

## Concerned Citizens for Old Rocky

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December 28, 2018

Outgoing Mayor and Councilmembers  
City of Vacaville  
650 Merchant Street  
Vacaville, CA 95688

RE: Drake's Point Radio Tower misrepresentations; City clerk please log

Outgoing Mayor and City Councilmembers:

Tiny houses, giant towers, zero lot lines, it seems the City's lack of transparency has been creating endless troubles for you. At a minimum, honesty and transparency are paramount to acceptable governance. That has been notably lacking from this recent City government, and I would hope for better from the new Council, but time will tell.

I would urge you to have a discussion with your City attorney on the meaning of the legal term "negligent misrepresentation." In the meantime, I'd like to point out some of the many falsehoods City officials have purported regarding the Drake's Point Radio Tower. Is this considered acceptable behavior by the City of Vacaville? If so, you are putting yourselves in significant jeopardy of legal liabilities.

### **Stantec, City's consultant, as approved by Adam Brown, City Development Engineer:**

1. Are the following items applicable to the project or its effects?...

YES [ ] MAYBE [ ] NO [X] B. Change in scenic views or vistas from existing residential areas or public lands or roads.

YES [ ] MAYBE [ ] NO [X] C. Change in character of general area of project.

[These assertions are already proven false.]

*Initial Study Checklist (File No. 17-342), December 14, 2017.*

### **Albert Enault, City Planner:**

The "facility will be surrounded by existing vegetation rendering its appearance unnoticeable" and the "facility will be located in an area that will minimize aesthetic intrusion on the surrounding environment". [Does anyone really believe this?].

*City of Vacaville Planning Commission, Staff Report Agenda Item No. 8.A, April 17, 2018.*

**Jeremy Craig, City Manager:**

"The project was thoroughly reviewed for compliance with City standards and was found to be in compliance." [At least two parts of the code weren't even looked at - 14.09.125.090.F.1 and 14.09.125.070.B.6 - and the code is violated on multiple points].

*<https://www.ci.vacaville.ca.us/government/city-manager-s-office/drake-s-peak>, accessed December 10, 2018.*

**Barton Brierley, Community Development Director:**

"the planning commission and city council decisions do comply with the requirements" of the municipal code. [Read the code, you'll see clearly the project does NOT comply].

"Yes" an exception was "included in the findings..."; and "yes" there was an exception on "both of these municipal code violations." [This is patently false, there is no exception; go check your documents and records].

*October 23, 2018 City Council meeting, responding to questioning from Dilenna Harris.*

**Jeremy Craig, City Manager:**

"There is an existing pole at that location that is 38 feet high." [Mr. Craig has been advised this is false information since October but continues to state it on the City website; at what point does this assertion become fraudulent?].

"contractors have cleaned up Drake's Point, removing trash, broken glass, barbed wire and other hazardous items..." [this assertion is ludicrous and insulting to anyone who has frequented Old Rocky, and has seen its devastation recently].

*<https://www.ci.vacaville.ca.us/government/city-manager-s-office/drake-s-peak>, accessed December 10, 2018.*

**John Carli, Police Chief:**

"A repeater system would cost millions of dollars." [Chief Carli cannot back this assertion with documents, and our research suggests a repeater system would have been feasible, and likely more cost effective than the tower at Old Rocky].

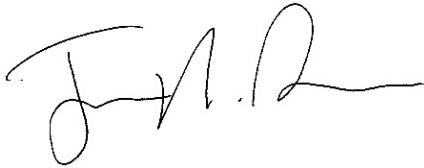
*Personal communication with James Gorham, September 2018.*

It is unfortunate that the City persists in many of these falsehoods, and more unfortunate that you do not hold yourselves to standards you established for other developers around town. If so, you would revoke the permit for Drake's Point Radio Tower based on Section 14.09.072.150.D of the Code, which states: "A permit or entitlement may be revoked for reasons which include, but are not limited to...(2) Upon a determination that the permit or entitlement was obtained or extended upon fraud or misrepresentation; and (3) Upon a determination that the project violates a provision of the Municipal Code."

We would like to know the progress of the project you have assured us would occur to screen the adverse visual impacts of the tower. We would hope you would engage the public early in this evaluation rather than proceeding without public involvement. We also propose that the

City Council issue a resolution reinstating the ridgeline protections (per 14.09.125) on Old Rocky which the tower project has voided as the first “major telecommunication facility” developed on the ridge. Finally, note that the City Council promised to review its procedures for noticing and public involvement, and we would like to know the status of this action item, who is responsible for it, and when it will be presented to City Council.

Regards,

A handwritten signature in black ink, appearing to read 'J.N. Gorham', with a long horizontal flourish extending to the right.

James N. Gorham, representing  
Concerned Citizens for Old Rocky

c:

Len Augustine, Mayor  
Curtis Hunt, Councilmember  
Dilenna Harris, Councilmember  
Mitch Mashburn, Councilmember  
Ron Rowlett, Councilmember  
John Carli, City of Vacaville  
Kris Concepcion, City of Vacaville  
Albert Enault, City of Vacaville  
Jeremy Craig, City of Vacaville  
Barton Brierley, City of Vacaville  
Aaron Busch, City of Vacaville  
Adam Brown, City of Vacaville  
Melinda Stewart, City of Vacaville  
Shana Faber, City of Vacaville  
Michelle Thornbrugh, City of Vacaville  
Nolan Sullivan, Council Elect  
Jan Aldrich, Planning Commissioner  
Robert Macaulay, Planning Commissioner  
Gregg Spanos, Planning Commissioner  
Shelley Martin, Planning Commissioner  
Brett Johnson, Planning Commissioner  
Shannon Nadasdy, Planning Commissioner  
Joe Niccoli, Planning Commissioner  
Anna Radonich, Stantec Consulting Services Inc.  
Trevor Macenski, Stantec Consulting Services Inc.