



AGENDA NO: A-2

MEETING DATE: September 24, 2019

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Monday, September 23, 2019 1:45 AM
To: John Headding; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson
Subject: agenda item a-2

Dear City Council:

I have the following questions.

Sincerely,
Betty Winholtz

1.1.1 addresses Tri-W property and necessary easements owned by the Martz 2003 Trust. It's my understanding that the city will also need an easement from the adjacent rancher, Mr. Maino, and the organization that holds an easement over his property. Is this true? Have you talked to him? Are there any other easements that aren't secured like Vista, Caltrans, State Parks, etc.?

1.1.3 In order to receive the CDP, the City must satisfy Special Condition 1 (Revised Final Plans) and Special Condition 2 (Construction Plans). A third condition, Special Condition 6 (Recycled Water Management Plan), must be satisfied before construction of the Project can begin. Please define "Project." When you refer to the Project are you referring to all components of the WRF, or is the Project in this case the Recycled Water component only?

1.1.4 Environmental Documentation Completion. It's omitted that the Addendum was put on the City website August 28.

1.2 The 90-percent design submittal will be delivered to the City in November 2019. Please explain how it can be announced at the LAFCO meeting last week that the City intends to "break ground" in October, yet the 90% design completion won't be submitted until November.

1.4 The City has reached an agreement with Vistra regarding use of the MBMWC well. Testing for this well can be started once the City receives the final CDP, which is anticipated in late September 2019. Is this the same well that the City ordered closed when it was owned by Dynegy? What were the restrictions placed on the well at the time of closure?

Table 5 Develop, Implement, and Submit Pollution Prevention Plan (PPP) for BOD and TSS December 01, 2018 TBD(1)

Notes:(1)The City and Program Manager have noted this requirement in the previous quarterly progress reports sent to the RWQCB (as required by the TSO). The City has requested that the Enhanced Source Control Program (ESCP) required as part of the Title 22 Engineer's Report be considered acceptable for this requirement in lieu of the PPP identified in the TSO.

Please define how these 2--the PPP and the ESCP--are different in content and intent, and identify the pros and cons of the substitution. These 2 are not attached to the staff report, so there is no way for Council or the public to know the difference.

At the LAFCO meeting last week it was announced that Tri-W was going to give the 27.6 acre parcel to the City. Is this true, or was it a slip of the tongue?

Sincerely,
Betty Winholtz



AGENDA NO: A-7

MEETING DATE: September 24, 2019

**AGENDA CORRESPONDENCE
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Dana Swanson

From: Lynda Merrill [REDACTED]
Sent: Thursday, September 19, 2019 5:39 PM
To: Council
Subject: Please excuse Ric Deschlers absences

Dear Mayor and Councilmembers,

I know Ric Deschler to be a consciences person and that he would not ask for these absences unless it was necessary,

Thank you, Lynda Merrill

CONCLUSION Staff recommends the Council consider approving: 1. Mr. Deschler's request for an excused absence from the October 2018, February 2019, and August 2019 Regular Public Works Advisory Board meeting;



AGENDA NO: A-8

MEETING DATE: September 24, 2019

**AGENDA CORRESPONDENCE
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Dana Swanson

From: Lynda Merrill [REDACTED]
Sent: Thursday, September 19, 2019 5:28 PM
To: Council
Subject: Thank you! for A-8 Sea Otter awareness week.

Dear Mayor Heading and Councilmembers,

*I am so grateful to you for recognizing our dear sea otters.
My husband and I go out and watch over them almost every day. They are such dear
animals with their quiet, endearing ways. I feel so fortunate to have them gather so near
to shore so I can see them.
You are the best Council ever,
Lynda and Frank Merrill*



AGENDA NO: C-1

MEETING DATE: September 24, 2019

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Monday, September 23, 2019 2:44 AM
To: John Headding; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson
Subject: agenda item c-1

Dear City Council:

"050 Appeal of City Decision \$250 per appeal, refundable if applicant prevails \$875 per appeal, refundable if applicant prevails Estimated cost of appeal is \$3,495, with standing Council policy of 25% cost recovery No Charge –appeal of Coastal Development Permits Per appeal application -all actions except Coastal Development\$1,025 per application (70% cost recovery)\$116.15 -Tree Committee\$288 .84 -All Other Appeals \$600 per"

I would like to speak to the above Appeal Fee being raised 3-fold. Unlike other fees, this is the one item that facilitates participation in City government. It's intent is completely different from the other fees. That's why the "chilling effect" noted by the Chamber has been and should continue to be a priority of the Council to avoid. This is government of, by, and for the people. If you discriminate by requiring a large sum of money-- equivalent to 1/2 a month's rent--to voice concern and participate in the workings of the City, I believe that is called environmental injustice: if one doesn't have big finances, one is excluded, unheard.

I also want to reflect on the Chamber's comment:

"The City should reconsider the 25 percent cost recovery for appeals of development approvals. While 100% cost recovery would have a chilling effect on public participation (assuming that the cost analysis is anywhere near correct), increasing cost recovery from 25% to 50% would both discourage frivolous appeals and still substantially subsidize those services. Citizens make a "personal choice" to appeal matters, sometime for non-substantive reasons. If they make these choices they should pay to play, like everyone else. The City's revised development regulations also will make fewer approvals discretionary items and fewer items subject to appeal."

To my knowledge the Chamber has not participated in any appeals, so I'm not sure how they know there have or have not been frivolous appeals. What defines "frivolous": whether or not you are in favor of it? It has been my experience from speaking on both sides of an appeal, for and against, that due to the high sum already required to have an item vetted, appealing is not something anyone does without serious consideration. Certainly it is a "personal choice," but it is a personal financial sacrifice to bring to the attention of the elected and appointed officials a potential violation or inequity that can be settled publicly and civilly. The only way to decide if there are "non-substantive reasons" for an appeal is to hear it! To tout that the new LCP and zoning ordinance will make for "fewer items subject to appeal" is expressing prior knowledge the rest of us don't have. Additionally, it puts up a red flag that we should be

concerned if the public is being restricted from making comment on planning policies and projects happening in their neighborhoods and business districts.

Please direct staff to keep the appeal fee at its current amount of \$250.

Sincerely,
Betty Winholtz