the work of department's contract employees. Served as co-chair of department committee for indexing skills enhancement.

Powell Goldstein LLP (now Bryan Cave LLP)

Atlanta, Georgia

Immigration Associate

September 2001–March 2002

Assisted corporations in the successful employment of foreign nationals. Advised employers on documentation and compliance issues in the context of corporate mergers and acquisitions, and in connection with government audits. Supervised and reviewed work of team of three paralegals. Selected to lead and direct department's client marketing services. Authored and coordinated the publication and distribution of department's client newsletters and client alerts. Directed department's client marketing services by participating in local business forums and events.

King & Spalding LLP

Atlanta, Georgia

Corporate Associate

September 1999–September 2001

Represented clients in a variety of corporate transactions including mergers, acquisitions, tender offers, joint ventures, strategic alliances, and cross-border transactions. Counseled publicly-held companies in connection with general corporate and securities matters. Drafted transactional and corporate governance documents, coordinated due diligence, and facilitated closing process. Maintained close contact with clients throughout representative matters. Supervised and reviewed work of corporate team's paralegals and document clerks. Served as associate representative to committee responsible for new corporate attorney training programs. Performed pro bono work in multiple areas of law (landlord/tenant law, property law, civil litigation) for Atlanta Volunteer Lawyers Foundation's Saturday Lawyer Program throughout tenure at firm.

ACADEMIC SERVICE

Golden Gate University School of Law (2015–16 Academic Year)

San Francisco, California

Serve as Adjunct Faculty Advisor for the Golden Gate University Law Review and Environmental Law Journal. Review, edit, and provide outside advisory services for editors-in-chief of both student-led journals. Invited to continue my role during 2016–2017 academic year.

LICENSES & CERTIFICATIONS

California Bar Association (CA Bar License No. 251225 – *admitted 2007*)

Georgia Bar Association (GA Bar License No. 039259 – *admitted 1999*)

Lean Six Sigma Yellow Belt Specialist (LSSYB – *certification expected June 2016*)

PUBLICATIONS

Deanne B. Morton on The Carbon Tax: Pricing Carbon Emissions to Effect Climate Change, *Lexis® Federal Tax Journal Quarterly* (forthcoming – publication expected September 2016)

Deanne B. Morton on Corporate Inversions and Expatriations, *Lexis® Federal Tax Journal Quarterly* (March 2015)

Deanne B. Morton on The Medical Excise Tax: Is Repeal the Right Therapy, *Lexis® Federal Tax Journal Quarterly* (September 2013)

Deanne B. Morton, IRC Section 409A: Casting a Wide Net on Deferred Compensation, *Bender's Business Tax Articles* (March 2011)

Regular contributor to LexisNexis® Legal Newsroom

<https://www.lexisnexis.com/legalnewsroom/members/deanne-morton>



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 15, 2016
MEETING DATE: September 20, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS
FROM: REBECCA VAUGHN, TOWN CLERK
SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO ADOPT PROPOSED RESOLUTIONS IN OPPOSITION TO PROPOSITION 53, REVENUE BONDS, AND IN SUPPORT OF PROPOSITION 54, CALIFORNIA LEGISLATURE TRANSPARENCY ACT OF 2016, AS RECOMMENDED BY THE LEAGUE OF CALIFORNIA CITIES

* * * * *

STAFF RECOMMENDATION:
Authorize Mayor Bailey to sign the proposed resolutions.

- OPTIONS:**
- 1) The Council may approve one or both of the proposed resolutions.
 - 2) The Council may propose one or both of the proposed resolutions.
 - 3) The Council may reject one or both of the proposed resolutions and provide further direction to staff.

TOWN MANAGER'S RECOMMENDATION:
Support staff's recommendation.

FISCAL IMPACT:
None

BACKGROUND:
The Board of Directors for the League of California Cities, at its meeting on June 24-25, 2016, carefully reviewed eight ballot measures affecting cities expected to be on the November 2016 statewide ballot, and adopted formal positions on four of those measures.

At this time, the Board has requested that the League's membership consider becoming actively engaged on the following two propositions:

1. **Proposition 53 Revenue Bonds: Statewide Voter Approval. Constitutional Amendment.**

This measure would require statewide voter approval prior to the state issuing or selling any revenue bonds of \$2 billion or more for state projects that are financed, owned, operated or managed by the state or a joint agency created by or for the state.

League position: Oppose.

2. **Proposition 54 California Legislature Transparency Act of 2016**

This measure would prohibit the Legislature from passing legislation until it has been in print and published online for at least 72 hours prior to the vote unless it is a case of public emergency. The Legislature would be required to record all proceedings (except closed sessions) and make available online.

League position: Support.

Mayor Bailey has requested that this item appear on the Town Council's agenda for discussion and possible action to one or both of the proposed resolutions. The full text of each of these measures, along with the League's position taken and proposed draft resolutions, are included as attachments 1 and 2, respectively.

ATTACHMENTS:

1. Draft Resolution Opposing Proposition 53, League of California Cities' position taken and full text of Proposition 53
2. Draft Resolution Supporting Proposition 54, League of California Cities' position taken and full text of Proposition 54

ATTACHMENT 1

**DRAFT RESOLUTION OPPOSING PROPOSITION 53
LEAGUE OF CALIFORNIA CITIES' POSITION TAKEN
AND FULL TEXT OF PROPOSITION 53**

RESOLUTION NO. 37/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA TO OPPOSE PROPOSITION 53, REVENUE BONDS: STATEWIDE VOTE ON BOND INITIATIVE TO BE PLACED ON THE NOVEMBER 8, 2016 STATEWIDE BALLOT

WHEREAS, California and its local communities have a backlog of essential infrastructure needs, including crumbling local streets and roads, unsafe bridges and overpasses, aging water supply infrastructure, inadequate public transportation systems, and overcrowded hospitals and universities; and

WHEREAS, Proposition 53 on the November ballot would erode local control and undermine the ability of cities, counties and other local agencies and the state to form partnerships to finance the construction of some critical public infrastructure projects; and

WHEREAS, this initiative would require a statewide vote on certain local infrastructure projects financed through revenue bonds, where local governments have joined in a Joint Powers Authority (JPA) in partnership with the state or where the state was involved in the creation of the JPA; and

WHEREAS, by requiring a statewide vote on some local or regional projects, this initiative would erode local control by empowering voters in distant communities to reject projects which they do not use and do not fund; and

WHEREAS, this measure could derail and delay the Town of Corte Madera's ability to make improvements to critical infrastructure, including after emergencies and natural disasters; and

WHEREAS, No on 53 is a growing coalition of organizations representing local governments, water agencies, public safety leaders, businesses, labor unions, hospitals, family farmers, environmentalists and educators that have come together to officially oppose this initiative.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Corte Madera does hereby oppose Proposition 53.

BE IT FURTHER RESOLVED that the Town of Corte Madera will join No on 53 coalition. We direct staff to email a copy of this adopted resolution to Kyle Griffith of the No on 53 campaign at kgriffith@bcfpublicaffairs.com.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 20th day of September, 2016, by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSTAIN: Councilmembers:
ABSENT: Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

January 7, 2015

RECEIVED

JAN 07 2015

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA PERSONAL DELIVERY

The Honorable Kamala D. Harris
Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Constitutional
Amendment

Dear Ms. Harris:

Pursuant to Article II, Section 10(d) of the California Constitution, I hereby submit the attached proposed Initiative Constitutional Amendment, entitled the "No Blank Checks Initiative," to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the proponent of this measure pursuant to Section 9608 of the California Elections Code. My address as a registered voter is attached to this letter, along with a check for \$200.00.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Cortopassi". The signature is written in a cursive style with a large, sweeping flourish at the end.

Dean Cortopassi, Proponent

Enclosure: Proposed Initiative Constitutional Amendment

Section 1. Title.

This Act shall be known and may be cited as the No Blank Checks Initiative.

Section 2. Findings and Declarations.

The People of the State of California find and declare as follows:

(a) The politicians in Sacramento have mortgaged our future with long-term bond debt obligations that will take taxpayers, our children, and future generations decades to pay off.

(b) Under current rules, the sale of state bonds only needs to be approved by voters if they will be repaid out of the state's general revenues. But state politicians can sell billions of dollars of additional bond debt without ever getting the voters' approval if the bonds will be repaid with specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents. The politicians should not be allowed to issue blank checks Californians have to pay for. Voters must provide prior approval for all major state bond sale decisions, because voters are the ones who ultimately pay the bill.

(c) According to a 2014 report from California's independent, nonpartisan Legislative Analyst's Office, the State of California is carrying \$340 billion in public debt. (*Legislative Analyst's Office*, "Addressing California's Key Liabilities," Mar. 7, 2014.) Interest and principal payments on our long-term debt obligations will cripple the state if we keep spending the way we do now—reducing cash available for public safety, schools, and other vital state programs.

(d) Moreover, voters are rarely told the true costs of bond-funded projects. We were originally told that the bullet train would cost \$9 billion. But now the estimated cost has ballooned to nearly \$70 billion. (*Los Angeles Times*, "The Hazy Future of California's Bullet Train," Jan. 14, 2014.)

(e) This measure puts the brakes on our state's public debt crisis by giving the voters a say in all major state bond debt proposals that must be repaid through specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents.

Section 3. Statement of Purpose.

The purpose of this measure is to bring the state's public debt crisis under control by giving the voters a say in all major state bond-funded projects that will be paid off through specific revenues streams or higher taxes, fees, rates, tolls, or rents collected from Californians, their children, and future generations.

Section 4. Section 1.6 is added to Article XVI of the California Constitution, to read:

Section 1.6. (a) Notwithstanding any other provision of law, all revenue bonds issued or sold by the State in an amount either singly or in the aggregate over two billion dollars (\$2,000,000,000) for any single project financed, owned, operated, or managed by the State must first be approved by the voters at a statewide election. "State" means the State of California, any agency or department thereof, and any joint powers agency or similar body created by the State or in which the State is a member. "State" as used herein does not include a city, county, city and county, school district, community college district, or special district. For purposes of this section, "special district" refers only to public entities formed for the performance of local governmental functions within limited boundaries.

(b) A single project for which state revenue bonds are issued or sold in an amount over two billion dollars (\$2,000,000,000) may not be divided into, or deemed to be, multiple separate projects in order to avoid the voter approval requirements contained in this section. For purposes of this section, multiple allegedly separate projects shall be deemed to constitute a single project including, but not limited to, in the following circumstances: (1) where the allegedly separate projects will be physically or geographically proximate to each other; or (2) where the allegedly separate projects will be physically joined or connected to each other; or (3) where one allegedly separate project cannot accomplish its stated purpose without the completion of another allegedly separate project.

(c) The two billion dollar (\$2,000,000,000) threshold contained in this section shall be adjusted annually to reflect any increase or decrease in inflation as measured by the Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Bureau of Labor Statistics. The Treasurer's Office shall calculate and publish the adjustments required by this subdivision.

Section 5. Liberal Construction.

This act shall be liberally construed in order to effectuate its purposes.

Section 6. Conflicting Measures.

(a) In the event that this measure and another measure or measures relating to voter approval requirements for state bonds shall appear on the same statewide election ballot, the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded in whole or in part by any other conflicting initiative approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

Section 7. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

Section 8. Legal Defense.

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint

independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

ATTACHMENT 2

**Draft Resolution Supporting Proposition 54,
League of California Cities' position taken
and full text of Proposition 54**

RESOLUTION NO. 38/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
TO SUPPORT PROPOSITION 54, CALIFORNIA LEGISLATURE TRANSPARENCY
ACT OF 2016**

WHEREAS, it is essential to the maintenance of a democratic society that public business by the California Legislature be performed in an open and public manner and residents be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed; and

WHEREAS, last-minute amendments to bills in the Legislature are frequently pushed through without sufficient opportunities for public comment, or advance notice, providing members of the Legislature with no realistic opportunity to review or debate them, resulting in ill-considered legislation; and

WHEREAS, few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said; and

WHEREAS, with the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve; and

WHEREAS, California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster; and

WHEREAS, Proposition 54, the California Legislature Transparency Act, prohibits the Legislature from voting on a bill until it has been published online in its final form for at least 72 hours. In addition, Proposition 54:

- a. Allows this 72-hour notice period to be waived to address a state emergency declared by the Governor, followed by a two thirds vote of the legislative body, prior to action being taken on the measure for which the rules are being waved; and
- b. Requires the Legislature, by January 1, 2019, to ensure audiovisual recordings of all public proceedings are publicly accessible on the Internet within 24 hours and archived for at least 20 years thereafter (excludes closed session meetings), and allows all recordings of public proceedings to be used for any legitimate purpose.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Corte Madera does hereby support Proposition 54, the California Legislature Transparency Act.

BE IT FURTHER RESOLVED that the Town of Corte Madera will join the Yes on 54 coalition. We direct staff to email a copy of this adopted resolution to Kristi K. Thielen with the Yes on 54 Campaign at acostaconsulting.org

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 20th day of September, 2016, by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSTAIN: Councilmembers:
ABSENT: Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

Hold Politicians Accountable

November 16, 2015

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

RECEIVED
NOV 16 2015

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Amendments: Proposed Initiative 15-0083

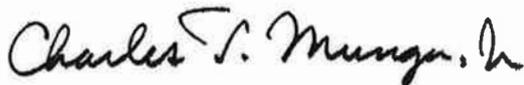
Dear Initiative Coordinator:

In accordance with subdivision (b) of Section 9002 of the Elections Code and in connection with the proposed statewide ballot measure ("California Legislature Transparency Act") filed with your office on October 12, 2015, the undersigned proponents submit the enclosed amended text.

Please proceed to prepare the Circulating Title and Summary, in light of these amendments.

Thank you for your time and attention to this important matter.

SUBMITTED BY:



CHARLES T. MUNGER, JR.

SAM BLAKESLEE

Enclosures

Hold Politicians Accountable

November 16, 2015

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Amendments: Proposed Initiative 15-0083

Dear Initiative Coordinator:

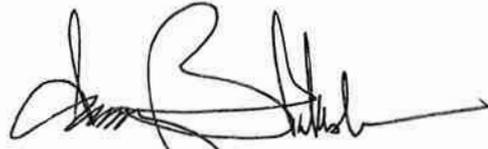
In accordance with subdivision (b) of Section 9002 of the Elections Code and in connection with the proposed statewide ballot measure ("California Legislature Transparency Act") filed with your office on October 12, 2015, the undersigned proponents submit the enclosed amended text.

Please proceed to prepare the Circulating Title and Summary, in light of these amendments.

Thank you for your time and attention to this important matter.

SUBMITTED BY:

CHARLES T. MUNGER, JR.

A handwritten signature in black ink, appearing to read "Sam Blakeslee", with a long horizontal stroke extending to the right.

SAM BLAKESLEE

Enclosures

Initiative Measure to Be Submitted Directly to the Voters

SECTION 1. Title.

This act shall be known and may be cited as the California Legislature Transparency Act.

SECTION 2. Findings and Declarations.

The People of the State of California hereby find and declare that:

- a. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner, and highly desirable that citizens be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed.
- b. However, last-minute amendments to bills are frequently used to push through political favors without comment or with little advance notice.
- c. Moreover, complex bills are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.
- d. Further, although our Constitution currently provides that the proceedings of each house and the committees thereof shall be open and public, few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said.
- e. Yet, with the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve.
- f. Accordingly, to foster disclosure, deliberation, debate, and decorum in our legislative proceedings, to keep our citizens fully informed, and to ensure that legislative proceedings are conducted fairly and openly, our Constitution should guarantee the right of all persons, including members of the press, to freely record legislative proceedings and to broadcast, post, or otherwise transmit those recordings.
- g. To supplement this right to record legislative proceedings, the Legislature itself should also be required to make and post audiovisual recordings of *all* public proceedings to the Internet *and* to maintain an archive of these recordings, which will be a valuable resource for the public, the press, and the academic community for generations to come.
- h. California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster.
- i. The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better bills while thwarting political favoritism and power grabs.
- j. These measures will have nominal cost to taxpayers, while promoting greater transparency in our legislative proceedings to benefit the People.

SECTION 3. Statement of Purpose.

In enacting this measure, the People of the State of California intend the following:

- a. To enable we, the People, to observe through the Internet what is happening and has happened in any and all of the Legislature's public proceedings so as to obtain the information necessary to participate in the political process and to hold our elected representatives accountable for their actions.

- b. To enable we, the People, to record and to post or otherwise transmit our own recordings of those legislative proceedings in order to encourage fairness in the proceedings, deliberation in our representatives' decision-making, and accountability.
- c. To give us, the People, and our representatives the necessary time to carefully evaluate the strengths and weaknesses of the final version of a bill before a vote by imposing a 72-hour public notice period between the time that the final version is made available to the Legislature and the public, and the time that a vote is taken, except in cases of a true emergency declared by the Governor.

SECTION 4. Amendments to Article IV of the California Constitution.

Section 4.1. Section 7 of Article IV of the Constitution is amended to read:

SEC. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) Except as provided in paragraph (3), the proceedings of each house and the committees thereof shall be open and public. The right to attend open and public proceedings includes the right of any person to record by audio or video means any and all parts of the proceedings and to broadcast or otherwise transmit them; provided that the Legislature may adopt reasonable rules pursuant to paragraph (5) regulating the placement and use of the equipment for recording or broadcasting the proceedings for the sole purpose of minimizing disruption of the proceedings. Any aggrieved party shall have standing to challenge said rules in an action for declaratory and injunctive relief, and the Legislature shall have the burden of demonstrating that the rule is reasonable.

(2) Commencing on January 1 of the second calendar year following the adoption of this paragraph, the Legislature shall also cause audiovisual recordings to be made of all proceedings subject to paragraph (1) in their entirety, shall make such recordings public through the Internet within 24 hours after the proceedings have been recessed or adjourned for the day, and shall maintain an archive of said recordings, which shall be accessible to the public through the Internet and downloadable for a period of no less than 20 years as specified by statute.

(3) Notwithstanding paragraphs (1) and (2) However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of an employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(42) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of the members of the same political party, may meet in closed session.

(53) The Legislature shall implement this subdivision by concurrent resolution adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and ~~shall prescribe that, when in the case of a closed session is held pursuant to paragraph (34), shall prescribe that~~ reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

Section 4.2. Section 8 of Article IV of the Constitution is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b)(1) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring.

(2) No bill may be passed or ultimately become a statute unless until the bill with any amendments has been printed, and distributed to the members, and published on the Internet, in its final form, for at least 72 hours before the vote, except that this notice period may be waived if the Governor has submitted to the Legislature a written statement that dispensing with this notice period for that bill is necessary to address a state of emergency, as defined in paragraph (2) of subdivision (c) of Section 3 of Article XIII B, that has been declared by the Governor, and the house considering the bill thereafter dispenses with the notice period for that bill by a separate rollcall vote entered in the journal, two thirds of the membership concurring, prior to the vote on the bill.

(3) No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

SECTION 5. Amendments of the Government Code

Section 5.1. Section 9026.5 of the Government Code is amended to read as follows:

9026.5. Televised or other audiovisual recordings of public proceedings~~Television signal of Assembly; prohibited use; violation~~

(a) Televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the committees thereof may be used for any legitimate purpose and without the imposition of any fee due to the State or any public agency or public corporation thereof. No television signal generated by the Assembly shall be used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors.

~~As used in this section, "commercial purpose" does not include either of the following:~~

~~(1) The use of any television signal generated by the Assembly by an accredited news organization or any nonprofit organization for educational or public affairs programming.~~

~~(2) As authorized by the Assembly, the transmission by a third party to paid subscribers of an unedited video feed of the television signal generated by the Assembly.~~

(b) The Legislature's costs of complying with paragraph (2) of subdivision (c) of Section 7 and of paragraph (2) of subdivision (b) of Section 8 of Article IV of the California Constitution shall be included as part of the total aggregate expenditures allowed under Section 7.5 of Article IV of the California Constitution. ~~Any person or organization who violates this section is guilty of a misdemeanor.~~

Section 5.2. Section 10248 of the Government Code is amended to read as follows:

10248. Public computer network; required legislative information

(a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

(1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.

(2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

(3) The bill history of each bill introduced and amended in each current legislative session.

(4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) All audiovisual recordings of legislative proceedings that have been caused to be made by the Legislature in accordance with paragraph (2) of subdivision (c) of Section 7 of Article IV. Each recording shall remain accessible to the public through the Internet and downloadable for a minimum period of 20 years following the date on which the recording was made and shall then be archived in a secure format.

~~(6)~~(7) All vote information concerning each bill in each current legislative session.

~~(7)~~(8) Any veto message concerning a bill in each current legislative session.

~~(8)~~(9) The California Codes.

~~(9)~~(10) The California Constitution.

~~(10)~~(11) All statutes enacted on or after January 1, 1993.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information that is maintained in the legislative information system that is operated and maintained by the Legislative Counsel shall be made available in the shortest feasible time after the information is available in the information system. The information that is not maintained in the information system shall be made available in the shortest feasible time after it is available to the Legislative Counsel.

(c) Any documentation that describes the electronic digital formats of the information identified in subdivision (a) and is available to the public shall be made available by means of access by way of the computer network specified in subdivision (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) No fee or other charge may be imposed by the Legislative Counsel as a condition of accessing the information that is accessible by way of the computer network specified in subdivision (b).

(f) The electronic public access provided by way of the computer network specified in subdivision (b) shall be in addition to other electronic or print distribution of the information.

(g) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of California relating to any of the information made available pursuant to this section.

SECTION 6. Defense of Initiative Measure.

Section 6.1. Section 12511.5 is added to the Government Code to read as follows:

Section 12511.5. Defense of the California Legislature Transparency Act

If an action is brought challenging, in whole or in part, the validity of the California Legislature Transparency Act, the following shall apply:

(a) The Legislature shall continue to comply with the act unless it is declared unconstitutional pursuant to a final judgment of an appellate court.

(b) Except as set forth in subdivision (c), the Attorney General shall defend against any action challenging, in whole or in part, the validity of the act, and shall have an unconditional right to intervene in any action addressing the validity of the act.

(c) If the Attorney General declines to defend the validity of the act in any action, the Attorney General shall nonetheless file an appeal from, or seek review of, any judgment of any court that determines that the act is invalid, in whole or in part, if necessary or appropriate to preserve the State's standing to defend the law in conformity with the Attorney General's constitutional duty to see that the laws of the State are adequately enforced.

(d) The official proponents of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponents are also authorized to act on the State's behalf in asserting the State's interest in the validity of the act in any such action and to appeal from any judgment invalidating the act.

(e) Nothing in this section precludes other public officials from asserting the State's interest in the validity of the act.

SECTION 7. Repeal of any Conflicting Statute Proposed at the Primary Election.

If the Legislature places a measure on the ballot for the June 2016 primary election that is approved by a majority of votes thereon, any provision of that measure that is inconsistent with, or interferes in any way with, the purpose or provisions adopted by this initiative measure shall be rendered void and without legal effect.

SECTION 8. Severability.

The provisions of this act are severable. If any provision of this act or its application is held to be invalid, that invalidity shall not affect the other provisions or applications that can be given effect in the absence of the invalid provision or application. Without limiting in any way the generality of the foregoing, the voters declare (1) that the amendments to Section 7 of Article IV of the California Constitution are severable from the amendments to Section 8 of Article IV of the California Constitution, (2) that the Legislature's obligations to cause to be made, to make public, and to maintain audiovisual recordings of legislative proceedings are severable from the right of any person to record the proceedings and broadcast or otherwise transmit such recordings pursuant to the amendments to Section 7 of Article IV, (3) that the right to record proceedings is severable from the right to broadcast or otherwise transmit the recordings, and (4) that the statutory amendments of this initiative measure are severable from the constitutional amendments.

SECTION 9. Amendments.

The statutory provisions of this act shall not be amended except upon approval of the voters, except that the Legislature may amend Government Code section 10248, subdivision (a)(6) to extend the time that recordings shall remain accessible to the public through the Internet and downloadable by passing a statute by a rollcall vote entered in the journal, a majority of the membership of each house concurring.

SECTION 10. Conflicting Ballot Propositions.

(a) In the event that this initiative measure and any other measure or measures that relate to the transparency of the legislative process with respect to any of the matters addressed herein are approved by a majority of voters at the same election, and this initiative measure receives a greater number of affirmative votes than any other such measure or measures, this initiative measure shall control in its entirety and the other measure or measures shall be rendered void and without legal effect.

(b) If this initiative measure and a statutory measure placed on the ballot by the Legislature are approved by a majority of voters at the same election, the constitutional amendments in this initiative measure shall control over any statutory measure placed on the ballot by the Legislature to the extent that the statutory measure conflicts with, is inconsistent with, or interferes with the purpose, intent, or provisions of this initiative measure.

(c) If this initiative measure is approved by voters but is superseded in whole or in part by any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure or superseding provisions thereof are subsequently held to be invalid, the formerly superseded provisions of this initiative measure, to the extent superseded by the subsequently invalidated provisions of the conflicting measure, shall be self-executing and given the full force of law.

Placing an item on the agenda: An item may be placed on the agenda by submitting a request to the Town Clerk or the Town Manager, or their designee, by Tuesday at 5p.m. 21 days prior to the Council meeting during which the item is sought to be considered. If such item requires staff investigation or if it will be considered at a future date in the normal course of business (e.g., planning and budget matters), it may be deferred to a later date with concurrence of the person submitting the item. Staff will accommodate submissions after the deadline whenever practical. (Town Council Rules and Procedures, Section 7.5)



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

www.townofcortemadera.org

DRAFT AGENDA
PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE

**CORTE MADERA TOWN COUNCIL
AND SANITARY DISTRICT NO. 2 BOARD
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE**

TUESDAY, OCTOBER 4, 2016

7:30 P.M.

- 1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL**
- 2. OPEN TIME FOR PUBLIC DISCUSSION**

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

- 3. PRESENTATIONS:**
- 4. COUNCIL AND TOWN MANAGER REPORTS**
 - Town Manager Report
 - Council Reports
- 5. CONSENT CALENDAR**

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council

5.I TOWN ITEMS:

- 5.I.i Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only. (Standard procedural action – no backup information provided)
- 5.I.ii Second Reading and Adoption of Ordinance Changing Election Date from November of Odd-Numbered Years to June of Even-Numbered Years
(Report from Rebecca Vaughn, Town Clerk)
- 5.I.iii Approval of Plans and Specifications and Authorization to Bid Tamalpais Drive Pedestrian Crossing Improvements Projects
(Report from Nisha Patel, Senior Civil Engineer)
- 5.I.iv Consideration of Approval of the Final Map for 1421 Casa Buena Drive “Enclave Townhomes” Project
(Report from David Keane, Engineering Consultant)
- 5.I.v Approve Reallocation of Funds in the Amount of \$15,000 from Pixley Lagoon Project to Skate Park Ramp Project
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)
- 5.I.vii Report on Moratorium Regarding Actions Taken Since Moratorium Was Enacted
(Report from Adam Wolff, Director of Planning and Building)
- 5.I.viii Receive and File Investment Transactions Monthly Report
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.I.ix Approve Warrants and Payroll for the Period / /16 through / /16: Warrant Check Numbers through , Payroll Check Numbers through , Payroll Direct Deposit Numbers through , Payroll Wire Transfer Numbers through , and Wire Transfer of / / .
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

5.II SANITARY DISTRICT ITEMS:

- 5.II.i Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Flow Meter and Isolation Valve Replacement
(Report from Nisha Patel, Senior Civil Engineer)
- 5.II.ii Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Trinidad II Pump Station Rehabilitation
(Report from Nisha Patel, Senior Civil Engineer)

6. PUBLIC HEARINGS:

- 6.I Appeal of Planning Commission Approval of Design Review for 220 Granada
(Report from Adam Wolff, Director of Planning and Building)

- 6.II Review And Possible Adoption of a Resolution Adopting Proposed Zoning Ordinance and General Plan Amendments Creating a New Mixed-Use Zoning District Mx-1 and Rezoning Seven Properties Along the East Side of Tamal Vista Boulevard Between Madera Boulevard and Wornum Drive From C-3 and Public/Semi Public Facilities to Mx-1.
(Report from Adam Wolff, Director of Planning and Building)

7. BUSINESS ITEMS:

- 7.I Discussion and Possible Direction to Send Comment Letter to MTC-ABAG Regarding Town Council Comments on Preferred Scenario for Plan Bay Area 2040.
(Report from Adam Wolff, Director of Planning and Building)

- 7.II Consideration, Discussion and Possible Direction to Staff Regarding Capital Project – SHADE STRUCTURE in Town Park Playground
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)

- 7.V Review of Draft October 18, 2016 Town Council Agenda

- 7.VI Approval of Minutes of September 20, 2016 Town Council Meeting

8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

1 MINUTES OF SEPTEMBER 6, 2016

2
3 REGULAR MEETING
4 OF THE
5 CORTE MADERA TOWN COUNCIL
6

7 Mayor Bailey called the Regular Meeting to order at Town Hall Council Chambers, 300
8 Tamalpais Drive, Corte Madera, CA on September 6, 2016 at 6:00 p.m.

9
10 **1. ROLL CALL**

11
12 Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews,
13 Condon and Lappert

14
15 Staff Present: Town Manager/Town Engineer David Bracken
16 Assistant Town Attorney Judith Propp
17 Director of Planning and Building Adam Wolff
18 Senior Planner Phil Boyle
19 Director of Parks & Leisure Services Mario Fiorentini
20 Police Chief Todd Cusimano, CMPA
21 Interim Fire Chief Scott Shurtz
22 Town Clerk/Assistant to the Town Manager Rebecca Vaughn

23
24 **6:00 pm - CLOSED SESSION**

25
26 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

27 Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom at
28 The Village at Corte Madera) APN 024-032-19

29 Agency negotiator: David Bracken

30 Negotiating parties: Macerich (Giancarlo Filartiga and Cecily Barclay)

31 Under negotiation: Whether, and under what price and terms, the property could
32 potentially be leased to the Village at Corte Madera

33
34 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

35 Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)

36 Name of case: G. Ortiz v. Town of Corte Madera, MCSC Case No. CIV1502264

37
38 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

39 Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)

40 Name of case: Larson v. Town of Corte Madera, et al., MCSC Case No. CIV1602760

41
42 **7:30 pm - OPEN SESSION**

43 Mayor Bailey stated there was no reportable action from the Closed Session.

44
45 **SALUTE TO THE FLAG:** Mayor Bailey led in the Pledge of Allegiance.

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2. PRESENTATIONS

2.I. Volunteer of the Year – David Kunhardt

The Town Council presented David Kunhardt with a Proclamation naming him as the Town’s 2016 Volunteer of the Year.

Councilmembers individually read portions of the Proclamations into the record. A round of applause followed and Mr. Kunhardt thanked the Town Council.

3. OPEN TIME FOR PUBLIC DISCUSSION - None

4. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Town Manager Bracken asked that Mr. Fiorentini provide a report on Circus Vargas that has come to town.

Director of Parks and Leisure Services Mario Fiorentini stated Circus Vargas arrived at the gravel lot today and began its set up. The circus will be in town until September 18th, with the first show beginning at 1:30 p.m. on Thursday. Tickets are available at the Community Center and he encouraged attendance.

Mr. Bracken gave the following report:

- He met with the Golden Gate Bridge District last week to discuss their mitigation for the ferry channel dredging. They are in the process of getting regulatory permit and he will keep the Council up to date on the matter.

- Director of Planning and Building Services – Tamal Vista East Corridor Study

Mr. Wolff gave the following report:

- The Tamal Vista East Corridor Study will be heard before the Planning Commission on September 13th. He briefly discussed the work over the last 10 months on a study of the 7 properties located on the east side of Tamal Vista Boulevard to come up with new land use regulations and policies to guide future development.

The report cumulated all public comments and created policy recommendations, and at that time, staff was directed to launch into developing new zoning ordinance amendments which would codify those policy recommendations.

1
2 The draft report and Negative Declaration were released during the week of
3 August 20th and the matter will be heard and discussed by the Planning
4 Commission next Tuesday, September 13th at 7:30 p.m. The Town Council
5 will hear it in early October.
6

7 - Council Reports
8

9 Councilmember Andrews gave the following report:
10

- 11 • He attended the Marin Clean Energy Board meeting in Mayor Bailey and Vice
12 Mayor Furst's absence. MCE presented their 2015/16 financial statements
13 which showed they are financially solvent and getting stronger. Also
14 discussed were proposed amendments to MCE's JPA.
15

16 Councilmember Condon gave the following report:
17

- 18 • She attended the CDBG meeting and Roy Bateman, Executive Director has retired
19 and an interim director is serving in his place. The federal government is providing
20 less funding for various programs and cities have been encouraged to decrease the
21 amount of projects it contributes to.
22 • A meeting was held and 67 people attended regarding the Twin Cities Village. The
23 volunteer program is for people aged 60+ who would like to volunteer, provide
24 services and for those who need services. It operates throughout the country very
25 successfully and a steering committee will meet tomorrow morning to further
26 discuss the programs.
27 • Age-Friendly Corte Madera, the Centennial Committee and Parks and Recreation
28 held an event at the Community Center on Sunday to honor those aged 90 and
29 above. She noted Andy Vireno will be 104 in December and Pauline Angleman will
30 be 108 in October. There were 23 honorees and at least 100 people. Mayor Bailey
31 presented each honoree with a certificate, reminiscent music was played and
32 Interim Police Chief Michael Norton provided a presentation. Pictures of the
33 celebration can be seen at www.agefriendlycortemadera.com.
34 • On September 14th at 1:00 p.m., "How to Avoid a Fall" will be the first presentation
35 in a speaker series at the CMPA Community Room on Dougherty Drive.
36 • She reminded staff of her request for bike trail connectivity between east of Prince
37 Royal Drive and Paradise Drive under Safe Routes to School. Mr. Bracken responded
38 that work is underway on ADA and bike pass standards.
39

40 Councilmember Lappert had no report.
41

42 Vice Mayor Furst gave the following report:
43

- 44 • She reported on the Transportation Authority of Marin (TAM):

- 1 ○ TAM is creating a Strategic Vision Plan and will be asking for input from the
- 2 public.
- 3 ○ TAM will be developing a micro-website and circulating a survey to obtain
- 4 people's input on Marin's transportation future. The new site will be
- 5 launched in mid-September and can be access via www.tam.ca.gov.
- 6 ○ The General Manager of SMART has refused to allow use of the railroad right-
- 7 of-way in the area behind Cost Plus which is the site of a new
- 8 bike/pedestrian pathway intended to link the crossing over Sir Francis Drake
- 9 Boulevard and Corte Madera Creek and direct people behind Cost Plus to
- 10 connect up with the Sandra Marker Trail at Wornum. This is a key link, it is
- 11 fully funded and the entire project is on hold. The agreement entered into in
- 12 2006 between SMART, the Golden Gate Bridge District, County of Marin, and
- 13 City of San Rafael and discussed at the last TAM Board meeting.
- 14 ○ She will expect that the SMART Board will agree to the use of the right-of-
- 15 way if there are any funds given to the rebuild of the Bettini Transit Center in
- 16 downtown San Rafael. This facility is owned by the Golden Gate Bridge
- 17 District; however, a temporary rebuild and permanent solution is required
- 18 because of the SMART train traveling through and continuing on from Second
- 19 to Anderson and onto Larkspur, which is SMART's next phase.
- 20

21 Mayor Bailey gave the following report:

- 22
- 23 • He attended Marin County Legislative Committee meeting and the legislative session
- 24 has ended mildly. Reports were given on cap and trade, homelessness, affordable
- 25 housing, and bonds for parks.
- 26 ○ Assemblymember Levine discussed CalPERS investments.
- 27 ○ The Committee's work was presented which is geared to protect local
- 28 control.
- 29

30 **5. CONSENT CALENDAR**

31

32 Councilmember Andrews requested removal of Item 5.II for discussion.

- 33
- 34 5.I Waive Further Reading and Authorize Introduction and/or Adoption of
- 35 Resolutions and Ordinances by Title Only.
- 36 (Standard procedural action – no backup information provided)
- 37
- 38 5.III Adopt Resolution 31/2016 Endorsing the Corte Madera Beautification
- 39 Committee's Oktoberfest and Allowing Temporary Signs in the Public Right-
- 40 of-Way from September 12, 2016 to October 10, 2016 Advertising the
- 41 Oktoberfest Celebration and Determining that the Project is Exempt from the
- 42 California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines
- 43 15061(B)(3)
- 44 (Report from Phil Boyle, Senior Planner)

- 1
2 5.IV Approve Town of Corte Madera Response to Civil Grand Jury Report, “911
3 First Responder Referral Program”
4 (Report from David Bracken, Town Manager, and Scott Shurtz, Interim Fire
5 Chief)
6
7 5.V Approve Town of Corte Madera Response to Civil Grand Jury Report, “Law
8 Enforcement Citizen Complaint Procedures”
9 (Report from David Bracken, Town Manager, and Michael Norton, Interim
10 Police Chief)
11
12 5.VI Approve Town of Corte Madera Response to Civil Grand Jury Report, “Marin’s
13 Hidden Human Sex Trafficking Challenge”
14 (Report from David Bracken, Town Manager, and Michael Norton, Interim
15 Police Chief)
16
17 5.VII Approve Warrants and Payroll for the Period 8/11/16 through 8/26/16:
18 Warrant Check Numbers 214306 through 214382 Payroll Check Numbers
19 5275 through 5283, Payroll Direct Deposit Numbers 30168 through 30302,
20 Payroll Wire Transfer Numbers 2046 through 2052, and Wire Transfer of
21 8/22/16.
22 (Report from George T. Warman, Jr., Director of Administrative
23 Services/Town Treasurer)
24
25 5.VIII Approve Warrants and Payroll for the Period 8/27/16 through 8/31/16:
26 Warrant Check Numbers 214383 through 214429 Payroll Check Numbers
27 5284 through 5297, Payroll Direct Deposit Numbers 30303 through 30379,
28 and Payroll Wire Transfer Numbers 2053 through 2057.
29 (Report from George T. Warman, Jr., Director of Administrative
30 Services/Town Treasurer)
31
32 5.IX Consideration and Possible Action to Approve Payment of \$12,000 From
33 Centennial Funds for Centennial Snow Day Activity in December
34 (Report from Mario Fiorentini, Director of Recreation and Leisure Services)
35
36 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the
37 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
38 None).
39
40 To approve the Town Consent Calendar Items 5.I, 5.III, 5.IV, 5.V, 5.VI, 5.VII,
41 5.VIII and 5.IX
42
43 Item Removed from the Consent Calendar:

1
2 5.II Approve Acquisition of New Stryker Power Assisted Gurney for Medic Unit;
3 and Approve a Supplemental Appropriation of \$53,300 for Stryker Gurney
4 (Report from Kenny Prete, Battalion Chief)

5
6 Interim Fire Chief Scott Shurtz discussed the cost for the Stryker Gurney, stating the Corte
7 Madera Fire Department is the only transport agency in Marin that still has a 100% manual
8 gurney which requires 2 Firefighters or Paramedics to lift it and load it into the ambulance.
9

10 Interim Chief Shurtz explained the importance of the option for powered gurneys from
11 back injuries. The price of the gurney is approximately \$18,000 and the power load device
12 which picks it up and pulls it into the ambulance is almost \$22,000. While expensive, it is
13 very high quality, reliable and is used by similar agencies. The remaining \$11,000 in the
14 contract is for an extended, 7-year service contract which he briefly described. The current
15 gurneys used will be outlawed because they do not stand up to SAE (Society of Automotive
16 Engineers) crash test safety standards and the new device does. Chief Shurtz indicated he
17 was available to answer any questions.
18

19 Mayor Bailey opened the public comment period and there were no speakers.
20

21 Vice Mayor Furst thanked Chief Shurtz for his report on behalf of Battalion Chief Prete who
22 was sent to out-of-county response at a wildfire on the Oregon border.
23

24 MOTION: Moved by Lappert, seconded by Furst, and approved unanimously by the
25 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
26 None).
27

28 To approve Town Consent Calendar Item 5.II, approving Acquisition of New
29 Stryker Power Assisted Gurney for Medic Unit; and Approving a
30 Supplemental Appropriation of \$53,300 for Stryker Gurney
31

32 **6. PUBLIC HEARINGS**
33

34 6.I 646 Oakdale Avenue – A Public Hearing to Consider an Appeal of the
35 Planning Director’s Action to Conditionally Approve Tree Removal Permit
36 PL-2016-0057 Concerning the Removal of a 70 Foot Tall Coast Redwood at
37 the Rear Yard at 646 Oakdale Avenue, Adjacent to 60 Presidio Avenue.
38 (Report from Douglas Bush, Associate Planner)
39

40 Mayor Bailey briefly outlined hearing protocols regarding appeals.
41

42 Director of Planning and Building Adam Wolff introduced the item, stating the matter is an
43 appeal where the Planning Director makes the decision on a tree removal permit which,

1 per Chapter 15 of the Municipal Code, is heard by the Town Council and not recommended
2 by the Planning Commission.

3
4 Mr. Wolff then introduced Douglas Bush, Associate Planner to present the staff report.

5
6 Associate Planner Douglas Bush stated an application was filed in June 2016 by 646
7 Oakdale Avenue for removal of a 70 foot tall Coast Redwood and an appeal was filed by 67
8 and 60 Presidio Avenue. He presented a display of the alternate view of the redwood tree
9 behind 646 Oakdale Avenue. The tree is to the rear of the applicant's fence but within their
10 property line and it sits between 60 Presidio Avenue and 646 Oakdale Avenue.

11
12 Mr. Bush explained that a tree removal permit is generally required for any tree in town
13 that is over 50" in circumference at chest height or 4 ½ feet in height. This tree is well over
14 this amount. He noted there are certain exemptions for species of trees which are deemed
15 as nuisances; however, this tree requires a permit.

16
17 Mr. Bush then displayed a view of the tree as seen from the end of Presidio Avenue which is
18 33.6" in diameter and around 110" in circumference. There were multiple arborist reports
19 provided by the applicant and the application was noticed to all neighbors within 300 feet
20 of the property. Staff received concerns from the appellants and as a result, requested
21 further information from the applicant and staff required an arborist report from an
22 independent, consulting arborist.

23
24 He then presented a display of the tree as seen from Oakdale Avenue and said the tree is
25 estimated to be between 40 and 70 years old. The lot at 646 Oakdale slopes from the back
26 to the front with 60 Presidio Avenue above and staff cited over 20 factors relating to the
27 decision on the tree removal permit as outlined in the staff report and he briefly discussed
28 criteria in arriving at the decision.

29
30 Staff found the need for the tree to be removed for the following reasons:

- 31 • The application was initially filed largely based on concern for the risk of the tree
32 falling on the house or limbs failing and falling on property or people.
- 33 • With the 4 separate arborists reports provided; 3 provided by the applicant and 1
34 provided by the appellant from 2014, support removal of the tree.
- 35 • There is danger of limb failure which is common for redwood trees.
- 36 • It was not established that the tree itself was a risk for failure but if it were to fail or
37 limbs to fall, given its position upslope from the applicant's house, there is reason
38 for concern.
- 39 • The tree is currently causing damage to a fence, a retaining wall, and given the age of
40 the tree, the reports indicate that further damage would occur from continued
41 growth.
- 42 • The tree is in a very narrow space near the driveway at 60 Presidio Court and there
43 is definite potential from the arborists' reports that further growth could damage

1 the driveway and another retaining wall at the rear of the applicant's property.

- 2 • Given the size and location of the tree, it shades the house, the yard and these are
3 factors and considerations.

4
5 An appeal was filed shortly after the determination and staff mailed the decision to
6 approve the permit to concerned neighbors to ensure an opportunity to comment. The
7 points on the appeal (Attachment 2) are as follows:

8
9 Mr. Bush concluded his presentation, stating that while a tree of this size and age include
10 some environmental benefits; staff weighed many factors. Given the trees' size, hazards,
11 privacy, risk of limb failure, effects of sunlight on the property, staff believed that negatives
12 outweigh the benefits to retain the tree.

13
14 Councilmember Condon voiced concerns and questioned the conflicting arborists' reports.

15
16 Mr. Bush clarified that the Town differentiates between independent consulting arborists
17 who are not associated with tree-cutting services and those which are in order to eliminate
18 potential bias and conflict of interest.

19
20 Mr. Wolff added that arborists are licensed with professional certifications and similar to
21 other independent assessments from consultants the Town uses these individuals to
22 provide a valid opinion. There can be differences in opinions from arborists which were
23 seen in this case.

24
25 Vice Mayor Furst referred to page 7 of the Town's Code, number 15.50.060(5);
26 "Preservation/restoration of views and/or sunlight on an applicant's property". She asked
27 if there was any study about the sunlight and shading as a result of the tree on the
28 appellant's property which would show how much of an effect this tree has as opposed to
29 other vegetation.

30
31 Mr. Bush said there was no sunlight or shade study performed by the applicant. He clarified
32 that the right to view and sunlight section of the tree ordinance is specific to conflicts
33 between someone who is asserting that right and someone else who owns a tree on a
34 different property. When a tree permit is applied for to remove one's own tree, this section
35 of the code does not apply. He said one factor on the decision of the permit is restoration of
36 sunlight on one's own property, and Mr. Wolff added that at certain times of the day the
37 tree does shade the property and some of the usable areas.

38
39 Vice Mayor Furst referred to the 3rd bullet point on page 5 of the staff report on
40 Attachment 3, which is one of the factors articulated in the application; "The trees impact
41 on available sunlight within their home and the impact of shading on their desired
42 vegetation." She asked if the applicants are holding off on a landscaping plan because the
43 backyard is too shady.

1
2 Mr. Bush said the matter is about the ability to enjoy their backyard as they wish and the
3 ability for sunlight in their backyard, and he noted that the applicant could speak to this.
4

5 Mayor Bailey called upon the appellant to make a presentation.
6

7 MICHAEL WEIR, appellant, gave a PowerPoint presentation and introduced his wife,
8 Kristina, as well as the owner of 57 Presidio Avenue. He said his family moved into their
9 home 14 years ago, have two young boys and do not view themselves as tree activists. They
10 had an oak tree that got sudden oak death which they had to remove in 2004 based on an
11 arborist report.
12

13 In going through the report, Mr. Weir stated that it comes down to whether the tree is a
14 nuisance, whether it is a risk for damages, and he thinks the tree is a nuisance; however, it
15 is a nuisance they have come to tolerate.
16

17 Mr. Weir stated they did major renovations on their home including a parking pad installed
18 in 2003 and up until the latest arborist report and the one they filed in 2014, the tree has
19 been reported as healthy. Up until May of 2016 they believed the tree to be theirs and their
20 responsibility and have paid for its maintenance over time. They had to obtain a survey
21 when they underwent renovations, which were provided to their neighbors, and it was at
22 this time that they discovered the tree was actually on their property.
23

24 In 2014, the Sachs expressed their desire to have the tree cut down and this is when he
25 hired an arborist who opined the tree to be healthy. They decided to leave the tree where it
26 was and they worked with the Sachs to window the tree significantly to try and minimize
27 its impact.
28

29 KRISTINA WEIR stated they received permission from the Sachs to trim the tree and
30 ensured their concerns with the large branches were not impacting them. She said the tree
31 is a nuisance for them as they get sap droppings on their car; however, she said part of the
32 reason they moved to Corte Madera was to ensure their family grew up surrounded by
33 trees.
34

35 Mr. Weir continued, stating when they filed the appeal they learned the tree did not fall
36 under the category of a heritage tree. He referred to the staff report and said regarding the
37 question as to whether the tree is a nuisance and whether it is an impact given potential
38 damage, when going through the arborist reports they all agree that the risk of total tree
39 failure is low. The tree is healthy and the big risk is branch failure; however, the tree does
40 not have huge, thick branches, it has been windowed on the applicant's side and he feels
41 that the impact of branch failure is not that high. If the tree was sick or dying, they would
42 absolutely support its removal.
43

1 Mr. Weir said all reports of the arborists conclude that the tree is not in any danger of
2 falling. Everybody loves redwood trees and their environmental benefits are amazing.

3
4 Mrs. Weir added that if the tree was dying or there was imminent danger of falling they
5 would support its removal. Additionally, according to a recent Marin IJ article seniors in
6 Mill Valley fought to keep 3 redwood trees and she asked the Council to consider that every
7 aspect of tree removal matters.

8
9 Mr. Weir said there are aspects of damage to the fence, retaining walls and he questioned
10 whether this could be mitigated any other way such as irrigation or additional support for
11 the tree. It seems that based on branch failure any tree could get cut down and, depending
12 on what happens with this hearing, he asked what the plan would be for the stump, the
13 root system and the current location of the fence.

14
15 In conclusion, Mrs. Weir admitted the matter is personal and she questioned the definition
16 of a heritage tree which varies by city. She questioned whether she should be looking at the
17 matter in a different way, whether or not it is a nuisance, and said her family tries to be
18 quiet and respectful neighbors but there are also 3 other neighbors in support of the
19 appeal. None of the arborists' reports say that the tree is dying or diseased which she feels
20 is the most important thing to highlight. There is not a high risk of tree failure and while the
21 tree could fall on their house and parking pad, they specifically installed a curved retaining
22 wall so as to preserve the tree as much as possible, as well as trimmed the tree.

23
24 Mayor Bailey asked and confirmed one of the photos taken of the tree with Mrs. Loscalzo.

25
26 Vice Mayor Furst referred to a photo in the staff report which shows the fence and she
27 confirmed that the brick retaining wall is the one the tree has affected. Mrs. Weir clarified
28 that the neighbor will be speaking to this.

29
30 KAREN LOSCALZO, on behalf of the appellant and neighbor across the street on Presidio
31 Avenue, stated she supports the Weirs in their effort to save the redwood tree in question.
32 As a 25 year resident of Presidio Avenue she has observed of all neighbors a concerted
33 effort to live with trees, many of which have existed long before their homes were
34 constructed. Many neighbors purchased homes specifically for the lush, mature vegetation
35 in the neighborhood and learned they could not grow a lawn under an oak tree nor plant
36 corn or tomatoes under a redwood. Instead, they adapted landscapes to co-exist with their
37 trees or learn to garden in pots.

38
39 Mrs. Loscalzo said she felt it was odd that the residents of 646 Oakdale Avenue did not
40 recognize that the large redwood growing in their backyard might provide some gardening
41 challenges. They have decided recently that it should be cut down, giving little thought to
42 how such an action would destroy the attractive, natural ambience of Presidio Avenue and
43 its neighborhood vistas. They have not considered the unattractive gap in the landscaping

1 on the street behind their home and how it will affect their neighbors to the south. Their
2 promise to plant mature trees in its place is not convincing as they and the Town planning
3 department fail to realize that the stump must remain to stabilize the hillside and the tree
4 will grow back and its roots will continue to spread across the area. It will be difficult if not
5 impossible to plant screening which has been promised.

6
7 Because the Town does not require success or efforts in perpetuity, residents of Presidio
8 Avenue are faced with an ugly reminder of an ill-conceived effort. She strongly encouraged
9 and urged the Council to send the matter back to the planning department for
10 consideration of a plan to preserve the tree, require annual inspections and maintenance
11 until such time and if and when the tree is truly in failure, she will support its removal.

12
13 Mayor Bailey called upon the applicant for a presentation.

14
15 ADAM SACHS, applicant, referred to the question regarding the independence of the
16 arborist's report, they had their first report prepared by the tree removal service. The
17 Town asked them to have another report prepared by an independent arborist which they
18 did. After the appeal was filed they wanted to ensure the work was correct. The Town then
19 asked them to hire Urban Forestry Associates and he received a truly independent
20 assessment in June after they hired two other arborists. He noted the arborist the
21 appellants hired were not independent certified risk assessment arborists.

22
23 He and his wife Joanne moved to Corte Madera 6 years ago. They take the matter seriously
24 and said they love to garden. The backyard was covered in ivy which they removed and
25 they planted peas, tomatoes and 4 fig trees, 6 apple trees, 2 cherry and 1 maple tree. He
26 noted the front of their house was overgrown with juniper and failing retaining walls. They
27 installed new retaining walls and as shown in the pictures, plants were planted too closely
28 together when their house was built.

29
30 The redwood tree was planted in the backyard behind their home which became a problem
31 for their neighbors which they windowed out. The redwood tree started killing their 4
32 Camelia trees which provide wonderful screening. The redwood tree has an aggressive root
33 system and casts a substantial shadow of his home.

34
35 Mr. Sachs then presented a photo of a short retaining wall, a brick retaining wall behind it
36 on 60 Presidio Drive, a 6 foot retaining wall 5 feet from his home which has a crack in it
37 because it is off plumb by 1½ inches and it is pushing the wall over which is holding their
38 entire backyard 5 feet from their home. They have a French drain but nothing drains from
39 it because roots have grown in it. The tree is stressed per the independent arborist from
40 Urban Forestry Associates that the Town recommended. He said there are 5
41 considerations; 1) Danger of limb failure. There is a danger of limb failure here; 2) Is it
42 close to structures? It is a 76 foot tree, which is 25 feet from their house and is even closer
43 to the appellant's house, but given the prevailing winds, Mr. Sachs said his home is the

1 target; 3) The tree is blocking the French drain; 4) It is taking out the fence and the short
2 wood retaining wall and the large retaining wall is at risk; and 5) regarding danger of
3 branch failure, the arborist from Urban Forestry Associates states “the likelihood of branch
4 failure is moderate to high due to the species’ characteristics, the high wind exposure and
5 drought stress.

6
7 Although the likelihood of branch hitting the residence has a low probability, this could
8 pose serious damage.” When there are southerly winds, he and his wife are worried. If the
9 tree falls it will destroy their home and while the risk of this is low, during high winds, they
10 do not sleep very well. They do not know if the south canopy decline is due to root cutting
11 when the neighbor’s parking pad was installed which may have disrupted tension roots.
12 Currently, there is a slab on the south side of the tree which was not there before.

13
14 In looking at the tree and its growth over the last couple of years there is no foliage on the
15 south edge and this is where the foliage ought to be, and the concern is that it will fall to
16 their side.

17
18 Mr. Sachs stated the redwood tree grows and will continue which is a problem, given its
19 health. The tree’s roots have pushed the fence out of alignment and this will continue. One
20 of the most major problems short of the tree falling and killing them, the 5 ½ foot retaining
21 wall is cracking in two places and is out of plumb. He then pointed to a photo showing an
22 area 30 feet away from the tree which shows expansion of the tree which gradually pushes
23 the wall which will eventually knock it over which is a risk to their home. He then
24 presented a photo of the Camelia trees which are straggly and only have foliage on their
25 tops and are being killed by the redwood tree.

26
27 Mr. Sachs then displayed a picture of a healthy Camelia tree 40 feet away from the redwood
28 tree. If the redwood tree is removed, the Camelia will provide screening the neighbors
29 want. He said the tree has been very invasive over a short period of time and in many
30 towns redwood trees are considered nuisances. While beautiful, they do pose nuisances
31 because they end up taking over yards and neighbors cannot plant anything.

32
33 Another problem is the fact that they cannot install solar on their southwest portion of
34 their roof. Regarding privacy, nothing can grow under the redwood tree and because it is
35 self-deciduous, branches fall and they cannot achieve privacy without erecting a 15 foot
36 fence which most likely will not be received well.

37
38 He stated Urban Forestry Associates gave the tree’s health a 2 rating which is ‘fair’. Urban
39 Forestry Associates indicated it is on the edge of dying, quite drought stressed, there are
40 root limitations, groundwater limitations, foliage is sparse and depressed, and it is not
41 getting water on the south side which should make it strong. If it were taken out, the
42 neighbors’ views would improve, he and his wife’s lives would be better and they would
43 have views open to the other side as well.

1
2 The matter was appealed and it was stated the tree is over 100 years old, but Urban
3 Forestry Associates estimated the tree is 50 years old and distinguished it as a 'young tree.'
4 The appellants state that their fence and rooftop are unattractive and he displayed a
5 picture of the appellant's fence and said the appellants live above them and will see their
6 rooftop.

7
8 Mr. Sachs then referred to views and said the tree cannot be seen until one is standing even
9 with the neighbor right behind the Weirs. He presented a picture of the appellant's home in
10 2004 showing an oak tree which had a diameter of 20 inches or a circumference more than
11 50 inches. In 2006 the oak tree was removed and they should have gotten a permit, and
12 there is a gaping hole. He said if the Weirs cared about the gap in the foliage they would
13 have planted trees, but they never have planted trees there. The oak tree was 29 feet tall
14 and no tree has been planted as a replacement.

15
16 Regarding the effect on property values, Mr. Sachs said he received a letter from a broker
17 who said the tree's removal will not affect values. In summary, Mr. Sachs said there are two
18 walls being affected by the tree, a French drain that is failing which does not seep out
19 properly, the fence is being pushed over, it is blocking light, is killing trees, and it is
20 stressed. He said he loves gardening and this is what he wants to be able to do. He will also
21 be planting Magnolias, Maples, and other trees at a 2:1 ratio and have already planted 14
22 trees. He said what keeps them up at night is the risk of failure and he thanked the Council.

23
24 Mayor Bailey asked staff to display the slide showing the bird's eye view of the location of
25 the retaining wall and French drain.

26
27 Mr. Sachs pointed to both pictures and clarified that the retaining wall is about 5 feet from
28 their house and the French drain goes the entire length and roots have come in and filled it
29 so it does not work.

30
31 Vice Mayor Furst pointed out that there is a view of the retaining wall with dimensions and
32 distance to the tree on page 3 of 5 of the Urban Forestry Associates report which shows the
33 retaining wall is 15 feet from the tree trunk.

34
35 Mayor Bailey opened the public comment period.

36
37 LAKS SAMPATH, 700 Oakdale Avenue, said he has lived on Oakdale for the last 20 years
38 and his main concern is that next door to him was a similar redwood tree and 17 years ago,
39 he just moved his 5 year old daughter out of their breakfast nook area when he heard a
40 crack. The tree fell and missed his house, took out 2 mature apple and peach trees out and
41 the fence. He said when standing at his house and looking over, there is a huge oak tree on
42 his neighbor's property that blocks his complete view. He has never approached the
43 Council to have the tree removed to enhance his views, but he thinks the redwood tree is a

1 safety issue. When it does come down, he questioned who would be responsible if the tree
2 is not allowed to be removed today.

3
4 JEFFREY GORDON said he and his wife have lived on Presidio Avenue for 17 years and are
5 the neighbors to the south of the Weirs. When he drives up Presidio and into their
6 driveway he and neighbors have enjoyed seeing the beautiful, majestic redwood tree and
7 ambience of the street. Mr. Sachs states the tree is on the verge of dying but Mr. Gordon
8 said he has looked at the tree and the shoots are green and nothing compared to other
9 trees in the area he has seen. He said he would rather see a beautiful redwood tree than
10 have a view of a freeway which sends noise and pollution.

11
12 He thinks Town staff has overlooked how cutting the tree down would affect the
13 environment on Presidio Avenue. Some of the arborists state the tree is healthy and one
14 rates it at level 2. He used to be an attorney and said he could “shop” for a judge to rule in
15 his favor, and this strikes him as being the same situation. Also, Mr. Sachs discusses the
16 drought over the last 2 years, but reservoirs have been full in Marin. He did not think the
17 tree has been negatively impacted and is not about to die; it is growing and is very healthy.
18 The Sachs made a decision to purchase the house knowing the tree was there and he hoped
19 the Council will consider the equity of this.

20
21 GEORGE MUELLER, 623 Oakdale Avenue, said to own a home and a backyard is part of the
22 American dream for immigrants and he thinks there is no overriding community interest in
23 this particular redwood tree. It is not a historic monument that needs preserving nor a rare
24 species, and he thinks private property should be respected as well as the wishes of
25 homeowners. He therefore asked that the permit be granted for the tree’s removal.

26
27 Councilmember Andrews noted that his neighbor periodically prunes his redwood tree and
28 asked if the tree was pruned symmetrically.

29
30 *Rebuttal – Appellant*

31
32 Mrs. Weir, co-appellant, said the tree was trimmed more on the applicant’s (south) side
33 because of the concern with branch failure. She and her husband were of the belief that if
34 the tree was not dying or sick they should do everything they could to save it. She said she
35 cut the tree on her side for windowing, but they asked first if this was okay. She referred to
36 the eminent danger which is the question that the Council should consider. She said her
37 father who is 86 lives with them and he could be a nuisance like a tree, but wants to
38 maintain the beauty of Corte Madera. They have 2 children, aged 10 and 13 years old and
39 she wants to live amongst the trees.

40
41 Councilmember Lappert said he does not like the Council’s ability to intrude in people’s
42 personal lives and make laws that pit neighbors against each other and cause these
43 problems. He does not consider the matter to pertain to the health of the tree and the tree

1 belongs to one property owner who has the tree on his property. He can do as he pleases
2 and is not the caretaker or steward of the redwood tree and therefore must live with it. He
3 may have purchased the property with the idea of taking the tree down at some time and in
4 his opinion, the owner has a right to do that. He was baffled with the idea that a tree is
5 more important than a human being and the livelihood of the people who purchased the
6 property. He said the applicant is a gardener and wants to plant other trees, as well and he
7 supported removal of the tree.

8
9 Vice Mayor Furst said she was torn and felt like what was heard tonight was less than
10 genuine or in alignment with what the arborist reports state, such as the tree blocking a
11 French drain or being stressed. She has a large redwood tree which is stressed by the
12 drought and she has had to garden around the tree. Regarding the risk of falling branches,
13 the tree's branches are modest in size and the bottom branches have been cleared. The
14 Council was also told about someone killed in San Francisco from a branch, but there is no
15 evidence this was from a redwood tree and she questioned what Christmas Tree Hill would
16 look like if owners were allowed to simply clear spaces in their backyards for gardens.

17
18 However, Vice Mayor Furst said she was concerned with the retaining wall which is 5'2"
19 from the Sachs' home. She did not have enough information to judge whether the tree is
20 compromising it and questioned if there was a solution to deal with this. Lastly, an update
21 to the tree ordinance has been brought up over the last few years and she would suggest
22 this be done within the next year.

23
24 Councilmember Condon said she agrees with Councilmember Lappert's comments
25 regarding the Council's involvement with trees; however, recently there was dispute and
26 polarizing in a neighborhood because heritage trees were removed for construction of a
27 new spec home and permitting was questioned. There was very little room for the home to
28 be built if the trees were retained and they were removed. In looking at the Urban Forestry
29 Associates' report, she was troubled because she could not understand whether the
30 arborist was chosen by the applicant or staff, that the report was independent and that
31 there would be an opinion involving potential risks from branches or the tree falling.

32
33 Councilmember Condon stated the tree is part of the landscape of the neighborhood and
34 property. She lives next door to a beautiful oak tree which was diagnosed with sudden
35 death syndrome, and neighbors have been paying to maintain the tree due to an absent
36 homeowner and it would have been awful if the tree was removed. She feels the Town has
37 been pushing for something more definitive in its tree ordinance and thinks the retaining
38 wall can be fixed, the French drain altered, and she would support saving the tree.

39
40 Councilmember Andrews voiced his support to save the tree.

41
42 Mayor Bailey said he was also torn like Vice Mayor Furst, and it is obvious that these are
43 good people, a good neighborhood and everybody loves their trees and plants regardless of

1 what happens. He disagreed with the staff report in that there is an interpretation that the
2 heritage tree section of the Municipal Code does not apply because the tree is on private
3 property. He said Section 15.50.100; the right to view and sunlight explicitly states that “no
4 right to view or sunlight may be established under this article as to any heritage tree and
5 heritage trees may not be altered, destroyed or removed on the basis of any provision of
6 this article.” He said there is no implication by its location within the section to link it to
7 the fact it does not apply to the owner of this site. Staff did an excellent job in the staff
8 report; however, he did not believe this issue was analyzed correctly. There are multiple
9 reasons why the owner should have the right to remove the tree, but listing sunlight or
10 view cannot be listed as a basis for removal.

11
12 Mayor Bailey said the largest issue for him is one of safety. He thinks that people should
13 generally have a right to do what they want with their own property; however, this is not
14 without exception. Occasionally, the Council imposes things on people and the Town has a
15 Municipal Code. He would argue that one’s Constitutional right to property is impacted by
16 local ordinances and other things which affect the way people interact with one another.
17 He thinks it is unfair both to Mr. Sachs and to his neighbors, but it is disingenuous to refer
18 to the arborists’ reports as being uniform in describing anything. He has read them and he
19 thinks they can be used to argue any position and it makes it hard for him to determine
20 whether the situation is unsafe or not. If unsafe, he would agree the tree should be taken
21 down.

22
23 Additionally, he said Mr. Sachs has his own property rights and did not think it was fair to
24 support a tree if it is damaging the retaining wall, French drain and impacting his house. It
25 is not clear there has been an effort to rectify these things by some other method and was
26 not sure if it is possible to correct the problems without further damaging or injuring the
27 tree, but there is an inconsistency of simultaneously saying the tree should not be there
28 because it is growing too large and it is about to die. Both arguments, while possibly true,
29 any one of them can be true at any one time.

30
31 Mayor Bailey agreed with Councilmember Condon’s statements about whether there is
32 confidence in the report and who the expert is. He has found that one can pay an expert to
33 say virtually anything and he finds it hard for the applicant and the appellant to determine
34 what the story is and there is an emotional investment in this which he would ask the
35 community to remove. He finds that whenever the Council discusses larger policy issues,
36 they fail and to succeed, they must keep things purely operational in nature. Therefore, the
37 question is not generally whether the Council should protect property rights but
38 specifically, should this tree be preserved. Therefore, it is not perfectly clear to him.

39
40 Councilmember Lappert said if the neighbor’s sunlight and fear of limb failure was before
41 the Council, he questioned whether the Council would require the property owner to do
42 something with the tree.

43

1 Mayor Bailey asked if the fact that the tree is a heritage tree matters at all, and
2 Councilmember Lappert said he did consider this a heritage tree regardless of what the
3 code states, other than the fact that it has outlived some people.

4
5 Vice Mayor Furst posed the question wherein a person purchased a home on Christmas
6 Tree Hill which was surrounded by lovely trees. The new owner decides they want to
7 install a garden and have sun and cut down trees, she asked how Councilmember
8 Lappert's concept of property rights would apply in this setting, knowing so much of the
9 neighborhood character is intrinsically tied to trees and greenery.

10
11 Councilmember Lappert asked at what point is the Town going to be calculating how much
12 carbon dioxide is being taken out of the air. He thinks if a property owner does not want
13 something on their property, he would defer to the owner. He would also ask for
14 reasonableness and alternatives, but he thinks this is one tree which is aggravating to the
15 owner. At one point no one even knew who owned the tree and while of a certain age and
16 character, the tree will someday die. The pictures of Mr. Sachs' garden tell him he is serious
17 about gardening.

18
19 Mayor Bailey concurred but also thought that the 60-70 year age of the tree is not as
20 dramatic as some things the Council has seen, such as 150-200 years old. Mr. Sachs is also
21 replacing and planting additional trees.

22
23 Councilmember Condon noted that heritage trees are in the Town's ordinances and are not
24 to be removed which are not less than 50 years old.

25
26 Vice Mayor Furst said she does not think the case has been made that there is a consistent
27 view of eminent danger by reading the arborists' reports. There is some question about the
28 retaining wall but she did not have enough information to know that it is directly related to
29 the tree and secondly, there is nothing that can be done to mitigate any impact to the
30 retaining wall.

31
32 Mayor Bailey echoed his position with Vice Mayor Furst's except that he does not think it is
33 fair to tell an owner it is not dangerous enough; that the danger to their family however
34 low and while immediate and terrible, is remote. He said the appellant's statement is that
35 every tree is dangerous and judgment must be applied, but the arborist report does not
36 help in this regard. He questioned how the Town can say someone cannot protect their
37 family and property from destruction because of the conflicting arborists' reports and he
38 thinks his position is that the Council should allow the property owner to protect their
39 family and property.

40
41 Vice Mayor Furst referred to Christmas Tree Hill and the trees' importance to the
42 neighborhood and asked if the Council was supportive of an arborist's report that says low
43 risk and possibly setting a precedent.

1
2 Mayor Bailey said while this problem worries him, that problem is not before the Council.
3 He did not think this would set a precedent because the Council is examining itemized
4 details to come to a lone decision.

5
6 Councilmember Condon said this is a difficult decision, it becomes subjective, she cited the
7 importance of tree preservation, and the Council's action to enforce its policies, and she
8 thinks the ordinance defines a heritage tree even though and every description of the tree
9 is a low risk.

10
11 Mayor Bailey said he does not think the Town can tell an owner they cannot protect their
12 family and property because there is only a 5% chance that the tree or branches will fall.

13
14 Mayor Bailey suggested calling the question.

15
16 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
17 following vote: 3-2 (Ayes: Andrews, Condon and Furst; Noes: Lappert and
18 Bailey).

19
20 To grant the appeal and deny Tree Removal Permit PL-2016-0057, thus
21 saving the redwood tree

22
23 **7. BUSINESS ITEMS**

- 24
25 7.I Consideration and Possible Action to Adopt Resolution No. 32/2016
26 Approving Modifications to the Color Scheme of the East Elevation of
27 Building 1 (Facing Nellen Avenue and Highway 101) at Tam Ridge
28 Residences (aka 'Wincup')
29 (Report from Adam Wolff, Director of Planning and Building)

30
31 Director of Planning and Building Adam Wolff stated before the Council is consideration of
32 modifications to the color scheme on the east elevation of Building 1 at Tam Ridge
33 Residences, which faces Nellen Avenue and Highway 101. This matter follows up on a
34 public meeting regarding colors and color scheme on this elevation at a joint Planning
35 Commission/Town Council meeting on April 19th. Subsequently, the applicant took
36 direction from that meeting to revise the color schemes, returned to the Planning
37 Commission on August 23, 2016, presented revised schemes and the Planning Commission
38 is unanimously recommending approval of Option 3 which he displayed.

39
40 Mr. Wolff stated there were 5 options presented to the Commission on August 23rd and he
41 presented them all on the screen and said the applicant can address them. He distributed
42 material samples to the Council and he referred to the details regarding noticing which he
43 said was also included in the Council packet.

1 ERIC OLSON, Architect, McFarlane Partners, said he was available for questions of the
2 Council, noting that the Commission made a unanimous recommendation for Option 3. In
3 summary, Option 3 replaces the light colored Prodema with the dark colored Prodema
4 which makes all 4 sides of the building the same and also tones down the view from the
5 freeway. The light and dark greys also work well with the dark wood and it provides a
6 consistency and appropriate scale moderating medium and he thinks it is the right decision
7 of the Planning Commission.

8
9 Councilmember Lappert requested Option 3 be displayed.

10
11 Mayor Bailey opened the public comment period and there were no speakers.

12
13 Councilmember Condon stated she likes Option 3 and confirmed the pronunciation of
14 “salsify” which Ms. Levinsohn confirmed was the name of a vegetable. Councilmember
15 Condon stated she visited the site and made a motion to support Option 3. Vice Mayor Furst
16 seconded the motion.

17
18 MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the
19 following vote: 4-0-1 (Ayes: Condon, Furst, Lappert and Bailey; Noes: None;
20 Abstain: Andrews)

21
22 To Adopt Resolution No. 32/2016 Approving Modifications to the Color
23 Scheme of the East Elevation of Building 1 (Facing Nellen Avenue and
24 Highway 101) at Tam Ridge Residences (aka ‘Wincup’)

25
26 7.II Review of Draft September 20, 2016 Town Council Agenda

27
28 Vice Mayor Furst commented on the numerous items on the agenda.

29
30 Mayor Bailey questioned the junior second unit item and clarified that it will be agendized
31 in the near future and the Council will hear it after the Planning Commission.

32
33 7.III Approval of Minutes of August 16, 2016 Town Council Meeting

34
35 MOTION: Moved by Lappert, seconded by Andrews, and approved unanimously by the
36 following vote: 4-0-1 (Ayes: Andrews, Condon, Lappert and Bailey; Noes:
37 None; Abstain: Furst).

38
39 To approve the Minutes of the August 16, 2016 Town Council Meeting, as
40 submitted
41
42
43

1 **8. ADJOURNMENT**

2

3 The meeting was adjourned at 9:45 p.m. to the next regular Town Council meeting on
4 September 20, 2016 at Town Hall Council Chambers.