

City of Capitola

City Council Meeting Minutes

Thursday, September 11, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Mayor: Joe Clarke

Vice Mayor: Margaux Morgan

Council Members: Gerry Jensen, Melinda Orbach, Susan Westman

Closed Session – 5 PM

- i. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov't Code § 54956.8)
Property: Capitola Wharf Buildings, 1400 Wharf Road (APN: 034-072-01)
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: JFS Incorporated (dba Capitola Boat and Bait)
Under Negotiation: Terms of Lease
- ii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)
Claims Against the City of Capitola
1) Kevin Maguire

Regular Meeting of the Capitola City Council – 6 PM

1. **Roll Call and Pledge of Allegiance** — *The meeting was called to order at 6:00 PM. In attendance: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke.*
2. **Additions and Deletions to the Agenda** – *None*
3. **Presentations**
 - A. *The Mayor presented a proclamation to Heidi Boynton, Executive Director, honoring Jacob's Heart Children's Cancer Support Services and declaring September 2025 as Childhood Cancer Awareness Month.*
 - B. *The Mayor presented a proclamation honoring September as National Preparedness Month to Police Chief Ryan.*
4. **Report on Closed Session** – *The City Council met and discussed two items on the Closed Session agenda. No reportable action was taken.*
5. **Additional Materials**
 - A. *Item 8C – 13 emails received after publication of the agenda packet.*
 - B. *Item 9A – 8 emails received and one staff memo was distributed after publication of the agenda packet.*
 - C. *Item 9B – 15 emails received after publication of the agenda packet.*
6. **Oral Communications by Members of the Public**
 - *Speaker*
 - *Speaker*
 - *Jaime Rojas*

City Council Meeting Minutes – September 11, 2025

- *Speaker*
- *AJ Denova*
- *Dan*
- *Leah Martin*
- *Courtney*
- *Brian Lam*
- *Kalil Raheem*
- *Yaqub*
- *Speaker*
- *Tyler Fox*
- *Tessa Sanders*
- *Katie Thompson*
- *Tara Leonard*
- *Jimmy V*
- *Dave Fox*

7. Staff / City Council Comments

- *City Manager Goldstein announced the City received a response from the Santa Cruz County Regional Transportation Commission (RTC) to the Mayor's letter requesting information about the rail and trail project in Capitola, both letters are available on the City's website; there will be an agenda item on the September 25th agenda to discuss Council Member Westman's request for a special meeting/discussion of ongoing City projects.*
- *Community and Economic Development Director Herlihy announced that staff will be issuing an RFQ for an On-Call Economic Development Specialist and the contract will be presented for Council approval on October 23rd; announced that the CVWBIA, Chamber of Commerce, and Visit Santa Cruz will present at the October 23rd City Council meeting; and provided updates on ongoing staff position recruitments.*
- *Police Chief Ryan reminded the public that the Capitola Art and Wine Festival is this weekend and shared that the Police Department is partnering with Central Fire District to support the safety of the Festival; provided updates on her attendance at the Women Leaders in Law Enforcement Conference; and introduced Police K-9 Krash.*
- *Council Member Jensen acknowledged the 24th anniversary of the September 11th attacks; provided clarification on the RTC highway exit closures; reminded the public that the Capitola Art and Wine Festival is this weekend; provided comments on his experience as an elected official and reminded the public that he holds monthly community meetings to receive community feedback; provided clarification on his vote on Item 9D at the August 28th City Council Meeting.*
- *Council Member Orbach provided comments on her attendance at local events; thanked Assistant to the City Manager Woodmansee for researching agenda-setting procedures and requested an agenda item to discuss the City's agenda-setting process.*
- *Council Member Westman provided comments on her attendance at the September 10th AMBAG meeting; requested an agenda item on September 25th to discuss the Code of Conduct complaint submitted by Kevin Macquire; reminded the public that there will be a discussion of Bay Avenue on the September 25 meeting agenda.*
- *Council Member Morgan reminded the public that the enforcement date of the ordinance banning filtered tobacco products was extended to facilitate cooperation between the City and local business owners; during the next budget discussion, she requested a discussion on a possible web-based application for the City.*

City Council Meeting Minutes – September 11, 2025

- *Mayor Clarke requested that the City bring back the ATP grant for further discussion at the next City Council meeting.*

8. Consent Items

- A. City Council Meeting Minutes
Recommended Action: Approve minutes from the regular meeting on August 28, 2025.
- B. Liability Claim
Recommended Action: Deny a liability claim from Kevin Maguire. ***(Pulled for discussion by Council Member Westman)***
- C. Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters
Recommended Action: Adopt an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of partially inconsumable tobacco products. ***(Ordinance No. 1068)***
- D. Emergency Operations Plan Update
Recommended Action: Adopt a resolution amending the FY 2025-26 Budget to reallocate \$45,000 from the Police Department's Radio Infrastructure Project to fund the update of the City's Emergency Operational Plan (EOP); and authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney, with Franklin Frawley Think Tank, LLC in an amount not-to-exceed \$45,000 to complete the update of the EOP. ***(Resolution No. 4452)***

Council Member Westman pulled Item 8B for discussion.

Motion to approve Items 8A, 8C, and 8D: Council Member Westman

Second: Council Member Morgan

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

The Council took a recess at 6:55 PM and reconvened at 7:00 PM.

9. General Government / Public Hearings

- A. Capitola Mall Update and Amendment to Agreement with Ben Noble Planning
Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's Zoning Code; 3) Adopt a resolution amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and 4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation. *(Continued from August 28, 2028)*

Economic and Community Development Director Herlihy presented the staff report. The City Council requested that Jamas Gwilliam, Merlone Geier Partners, provide comments on their plans for the Capitola Mall site.

Public Comments:

- ***Speaker***
- ***Rafa***
- ***Janine Roth***
- ***Speaker***

The City Council recognized Merlone Geier Partners for their participation at the meeting and discussed the importance of community input when making zoning amendments.

Motion to adopt Resolution No. 4453 amending the budget in the amount of \$68,000 and authorize the City Manager to execute Amendment 1 to the agreement with Ben Noble Planning to pursue Option 1.5, as presented by staff: Council Member Westman

Second: Council Member Morgan

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

- B. Multifamily and Accessory Dwelling Unit Zoning Code Amendments
Recommended Action: 1) Adopt a resolution amending the General Plan Land Use Element; 2) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17: Zoning for the Residential Multifamily Zone and the Zoning Map; 3) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17, Chapter 17.74: Accessory Dwelling Units; and 4) Adopt a resolution authorizing submittal of the Zoning Code amendments to the California Coastal Commission for the certification of an amendment to the Local Coastal Program.

Planning Consultant Ben Noble presented the staff report.

Public Comments:

- ***Jeff Lee***
- ***Phil Copeland***
- ***Rafa***
- ***Mark Drummond***
- ***Speaker***
- ***Lizzie***
- ***Omar Avari***
- ***Andrew Wolf***
- ***Carla Villareal***
- ***Tiffany***
- ***Mary Margulies***
- ***Speaker***
- ***Laura Padudum***
- ***Melody***
- ***Kieran Horn***
- ***Jennifer***

The City Council discussed the state's requirements for housing units and potential amendments to the General Plan Land Use Element.

Motion to adopt Resolution No. 4454; introduce an ordinance amending Title 17 of the Municipal Code; introduce an ordinance amending Chapter 17.74 of the Municipal Code; adopt Resolution No. 4455: Council Member Orbach

Motion amended to include an amendment to the proposed ordinance amending Title 17 of the Municipal Code to include language in Table 17.16-5 in footnote 1 that the Planning Commission may require an increased rear setback to offset a reduced front setback: Council Member Morgan

Amendment Accepted: Council Member Orbach

Second: Council Member Morgan

Motion amended to request that Council come to agreement on core language to agree upon and hold a final vote until staff has had an opportunity to contact HCD to inquire what outcomes would occur if the Council did not take action: Council Member Jensen

City Council Meeting Minutes – September 11, 2025

Amendment Refused: Council Member Orbach

Voting Yea: Council Members Orbach, Westman, Vice Mayor Morgan

Voting No: Council Member Jensen, Mayor Clarke

The City Council took a recess at 10:07 PM and reconvened at 10:11 PM.

C. Pickleball Community Engagement Survey

Recommended Action: Receive a report on the community engagement survey for pickleball preferences.

Community Services and Recreation Director Bryant presented the staff report.

Public Comments:

- ***Andrew Wolf***

The City Council agreed to continue the consideration of pickleball to the FY 2026-27 Budget workshop.

D. Measure D Five-Year Plan (2025-2030)

Recommended Action: Conduct a duly noticed public hearing and adopt a resolution adopting the City's Measure D Five-Year Program of Projects (2025–2030), as required under the Measure D Master Funding Agreement.

Public Works Project Manager Mozumder presented the staff report.

Public Comments: None

The City Council discussed the use of Measure D Funds.

Motion to adopt Resolution No. 4456: Council Member Orbach

Second: Council Member Jensen

Motion amended to add language that any expenditure of Measure D funds shall be consistent with Municipal Code Section 8.72: Mayor Clarke

Amendment Refused: Council Member Orbach

Substitute Motion to adopt Resolution No. 4456 with added language that any City expenditure of Measure D funds shall be consistent with Municipal Code Section 8.72: Council Member Westman

Substitute Motion Second: Council Member Jensen

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

8. Consent Items – Pulled for Discussion

B. Liability Claim

Recommended Action: Deny a liability claim from Kevin Maguire. ***(Pulled for discussion by Council Member Westman)***

Motion to continue Item 8B to a future agenda: Council Member Westman

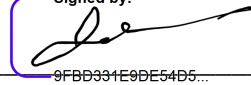
Second: Council Member Jensen

Voting Yea: Council Members Jensen, Westman, Vice Mayor Morgan, and Mayor Clarke

Voting No: Council Member Orbach

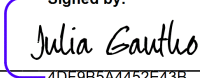
City Council Meeting Minutes – September 11, 2025

10. Adjournment – *The meeting adjourned at 10:30 PM. The next regularly scheduled City Council meeting is on September 25, 2025, at 6:00 PM.*

Signed by:

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Joe Clarke, Mayor

ATTEST:

Signed by:

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Julia Gautho, City Clerk