



**AGENDA NO: A-6**

**MEETING DATE: January 22, 2019**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

## Dana Swanson

---

**From:** betty winholtz  
**Sent:** Tuesday, January 22, 2019 12:47 AM  
**To:** Dana Swanson  
**Subject:** Fw: agenda item a-6

----- Forwarded Message -----

**From:** betty winholtz  
**To:** John Headding <jheadding@morrobayca.gov>; Robert Davis <rdavis@morrobayca.gov>; Marlys McPherson <mmcpherson@morrobayca.gov>; Jeffery Heller <jheller@morrobayca.gov>; Dawn Addis <daddis@morrobayca.gov>  
**Cc:** Janeen Burlingame <jburlingame@morrobayca.gov>  
**Sent:** Tuesday, January 22, 2019, 12:23:58 AM PST  
**Subject:** agenda item a-6

Dear City Council:

I am surprised you are making a commitment to buy a new trolley when (1) a per hour ridership evaluation and (2) the cost to run the trolleys are not presented in order to justify the need for a new/continued trolley network. The cost of operation (fuel, wages) and maintenance are also not included for a complete fiscal evaluation. Are these costs still coming out of the park in lieu fees, or the General Fund? Without this information, it is not possible to determine if this is the highest grant benefit compared to, say, the city's bus program.

It is assumed that Council wants to continue the trolley program. In this time of fiscal constraint, an evaluation is called for before committing to a grant that actually spends down the General Fund and/or other funds. It has been my observation that the trolleys are usually empty most days during the summer except for special weekends. Perhaps a modified trolley program is called for rather than the full trolley program currently in existence.

Sincerely,  
Betty Winholtz



**AGENDA NO: A-8**

**MEETING DATE: January 22, 2019**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

## Dana Swanson

---

**From:** betty winholtz  
**Sent:** Tuesday, January 22, 2019 2:44 AM  
**To:** John Headding; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis  
**Cc:** Dana Swanson  
**Subject:** agenda item a-8

Dear City Council:

The fresh air of the Mayor's statements regarding Public Comment at the last meeting have been usurped by the changes proposed.

In particular,

1. This proposed introductory statement is only partially true--"Public comment is an opportunity for members of the public to *provide input to the governing body.*" Please note the difference in how the Brown Act states it, "an opportunity for members of the public to *directly address the legislative body on any item of interest to the public.*" 54954.3(a)

(My italics in both sentences.) In the proposed statement, the emphasis is on the "governing body." In the latter the emphasis is on the "public" speaking about "any item of interest," not just input to the legislative body. There is also a subtle difference in the proposed naming of the body: governing (boss) vs. legislative (rule making).

2. It was accurate to change from "rules" to "guidelines and expectations." However, the proposed first two bullet points contradict the intent of the Mayor to make it more easy and comfortable for the public to participate, as well as contradict the Brown Act (54953.3) by indirectly pressuring attendees to sign in and give information about themselves despite the disclaimer that it's not required. This is a confusing message.

Please remember, you "exist to aid in the conduct of the people's business...[who] do not yield their sovereignty to the agencies which serve them." (54950) In this spirit, I encourage you to drop all text in orange, which is confusing at best and promotes a chilling effect at worst, with the exception of changing "rules" to "expectations."

Sincerely,  
Betty Winholtz



**AGENDA NO: C-1**

**MEETING DATE: January 22, 2019**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

## Dana Swanson

---

**From:** betty winholtz  
**Sent:** Tuesday, January 22, 2019 3:20 AM  
**To:** John Headding; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis  
**Cc:** Rob Livick; Scott Collins; Dana Swanson  
**Subject:** agenda item c-1

Dear City Council:

This is the most shameless statement to date regarding this project:

"ESA will begin that work shortly, but does not anticipate the proposed modifications to the project description will result in any new impacts or require additional mitigations. If that stays true, then no public review of and comment period for the Addendum would be required, since the Addendum would determine there would be no new environmental impacts that could result from the two lift stations and no new environmental analysis or mitigation measures would be required. In addition, no impacts will be caused to the WRF Program budget or schedule." (page 45)

First, adding another site, next to a drainage that flooded in the 1990s is a new impact. Second, known flooding should require mitigation.

Third, just because the consultant says a second lift station creates no new impacts doesn't make it so.

Fourth, adding a second lift station, a new piece of equipment, has to add material cost to the budget if not the time schedule.

Fifth, who decides "If that stays true"?

Don't accept lies just to shorten time.

Sincerely,  
Betty Winholtz

## Dana Swanson

---

**From:** Scott Collins  
**Sent:** Tuesday, January 22, 2019 10:53 AM  
**To:** Dana Swanson  
**Subject:** FW: Public participation re multiple improperly noticed actions within Agenda Item C-1

Fyi.

---

**From:** Cynthia Hawley  
**Sent:** Monday, January 21, 2019 8:48 AM  
**To:** Scott Collins <scollins@morrobayca.gov>; Jeffrey Heller <jheller@morrobayca.gov>; John Heading <jheading@morrobayca.gov>; Marlys McPherson <mmcpherson@morrobayca.gov>; Robert Davis <rdavis@morrobayca.gov>; Dawn Addis <daddis@morrobayca.gov>  
**Cc:** Dan Sedley ; Linda Donnelly ; Richard E.T. Sadowski ; Paul Donnelly ; Barry Branin ; Carole Truesdale ; Marla Jo Bruton ; Steve Stevens ; Kerrigan Mahan ; Aaron Ochs ; Nancy Bast ; Betty Winholtz ; joyce Ford  
**Subject:** Public participation re multiple improperly noticed actions within Agenda Item C-1

Good morning Mr. Collins,

On tomorrow night's City Council meeting agenda there are actually five separate issues including three separate actions misrepresented under Agenda Item C-1 as elements of a monthly review:

1. Update on the design/build process.
2. Application to LAFCO to add the 370+ acre Tri-W remainder parcel into the City's Sphere of Influence.
3. Application to LAFCO to annex the 27 acre parcel into the City.
4. Decision to consolidate the coastal development permit for the WRF project.

While the staff report lists the action as "direction regarding a consolidated coastal development permit", the Council can't direct staff to consolidate three coastal development permit processes into one without first making the decision to do so.

I don't believe that the decision to consolidate three permit processes (for the biggest and most expensive project in the City's history) into one has been made by the Council at a public meeting after considering public comments. This decision has a direct impact on public participation where one hearing by a state agency would eliminate two local public hearings. The decision whether to consolidate should be re-agendized for a future meeting.

5. Update on the conveyance facilities project and program.

The second, third, and fourth issues listed above involve separate, major land use actions by the Council under the misleading agenda notice "**MONTHLY REVIEW OF THE STATUS OF AND ACTIONS REGARDING THE WATER RECLAMATION PROGRAM INCLUDING**". This notice explicitly misleads the reader to believe that this agenda item is only a review of actions already taken.

According to the Brown Act and the public's rights to full participation under to the Coastal Act these items should be removed from this agenda and re-agendized with proper notice at a future meeting.

Under Coastal Act section 30006 the public has the statutory right to full participation in these decisions:

"The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation."

If you choose not to amend the agenda and to proceed with it as is, since these separate discussions and actions are under a single agenda item, please clarify that the public will be able to address each item separately, in separate public comments. To do otherwise would amount to a strategic denial of the public's rights to comment on and to fully participate in these vital decisions, and to ask questions about the design/build process and off-site conveyance system.

Thank you for your attention to these matters,

Cynthia Hawley

Cynthia Hawley, Attorney

P.O. Box 697

Morro Bay, CA 93443

#### **CONFIDENTIALITY NOTICE**

**The information contained in this e-mail message is privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this e-mail message in error, please notify this office immediately. Thank you.**



**AGENDA NO: C-3**

**MEETING DATE: January 22, 2019**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

## Dana Swanson

---

**From:** Meredith Bates  
**Sent:** Monday, January 21, 2019 7:17 AM  
**To:** Dawn Addis; Jeff Heller; John Headding; Marlys McPherson; Red Davis; Dana Swanson  
**Subject:** Support items for C-3 & C-4

Dear Mayor and Council,

**C-3-** I'm very pleased that you will be discussing this matter. C-3 shows that you have listened to the concerns of Morro Bay citizens who wish to participate in our government, but are constrained by late night hours. Thank you. Please vote yes!

C-4-I agree that the Feds need to hear from municipalities about this major problem. Thank you and please send immediately. You might want to mention how it has affected our community specifically, for example, the Coast Guard.

Respectfully yours,

Meredith Bates,

## Dana Swanson

---

**From:** betty winholtz  
**Sent:** Tuesday, January 22, 2019 3:30 AM  
**To:** John Heading; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis  
**Cc:** Scott Collins; Dana Swanson  
**Subject:** agenda item c-3

Dear City Council:

Food for thought--

The reason to not start regular city council meetings earlier than 6pm is so there is time for closed sessions prior to regular meetings. Changing closed sessions to a different day would solve this conflict. However, council may rather hold their meetings on one day to simplify personal schedules.

Sincerely,  
Betty Winholtz

This Page Intentionally Left Blank



**AGENDA NO: C-4**

**MEETING DATE: January 22, 2019**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

## Dana Swanson

---

**From:** Meredith Bates  
**Sent:** Monday, January 21, 2019 7:17 AM  
**To:** Dawn Addis; Jeff Heller; John Headding; Marlys McPherson; Red Davis; Dana Swanson  
**Subject:** Support items for C-3 & C-4

Dear Mayor and Council,

C-3- I'm very pleased that you will be discussing this matter. C-3 shows that you have listened to the concerns of Morro Bay citizens who wish to participate in our government, but are constrained by late night hours. Thank you. Please vote yes!

**C-4-**I agree that the Feds need to hear from municipalities about this major problem. Thank you and please send immediately. You might want to mention how it has affected our community specifically, for example, the Coast Guard.

Respectfully yours,

Meredith Bates,

## Dana Swanson

---

**From:** betty winholtz  
**Sent:** Tuesday, January 22, 2019 3:38 AM  
**To:** John Headding; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis  
**Cc:** Scott Collins; Dana Swanson  
**Subject:** agenda item c-4

Dear City Council:

AMEN!

Sincerely,  
Betty Winholtz