

# City of Capitola

## Special City Council Meeting Agenda

### Wednesday, February 19, 2025 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Joe Clarke

**Vice Mayor:** Alexander Pedersen

**Council Members:** Gerry Jensen, Margaux Morgan, Melinda Orbach

---

### Closed Session – 6 PM

*Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.*

#### 1. Roll Call

Council Members Gerry Jensen, Margaux Morgan, Melinda Orbach, Vice Mayor Alexander Pedersen, and Mayor Joe Clarke

#### 2. Oral Communications by Members of the Public

*Oral Communications allows time for members of the Public to address the City Council regarding the Closed Session item below. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue.*

A. Additional Materials - Item 3A - Correspondence Received

#### 3. Closed Session Items

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant Exposure to Litigation Pursuant to Govt. Code § 54956.9(d)(2)  
One Case

#### 4. Report on Closed Session

**5. Adjournment** - *The City Council will hold a special meeting on February 26, 2025, at 5:30 PM.*

---

**Notice regarding City Council:** The City Council meets on the 2nd and 4th Thursday of each month at 6:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City's website and at Capitola City Hall prior to the meeting. Need more information? Contact the City Clerk's office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a [jgautho@ci.capitola.ca.us](mailto:jgautho@ci.capitola.ca.us).

**Televised Meetings:** City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website by clicking on the Home Page link “Meeting Agendas/Videos.” Archived meetings can be viewed from the website at any time.

**Gautho, Julia**

---

**From:** Bill Gray <graybil@gmail.com>  
**Sent:** Wednesday, February 19, 2025 2:25 PM  
**To:** City Council  
**Subject:** Members of the Council

I am unable to attend tonight's meeting owing to personal conflicts and lateness of notification. However, if I had, these would be the points I would have raised:

1. If the Council votes to ignore Measure L, two outcomes are clear: There will be recall petitions filed for those members choosing to vote against the will of the voters, and residents like me will either file suit or join ongoing litigation. I would expect the outcome would tie up the project for 5-10 years.
2. By voting against the will of the people, you will be tearing this community apart. Please do not do that.

Sincerely,

William H. GRAY, PhD  
1440 Prospect Ave  
Capitola

**Gautho, Julia**

---

**From:** John <jxmulry@gmail.com>  
**Sent:** Wednesday, February 19, 2025 11:23 AM  
**To:** City Council; Gautho, Julia  
**Subject:** Closed Session 2/19

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Neighbors

Spent a lot of my life around corporate lawyers in NYC, London, DC, Boston, LA and Sacramento. I recognize the name Fenton and Keller. Don't let their boutique scale fool you, they are power brokers. Pretty sure one of the Panetta's runs it.

In our current budget crisis after years of unfortunate choices, and litigation on the rent control for mobile home leases, we can't afford to challenge what we shouldn't challenge anyway. Measure L is clear. All the rail votes are clear. Rail Trail on the corridor. Fully diverting it through Capitola is just silly.

There is an 103M portion of an ATP grant has to be spent on rail trail this cycle. Segments 13-15 are unlikely to happen for over a decade with funding gaps and estimated costs.

Let's just skip segment 11 for now like we are 13-15 (maybe even 12 & 16) and advocate for trail over the trestle on the corridor which is easily doable even now y'all, especially if Capitola insists we deserve a Class I rail trail too.

This myth that we have to do what the state says only applies if you add in, *if we are local politicians enriching ourselves*. If you aren't looking for an ED position like Alex and Yvette got soon after joining council you can easily focus on local interests over state with no consequences.

Warmly JM

**Gautho, Julia**

---

**From:** Susan Westman <susan@bestwestman.com>  
**Sent:** Wednesday, February 19, 2025 11:19 AM  
**To:** City Council  
**Subject:** Special City Council Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Dear Mayor and Council Member,**

I received a notice that the Council is holding a special meeting tonight to discuss potential litigation. I am not an attorney and cannot offer legal advice. However, I can say that Measure L was voted on by the citizens of Capitola, and the majority clearly indicated that they did not want the RTC to run a bicycle/pedestrian trail through Capitola Village. Instead, they wanted the trail to remain on the train corridor and go over the trestle. We were assured by the RTC and FORT that there was sufficient room for both a trail and a rail.

It seems unfortunate that the Council is now considering spending a significant amount of money on litigation because some Council Members prefer a trail through the Village. Wouldn't it be much simpler to take Measure L back to the voters and let them decide? Shouldn't you be representing what is best for Capitola, not the RTC?

Sincerely,  
Susan Westman

**Gautho, Julia**

---

**From:** Kevin Maguire <kmaguire831@gmail.com>  
**Sent:** Wednesday, February 19, 2025 4:58 PM  
**To:** City Council; Gautho, Julia; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)  
**Subject:** Special City Council meeting - ANTICIPATED LITIGATION : Potential Measure L Violations Regarding Park Avenue Traffic Calming and Rail Trail Diversion

Dear Members of the Capitola City Council,

I am writing to express serious concerns regarding potential violations of **Measure L**, particularly in relation to the ongoing discussions and actions surrounding the **Park Avenue Traffic Diet** and the **rail trail's alignment**.

As you know, **Measure L** was approved by voters to ensure the **Santa Cruz Branch Rail Line** is preserved for future rail use while allowing for the development of the **Coastal Rail Trail** alongside it. The intent of Measure L is clear: the rail corridor should be used primarily for rail service, with the trail **remaining within the rail right-of-way (ROW)** to preserve continuity and safety for pedestrians and cyclists. Diverting the trail out of the **rail ROW** onto **Park Avenue** constitutes a **violation of Measure L**, as it fundamentally alters the trail's alignment and shifts it away from its designated space.

I understand that **City staff** and the **Santa Cruz County Regional Transportation Commission (RTC)** have been actively engaging in efforts to **calm traffic** and implement **traffic diets** on Park Avenue. However, these efforts, which include moving the **rail trail** onto **Park Avenue's ROW**, could be viewed as a **diversion** of the trail—a move that runs counter to the provisions of Measure L, which clearly stipulates that the trail must remain within the rail corridor.

The **diversion of the trail**, will have long-term implications for the project's goals and for the public's trust in the integrity of the Measure L framework. It will no longer offer the **continuous, safe, and uninterrupted path** originally promised to the community, impacting **both pedestrian safety** and the overall **experience** of the trail. Diversion is in the same ball park as a detour. regardless routing the trail through Capitola will be a fatal decision. As there is no dedicated bike lanes, conflicts with vehicles, and would require removing all parking on Capitola Ave to provide a safe passage..

City of Capitola has an **ADA Transition Plan** and the RTC Option A and B both violate Title II.

Moreover, I would like to bring attention to the ongoing **recall effort** for **Councilmember Pedersen**, who is also on the **RTC Board**. Councilmember Pedersen had to **recuse himself** from voting on the Park Avenue traffic diet due to a **conflict of interest**. This raises serious concerns about the appropriateness of his involvement in decisions related to the rail trail and the broader transportation planning process. The recall effort is a clear signal from the community that the actions of certain council members are not in alignment with the will of the **Capitola citizens**.

Should the council proceed with ignoring the will of the people, this recall effort will likely **gain momentum**, and the citizens of Capitola will continue to take action. It's also important to note that if the council ignores **Measure L** and diverts the trail off the rail corridor, the city could face significant

**legal consequences**, including a **lawsuit**. There is real potential for violations of **Measure L** to be accounted for, and the city could be held accountable for acting against voter intent.

I respectfully request that the City Council reconsider these efforts and ensure that **Measure L's provisions** are upheld. Specifically, I urge the City to:

1. Reevaluate the alignment of the rail trail and ensure it stays within the designated rail corridor as stipulated in Measure L.
2. Cease any actions or plans that would divert or permanently move the trail out of the rail right-of-way, particularly onto Park Avenue.
3. Seek further legal counsel to ensure compliance with Measure L and avoid any potential violations.

Thank you for your attention to this matter. I trust that the City Council will act in the best interest of the community and honor the intentions of **Measure L**.

Sincerely,

Kevin Maguire

Cliffwood Heights - Capitola

**Gautho, Julia**

---

**From:** Jim MacKenzie <jimmo@cruzio.com>  
**Sent:** Wednesday, February 19, 2025 11:59 AM  
**To:** City Council  
**Cc:** info@sccrtc.org; Robert.Tidmore@santacruzcounty.us  
**Subject:** Possible Spam Rail Trail alignment through Capitola

City of Capitola Mayor Clarke and Councilmembers Jensen, Morgan, Orbach, and Pederson:

As Capitola City Councilmembers, you are undoubtedly already aware of the information I am providing below regarding Rail Trail Segment 11, the trail's alignment through Capitola, and the validity of Measure L. Regardless, I am providing this information as background for my suggestions to you regarding your pending decision to either approve or reject the RTC's two-option proposal for Trail Segment 11's alignment along Park Avenue, rather than physically restricting it to the Santa Cruz Branch Rail Line (SCBRL) corridor.

First, regarding the Rail Trail alignment through the City of Capitola, page 4-51 of the Monterey Bay Sanctuary Scenic Trail (MBSST) Master Plan, released in 2013, states the following in its description of Trail Segment 11, which runs through the City of Capitola (I have bolded some of that text for emphasis):

"The rail right-of-way heading down the coast toward Capitola along Cliff Drive has diagonal parking spaces that encroach from Cliff Drive, on the coastal side of the tracks, and steep sloping grades up to an existing pedestrian overlook adjacent to Prospect Avenue on the inland side of the tracks. This stretch will need retaining walls or to be rerouted with grade changes to accommodate the trail on the inland side of the tracks. The greatest challenge in this segment is the rail trestle crossing of Soquel Creek. The current rail trestle passes through a historic district. There are current discussions about improvements to this bridge trestle due to structural conditions. Coastal trail access through this area will need to continue on existing surface streets and sidewalks to cross Soquel Creek and navigate through Capitola Village. Future plans for the rail trestle replacement should include a new bike/pedestrian facility in the bridge design. This crossing could also consider an iconic bike and pedestrian bridge that will span the five hundred- (500-) foot-long Soquel Creek crossing. This iconic bridge will require intricate design solutions to accommodate the footings and superstructure in the severely limited space below the bridge. The cost for this larger iconic bridge structure has not yet been determined and does not appear in this Master Plan."

On April 9, 2015, the Capitola City Council voted 4 to 1 in favor of adopting the MBSST Master Plan, including the language quoted above.

But in 2018, the passage of a "Greenway Capitola"—funded ballot initiative that applied only to the city of Capitola, "Measure L, Greenway," fundamentally prohibited the routing of a bicycle/pedestrian trail along the streets and sidewalks of Capitola, seemingly negating the language of the 2013 MBSST Master Plan the Capitola City Council had already approved.

The ballot question posed by Measure L was as follows:



"Shall the Capitola Municipal Code be amended to direct Capitola constituent departments to take all steps necessary to preserve and maintain the Capitola segment of the Santa Cruz Regional Transportation Commission's Rail Corridor and Trestle over Soquel Creek for bicyclists, pedestrians and other human powered transportation, and to prohibit expenditures to route bicyclists, pedestrians and other human powered transportation from the rail corridor to Capitola streets and sidewalks?"

It is clear to me that the language and intent of Measure L, which passed by a slim 200-vote margin, was in direct conflict with both the spirit and letter of the 2013 MBSST Master Plan that the City of Capitola had, in good faith, adopted only three years earlier.

It should be noted here that there was no language within Measure L stating that, if approved by voters, it would rescind or reverse the Council's previous adoption of the MBSST Master Plan. It should also be noted that the one Capitola city councilmember opposing approval of the MBSST Master Plan in 2015, Stephanie Harlan, reversed her position and later signed both the Rebuttal to Argument in Favor of Measure L and the Argument Against Measure L in the November 2018 election voter's guide.

Currently, two trail alignment options, designed in accordance with the language and intent of the MBSST Master Plan, for placing the Rail Trail along Park Avenue have been proposed by the Santa Cruz County Regional Transportation Commission (RTC) and Santa Cruz County Planning. Both of these options were presented at the Capitola City Council meeting of February 14, 2025.

According to the RTC, the City of Capitola would incur ZERO expense whether either of these two options are executed; the project is fully funded. In other words, consistent with Measure L, no City of Capitola resources would be required to route the Rail Trail along Park Avenue. Even so, some Capitolans and other county residents cited Measure L as a reason to reject these proposed trail-alignment options. One speaker, citing Measure L, even threatened to take legal action if either of the RTC's proposals were accepted.

But does Measure L preclude the Council from considering RTC's proposals for aligning Rail Trail Segment 11 along Park Avenue?

The Capitola city attorney, in his 2018 impartial analysis of Measure L, provided this legal perspective: "The Rail Corridor and Trestle are owned by the Santa Cruz County Regional Transportation Commission (RTC). In 2013, after a multi-year process with extensive public input, RTC adopted the Monterey Bay Sanctuary Scenic Trail Master Plan (Master Plan), establishing the proposed alignment for the Monterey Bay Sanctuary Scenic Trail Network, including the Coastal Rail Trail and associated spur trails. 'Segment 11' of the Rail Trail would run along the rail right-of-way approximately 3.2 miles down the coast from Jade Street Park to State Park Drive, diverting onto surface streets through Capitola Village to bypass the Trestle. Although contemplated as part of a future project, the Master Plan does not include funding for building the Rail Trail across the Trestle due to cost and existing structural conditions. In 2015, the Capitola City Council adopted the Master Plan, which is contemplated by and consistent with several policies enumerated in Capitola's General Plan, adopted in 2014, the 'Bicycle Transportation Plan,' adopted in 2011 and Local Coastal Plan, adopted in 1981."

In his impartial analysis of Measure L, the city attorney went on to state: "The measure raises a number of legal concerns, including: First, whether it proposes a legislative act, or merely directs administrative or executive actions, which are generally not subject to initiative or referendum; Second, whether the Measure's terms are too vaguely defined and ambiguous to be enforceable; Third, whether its restrictions on expenditure of funds improperly interfere with the City Council's authority over the City's fiscal affairs. For these reasons the measure may be vulnerable to a legal challenge as to its validity."

I encourage the Capitola City Council to move forward as soon as possible to approve one of the two Park Avenue trail alignment options presented by the RTC and County Planning at the council meeting of February 13, 2025. These plans were developed in accordance with recommendations for Trail Segment 11 set forth in the 2013 Monterey Bay Sanctuary Scenic Trail Master Plan, which was adopted by the Capitola City Council on April 9, 2015 — three years prior to the passage of Measure L.

The stated fact that the City of Capitola would need to expend ZERO city resources on the execution of either of these plans seems to be in complete compliance with Measure L's fiscal requirements.

Regarding the first condition of Measure L — restriction of "bicycles, pedestrians, and other human-powered transportation" to the SCBRL corridor and off the streets and sidewalks of Capitola — it would be advisable to consult the city attorney regarding the legality of aligning Trail Segment 11 along Park Avenue, considering both the potential legal invalidity of Measure L and also Measure L's inconsistency with the MBSST Master Plan, which had been approved in both letter and spirit by the Capitola City Council in 2015, three years prior to the passage of Measure L.

I also ask you to consider a potentially major consequence of not approving trail alignment along Park Avenue. The RTC is in no way obligated to comply with Measure L and place a bicycle/pedestrian trail on the Capitola Trestle, which the RTC owns. Without adopting one of the two Park Avenue trail alignment options, the City of Capitola may be physically disconnected from the Rail Trail, forcing any cyclists to use what ever means possible — on the streets or sidewalks, safely or not — to traverse Capitola Village to exit and re-enter the trail. The physical exclusion of the City of Capitola from the otherwise contiguous Monterey Bay Sanctuary Scenic Trail would be a loss to Capitola Village businesses, residents of Capitola, and visitors.

Thank you for your consideration.

Jim MacKenzie  
Santa Cruz, California

.....

MBSST Master Plan:  
[https://sccrtc.org/wp-content/uploads/2012/10/MBSST-NETWORK-FULL\\_MASTER\\_PLAN.pdf](https://sccrtc.org/wp-content/uploads/2012/10/MBSST-NETWORK-FULL_MASTER_PLAN.pdf)

Impartial analysis of Greenway's Measure L (November 2018):  
[https://www.cityofcapitola.org/sites/default/files/fileattachments/city\\_administration/page/15591/measure\\_l\\_impartial\\_analysis.pdf](https://www.cityofcapitola.org/sites/default/files/fileattachments/city_administration/page/15591/measure_l_impartial_analysis.pdf)

Measure L - Capitola Greenway Initiative, Santa Cruz County Elections Department

<https://votescount.santacruzcountycalifornia.gov/Home/PastElections/November6,2018CaliforniaGeneralElection/Nov18localmeasures/L-CAPgreenway1118.aspx>

.....

CHRISTOPHER E. PANETTA  
 BRIAN D. CALL  
 TROY A. KINGSHAVEN  
 JOHN E. KESECKER  
 ELIZABETH R. LEITZINGER  
 ANDREW B. KREFFT  
 KENNETH S. KLEINKOPP  
 ALEX J. LORCA  
 DERRIC G. OLIVER  
 MARCO A. LUCIDO  
 CHRISTOPHER M. LONG

CAROL S. HILBURN  
 GLADYS RODRIGUEZ-MORALES  
 BRADLEY J. LEVANG  
 CHRISTOPHER J. NANNINI  
 TARA L. CLEMENS  
 MATTHEW D. FERRY  
 EMMANUEL PEREA JIMENEZ  
 MARIA A. AJELLO  
 REBECCA J. SAATHOFF  
 ALYSSA CARBONEL MATSUHARA

DERRIC G. OLIVER

## FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 93942-0791

TELEPHONE (831) 373-1241

FACSIMILE (831) 373-7219

[www.FentonKeller.com](http://www.FentonKeller.com)

LEWIS L. FENTON  
 1925-2005

OF COUNSEL

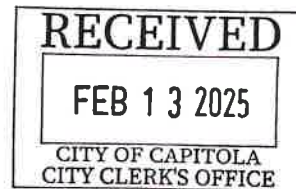
CHARLES R. KELLER  
 SARA B. BOYNS

DOLiver@fentonkeller.com  
 ext 207

February 12, 2025

VIA EMAIL ONLY ([citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us))

Capitola City Council  
 Capitola City Hall  
 420 Capitola Avenue  
 Capitola, CA 95010



Re: Public comments on Agenda Item 9c (Measure L)  
 Capitola City Council meeting 2-13-25  
 Our File: 35278.34203

Dear Capitola City Councilmembers:

This law office represents Capitola property owners and residents, Michael and Meghan Morrissey, in connection with the above-referenced subject. This letter offers the Morrisseys' objections to City Staff's Agenda Report for Agenda Item 9c, advocating for a proposed relocation of Segments 10 and 11 of the Monterey Bay Sanctuary Scenic Trail (aka Coastal Rail Trail) ("Trail") off the Santa Cruz Line Branch Line Rail Corridor ("Corridor") in violation of Measure L, codified as Capitola Municipal Code ("CMC") Chapter 8.72, entitled "Greenway Capitola Corridor."

In the Staff Report, City Staff correctly acknowledges the validity and enforceability of Measure L, which was duly and overwhelmingly passed by City voters in 2018. However, City Staff misinterpret the plain and unambiguous language and express purpose of Measure L in several important respects:

1. In the Staff Report (page 5; agenda packet page 296), City Staff erroneously refer to the "goals" of Measure L. However, Measure L contains no "goals." Rather, Measure L expressly imposes limits on the Trail, including by providing that the "purpose" of Measure L is "keeping" the Trail exclusively on the Corridor. (CMC § 8.72.010.)

{DGO-01696691;3}

Capitola City Council  
 February 12, 2025  
 Page 2

2. City Staff indicates, on page 6 of the Staff Report (agenda packet page 297), “There are no City funds being invested in the project.” This ignores that City funds have been, and are continuing to be, expended on paid City Staff time (and, presumably, other expenditures of “funds or resources,” such as on attorneys’ fees, consultants’ fees, office space, materials, etc.) to coordinate, consider, publicly support and advocate for (including in the Staff Report; i.e., “marketing”) a project (“detouring” or “shifting” a portion of the Trail outside the Corridor) that would violate Measure L if constructed. Such expenditures of City funds, in and of themselves, violate Measure L. (CMC § 8.72.040.) This proposed detour of the Trail off the Corridor would presumably require expenditure of additional City “funds or resources,” as prohibited by Measure L, in the form of City grants of City-owned land (e.g., easements, dedications) to facilitate the proposed detour of the Trail off the Corridor.

3. City Staff erroneously contends the proposed rerouting of the Trail onto non-Corridor land (i.e., Park Avenue) does not “implicate” Measure L because the relocation is not a “detour” as that term is defined in the dictionary. City Staff’s reliance on the dictionary definition of “detour” is a red herring and runs afoul of the first rule of statutory construction to look no further than, and give effect to, the plain meaning of a statute’s clear and unambiguous language. (*Lake Lindero Homeowners Assn., Inc. v. Barone* (2023) 89 Cal.App.5th 834, 848.) As such, based on the plain and unambiguous language of Measure L, any expenditure of City funds or resources relating to the proposed relocation of the Trail off the Corridor (e.g., onto a portion of Park Avenue) violates the express purpose of Measure L: “to improve safety and reduce traffic by keeping the [Trail] in the [Corridor].” (CMC § 8.72.040; emphases added.)

4. City Staff erroneously states that the relocation/detour (as proposed by Option A and Option B) “do not propose the construction of the Trail on Capitola’s streets or sidewalks,” as the proposed detour, post-construction, would be partially located on a portion of Park Avenue (i.e., a City street) proposed to be eliminated. This rear-view mirror argument is fundamentally flawed. Again, the fact that the proposed detour would result in the loss of a portion of Park Avenue conflicts with the express terms of Measure L.

5. City Staff’s reliance on the purported/perceived benefits of detouring the Trail off the Corridor, and/or the purported/perceived drawbacks of not doing so, provide no legal justification for violating Measure L. Indeed, Measure L contains no provisions allowing for consideration or balancing of any such benefits or drawbacks of complying with its plain terms.

In conclusion, the Morrisseys—consistent with the City’s citizens’ overwhelming approval of Measure L—demand and expect the City to fully comply with all limits set forth in Measure L, the express “purpose” of which is to “keep” the Trail “in” the Corridor “to improve safety and reduce traffic.” (CMC § 8.72.010.) Indeed, Measure L “shall not be amended or repealed except by vote of the people.” (CMC § 8.72.050.)

\* \* \* \* \*

Capitola City Council  
February 12, 2025  
Page 3

Thank you in advance for your review and consideration of the Morrisseys' public comments on this item of great importance to the safety, welfare, traffic, parking, and aesthetics of their great City.

Very truly yours,  
FENTON & KELLER  
A Professional Corporation



Derric G. Oliver

DGO:ala

cc: Clients

Joe Clarke, Mayor ([JClarke@ci.capitola.ca.us](mailto:JClarke@ci.capitola.ca.us))

Alexander Pedersen, Vice Mayor ([APedersen@ci.capitola.ca.us](mailto:APedersen@ci.capitola.ca.us))

Gerry Jensen, Council Member ([GJensen@ci.capitola.ca.us](mailto:GJensen@ci.capitola.ca.us))

Margaux Morgan, Council Member ([mmorgan@ci.capitola.ca.us](mailto:mmorgan@ci.capitola.ca.us))

Melinda Orbach, Council Member ([MOrbach@ci.capitola.ca.us](mailto:MOrbach@ci.capitola.ca.us))

Julia Gautho, City Clerk ([jgautho@ci.capitola.ca.us](mailto:jgautho@ci.capitola.ca.us))

Katie Herlihy, Community Development Director ([kherlihy@ci.capitola.ca.us](mailto:kherlihy@ci.capitola.ca.us))

Jamie Goldstein, City Manager ([jgoldstein@ci.capitola.ca.us](mailto:jgoldstein@ci.capitola.ca.us))

Jessica Kahn, Public Works Director ([jkahn@ci.capitola.ca.us](mailto:jkahn@ci.capitola.ca.us))

Kailash Mozumder, Public Works Project Manager ([kmozumder@ci.capitola.ca.us](mailto:kmozumder@ci.capitola.ca.us))

{DGO-01696691;3}

*Item 3 A.*