REVISED 9/25/2025 AT 4:45 PM

City of Capitola
City Council Meeting Agenda
Thursday, September 25, 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 – 5:15 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.

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

Regular Meeting of the Capitola City Council – 6 PM

1. Roll Call and Pledge of Allegiance

Council Members Gerry Jensen, Melinda Orbach, Susan Westman, Vice Mayor Margaux Morgan, and Mayor Joe Clarke

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

A. Proclamation Recognizing September 29 through October 5 as "Week Without Driving 2025"

4. Report on Closed Session

5. Additional Materials

Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

A. Item 8A - Correspondence Received

B. Item 8B - Correspondence Received

C. Item 9A - Correspondence Received

D. Item 9B - Correspondence Received

E. Item 9C - Correspondence Received

6. Oral Communications by Members of the Public

Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on any topic within the jurisdiction of the City that is not on the "General Government/Public Hearings" section of the Agenda. 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 maximum of 30 minutes*** *is set aside for Oral Communications.*

7. Staff / City Council Comments

Comments are limited to three minutes.

8. Consent Items

All items listed as "Consent Items" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

A. City Council Meeting Minutes
Recommended Action: Approve minutes from the regular meeting on September 11, 2025.

B. Capitola Municipal Code Title 17 Amendments
Recommended Action: 1) Adopt an ordinance amending Capitola Municipal Code Title 17: Zoning for the Residential Multifamily Zone and the Zoning Map; and 2) adopt an ordinance amending Capitola Municipal Code Title 17, Chapter 17.74: Accessory Dwelling Units.

C. Coastal Conservancy Grant Application
Recommended Action: Authorize staff to submit a grant application to the State Coastal Conservancy for the Esplanade Park Coastal Access Enhancement & Adaptation Plan.

D. Landscape Design and Planting Plan for the Park at Rispin Mansion
Recommended Action: Receive report.

9. General Government / Public Hearings

All items listed in "General Government / Public Hearings" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

A. Bay Avenue and Hill Street Traffic Safety Update
Recommended Action: Receive an update on the Bay Avenue and Hill Street intersection and provide direction regarding next steps.

B. Code of Conduct Complaint
Recommended Action: Determine whether the complaint filed by Kevin Maquire against Council Member Orbach on June 12, 2025, should be added to a future agenda for further discussion and determination, or dismissed for the reasons stated in Administrative Policy I-42.

C. Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan
Recommended Action: Provide direction to staff.

D. Capitola Community Center Renovation - Quarterly Progress Report
Recommended Action: Receive a quarterly progress report on the Capitola Community Center Renovation Project.

E. Award of Construction Contract for Treasure Cove Playground Project
Recommended Action: Adopt a resolution awarding the construction contract for the Treasure Cove Playground Project to SSB Construction, Inc. in the amount of $2,446,238, authorizing the City Manager to execute the construction contract, and authorizing the Public Works Department to issue a notice to proceed upon final contract execution.

F. City Council Request for a Special Meeting
Recommended Action: Identify potential dates, structure, and topics for the proposed meeting.

10. Adjournment

The next regularly scheduled City Council meeting is on October 9, 2025, at 6:00 PM.

How to View the Meeting

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010.

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting
link: https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

How to Provide Comments to the City Council

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to citycouncil@ci.capitola.ca.us and they will be included as a part of the record for the meeting. Please be aware that the City Council will not accept comments via Zoom.

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 envié un correo electrónico a 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: Narendra Dev <naren_private@yahoo.com>
Sent: Monday, September 22, 2025 2:47 PM
To: City Council
Subject: 8A - Approve City Council Meeting Minutes, September 11, 2025

Follow Up Flag: Follow up
Flag Status: Flagged

Re. 9B Multifamily and Accessory Dwelling Unit Zoning Code Amendments, I listened to the video. **It appears that the motion passed 4-1**. Mayor Clarke voted yea. Or possibly the audio was not clear.

Regards, Naren

Narendra Dev,
Mobile: +1 408 771 8088,
eMail: naren_private@yahoo.com
****

Voting Yea: Council Members Orbach, Westman, Vice Mayor Morgan
Voting No: Council Member Jensen, Mayor Clarke

Gautho, Julia

From: Gautho, Julia
Sent: Monday, September 22, 2025 3:19 PM
Subject: FW: 8A - Approve City Council Meeting Minutes, September 11, 2025

Good Afternoon, Mayor and City Council,

Please see response to resident below. Sincerely,

JULIA GAUTHO
City Clerk
831-475-7300 x228
jgautho@ci.capitola.ca.us
420 Capitola Avenue
CityofCapitola.org

Apply to Join a City Board, Committee, or Commission.

From: Gautho, Julia
Sent: Monday, September 22, 2025 3:19 PM
To: 'Narendra Dev' <naren_private@yahoo.com>
Subject: RE: 8A - Approve City Council Meeting Minutes, September 11, 2025

Good Afternoon, Mr. Dev,

Thank you for your interest in Capitola's City Council meeting! After reviewing the meeting video again, the vote listed in the minutes for Item 9B is correct. You can also hear Mayor Clarke summarizing the vote at time marker 4:12:23 in the video footage.

Thank you for your continued interest in Capitola. Best,

JULIA GAUTHO
City Clerk
831-475-7300 x228
jgautho@ci.capitola.ca.us
420 Capitola Avenue
CityofCapitola.org

From: Narendra Dev <naren_private@yahoo.com>
Sent: Monday, September 22, 2025 2:47 PM
To: City Council <citycouncil@ci.capitola.ca.us>
Subject: 8A - Approve City Council Meeting Minutes, September 11, 2025

Re. 9B Multifamily and Accessory Dwelling Unit Zoning Code Amendments, I listened to the video. **It appears that the motion passed 4-1**. Mayor Clarke voted yea. Or possibly the audio was not clear.

Regards, Naren

Narendra Dev,
Mobile: +1 408 771 8088,
eMail: naren_private@yahoo.com
****

Voting Yea: Council Members Orbach, Westman, Vice Mayor Morgan
Voting No: Council Member Jensen, Mayor Clarke

Outlook

Concern about adding Conduct Complaint to agenda & Capitola Mall

From Bridget Hawkins <bridgethawkins@gmail.com>
Date Thu 9/25/2025 2:33 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear City Council Members,

As a Capitola resident for over 30 years, I am writing to you today to express my concern about the disruptive behavior at recent public meetings regarding the Rail Trail Corridor. I know this issue is challenging and has a big impact on our community, and I appreciate the work you are doing.

While it's understandable that this topic brings out strong feelings, the current level of disruption, by a small group of anti-rail trail vocalists going by the name "Concerned Citizens of Capitola," is preventing a productive and respectful dialogue. It's important to remember that intimidating or stalking public servants is illegal and has no place in our community discourse. This behavior also feels unfair to you as you try to navigate these difficult decisions for our city. I am also disappointed that this was added to tonight's agenda as if to give the complainant legitimacy. This group continues to make public statements demanding her resignation, which I consider a blatant attack on our democracy and duly elected officials.

Lastly, I am also concerned about the proposed high-density project at the current Capitola Mall. A project of seven stories and 1,500+ units is entirely too large for this small community and will diminish property values in adjacent neighborhoods while adding significantly to traffic. I am requesting a community town hall prior to you approving the rezoning for seven stories.

Thank you for your dedication to our city.

Sincerely,

Bridget H

Capitola, CA

Gautho, Julia

From: jeff lee <jeffersonlee77@hotmail.com>
Sent: Thursday, September 25, 2025 5:17 PM
To: City Council
Subject: Before Approving Meeting Minutes From 9/11/25 - Rezoning 600 Park Ave. Apts.

Hello,

After reflecting on the results of the 9/11 meeting on the subject, we feel compelled to share just how disturbing it was to be informed during the City's presentation that:

- Capitola Mall (and other sites, not 600 Park Ave.) will provide more than enough housing units for Capitola to satisfy the State of CA mandate.

- The rezoning of 600 Park Ave. Apts. was voluntary action taken on freely by the City, and is not State mandated.

- The City has known all along that increased density at 600 Park Ave. is not required, but has sold that very message to the public since the rezoning push began. It was extremely disappointing to repeatedly hear "unfortunately we can't do anything - it's the State" from City representatives when that's not the case at all. This intentional misrepresentation of key information negates the noticing / public outreach period.

We ask again that Council reconsider and take reasonable action to soften the blow to existing residents and neighbors. Revise rezoning language to decrease allowable heights, increase setbacks etc. as previously suggested.

The City has the ability to make appropriate revisions that serve Capitola residents, not just developers.

Sincerely,

Jeff & Kirsten Lee
117 Wesley St., Capitola

Gautho, Julia

From: Mick <qwakwak@gmail.com>
Sent: Friday, September 19, 2025 8:26 PM
To: City Council
Subject: Item 9A

Mayor and Council members,

It's way past time to admit the Bay Ave quick build project was a major error in judgement. Since its inception, you have repeatedly heard from the community that the quick build configuration does not work. It is time to listen to the residents and restore Bay Ave to its original configuration (Option 2).

Option 3 appears to maintain a reduction in lanes for a portion of Bay Ave. This doesn't solve the congestion problems nor is the crosswalk located where there are large numbers of pedestrian traffic. Few pedestrians will walk several hundred yards out of their way to avoid crossing at the Bay/Hill intersection. Reject this option due to the expense and the failure to adequately address the congestion problems.

Capitola residents and the surrounding communities have suffered long enough trying to navigate the Bay Ave mess. It's time for common sense to prevail. Please select Option 2. Bring back 2 full lanes in each direction.

Mick and Patty Routh
Crystal St
Capitola.

Sent from my iPhone

Gautho, Julia

From: Sandy Clary <sandyclary@icloud.com>
Sent: Saturday, September 20, 2025 8:33 AM
To: City Council
Subject: Bay Avenue

Please restore Bay Avenue back to its previous configuration. The current design makes no sense and causes unnecessary gridlock!!!

Sandy Clary

Sent from my iPhone

Gautho, Julia

From: aslpinardsville@icloud.com
Sent: Saturday, September 20, 2025 8:43 AM
To: City Council
Subject: Bay ave

Option 2

Gautho, Julia

From: Kathy Nylen <kathynylen@mac.com>
Sent: Saturday, September 20, 2025 10:37 AM
To: City Council
Subject: Bay Street traffic!

I vote for #2. This current situation is so dangerous and frustrating!

Gautho, Julia

From: karen karenmarie <auntiekawen@hotmail.com>
Sent: Saturday, September 20, 2025 11:27 AM
To: City Council
Subject: Cap traffic

Option 2, remove the mistake you made and open the 2 lanes.
Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

Gautho, Julia

From: Cheri Attanasio <cheri3027@gmail.com>
Sent: Saturday, September 20, 2025 11:54 AM
To: City Council
Subject: Bay ave

Put it back the way it was!

Gautho, Julia

From: Konnie Bugge <klbugge@aol.com>
Sent: Saturday, September 20, 2025 12:25 PM
To: City Council
Subject: Thursday ight meeting

Please restore Bay Ave/Hill Street to the way it was. I use it several times a day and there is almost an accident every time with people cutting in line to go straight on Bay Ave.
Sent from my iPhone

Gautho, Julia

From: Julie Norton <julienorton123@yahoo.com>
Sent: Saturday, September 20, 2025 2:27 PM
To: City Council
Subject: Bay Ave

I have lived here for 60 years. As the population has quadrupled, the decision to PARE DOWN TRAFFIC LANES TO ONE!
Is inane. It backs up to the freeway in the Nob hill direction, and backs up under the overpass to reach Soquel Dr. I wait through green lights with NO MOVEMENT.... Every day.
This simply DOES NOT WORK FOR TRAFFIC
PLEASE RESTORE 2 lanes.

Lori Patterson

Sent from Yahoo Mail for iPhone

Gautho, Julia

From: Laurie Burns <amlmburns@yahoo.com>
Sent: Saturday, September 20, 2025 3:25 PM
To: City Council
Subject: Bay Avenue

I vote for option #2 to put it back the way it was.
It's been a nightmare to drive through.
Sent from my iPhone

Gautho, Julia

From: Susan dee Cummins <susandeecummins@yahoo.com>
Sent: Saturday, September 20, 2025 3:38 PM
To: City Council
Subject: Please restore Bay the way it was!

Thanks!

Susan Dee Cummins
831-239-2539

Yahoo Mail: Search, Organize, Conquer

Gautho, Julia

From: Rosemary Bulaich <rosemarybulaich@gmail.com>
Sent: Saturday, September 20, 2025 3:49 PM
To: City Council
Subject: Bay Avenue

Please restore Bay Avenue to the way it was before the experimental lane changes that you have made. It's a mess!
Sent from my iPhone

Gautho, Julia

From: joagib <joagib@comcast.net>
Sent: Saturday, September 20, 2025 6:45 PM
To: City Council
Subject: Bay Ave @ Nob Hill intersection

Please restore Bay Ave to original 2 lanes but add flashing crosswalk!

Gautho, Julia

From: Melinda Geisler <melindageisler@gmail.com>
Sent: Saturday, September 20, 2025 7:15 PM
To: City Council
Subject: Regarding Bay Ave

Please return it to the way it was.
Thank you
Melinda Geisler
300 Plum St. space 6
Capitola
Sent from my iPhone

Gautho, Julia

From: Mary Hall <mchall716@gmail.com>
Sent: Saturday, September 20, 2025 8:16 PM
To: City Council
Subject: Bay Avenue Traffic(OPTION 2 SUPPORT)

Hello! I've been living on Center St. for the past 7 years and on Sunset Dr. for the last 5 months. The lane changes that were made have created so much unnecessary congestion; what used to take me a couple minutes to get to and from my street and the highway now can take 10+ minutes depending on the time of day. It has become extremely difficult to exit and enter my neighborhood and for what? I don't understand why it was ever changed, traffic flowed well before, there was plenty of room for pedestrians on the sidewalk, and there are two conveniently located cross walks by Peet's and Gayle's. I am in support of returning the road to its original system with two lanes on each side and no crosswalk at Center St.(it really isn't necessary). Thank you for considering my input.

Sincerely,
Mary Hall
608 Sunset Dr.

Sent from my iPhone

Gautho, Julia

From: beth braun <bethbraun22@gmail.com>
Sent: Saturday, September 20, 2025 9:11 PM
To: City Council
Subject: Bay ave

Please restore the intersection back to the way it was. 2 lanes both sides. The blinking red lights on stop signs are useless. Better off w yellow flashing lights (like around town) with a station on the island for an additional button to activate lights Sent from my iPhone

Gautho, Julia

From: Jim Demeter <kadleo@yahoo.com>
Sent: Saturday, September 20, 2025 9:22 PM
To: City Council
Subject: Bay and Hill

For Gods sake, please restore this intersection to its prior configuration of 2 lanes each direction. And fire the idiot who thought it was a good idea.
Sent from my iPhone

Gautho, Julia

From: MARIE HENLEY <mariealyse@comcast.net>
Sent: Sunday, September 21, 2025 2:05 AM
To: City Council
Subject: Bay AV at Capitola

Hello,

I cannot make the meeting but I want you to know I think Bay AV should remove the lane changes and put it back the way it was. Also, a stop light at the intersection of Bay Av and Capitola would be a great improvement.

Marie Henley
831=818-7139
Aptos

Gautho, Julia

From: Carol MacEwen <cemacewen@gmail.com>
Sent: Sunday, September 21, 2025 9:12 AM
To: City Council
Subject: Bay Avenue corridor

Council Members,

I am a Capitola senior who both walks and drives the Bay Avenue corridor almost daily.

As a walker, I did not feel unsafe with the previous lane configuration, so the reduction in lanes has not made me feel any safer. The only section along that route that causes me any concern are the multiple Bay Avenue entrances and exits into and out of the Gayle's parking lot, where driver visibility is extremely limited. The new road configuration did not address that issue.

As a driver, the new configuration has caused me much anxiety. It is very difficult to merge into the left lane after exiting the highway. Often times I am forced to detour through the Nob Hill parking lot when drivers are unwilling to let me merge in. I've seen multiple incidents of driver frustration, resulting in honking and even speeding through the car wash to avoid the traffic jam.

Please restore Bay Avenue to its former configuration to reduce the frustration and anxiety that the citizens of Capitola who frequent that corridor have been experiencing since it was changed.

Thank you,
Carol MacEwen
Monterey Avenue resident

Sent from my iPad

Gautho, Julia

From: Kym House <yogawithkym@gmail.com>
Sent: Sunday, September 21, 2025 10:37 AM
To: City Council
Subject: I Support Bay Ave Restoration!

Dear Capitola city council,
As a long time resident, born and raised in Capitola, I beg you to please return Bay Avenue to 2 lanes and get some crossing flags, as well as flashing lights for the crosswalks. In addition, educate people to use the crosswalks, because they don't. Especially at the area near Gayles and Gradies Market. Some crossing flags would be very useful there as well.
My observation is that a stop light would be the best option at the Nob Hill entrance, but until then, restoring it would be much better than having people backed up onto the freeway, causing more issues and problems than solutions. Especially with all the other construction and Capitola Ave closed. Thank God, Park Ave entrances have opened.
Thank you for reading my message.
Kym House
917 Ponselle Ln #3
Capitola

Gautho, Julia

From: Alan Strassberg <alanstrassberg@gmail.com>
Sent: Sunday, September 21, 2025 11:11 AM
To: City Council
Subject: Bay Ave traffic

Hi,

I support option #2 - restore it to the way it was. As a resident of Riverview Terrace area it's been a nightmare since the change.

If you want to improve safety for the crosswalks I suggest embedded flashing LEDs in the crosswalks, much more obvious that just a flashing light. Could be solar driven. Europe has these all over and seem very successful. And a lot cheaper than a roundabout which could be another snarl.

Thanks.

~alan
711 Gilroy Drive
illegitimi non carborundum

Gautho, Julia

From: JOHN BAILEY <jbailey1968@comcast.net>
Sent: Sunday, September 21, 2025 12:37 PM
To: City Council
Subject: Bay Avenue

Please restore the Bay Avenue to the previous 2 lanes up past Nob Hill. I have almost had my car rear ended on the off ramp, because the traffic backed up onto the highway.

This change to Bay did nothing to address the original untimely death since the incident did not happen on Bay.

Thanks John Bailey

Gautho, Julia

From: Michelle Montalvo <seashellsun1@gmail.com>
Sent: Sunday, September 21, 2025 1:59 PM
To: City Council
Subject: Bay Avenue traffic

Please consider changing Bay Avenue back to two lanes both directions as it was previously. The congestion is horrible during rush hours.

Thank you,
L. Michelle Montalvo

Gautho, Julia

From: dreymerbizvideo2 <dreymerbizvideo2@juno.com>
Sent: Sunday, September 21, 2025 2:02 PM
To: City Council
Subject: Bay Hill

Return to original configuration.

You already have all my other suggestions.

Diane Reymer

Sent from my Galaxy Tab A

Gautho, Julia

From: Beverley Gwyn <bevcgwyn@gmail.com>
Sent: Sunday, September 21, 2025 2:58 PM
To: City Council
Subject: Bay and Hill St

In your next meeting please choose option # 2, returning the traffic pattern on Bay St to 2 lanes in each direction as it was before the not-so-recent changes. It has caused so much unnecessary delay and frustration among drivers. The lanes each way now dedicated to turns are empty nearly all the time, and everyone is crammed into one lane- it's a big waste of time and gas as everyone inches along beside an empty lane.

Please help us who are trying to get to and from work in a timely and positive manner! A five minute drive from my Capitola home to my work place at Main and Soquel sometimes has taken 20 minutes!

Thank you,
Bev Gwyn

Sent from my iPhone

Gautho, Julia

From: Nancy Mulkey <nmulkey2000@yahoo.com>
Sent: Sunday, September 21, 2025 3:22 PM
To: City Council
Subject: Bay Ave Options for the 9/25/2025 Meeting

Hello,

For those of us who live in Soquel Village, and most specifically on Soquel-Wharf Rd where we live, because of the "new" one-lane at the intersection at Nob Hill, the traffic on our street has become a nightmare at different times of the day due to the back-up because of the one lane in Capitola. There's even more traffic on our street now than there was before, which is saying something! We have even seen traffic backed up all the way to Soquel Drive because of the one-lane at Nob Hill as well. And I've seen it backed up on the freeway at Bay/Porter, which is already a mess. It's ridiculous.

It's also frustrating that drivers use the Nob Hill parking lot to race around the traffic. I have seen plenty of near misses for pedestrians, bike riders and other vehicles because drivers either don't know how to merge into the one lane or they are frustrated and are hurrying. This has to be one of the most unsafe "safety" decisions that I have seen.

It's pretty clear that some drivers ignore (or are on their phones or speeding) when the flashing lights are on at the crosswalk at Porter/Walnut in front of the elementary school, as an example. So doing an kind of pedestrian lights seems helpful but not foolproof. I did notice on Mission Blvd recently some new crosswalk *lights* - the lights actually turn red when someone is crossing, similar to traffic lights. It was interesting, as we'd never seen those before. Just some thoughts from some who's been here a long time and watched drivers and traffic become worse and worse. I sure hope there can be an intelligent decision made this time...

Each time I head that direction from Soquel towards Capitola I say a little prayer that the blue "safety lane" has been removed, but each time I'm disappointed. I must say that perhaps those on the council may not live in this area and don't have the impact, and perhaps that's why it's taken so long to do anything about it?

Your consideration to this matter is greatly appreciated. I will be out of town at the date of this meeting, and I sincerely hope that each voice will be heard.

Thank you, Nancy Mulkey
4619 Soquel-Wharf Rd., Soquel
831-234-6400

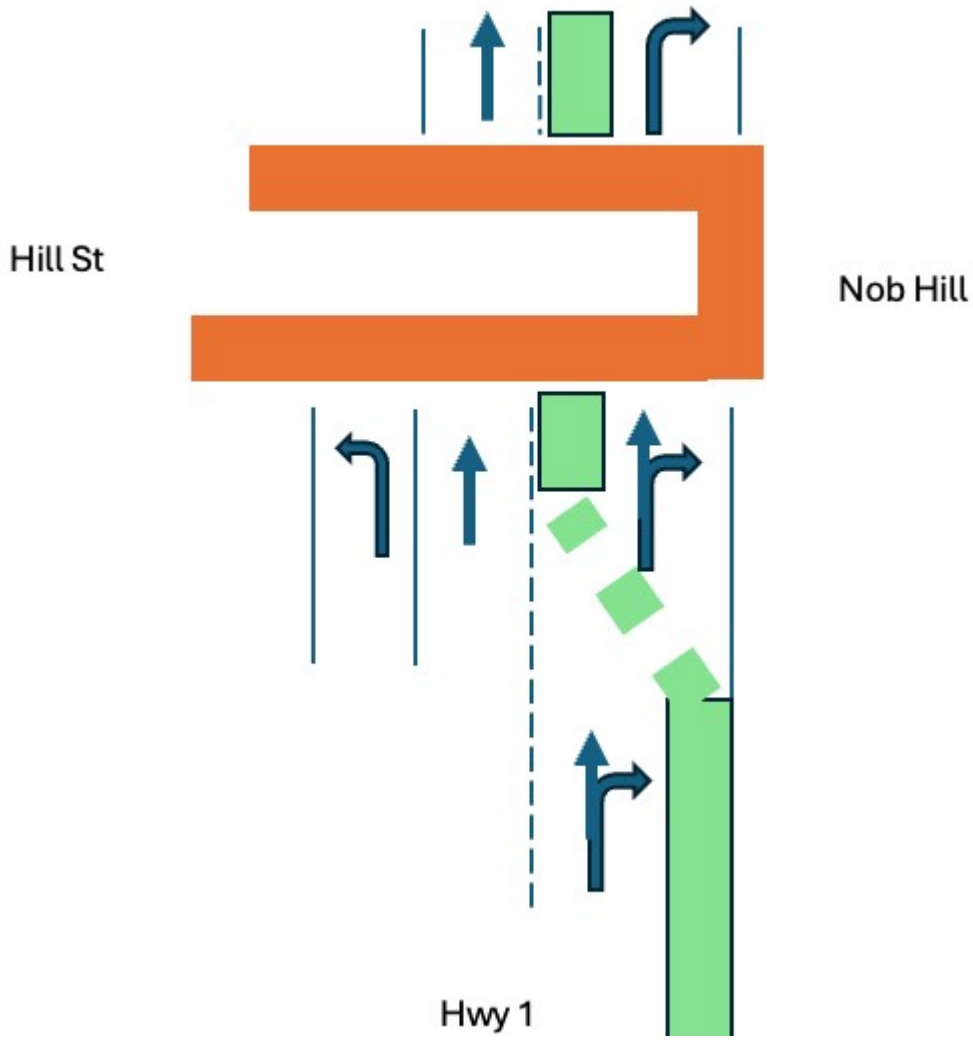
P.S. Another safety problem is much easier to solve. For years the road signs guiding people to northbound Hwy 1 entrance is not clear at all. Yes there is a sign, but it's on the right-hand side of the street, and has no arrows. But there should be one with an ARROW, several yards sooner, telling the visitors to our area that they need to be in the left lane to get onto the freeway. There have been soooo many close calls in this area. Thanks.

Gautho, Julia

From: Tom Brady <tombinsc@gmail.com>
Sent: Monday, September 22, 2025 9:39 AM
To: City Council
Subject: Bay Ave & Hill St Intersection at Nob Hill

City Council Members,

Please either return the intersection to the way it was or modify to the concept below. The current design is causing too many issues, and doesn't protect cyclists from people turning right into Nob Hill.



Thank you,

Tom Brady
3884 Aldo Ct
Soquel, CA 95073
831-212-3510

Gautho, Julia

From: John Martorella <martorella1115@gmail.com>
Sent: Monday, September 22, 2025 11:21 AM
To: City Council
Subject: Bay ave.

Hello Council,

After reviewing the plans for the Bay ave. corridor, I would recommend the (option 3 alternate plan) as its the most intuitive layout and provides an additional pedestrian crossing closer to the Bay ave. apartment complex.

I think we all know the current configuration is a mess, so please consider putting it back to the original configuration with the alternate plan included.

Thank you,
John Martorella
Capitola resident

Gautho, Julia

From: bob hickman <bobster1263@gmail.com>
Sent: Monday, September 22, 2025 12:53 PM
To: City Council
Subject: Bay Avenue and Hill Street Traffic Safety Update 9A

Dear Capitola City Council,

I am writing in support of Option 2 on Item 9a on the agenda for 9/25. I am in support of restoring it to its original configuration. Though I like option 3 with the center street crossing I can not see justifying the expenditures if it is just to be changed later when you come to the final Bay Ave configuration. We can not leave this intersection as is. This current configuration was a knee jerk reaction to a pedestrian fatality that did not even die in this intersection! It has since created an absolute traffic nightmare for everyone! Listen to the business owners in the area they are the ones that see this mess everyday, listen to the people that live near hear and see the mess and listen to those of us that drive this area and now do everything we can to avoid this disaster. Put it BACK!

Final note The intersection of Bay and Capitola. There are 5 parking space's in front of Gayle's on Bay Ave between the two entrances. I would like to suggest eliminating these parking spots, it will open up the visibility of this intersection tremendously. Also get the city maintenance dept to get out and trim the trees covering the signage prior to the intersection showing the lane configurations. (the sign prior to gayle's in front of the first entrance heading north.}

thank you
Bob Hickman
Capitola 95010

Gautho, Julia

From: Carrie Howard <carrie.howard@gmail.com>
Sent: Monday, September 22, 2025 2:53 PM
To: City Council
Subject: Bay Ave. Option

Dear City Council Members,
As a local resident on Burlingame Ave., please consider restoring the street configuration to its original configuration of 2 lanes each way. The current configuration has become a dangerous section in the area by Nob Hill. People cut through the business parking lots, drive down the ending turn lanes, honk, drive down the left turn lane from Hwy 1 to Woodworm and then cut people off just before the stop sign, etc. etc. etc. As I drive that section several times a day, it is exasperating to watch how unsafe people are driving! Please, please consider restoring it to the original configuration ~ it was WAY, WAY safer!
Thank you for reading,
Carrie Howard
Burlingame Ave., Capitola

Gautho, Julia

From: Dieter Rothmeier <dieter@gmail.com>
Sent: Monday, September 22, 2025 2:56 PM
To: City Council
Subject: Bay/Nob Hill intersection

Please restore this intersection to the way it was, 2 lanes in each direction. The current layout is a mess.

Regards,
Dieter Rothmeier
Capitola resident

Gautho, Julia

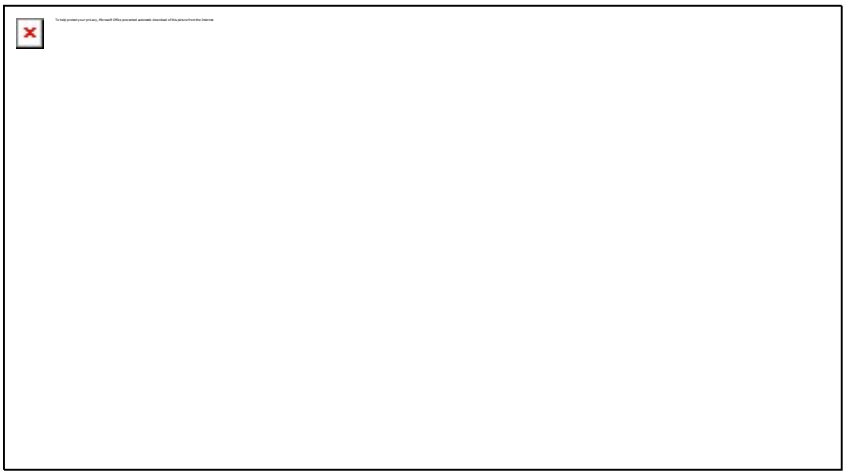
From: Richard Prinz <richardaprinz@gmail.com>
Sent: Monday, September 22, 2025 3:05 PM
To: City Council
Subject: Bay St by Nob Hill

> In your next meeting please choose option # 2, returning the traffic pattern on Bay St to 2 lanes in each direction as it was before the not-so-recent changes. It has caused so much unnecessary delay and frustration among drivers. The lanes each way now dedicated to turns are empty nearly all the time, and everyone is crammed into one lane- it's a big waste of time and gas as everyone inches along beside an empty lane.
> Please help us who are trying to get to and from work in a timely and positive manner! A five minute drive from my Capitola home to Main and Soquel sometimes has taken 20 minutes!
Richard Prinz
>
Sent from my iPhone

Gautho, Julia

From: Margaret Julien <margaretjulien1963@gmail.com>
Sent: Monday, September 22, 2025 4:10 PM
To: City Council
Subject: Bay Avenue Options

I vote for option #2.
Margaret Julien



Santa Cruz County Quarterly Market Report

Gautho, Julia

From: Ari Lessin <arilessin@gmail.com>
Sent: Monday, September 22, 2025 4:26 PM
To: City Council
Cc: elessin@yahoo.com
Subject: Bay and Hill

Opinion before tomorrows meeting

Instead of clogging the major artery into one lane of Hell traffic how about a well timed traffic light?

The intersection feels crazy now.

Also when the bridge opens much of the traffic and many of the bikes will be diverted to Capitola Ave.. how about some speed tables between the new bridge and Gayle's so drivers can't go 40 miles an hour around kids going between Main Street, NBMS and Soquel High and the Beach. There are no dedicated bike lanes or cross walks on this part of Capitola Ave so it is especially dangerous and a very popular route for bikes.

Suggestions for a safer community.

Ari Lessin

Sent from my iPhone

Gautho, Julia

From: Tory Delfavero <tory.delfavero@sbcglobal.net>
Sent: Monday, September 22, 2025 5:14 PM
To: City Council
Subject: 9A. Bay and Hill Intersection

Dear Mayor and Council,

I respectfully ask that Bay Avenue be restored to its prior configuration. The increased speed on Crossroads and within the Nob Hill parking lot is extremely concerning, and the congestion is incredibly frustrating.

Option 3 also offers a promising alternative, as it would create a crosswalk with flashing beacons, which the community has been requesting for some time.

Leaving the road “as is” does not serve our community. While I recognize and appreciate that the original changes were made with positive intentions to improve safety and reduce conflict points, the reality has been the opposite. Conflict points have multiplied throughout the Nob Hill parking lot and Crossroads, with drivers cutting through the post office arteries, using the middle turning lane along Bay Avenue, exiting Center Street, merging from two to one lane, and leaving the freeway.

Thank you for your consideration.

Sincerely,
Tory Del Favero
Capitola Resident

Gautho, Julia

From: KELLY SPENCER <kellyspencer@aol.com>
Sent: Monday, September 22, 2025 7:03 PM
To: City Council
Subject: Item 9A

To Whom It May Concern,

Regarding item 9A, please restore Bay Avenue to the original configuration. As a parent of a young child, walking through the Nob Hill parking lot has become quite dangerous. There will not be regular police to monitor or enforce the rules of the road and/or parking lot. The traffic congestion is way worse, which is causing impatient drivers to make dangerous moves.

Kelly Spencer
Gilroy Drive
Capitola

Gautho, Julia

From: Jim Sklenar <jsklenar@pacbell.net>
Sent: Monday, September 22, 2025 7:39 PM
To: City Council
Subject: Options for Bay Ave. traffic issues

Members of the Capitola City Council,

From a traffic flow perspective, the current lane restrictions on Bay Ave. simply aren't working. Of the 3 options being considered by the Council, I support restoring the lane markings to their former layout (option #2) but with the addition of a pedestrian-activated flashing warning or stop signal at the Nob Hill center crosswalk.

The current 'fix' was a poorly-planned knee-jerk reaction to a very unfortunate incident.

Many times I've seen pedestrians step out into moving traffic without even looking up from their phone, foolishly thinking that a crosswalk is some sort of 'invisible shield' that guarantees protection from approaching vehicles. Public awareness about pedestrian safety needs to be addressed as well…simply punishing the motorist by making our roads even more difficult to navigate isn't the answer.

Best regards,
-Jim Sklenar – Santa Cruz resident and frequent visitor to Capitola.

Gautho, Julia

From: Annie Allen <banniеallen@yahoo.com>
Sent: Monday, September 22, 2025 8:31 PM
To: City Council
Subject: Regarding Bay Avenue congestion

Dear Capitola City Council,

Thank you for the opportunity to voice my opinion about traffic congestion on Bay Avenue in Capitola. Since the lane reduction was installed, the congestion and backups in this area have been overwhelming and frustrating and safety is a bigger concern than ever.

In the mornings I travel from Soquel to the New Brighton area and often times cannot move forward from the traffic light at the overpass due to traffic congestion across the intersection. There is a steady stream of cars coming off the freeway onto Bay Ave and many have to quickly maneuver to the left lane if they want to go straight. Cars stuck in the left lane move unbearably slow and I often see drivers using the middle turn lane to advance up the line and turn left. I also see frustrated drivers in the right lane turn into the shopping center and circle around to the exit to avoid the mess. It's bumper to bumper traffic and people are aggravated.

I strongly support restoring Bay Avenue to the way it was originally. Traffic flowed easily; it worked! To address safety concerns in the area, I suggest installing better street lights on the corners, trimming trees for increased visibility and adding in-road flashing crosswalk lights at the intersections (I think they have these on Soquel Drive in Soquel by the post office).

Thank you for your service and consideration,
Annie Allen
8801 Glen Haven Road
Soquel, CA 95073

Gautho, Julia

From: Brett Graessle <graessles@gmail.com>
Sent: Monday, September 22, 2025 9:16 PM
To: City Council
Subject: Bay Ave

Dear Capitola City Council,

I am writing to strongly recommend that we return the Bay Avenue intersection to the way it was- congestion has been horrific since the change and we have completely avoided the area -and the adjacent stores -because of it. Please return our streets to the way they were. We understand that as safety was the driving issue, we could implement flashing crosswalk lights to better ensure safe pedestrian crossings at that intersection.

Thank you for your hard work.

Sincerely,
Molly and Brett Graessle
5010 Garnet Street

Gautho, Julia

From: Linda S Robinson <jeffnlindar@hotmail.com>
Sent: Tuesday, September 23, 2025 7:43 AM
To: City Council
Subject: Bay Avenue

Please restore Bay Avenue to the way it was with two FULL lanes each way!
Thank you,
Jeff and Linda Robinson
300 Plum Street

Gautho, Julia

From: Gmail Sam <samnotlinda@gmail.com>
Sent: Tuesday, September 23, 2025 8:08 AM
To: City Council
Subject: Bay street

Please consider this inexpensive easy fix. Put back the way it was except put lights along the crosswalk that will light up when a person pushes the button. Also put the same crossing light that is on capitola ave and bay. So there will be crossing lights flashing on side of road and along the crosswalk.

Sent from my iPad

Gautho, Julia

From: Kim Rutherford <capitolaswimcoachkim@gmail.com>
Sent: Tuesday, September 23, 2025 8:53 AM
To: City Council
Subject: Bay Ave

Council
Bay Ave is a mess, please vote to return Bay Ave to the original traffic pattern. (Option 2).

-Kimberly Rutherford
1775 48th Ave, Capitola, CA 95010
Home Owner

Gautho, Julia

From: Kevin Allen <jkevallen@yahoo.com>
Sent: Tuesday, September 23, 2025 9:33 AM
To: City Council
Subject: Regarding Bay Avenue

Dear Capitola City Council,

Thank you so much for allowing us to weigh in on the intersection situation on Bay Avenue next to Nob Hill and Dairy Queen. The backups and delays since the reconfiguration of the traffic flow has been frustrating to say the least. For all the reasons you have probably heard from your constituents already, the situation is untenable and is leading to a more volatile situation day by day.

I strongly support the restoration of the intersection to it's original flow with two lanes moving in each direction along Bay Avenue. For safety, which seems to be a major concern, I would suggest increasing the street lighting at the intersection and/or installing in-road yellow flashers that activate as pedestrians press a standard cross-walk button. Similar to what you see in front of the post office in Soquel or at the Main Street school crossing.

Thank you again for taking the time to consider this option,
Kevin Allen
8801 Glen Haven Rd.
Soquel CA 95073

Gautho, Julia

From: TMW <tmacwinter@gmail.com>
Sent: Tuesday, September 23, 2025 12:42 PM
To: City Council
Subject: Hill Street & Bay Ave intersection

I am a resident of Capitola & have serious concerns regarding the current state of Hill and Bay Ave. The change that was made from two lanes to one has dramatically increased congestion and long periods of traffic, at all hours of the day.
I would like the city to restore it to its original state...2 lanes in both directions.

Thank You,
Tracy Winterhalder

Sent from Gmail Mobile

Gautho, Julia

From: Stan Wilson <alpine@pacbell.net>
Sent: Tuesday, September 23, 2025 12:45 PM
To: City Council
Subject: Bay and Hill st disaster.

Just a note on my experiences.

I sat through 3 lights on 41st at the auto plaza trying to get on the bay ave off-ramp. With everyone trying to get into the only lane up Bay avenue, it was gridlocked all the way up to me. Highways 1 south stopped as the off-ramp had backed up as far as I could see. By time I finally got down to Bay avenue, looking to the left, cars gridlocked at Main Street and way up Porter.

Cars are using the left turn only lane to post office drive as the fast track to the Bay/hill street left turn.

There is no safe way to turn left out of the Nob Hill lot at the car wash EVER.

The scariest thing was having a car cutting through the Nob Hill parking lot clipping my shopping cart!

PLEASE return it to 4 lanes!

Stan.....

Gautho, Julia

From: hoteljohn@aol.com
Sent: Tuesday, September 23, 2025 1:05 PM
To: City Council
Subject: Bay AVE.

Members of City Council:

Please return Bay Ave @ Hill to four lanes. It ha been a total disaster and would love to know where this idea came from?

Thank you;

John P. McEnery III
207 Monterey Ave.

Gautho, Julia

From: Cheryl Ban <cherylban@sbcglobal.net>
Sent: Tuesday, September 23, 2025 1:32 PM
To: City Council
Subject: Bay Avenue and Hill Street: 9A

Dear City Council Members,
We would like to voice our concerns about the Bay Avenue and Hill Street traffic.
The changes that were made to fix a problem have created many more.
We all have tried to make the changes work, time to admit they have failed.
Time to return to the original design.
Thank-you,
Mark Ban
Cheryl Ban

Gautho, Julia

From: The Martorella's <jmarto@pacbell.net>
Sent: Tuesday, September 23, 2025 1:39 PM
To: City Council
Subject: Bay Avenue

Dear Council

Please revert Bay Avenue back to its original configuration, option two. I think we can all agree, The current configuration has done nothing but impede traffic, increase frustration and anxiety, and generally was a failed and rushed plan.
Thank you
Marie Martorella

Gautho, Julia

From: Craig Harlamoff <monterey10@hotmail.com>
Sent: Tuesday, September 23, 2025 3:06 PM
To: City Council
Subject: Bay ave suggestion
Attachments: Craig.jpg

You probably see a lot of these (-:

I recommend steering the bicycle riders OFF Bay ave and sending them down to the Mid County senior Center, through the fence to the PAMF building, along the river to PEERY park. The riders can choose whether to ride to the village on Riverview ave OR cross the bridge to Wharf road.

Also, Traversing the congested area in front of Nob Hill is equally tough. Getting the bikes off that route would be safer.

I suppose the village would have a "New Sign" saying "RiverView Bike Route". with an arrow pointed to Riverview Ave.

Riverview ave will be a much safer way to transit down to the village.(And Prettier).

The question is whether Riders will opt for the Riverview bike path. One look at the carnage on Bay ave, and you would be quick to take the detour off Bay Ave.

So, I'm recommending REMOVING the bike lanes on the Bay Ave Freeway. . Moving the bike traffic off the Bay Ave . sending them down to the safe and pretty Riverview ave. corridor.

Think about it. Bay Ave is the big artery to getting ALL of Capitola visitors and residents in and out of the city. The bike riders would greatly prefer riding along the river pathway.

And, if there's ever a Tsunami, all of our residents would be put on Bay Ave. (especially since the Bridge over the freeway is closed). We need all the lanes we can get in front of Nob Hill.

Okay. I hope this helps. I think everyone wins having the bike riders detoured to a pretty Riverview ave/ Peery park intersect, pathway.

Caig Harlamoff. 614 Sunset Dr. Cap. 831 266 7800

Outlook

Bay Avenue Traffic Corridor

From Dorothy Anton <dorothy.anton@gmail.com>
Date Tue 9/23/2025 5:18 PM
To City Council <citycouncil@ci.capitola.ca.us>

City Council, Mayor Clarke, Chief Ryan, PW Director Kahn,

I've read, with great disappointment, that the city is considering rolling back the changes made to the Hill/Bay Ave intersection. So far all the proposals that I have seen for the future of Bay Avenue seem centered on moving traffic, rather than with concern for the safety of bikers or pedestrians. So far the "Quick Build" at Bay/Hill seemed to be the one exception.

I know that people are frustrated by the apparent increase in traffic delays, but how much of the traffic delay and volume can be attributed to the intersection changes, and how much to the many construction projects is not clear.

What is clear is that those of us who negotiate the intersection on foot and by bike feel much less vulnerable when navigating the crossing and much more visible to drivers.

Until the construction projects are complete, and traffic resolves to a "normal" state, I kindly ask that the current configuration remain in place, and that residents who are rushing to reach their destinations take a few minutes to accommodate their neighbors who live and walk or bike on these streets.

The "Quick Build" can always be reconstructed; not so a man, woman or child.

Thank you,
Dorothy L. Anton
750 Bay Ave
Capitola CA

Outlook

Bay Avenue Traffic Jam

From Bev Viguerie <bevviguerie@yahoo.com>
Date Tue 9/23/2025 9:11 PM
To City Council <citycouncil@ci.capitola.ca.us>

Please change the current traffic configuration at Bay Avenue by Nob Hill to the original way it was before. (Option 2) This new way is ridiculous!

Thank you!

Bev Viguerie
209 Washburn Avenue
Capitola, CA 95010
Sent from my iPhone

Outlook

Bay Ave

From Elliott Campbell <elliott.campbell@ucsc.edu>
Date Wed 9/24/2025 7:32 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Councilmembers,

Thank you for your work on Bay Avenue safety. My mother-in-law Dorothy was walking down Bay when she was hit by a car. Amazingly she is ok. When the quick-build was proposed we were thrilled. We knew there would be push back, we knew some people would cut through the parking lot, we knew there would be longer waits. But reducing conflict points at Bay/Hill is the gold standard for keeping our pedestrians safer.

Our daughters Hazel and Beatrice went through the Dancenter program. Dance is hard work and afterwards they would walk across Bay for a well deserved treat. We worried about our dancers but this should be their world to explore. And we should be doing everything we can to make it walkable and bikeable for them.

Please keep Dorothy, Hazel, and Beatrice in mind this Thursday. Capitola deserves a Bay Ave that is walkable and bikeable to get to groceries, to get to 3 schools, and to get to the best bear claws in the world.

Kind regards,

Elliott

Outlook

(No subject)

From pk Fink <pkcapitola@gmail.com>
Date Wed 9/24/2025 2:34 AM
To City Council <citycouncil@ci.capitola.ca.us>

1

9/24/25

Subject: City Council Meeting 9/25/25 – Public Comments letter Item 9A – Bay Avenue

Dear Mayor Clarke and Council members,

Please consider Option 1 – No changes.

Soon, unfortunately, the Bay Avenue Porter Street on and off ramps will be closed for the Caltrans Highway 1 project. By the time they are reopened Capitola Avenue will be open (hopefully by the end of the year), and this will provide another access to Capitola and the two schools alleviating the traffic crunch. Bay Avenue is a mess and a major inconvenience for drivers for a few hours a day and, but it is temporary. Clearly people are extremely frustrated. I see vehicles practically ignore the flashing beacons just like other crosswalks. Slowing vehicles makes it safer for bicyclists and pedestrians and spending $50,000 to $200,000 for a temporary change is not worth it. Please focus on the bigger picture traffic plans. Spend the money on the roundabout and expedite it.

Thank you,

Paula Bradley

Capitola resident

Outlook

Bay Avenue Options

From Dan Kamalani <dmkamalani@gmail.com>
Date Wed 9/24/2025 11:14 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Members of the Capitola City Council,
As 15 year residents of Capitola, we only support **Option 2 – restoring Bay Ave to its previous configuration with two full lanes in each direction and firmly reject all other options.**

Dan & Heajin Kamalani
518 McCormick Court, Capitola

Outlook

Bay Ave by Knob Hill

From Hollis Snell <hollisbsnell@yahoo.com>
Date Wed 9/24/2025 11:40 AM
To City Council <citycouncil@ci.capitola.ca.us>

Hello, to whom it may concern I want to express my understanding of the intent behind the lane closure/ merging of traffic. However, the traffic now is at a point that is not sustainable for the local community as well as visitors to our town.
Please consider my opinion to restore the traffic flow as it was prior to the alteration of the street with the merging of traffic.
Hollis Snell

Outlook

Bay Ave mess

From Penelope Carless <pencris@sbcglobal.net>
Date Wed 9/24/2025 11:29 AM
To City Council <citycouncil@ci.capitola.ca.us>

I support Option two.
Penelope Carless

Sent from AT&T Yahoo Mail for iPad

Outlook

RE: Bay Ave.

From Betty Mello <bmello1213@gmail.com>
Date Wed 9/24/2025 1:51 PM
To City Council <citycouncil@ci.capitola.ca.us>

I live on Bay Ave, closer to Monterey Ave., and urge the council to restore the traffic lanes back to what they were. OPTION 2.

Please vote for OPTION 2

Betty Mello
380 Bay Ave.

Outlook

For the meeting on Thursday, September 25, 2025

From Mary Craig Caruthers <marycraigcaruthers@yahoo.com>
Date Wed 9/24/2025 1:49 PM
To City Council <citycouncil@ci.capitola.ca.us>

Re: the intersection of Bay and Hill Streets
I am a Capitola resident who does not live far from this intersection, and I have found the changes (down to only one lane) to be causing terrible congestion. It is not clear to me how someone imagined that making those changes would prevent more pedestrians from being hit. Please change back to the previous road pattern. We do not want a roundabout there or at the corner of Gayle's. Stop lights would be fine. Install one at each intersection!
Thanks,
Mary Caruthers

Outlook

Bay Hill crosswalk loudspeaker...

From dreymerbizvideo2 <dreymerbizvideo2@juno.com>
Date Wed 9/24/2025 3:04 PM
To City Council <citycouncil@ci.capitola.ca.us>

For tonight's safety discussion...how about a loudspeaker button on each corner "STOP FOR PEDESTRIAN"...a VERY LOUD loudspeaker! Your thoughts?

Diane Reymer

Sent from my Galaxy Tab A

Outlook

Capitola Intersection Redesign

From Cristienne Colip <cris@speechrighter.com>
Date Wed 9/24/2025 3:50 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear City Council Leadership Team,
I would like to add my comments ahead of this Thursday's meeting to discuss the Capitola intersection redesign. I have had an office in The Crossroads Building, on this corner for over 10 years. My office is a corner office on the second floor overlooking the intersection that you will be discussing. I have had a special interest in this topic over the years as a witness to every type of traffic event possible at this very intersection. I have seen police chases; flagrant moving vehicle violations; crashes; screaming fights; running of the stops signs, etc., on a daily basis. Myself and others here have almost been hit too many times to count. It is a treacherous journey to the Nob Hill salad bar and back. We also have another unfortunate connection to what goes on at this intersection as we were quite familiar with the grandmother of a pediatric client that we serve, who lost her life in a vehicular incident a few years ago as well. From my personal experience and observation, I can tell you that the most frequently occurring error is that drivers are unsure when it's their turn to go, and there is no uniformity or sequence when cars decide to cross the intersection. Besides drivers that do not adhere to the basic rules of waiting for someone to finish crossing, there is no structure in place to regulate this "traffic". I have often wondered why in the world a traffic light has not been erected, or even if it has ever been seriously considered. The recent redesign is a total fail causing more congestion, uncertainty and danger. Again, I wondered how that was ever thought to be a solution.
I am not available in person on Thursday, but I just wanted to give you the perspective of someone without traffic engineering expertise, but a birdseye view of the goings on at this particular intersection for quite some time.
Thanks very much and good luck for the sake of us all,
Cris Colip

--

Cristienne Colip, M.S., CCC-SLP

Clinical Director
SpeechRighter Plus
Speech & Occupational Therapy

820 Bay Ave – Ste. 212

Capitola, CA 95010

831-854-2060

www.speechrighter.com

Outlook

[PDF] My opinion about Bay Avenue & Hill Street intersection

From Judy <judy@thenotebox.com>
Date Thu 9/25/2025 9:54 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (71 KB)
Microsoft Word - Document1.pdf;

Judy Kishimura
527 McCormick Court
Capitola, CA 95010

September 25, 2025

Dear Capitola City Council,

I am writing as a local resident who regularly passes through the intersection of Bay Avenue & Hill Street on my way to the freeway and for daily errands. I'd like to express serious concerns about the traffic modifications made to this intersection last year. While I appreciate the city's commitment to pedestrian safety, the current configuration has created significant negative consequences that I believe warrant immediate review.

Current Situation and Impact

The modifications—which included the elimination of one through lane in each direction on Bay Ave has resulted in:

- Severe traffic backups extending multiple blocks in both directions on Bay Avenue, particularly during morning and evening commute hours
- Significant congestion when the local school dismisses students, creating additional safety concerns as parents attempt to navigate through backed-up traffic
- Weekend traffic delays that deter tourists trying to reach The Village, potentially impacting local tourism revenue
- Dramatically increased commute times for residents trying to reach the freeway or conduct basic errands like grocery shopping
- Potential safety hazards as frustrated drivers try to navigate through the gridlock
    - I have personally experienced two near-miss collisions as impatient drivers attempted aggressive lane merges off of southbound Hwy 1 onto Bay Avenue.
    - It is also common place for drivers to be forced to turn into the Nob Hill parking lot (near the car wash) because they are unable to merge to the left (in the direction of the Village).
- Economic impact on local businesses due to reduced accessibility, particularly tourism-dependent establishments in The Village
- Increased vehicle emissions from idling traffic during extended backups

Proposed Solution

I respectfully request that the city consider reverting to the original four-lane configuration while maintaining other safety improvements. Alternative solutions might include:

- Restoring the original lane count while keeping enhanced pedestrian signals
- Installing pedestrian crossing signals with dedicated walk phases
- Adding more visible crosswalk markings and signage
- Implementing timed traffic signals instead of four-way stops during peak hours

Community Impact

This intersection serves as the primary route to The Village, as well as a critical thoroughfare for residents accessing the freeway and essential services. The current bottleneck affects not only daily commuters but also tourists visiting our city, parents picking up children from school, residents running routine errands, and emergency vehicle response times.

Safety Concerns Beyond Pedestrians

While the original intent was to improve pedestrian safety, the modifications have created new vehicular safety hazards. The forced lane reduction causes dangerous merging situations as frustrated drivers jockey for position in the single remaining lane. These aggressive driving behaviors pose risks not only to other motorists but potentially to the very pedestrians the changes were meant to protect.

Economic Impact on Tourism

Another concern is the impact on our city's tourism economy. Weekend traffic delays discourage visitors from accessing The Village, potentially reducing tourism revenue that our city depends on. Frustrated tourists encountering significant delays may choose alternative destinations in the future, creating long-term economic consequences.

Thank you for your time and consideration.

Sincerely,

Judy Kishimura

Outlook

I choose option 2 turn it back the way it was

From Billy Gorson <billygorson@gmail.com>
Date Thu 9/25/2025 1:59 PM
To City Council <citycouncil@ci.capitola.ca.us>

Sent from my iPhone

Gautho, Julia

From: Douglas Ley <dley@redtreepartners.com>
Sent: Thursday, September 25, 2025 3:28 PM
To: City Council
Cc: Kahn, Jessica
Subject: September 25, 2025 Meeting/Agenda Item 9A. Bay Avenue and Hill Street Traffic Safety Update

Dear Councilmembers,

As the owner of the Nob Hill/CVS/Capitola Self Storage Center we would like to share our comments on the matters under consideration this evening regarding Bay Avenue, and particularly the intersections at Crossroads and Hill.

We are pleased that the City is showing flexibility about what was always described as temporary and an experiment. We encourage you to move forward as quickly as possible to a permanent solution for the Hill/Bay intersection.

We are in favor of restoring the intersection to its previous configuration until we have either a roundabout or a signal at Bay/Hill. The traffic backups with the narrowing of lanes has caused some impatient drivers to come into our center only to get through the Hill intersection more quickly (they think). Our low fencing to prevent these movements in the aisle closest to Peets has been knocked down several times.

We like the idea of a cross walk with flashing signals at Center—that will take pedestrian pressure off the Bay/Hill intersection and, we hope, improve pedestrian safety with the shorter crossing distance.

We don't see the need for the center turn lane between Hill and Crossroads. Coming from the freeway there is nothing to turn left into and vehicles driving toward the freeway vehicles can and should enter our center at Hill.

We would like to see the area of Bay that lines up with Crossroads marked as 'KEEP CLEAR" so that traffic can leave our center and the car wash at Crossroads and turn toward the freeway and so that cars from Crossroads can turn right toward the freeway.

We have no problem keeping the current (traffic calming) configuration coming in and out of our center at Hill. If a signal is ultimately chosen we would want to return to two lanes into the center as originally designed and built. That would permit both (a)

right turns in from Bay AND (b) vehicles turning left from Bay or straight from [illegible] enter the Center.

Thank you for your service to our community.

Doug Ley

Douglas P. Ley, Chair/CEO of the General Partner
Redtree Partners LP
1200 Pacific Avenue, Suite 210, Santa Cruz, CA 95060
831.346.6414

Gautho, Julia

From: Nicole Conley <nicole.conley@taniscomm.com>
Sent: Thursday, September 25, 2025 3:52 PM
To: City Council; Mark Conley
Subject: Intersection at Bay

We choose Option 2. Make it the way it was, please. It is causing more safety issues now than it ever did before. So many people are trying to go through the Nob Hill parking lot, causing safety issues there, too. The new way is causing everyone more traffic problems and it isn't safer.

Thank you,
Mark and Nicole Conley
900 Kennedy Drive, Capitola.
713-9076

Gautho, Julia

From: Kathi Howard <kathi.hotrod@gmail.com>
Sent: Thursday, September 25, 2025 5:15 PM
To: City Council
Subject: Traffic mess Bay Avenue

Dear council,

Please return the street to option 2.

I fully understand the fear surrounding the cross walk by the elderly people who live on Bay Ave. but the chance has caused so much chaos and anger by drivers it has caused a more dangerous situation. Trying to merge into a single lane with cars illegally running up a middle space which is not a lane to avoid waiting, dodging the fly through traffic in Nob Hill parking lot it you happen to be shopping and the complicated paint jobs trying to accommodate bicycle, handy cap, walking lanes. The poles tricking out if you are not able to merge in because of angry drivers.
Keep it simple not a maze.

The accident (tragedy) that brought this chaos. Happened a block away by an "impaired" driver who had to be traced down by our local CPD.

It would be nice if the city replaced the bent stop sign she also ran over as it happened over 2 years ago.

Thank you,

Kathi Howard
Capitola resident

Gautho, Julia

From: Joan Steele <danjobry@aol.com>
Sent: Thursday, September 25, 2025 7:09 PM
To: City Council
Subject: Hill and Bay intersection

Dear Capitola City Council,
Just a quick suggestion and this is probably coming late after you decide at the meeting tonight, but my husband Dan and I think that just putting a light —a street light on that corner with only one pedestrian crossway would simplify the whole Bay/ Hill intersection conundrum.
Thank you,
🌷 Joni and Dan Steele
Capitola
Sent from my iPhone

Gautho, Julia

From: Nancy Willard <nancy.willard@gmail.com>
Sent: Friday, September 19, 2025 5:59 PM
To: City Council
Subject: Dismiss Claim Against Orbach

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,
Nancy Willard
Stockton Ave.
Capitola, CA 95010

~~~~~~~~~~~~~~~~~~

Nancy Willard, MPH (she/her, they/them)
~~~~~~~~~~~~~~~~~~

Gautho, Julia

From: Siu Lu <siulu131@gmail.com>
Sent: Friday, September 19, 2025 10:25 PM
To: City Council
Subject: Request to reject the complaint against councilmember Orbach

Dear Capitola City Council,

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth. Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimizing, or second-guessing their own lived experiences, Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression. Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power. I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something no city committed to justice and equity should tolerate.

Respectfully,
Siu Lu

Gautho, Julia

From: Frank Rimicci Jr. <frankeej1958@gmail.com>
Sent: Saturday, September 20, 2025 11:52 AM
To: City Council
Subject: Code of conduct and harassment

Dear council members, the possibility that this council would take disciplinary actions against Ms. Orbach is simply preposterous, as She has been the subject of intimidation and harassment and merely has tried to cause such actions to cease. The same tactics were used against Alexander Peterson which ultimately led to His ultimate resignation. We should be aware that these sorts of tactics are used at all levels of politics which is no favor to Our democracy. I would hate to see Capitola allow another member of the council to be singled out for standing up for Her and Her familys safety. We all know She has had views differing from some in the community, but as We know differing opinions are needed to ensure all have a voice. We also know that We need to encourage the right of those that have been violated to speak out. I'm certain Capitola needs Melinda Orbach as a progressive voice for Her constituents.Please dismiss the code of conduct violation matter and move ahead with meaningful actions, such as the recent council action prohibiting filtered cigarette sales.Thanks for keeping Capitola moving forward. Frank Rimicci Jr. Corralitos

Gautho, Julia

From: Gayle Ortiz <gayle@gocapitola.com>
Sent: Saturday, September 20, 2025 12:16 PM
To: City Council
Subject: Agenda item 9b, code of conduct violation

Dear council,

As a former council member I know how vulnerable one can feel both in our community and on the Dais. Especially being a woman.

I was subject to outbursts at times. I was subject to people calling my home, ranting about a vote I made, and even threatening me.

I feel a certain amount of shell-hardening needs to come with a public office.

I can't for the life of me see how a council candidate asking where another candidate lives is even close to the kind of behavior that would precipitate a council member calling out a citizen by name at a public meeting.

There should be some real proof that this person actually harassed or intimidated this council member.

If there is not, I encourage you to sensor the council member in order to encourage elected officials be truthful and tone down public discourse.

Thank you,
Gayle Ortiz

Gautho, Julia

From: Lora Lee Martin <loraleemartin@icloud.com>
Sent: Saturday, September 20, 2025 2:45 PM
To: City Council
Subject: Dismiss Item 9B - Support letter for Councilmember Orbach

Re: Support for Melinda Orbach- dismissal of Item 9B , September 25th Council Meeting

Dear Capitola City Council,

The decision the Council makes regarding Item 9B on your September 25th Council meeting agenda is being watched across Santa Cruz County. The issue of intimidation and harassment of a council member, any council member, should not be tolerated in our community.

You have a choice before you. Will you encourage discourse and civil behavior or will you condone intimidation and harrassment of elected and appointed officials in our community? As the nation goes is NOT how a community in our County should go.

A review of the facts, what was said and what actions of intimidation took place, should be straightforward for this Council. Councilmember Orbach respectfully raised a serious issue at the Council meetings. She has acknowledged that naming the individual was a mistake. She has attempted to schedule a sit-down mediation with the individual which has now been scheduled for October (delayed by that individual).

I appreciate that a claim was filed by the person in question and that the City is compelled to take this up as a public agenda item. I urge you to acknowledge the importance of civility of discourse and protection of our public servants. **Dismiss this claim and make a public statement about what level of behaviors are acceptable in our community**. It is one thing to disagree on issues; it is another to use scare tactics and intimidation. The national dysfunction should not be allowed in our community.

Thank you for the service you all perform. Imagine. This could easily have been someone trying to learn where you and your children lived. You have the responsibility to condemn this sort of behavior, not encourage it.

Lora Lee Martin
Santa Cruz
loraleemartin@icloud.com

Gautho, Julia

From: Maria Gitin <msgitin@mariagitin.com>
Sent: Saturday, September 20, 2025 2:59 PM
To: City Council
Cc: wildr.santacruzcounty@gmail.com
Subject: Melinda Orbach Code of Conduct Complaint

Dear Capitola City Councilmembers,

Our nation is currently experiencing an extreme decline in civility. I'm disappointed to learn that the Council considers Councilmember Melinda Orbach speaking openly about harassment and intimidation is something to be criticized, let alone censored.

Councilmember Orbach has already acknowledged that her naming of an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and an instinct to protect her family. She has offered mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of continued personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents and shoppers like me should not have to watch elected representatives be silenced or driven out by those who would rather bully than engage in dialogue.

Please dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works and to further discourage women leaders from stepping up to serve. Capitola can do better. I hope that you will!

Respectfully,
Maria Gitin Torres
Mail 38 yrs at: PO Box 216, Capitola, CA 95010 Residence: Aptos, CA
msgitin@mariagitin.com

This Bright Light of Ours: Stories from the Voting Rights Fight

https://www.thisbrightlightofours.com

Gautho, Julia

From: John <jxmulry@gmail.com>
Sent: Saturday, September 20, 2025 3:23 PM
To: City Council; City Clerk; Kevin Maguire
Subject: Item 9B

She thought she was the boss and was gonna rule over the city like Kristen did and accused a resident by full name from the dais of stalking. Then refused to walk it back stating, 'her feelings are facts'.

She took months to agree to mediation and only then bc she didn't want to apologize and couldn't strong arm her way through it.

She is on Camera at a public meeting breaking the code of conduct in a way only someone like her would debate. She is never going to admit fault and accountability, narcissists like her never do. The council has to hold her accountable. This is the job. Do the job.

Plus she's super racist. Even amongst the local Dem party she has that reputation.

Warmly JM

Gautho, Julia

From: Shebreh Kalantari-Johnson <shebreh4santacruz@gmail.com>
Sent: Saturday, September 20, 2025 6:21 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

I write to you with deep concern regarding the Code of Conduct complaint against Councilmember Melinda Orbach. From my perspective as a fellow elected official, it is clear that this complaint represents a misuse of the Code—weaponizing a tool intended to uphold civility, not silence those who speak openly about harassment and intimidation.

Councilmember Orbach is a competent, thoughtful, and dedicated public servant who has consistently shown her commitment to her community. Her comments at the April 2025 Council meeting, while direct, were neither abusive nor defamatory. They reflected her lived experience as a mother, a health professional, and a civic leader who has been subjected to intimidation that crossed the line from political disagreement into personal threat. To punish her for drawing boundaries is to undermine the very principles of safety and respect that the Code of Conduct is meant to protect.

As someone who also serves in public office, I know firsthand how relentless and personal harassment can be—online, in meetings, and even within the halls where we govern. It is painful enough to endure bullying from members of the public; to have colleagues enable it by legitimizing baseless claims, is unacceptable.

We choose to serve because we care about our communities, but that service should never come at the cost of our dignity, our safety, or our ability to govern effectively.

Rather than fostering civility, this complaint erodes trust in public institutions and sends a chilling message to anyone—especially women—that speaking truthfully about intimidation will result in public punishment. Our communities cannot afford to lose competent leaders to manufactured controversy and harassment.

For these reasons, I strongly urge you to dismiss this complaint. Doing so is not only an affirmation of Councilmember Orbach's integrity, but a commitment to ensuring that our local democracy remains grounded in fairness, respect, and the freedom to serve without fear of retribution.

Respectfully,
Shebreh Kalantari-Johnson
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"Women belong in all places where decisions are being made"
~Ruth Bader Ginsburg

Gautho, Julia

From: Hannah Stubblefield <mommystub@gmail.com>
Sent: Saturday, September 20, 2025 9:46 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimizing, or second-guessing their own lived experiences, Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression.

Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power.

I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something no city committed to justice and equity should tolerate.

Respectfully,

Hannah

--

Hannah Stubblefield
www.wonderlandsantacruz.com
Wonderland Toys & Classroom Resources
19B Rancho Del Mar

Aptos, Ca 95003
(831) 316-7261

Gautho, Julia

From: Leila Kramer <kramer@baymoon.com>
Sent: Friday, September 19, 2025 8:09 PM
To: City Council
Subject: Possible Spam 9B Code of Conduct Complaint

Dear Capitola City Council,

I am writing to express my deep concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary risk for Capitola.

The actions taken by the individual were perceived by Councilmember Orbach and her family as threatening. Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.

Councilmember Orbach publicly apologized at the June council meeting for naming the individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Finally, moving forward with this hearing creates additional liability for both the City and

Councilmember Orbach should this situation result in litigation tied to the complainant's tort

claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

Therefore, I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public

spectacle that undermines trust and accountability.

Respectfully,

Leila Kramer

Gautho, Julia

From: Janine A. Roeth <j9roeth@gmail.com>
Sent: Sunday, September 21, 2025 9:57 AM
To: City Council
Subject: Dismissing the Complaint Against Councilmember Orbach

Dear Council Members,

I am writing in strong support of Councilmember Orbach. As a woman and a minority serving her community, she deserves to feel safe speaking out when behavior crosses the line.

At a time when politics feels increasingly hostile and the safety of elected officials is already at risk, it is troubling to see the Council entertain a complaint against someone simply for naming what was happening and setting boundaries. Moving this forward sends a message that harassment works and discourages others — especially women and younger leaders — from stepping up to serve.

Please reject this complaint and show that Capitola stands for fairness, safety, and the right to speak out against intimidation.

Thank you,

Janine Roeth

Gautho, Julia

From: Renee Golder <rgolder@santacruzca.gov>
Sent: Sunday, September 21, 2025 6:05 PM
To: City Council
Subject: Councilmember Melinda Orbach

Dear Capitola City Council,

Our nation is currently experiencing an extreme decline in civility. I'm disappointed to learn that the Council considers Councilmember Melinda Orbach speaking openly about harassment and intimidation to be something that should be criticized, let alone censored.

As a fellow local elected official serving on the Santa Cruz City Council, I know firsthand how real and damaging this kind of harassment can be. I have had people drive by my house yelling "burn it down," I have been called a "right-wing nut job," and my kids and family have been bullied online. This is not acceptable behavior toward anyone, let alone community members who have stepped up to serve.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and an instinct to protect her family. She has offered mediation multiple times through the Conflict Resolution Center and has continued to show restraint in the face of ongoing personal attacks. Instead of supporting her good-faith efforts at resolution, your Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks. She set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents and visitors should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

Please dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works and to further discourage women leaders from stepping up to serve. Capitola can and must do better.

Respectfully,
Renée Golder

Renée Golder
City of Santa Cruz | Councilmember District 6
809 Center Street, Room 101, Santa Cruz, CA 95060
Web: cityofsantacruz.com

Need to Reach your other Representatives?

County of SC District 3 Representative Justin Cummings
State Assembly District 28 Assemblymember Gail Pellerin
State Senate District 14 Senator John Laird

Gautho, Julia

From: Debbie Smallwood <debbiesmallwood2020@gmail.com>
Sent: Sunday, September 21, 2025 6:19 PM
To: City Council
Subject: Fwd: Melinda Orbach

Dear Capitola City Council:

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader was asserting her right to safety and to draw boundaries when faced with threatening behavior.

In a political environment where women are too often silenced, minimized, or second-guessing their own lived experiences, Councilmember Orbach did what strong women do-
she spoke up. That should never be treated as a transgression.

Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don’t upset power.

I urge this Council to reject this complaint decisively on September 25, 2025. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life.

To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something
no city committed to justice and equity should tolerate.

Respectfully,

Gautho, Julia

From: michael routh <qwakwak@gmail.com>
Sent: Sunday, September 21, 2025 8:17 PM
To: City Council
Subject: Kevin MaGuire Code of Conduct complaint

Mayor and Council members,

It's been 5 months since Capitola resident Kevin MaGuire requested Council member Orbach make a public apology due to her slanderous charges against him and publicly shaming him for events that never happened. A Code of Conduct complaint was filed against Ms. Orbach. An offer of mediation was proffered and turned down by Ms. Orbach, and so far the Council has not publicly addressed her unprofessional behavior, her violation of the Code, nor has she issued any public apology.

How long does the city intend to drag their feet on this obvious violation of the Council Code of Conduct? Is the Code just meaningless words that was never intended to be enforced? I realize it's easier to ignore the complaint with hopes it will just go away, but by doing nothing you condone Ms. Orbach's code of conduct violation. It's time Council member Orbach apologize to Mr. MaGuire at a regularly scheduled City Council meeting. If she fails to do this, the Council should censure her and remove her from all appointed committees.

Mick Routh

Sent from my iPad

Gautho, Julia

From: Lin Lac <yuffie530@aol.com>
Sent: Sunday, September 21, 2025 9:03 PM
To: City Council
Subject: item 9B code of conduct complaint

Dear Capitola City Council,

I urge you to dismiss the complaint against Councilmember Orbach. In the face of intimidation, Councilmember Orbach used the only tool she had to defend herself - her voice. She has already apologized for naming this individual and is now in mediation. Having a public hearing about this will undermine that process.

We all know the current political climate is tense, divisive, and often hostile. Public servants at every level face constant criticism, intimidation, and personal attacks. Serving on council is already demanding and stressful; to add weaponized complaints on top of that makes it harder for good people — especially women — to step up and lead. Capitola should be making public service more sustainable, not more punishing.

As a parent, I want to teach my kids — and especially my daughters — that their voices have the power to create positive change, to speak out against injustice, and to demand that their boundaries be respected. This hearing sends them the opposite message: that when women speak up, they will be silenced, criticized, or punished. That is not the lesson we should be modeling as a community.

I urge you to dismiss the complaint on September 25 and let mediation work.

Respectfully,

Lin Lac
Sent from my iPhone

Gautho, Julia

From: Muriel Rose <bikeprn@gmail.com>
Sent: Sunday, September 21, 2025 9:19 PM
To: City Council
Subject: regarding Melinda Orbach

Dear Capitola City Council:

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader was asserting her right to safety and to draw boundaries when faced with threatening behavior.

In a political environment where women are too often silenced, minimized, or second-guessing their own lived experiences, Councilmember Orbach did what strong women do-
she spoke up. That should never be treated as a transgression.

Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power.

I urge this Council to reject this complaint decisively on September 25, 2025. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life.

To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something
no city committed to justice and equity should tolerate.

Respectfully,

Muriel L. Rose

Gautho, Julia

From: Tea Nguyen <teasemail@gmail.com>
Sent: Sunday, September 21, 2025 9:42 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

I urge you to dismiss the complaint against Councilmember Orbach. In the face of intimidation, Councilmember Orbach used the only tool she had to defend herself - her voice. She has already apologized for naming this individual and is now in mediation. Having a public hearing about this will undermine that process.

We all know the current political climate is tense, divisive, and often hostile. Public servants at every level face constant criticism, intimidation, and personal attacks. Serving on council is already demanding and stressful; to add weaponized complaints on top of that makes it harder for good people — especially women — to step up and lead. Capitola should be making public service more sustainable, not more punishing.

As a parent, I want to teach my daughter — that her voice has the power to create positive change, to speak out against injustice, and to demand that their boundaries be respected. This hearing sends them the opposite message: that when women speak up, they will be silenced, criticized, and punished. That is not the lesson we should be modeling as a community in 2025.

I urge you to dismiss the complaint on September 25 and let mediation work.

Respectfully,
Tea Nguyen

Gautho, Julia

From: Ang <ang910@gmail.com>
Sent: Sunday, September 21, 2025 9:56 PM
To: City Council
Subject: Item 9B – Protect Our Community's Values

Dear Capitola City Council,

I ask you to dismiss the code of conduct complaint against Councilmember Orbach. She has already apologized and entered into mediation, which is the right and responsible way to handle this situation. A public hearing would not only jeopardize the mediation process but also set a harmful precedent for how we treat people who step up to serve our city.

Capitola prides itself on being a supportive, inclusive, and respectful community. This complaint, however, risks sending the opposite message: that raising your voice under pressure will be punished rather than understood. Councilmember Orbach was defending herself in a difficult moment — something many of us can relate to.

As a community, we should be encouraging capable, compassionate people — especially women — to take on leadership roles. If every misstep becomes grounds for a public reprimand, fewer people will be willing to serve. That would weaken, not strengthen, Capitola's democracy.

Please let mediation do its work and dismiss this complaint on September 25. Doing so would affirm our city's values and keep our council focused on the issues that truly matter to residents.

Sincerely,

Ang Yuasa

Gautho, Julia

From: Stephanie Chu <stephyjchu@gmail.com>
Sent: Sunday, September 21, 2025 10:52 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

I am writing to respectfully urge you to dismiss the complaint against Councilmember Orbach.

In a moment where she felt threatened, Councilmember Orbach chose to speak up — using her voice as a means of self-protection. She has acknowledged the impact of naming the individual involved, expressed regret, and is now participating in mediation. Proceeding with a public hearing at this point risks disrupting that process and could ultimately do more harm than good. The current political climate is increasingly polarized and often hostile. Elected officials at every level — and especially women — are facing growing levels of personal attacks, intimidation, and pressure. Public service is demanding enough without the added burden of complaints that can be used to shame or silence. If Capitola wants to attract and retain thoughtful, capable leaders, it must foster an environment that supports rather than punishes those who serve.

As a parent, I hope to raise children, who believe in the power of their voice, who are unafraid to speak up for themselves and others. This hearing risks sending the opposite message: that speaking out invites punishment, not protection. That is not the example we should be setting as a community.

I urge you to support the integrity of the mediation process and dismiss the complaint at your September 25 meeting.

Sincerely,
Stephanie Chu

Gautho, Julia

From: Matt Orbach <redmattsc@gmail.com>
Sent: Sunday, September 21, 2025 11:35 PM
To: City Council
Subject: Item #9B - Public Comment

Dear Council,

Because only Mr. Maguire's complaint letter is included in the agenda packet as an attachment for Item #9B with no corresponding information regarding Councilmember Orbach's position, I believe it is necessary to provide the City Council (and the public) with some facts for your consideration, as it is not possible to make an informed decision about whether or not to dismiss the claim with only one side of the issue presented.

On Sunday, April 13, 2025, after returning from celebrating our son's third birthday party, we were approached by one of our neighbors who informed us about the uncomfortable interaction he had with the person distributing Concerned Citizens of Capitola flyers that afternoon. According to this neighbor, a man had approached him to talk about the flyer, and as part of the conversation the man asked him if Councilmember Orbach lived in the neighborhood, to which he replied yes. When the man followed up with a question about whether she lived in that specific cluster of units, our neighbor said the interaction began to make him feel uncomfortable, so he declined to divulge the requested information and asked the person his name, to which the man replied 'Kevin.' Mr. Maguire has confirmed his presence at our condo complex that afternoon both in writing and in verbal statements to Mayor Clarke and Chief Ryan.

Intimidation can take many forms, including implicit threats like surveillance, which create a sense of feeling watched, vulnerable, and threatened in the person being surveilled. Implicit threats have been a favorite tactic of many infamous groups over time, from the German Gestapo to the mafia to the Ku Klux Klan, because they create fear without making any explicit verbal or written threats. No matter what his intent was, when we learned that someone with a well-documented dislike of Melinda, who had created and shared negative content about her during the lead up to last year's election, who had stated online that "Melinda might be next" for a recall effort, and who had been posting a steady stream of passionate anti-train posts on Nextdoor and other social media sites about the meeting that Thursday, had come specifically to our condo complex and asked multiple times about where we lived, we felt watched, vulnerable, and threatened.

Councilmember Orbach's statements at the April 17, 2025, meeting were based on facts, identified an action taken by a community member that she considered to be threatening, and politely requested that that type of activity stop.

Additionally, it should be pointed out that at the June 26, 2025, City Council meeting, Councilmember Orbach issued a detailed public apology for calling out Mr. Maguire by name that included acknowledging her mistake and stating that she would never do it again.

Councilmember Orbach was never offered and never declined any offers of mediation. In fact, she made offers of mediation to Mr. Maguire on June 26 and July 16 that he would not accept without preconditions before a final offer was accepted on July 31. That mediation is scheduled for October.

Agendizing this complaint now undermines the mediation process by creating conditions in which additional information and opinions about Mr. Maguire will be shared in public that could cause additional embarrassment, making him less likely to engage productively in the mediation process and more likely to pursue litigation. Mr. Maguire already has a pending tort claim against the City that was pulled from the September 11, 2025, meeting agenda and subsequently continued to a date uncertain.

At a time when elected officials are being assaulted and/or killed throughout this country with frig regularity for their political beliefs, I urge you to consider what you would have done in a similar situation. Please ask yourself: What is more important, protecting my family or maintaining a 'decorum' that allows questionable or aggressive actions from members of the public to go unchecked?

Reprimanding or censuring your fellow councilperson will reinforce the idea that elected officials are powerless to defend themselves from any sort of abuse, harassment, or intimidation while members of the public are beyond reproach for their conduct. Don't weaponize the code of conduct. Stand by and support Councilmember Orbach, who did what she thought was right to identify unacceptable behavior, set boundaries, and call for civil discourse, and dismiss this complaint. Your actions will say a lot about your character and integrity as the leaders of this community.

Sincerely,

Matt Orbach

Gautho, Julia

From: Nadene Thorne <nadenetd@yahoo.com>
Sent: Sunday, September 21, 2025 11:39 PM
To: City Council
Subject: Fw: Comment about Capitola City Council Member

Capitola City Council Members:
Below is a self-explanatory email I sent to the Democratic Women's Club after this Saturday's community forum on the upcoming ballot measures. In considering the subject of Ms. Orbach's, and other's actions in Capitola, perhaps you might wish to review the below.
Please do not hestitate to contact me for further information.
Nadene Thorne
831-266-5552

----- Forwarded Message -----
From: Nadene Thorne <nadenetd@yahoo.com>
To: democraticwomensclubscc@gmail.com <democraticwomensclubscc@gmail.com>
Sent: Saturday, September 20, 2025 at 02:41:52 PM PDT
Subject: Comment about Capitola City Council Member

Today at the end of the endorsement forums, a member stood up and spoke about how Melinda Orbach, Capitola City Council member, was being unfairly attacked by members of her community and threatened with a city council censure vote.
I find this ad hoc support for Ms. Orbach in the absence of any context well outside of the values and mission of the Democratic Women. This was a personal opinion presented as fact and further as the position of the club. I was shocked to hear such a commentary presented in this forum.
I hope you will castigate the speaker and adhere to your own community guidelines: that we learn to form an opinion by hearing all sides of a subject. What the speaker did was wrong and defamatory to the invisible and unacknowledged community member(s) Ms. Orbach is accusing.
I look forward to your response.
Nadene Thorne

Gautho, Julia

From: Gin Ngo <ginn929@gmail.com>
Sent: Sunday, September 21, 2025 11:49 PM
To: City Council
Subject: Item 9B code of conduct complaint

Dear Capitola City Council,

I urge you to dismiss the complaint against Councilmember Orbach. In the face of intimidation, Councilmember Orbach used the only tool she had to defend herself - her voice. She has already apologized for naming this individual and is now in mediation. Having a public hearing about this will undermine that process.

We all know the current political climate is tense, divisive, and often hostile. Public servants at every level face constant criticism, intimidation, and personal attacks. Serving on council is already demanding and stressful; to add weaponized complaints on top of that makes it harder for good people — especially women — to step up and lead. Capitola should be making public service more sustainable, not more punishing.

As a parent, I want to teach my kids — and especially my daughters — that their voices have the power to create positive change, to speak out against injustice, and to demand that their boundaries be respected. This hearing sends them the opposite message: that when women speak up, they will be silenced, criticized, or punished. That is not the lesson we should be modeling as a community.

I urge you to dismiss the complaint on September 25 and let mediation work.

Respectfully,

Gin

Gautho, Julia

From: Leslie Goodfriend <leslie_goodfriend@yahoo.com>
Sent: Monday, September 22, 2025 8:37 AM
To: City Council
Subject: Melinda Orbach letter of support

Dear Capitola City Council,
I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect. Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family.

She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit. The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation.

Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue. I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works.

That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,

Leslie Goodfriend
118 Ladera Drive
Santa Cruz, CA 95060

Sent from Yahoo Mail for iPhone

Gautho, Julia

From: Arathi Ravier <arathi23@gmail.com>
Sent: Monday, September 22, 2025 2:37 PM
To: City Council
Subject: Significant Concern: In Support of Melinda Orbach

Dear Capitola City Council,

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimizing, or second-guessing their own lived experiences,

Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression. Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power.

I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something no city committed to justice and equity should tolerate.

Respectfully,
Arathi Ravier
--
"Smile, breathe and go slowly" - Thich Nhat Hanh

Gautho, Julia

From: Jack Brown <jack.b.brown@gmail.com>
Sent: Monday, September 22, 2025 3:00 PM
To: City Council; joeclarke@ci.capitola.ca.us
Subject: Support for Accountability in Capitola City Council

Dear Mayor and Councilmembers,

I am writing to express my strong support for Kevin Maguire's Code of Conduct complaint and to urge the Council to uphold the standards of accountability and professionalism that our community deserves.

On multiple occasions, Councilmember Melinda Orbach used her position at the dais to publicly accuse Mr. Maguire of harassment and intimidation — serious charges made without evidence and in clear violation of Capitola's Code of Conduct. Rather than correcting the record, she repeated these claims and diverted Council business to pursue a personal attack on a private resident.

This conduct is especially concerning to me because I have personally experienced similar harassment from local rail activists. False allegations were made against me, and they even went so far as to contact my employer with fabricated claims that I was stalking, assaulting, and making racist statements. All of these were proven false, but the damage and stress caused by these tactics were very real. No resident should be subjected to this kind of behavior — and it is completely unacceptable when it comes from an elected official entrusted with representing our community.

The Capitola Code of Conduct explicitly prohibits personal charges, retaliatory conduct, and the misuse of official platforms for personal grievances. Councilmember Orbach's actions fall far short of these standards. This is not a matter of political disagreement but of maintaining the integrity of public office and ensuring that residents are treated fairly and respectfully.

I respectfully ask the Council to adopt a Resolution of Censure and require corrective actions. Doing so will send a clear message that Capitola values civility, fairness, and accountability in government, and that public officials must never weaponize their position to smear or intimidate private citizens.

Thank you for your attention and for standing for integrity in city government.

Respectfully,

Jack Brown
523 Townsend Drive
Aptos, CA 95003

Gautho, Julia

From: Kristen Brown <thekristenbrown@gmail.com>
Sent: Monday, September 22, 2025 3:09 PM
To: City Council
Subject: Item 9B - Code of Conduct Complaint

Dear Capitola City Council Members,

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd, it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

As a former Capitola City Council member who served eight years on council, including two terms as mayor, I understand how deeply concerning it is when boundaries are crossed by constituents. During my own service, I had photos of my home published online, people contacting my landlord to question my residency, and even a tracker placed on my car. These behaviors reveal a troubling belief that public servants are not entitled to privacy or personal safety.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17th was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries that deserve to be respected. That should never be treated as a transgression.

Rather than inflaming conflict, Councilmember Orbach has sought resolution by offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out. She stated facts of the inappropriate behavior she experienced and asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, and certainly don't hold men accountable for their behavior.

Every minute the council spends on these trivial accusations against Councilmember Orbach is time taken away from the important work of running the city on behalf of **all** residents. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life.

I urge this Council to reject this code of conduct complaint decisively on September 25th. To discipline Councilmember Orbach for insisting on civility is to reward harassment, and that is something that no public servant should stand for.

Thank you,

Kristen Brown

Former Capitola Mayor

Gautho, Julia

From: Yvette Brooks <ybrooks916@gmail.com>
Sent: Monday, September 22, 2025 3:50 PM
To: City Council
Subject: [PDF] Request to Dismiss Code of Conduct Complaint Against Council Member Orbach
Attachments: Council Email.pdf

Please see attached letter for item 9B.

Subject: Request to Dismiss Code of Conduct Complaint Against Council Member Orbach

To: citycouncil@ci.capitola.ca.us

Dear Capitola City Council,

I write today with profound disappointment and deep concern as a Capitola resident, a mother, a constituent, and a former two-time Mayor who served six years on this Council. I cannot remain silent while the Council allows a baseless complaint to rise to the level of a public agenda item. To consider placing Council Member Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd, it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

The Capitola City Council and Commissioner Code of Conduct gives you clear authority to act in this moment. Section 8.4.3(b)(i) states: *"Where the Council determines that no violation occurred or that only a trivial violation occurred, or that the complaint does not have merit for any other reason, the Council may dismiss the complaint."*

This case meets that standard. A **trivial violation** is by definition a minor lapse that is unintentional, quickly acknowledged, and corrected without lasting harm. The only possible violation here is that Council Member Orbach named an individual while speaking about threatening behavior. She immediately admitted that this was a mistake, pledged not to repeat it, and has since worked tirelessly in good faith to resolve the matter. She did not slander, insult, or attack character. She stated facts about behavior that she experienced as threatening and set boundaries to protect her family. By every measure of the evidence and the timeline, this is the very definition of a trivial violation, if it is a violation at all.

Council Member Orbach's good faith efforts are undeniable:

- She offered mediation through the Conflict Resolution Center three separate times, with her third offer accepted on July 31, 2025.
- She engaged with the Center through August and September to set dates despite repeated scheduling delays. An intake has been completed and a face to face mediation is scheduled for October 7.
- She has endured months of online vitriol, threats of litigation, and calls for her removal, all while continuing to pursue a peaceful and constructive resolution.
- She has publicly acknowledged her mistake and pledged not to repeat it.

Despite these efforts, the complainant escalated by filing a tort claim against her and the City. Instead of supporting a colleague who is demonstrating accountability and restraint, this Council

is legitimizing harassment by agendizing a claim that your own Code of Conduct empowers you to dismiss.

What troubles me most is what this says about our city's priorities. In times when Capitola families are losing children to suicide, when immigrant neighbors live in fear of deportation, when crime is rising, when seniors are losing vital services, and when we should be preparing for the next flood, the Council is instead consumed with a trivial complaint. This is not leadership. It is political theater at the expense of our community.

As a woman and as someone who has endured the harsh scrutiny of public office, I know how brutal this type of attack feels. Too many women who have served on this Council have faced the same hostility. Earlier this year, Council Member Alexander Pedersen resigned under relentless harassment from the very individuals now targeting Council Member Orbach. This pattern must end.

I regret that I cannot attend the September 25 meeting due to a longstanding commitment, but I wish I could be there to deliver these words in person. Please accept this letter in the spirit of service to Capitola. Council Member Orbach acknowledged her mistake, sought mediation, and has done everything asked of her. The Code of Conduct gives you the authority to dismiss complaints when they are trivial or without merit. That is exactly the situation here.

I urge you to act decisively. Dismiss this complaint under Section 8.4.3(b)(i). Show our community that Capitola stands for fairness, truth, and unity, not intimidation. Give residents hope that their leaders will focus on the issues that truly matter. Anything less will betray the values we swore to uphold.

Respectfully,
Yvette Brooks
Former Mayor of Capitola

Resident, Constituent, and Mother

Gautho, Julia

From: Rachel Dann <racheljdann@gmail.com>
Sent: Monday, September 22, 2025 4:38 PM
To: City Council
Subject: Reject Item 9B

Dear Councilmembers,
I am writing to urge you to reject item 9b on your agenda and dismiss the claim against Councilmember Orbach.

I do not know Councilmember Orbach, but I have been around politics long enough to recognize politically motivated harassment and retaliation. Unfortunately, this is not the first time I have felt compelled to write a letter defending a woman in politics under attack.

Councilmember Orbach acknowledged her mistake naming a constituent by name who had allegedly been stalking her neighborhood and asking her neighbors where she lived. She sought professional mediation with this individual, and was in that process when the council agendized this item.

Instead of advancing claims rooted in divisiveness, I encourage City leaders to use this opportunity to speak out against all forms of harassment and intimidation. City leaders should aim to model respect, civility, and comity within the council chambers and in the larger community- particularly among those with whom we disagree.

This agenda item serves no constructive purpose. It does nothing to foster healthy, productive dialogue within our community and serves only to exacerbate divisions. Now more than ever we need leaders who will bring our communities together, not advance divisive claims that continue to tear us apart.

For these reasons, I respectfully ask you to reject this item.
Thank you.
Kind Regards,
Rachel Dann

Gautho, Julia

From: Caitlin Brune <cmbrune@gmail.com>
Sent: Monday, September 22, 2025 4:44 PM
To: City Council
Subject: Public Comment - Item 9B: code of conduct complaint

Dear Capitola City Council members and Mayor Joe Clarke,
My name is Caitlin Brune and I am a County resident who celebrates and works to sustain the wellbeing of the growing number of women in public office. I do so because data indicates that women consistently elevate issues tied to **health, education, family wellbeing, and social safety**, all of which feel extremely important to our overall community vitality. Additionally, the presence of women in elected bodies correlates with **lower levels of corruption**, greater investments in public goods, and stronger emphasis on **long-term sustainability**.

In supporting Councilmember Melinda Orbach through her campaign, I consistently saw her come back to core values of inclusivity, respect, willingness to listen, and concern for the needs and experiences of those historically marginalized in public processes, including working class individuals and families.

Melinda Orbach has brought compassion and enthusiasm and a very high ethic of responsibility and accountability to her constituents in fulfilling her role. She does her homework and speaks from factual, observable data when performing her duties. She also serves as an example to other women trying to find their voice in the public sphere to advocate for conditions that facilitate safety and wellbeing for every resident.

I am writing to ask that you dismiss the code of conduct complaint filed against Councilmember Orbach and take no further action.

We live in times where day-to-day living places extraordinary calls on our energy, especially for working parents raising young children. The role of public servant these days demands an especially high degree of maturity, discernment, and clear-headedness, which I have seen Melinda Orbach demonstrate time and again. As residents, we are invited to respect the hard work, intellectual and emotional labor, ethic of service, and faithfulness to constituents each Council member brings. Councilmember Orbach has identified and named conditions that would constitute harassment and bullying in most contexts. She has requested that her personal boundaries for safety and privacy be respected. Please act in good faith as her peers in defining and upholding conditions that allow her to perform the demanding role each of you fulfills free from undue fear and stress - the factors that previously led to the resignation of one of your peers on the Council. **Please dismiss the code of conduct complaint and take no further action.**
Respectfully**,**
Caitlin Brune

****
Caitlin M. Brune (she/her/hers)

We plant seeds that will flower as results in our lives, so best to remove the weeds of anger, avarice, envy and doubt, that peace and abundance may manifest for all. ~ Dorothy Day

Schedule with me here: https://calendly.com/caitlinbrune

Pronouns: *she/her/hers* ** **Email**: cmbrune@gmail.com ** **Tel**: **831-345-1901** ** https://www.homeconsulting.me ** https://lovingtheworld.substack.com/

I live on the occupied unceded territory of the Awaswas-speaking Uypi Tribe. The Amah Mutsun Tribal Band, descendants of indigenous people taken to missions Santa Cruz & San Juan Bautista during Spanish colonization of the Central Coast, is working hard today to restore traditional stewardship practices on these lands and heal from historical trauma. I recognize that I benefit from living and working on their traditional homeland and affirm their sovereign rights as First Peoples.

Please note: my working day may not be your working day. Please don't feel obligated to respond to my emails outside of your working hours.

Gautho, Julia

From: Sherlock <sherlockstbones@gmail.com>
Sent: Monday, September 22, 2025 5:37 PM
To: City Council; City Clerk
Subject: Item 9B

Esteemed Council

I write with deep concern that the record does not include the following. After returning home on the day in the question, a neighbor of mine told me he had had an interaction with Matt Orbach that unsettled him. The neighbor reported Matt had seen a flyer on his door and then approached him asking if he saw who left it. Matt then tried to coax out of the neighbor a story about how Kevin had asked questions that the neighbor said never happened. Matt is a large imposing man with a record of not getting along with others, as his firing from Capitola showed us years ago.

The neighbor said Matt often comes over to discuss revenge on the city for its slights to him, and refers to the residents below 41st as the “village people”.

However I don’t live in the area above 41st that is within Capitola, and best practices demand you do not consider any input from nonresidents. And since what I am repeating is hearsay and I might have just made up the neighbor like Matt may have, it’s best to ignore my email as well.

I do recommend the city remove themselves from having to pay any legal bills from Melinda’s actions. Tax dollars shouldn’t be wasted on corrupt politicians using their power to attack residents at city council meetings.

Putting Bay Hill and this at the same meeting was a fun choice.

WM

Gautho, Julia

From: Tracey Weiss <traceyweiss17@gmail.com>
Sent: Monday, September 22, 2025 6:09 PM
To: City Council
Subject: City Council Agenda Item 9B

Dear Capitola City Council -

I write today with deep disappointment that the Council has allowed a complaint to rise to the level of a public agenda item. I am a strong supporter of Councilmember Melinda Orbach, and I urge you to dismiss this claim outright during your meeting on September 25.

Public service is the highest form of service. To commit to improve and serve the residents of our community, is a reflection of quality of character and commitment to the values that the City of Capitola holds. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Progress can not happen in an environment of chaos. The City of Capitola needs to protect those individuals who are brave enough to serve the community, and protect Councilmembers from current relentless personal attacks.

Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue. I urge you to dismiss this claim outright on September 25.

Our community, our children, and the City of Capitola deserve better.
Respectfully,
Tracey Weiss
--
Tracey Weiss
Email: traceyweiss17@gmail.com

Gautho, Julia

From: heather b <hbristolatc@gmail.com>
Sent: Monday, September 22, 2025 6:14 PM
To: City Council
Subject: Item 9B code of conduct complaint

Dear Capitola City Council:

I write today out of significant concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To allow this complaint against Councilmember Melinda Orbach to proceed as a public agenda item honors and justifies the action of the intimidator punishing a woman and her family.

Councilmember Orbach is a valued member of the community and has demonstrated her integrity and character as a Council Member, healthcare provider, mother and woman choosing to serve her community despite the time it takes her away from her young family. I can't imagine the fear she must have had for her safety and the safety of her loved ones given the frightening actions of her accuser, especially in the light of recent politically motivated events and violence. The Council sets this a dangerous precedent to every woman (and man for that matter) in this community that their voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader was asserting her right to safety and to draw boundaries when faced with threatening behavior. Councilmember Orbach did what strong women, or any member of our community should be encouraged to do-she spoke up. That should never be treated as a transgression. To silence this is a true act of legitimizing harassment by entertaining a baseless code of conduct complaint. Councilmember Orbach did not slander, demean, or lash out—she asserted her boundaries for her safety and to demonstrate her character and commitment to a peaceful resolution.

In our small county and large country, no one, including civil servants and political figures, such as yourselves, should have to endure threats, online intimidation and relentless personal attacks while serving our communities. Ms. Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Surprisingly, her willingness to meet in good faith has been met not with respect, but with continued attacks on her character and attempts to discredit her leadership. For what purpose does this continued support of the intimidator serve but to further reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power.

I urge this Council to reject this complaint decisively on September 25, 2025. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life.

To discipline Councilmember Orbach today for insisting on civility is to reward harassment—and sets precedent for future harassment/punishment of public figures and that is something no city committed to justice and equity should tolerate.

Respectfully,

Heather Bristol

Gautho, Julia

From: Neil Waldhauer <neil@blondeguy.com>
Sent: Monday, September 22, 2025 6:23 PM
To: City Council
Subject: item #9B, Code of Conduct Complaint, support letter for Melinda Orbach

Please dismiss this claim against Melinda Orbach at the 9/25/25 meeting. I feel that she was bullied while she was working to make Capitola a better place.

thank you.
Neil Waldhauer

Gautho, Julia

From: Anya Curtis <anyaacurtis@gmail.com>
Sent: Monday, September 22, 2025 6:37 PM
To: City Council
Subject: [PDF] item 9B code of conduct complaint
Attachments: Item 9B Code of Conduct Complaint.pdf

Dear Mayor and Councilmembers,

Please find my attached letter regarding Item 9B on the September 25 agenda. I urge you to dismiss the code of conduct complaint against Councilmember Orbach.

Thank you for your time and consideration.

Sincerely,

Anya Curtis

Dear Mayor and Councilmembers,

I'm writing as a community member who is deeply concerned about the treatment of Councilmember Melinda Orbach. What is happening here is not just about one complaint — it is about whether Capitola values honesty, fairness, and the safety of those who step up to serve.

When Councilmember Orbach spoke on April 17, she did not engage in name-calling or personal attacks. She described what had happened to her and asked for basic respect and boundaries. As a mother, a nurse practitioner, and a neighbor, she did what any of us would do: she spoke out when she felt threatened. That is not a violation of the Code of Conduct — that is common sense and courage.

She has already acknowledged that naming an individual was not the best choice and has reached out multiple times to resolve the issue through mediation. That willingness to own mistakes and work toward reconciliation is exactly the kind of leadership we should want on our Council.

To move this complaint forward now would send a damaging message — that speaking honestly about harassment can be twisted into "misconduct," and that those in power will not back colleagues who set boundaries. It risks discouraging good people, especially women and young people, from ever considering public service in Capitola.

I urge you to dismiss this complaint on September 25 and allow our Council to focus on the real issues facing our community. Councilmember Orbach deserves support, not punishment, for showing integrity and standing up for herself, her family and her community.

Respectfully,
Anya Curtis

Gautho, Julia

From: Alexander Pedersen <alexander.dean.pedersen@gmail.com>
Sent: Monday, September 22, 2025 7:22 PM
To: City Council
Subject: Agenda Item 9B Code of Conduct Complaint

Capitola City Council Members,

I am writing to express my concern over the decision to place a code of conduct complaint against Councilmember Melinda Orbach on the September 25 agenda. This complaint does not reflect misconduct but reinforces a pattern of harassment that is now being legitimized by the Council itself.

On April 17, Councilmember Orbach spoke candidly about an intimidating experience for her and her family. She was clear about her values of supporting free speech, welcoming disagreement, and civil discourse. What she opposed were behaviors that crossed into harassment and people escalating rhetoric beyond the bounds of civility. Any parent or community member in that position would have felt compelled to say the same.

She has taken repeated steps to resolve this conflict through mediation and those efforts have not been met in good faith. Councilmember Orbach did not slander anyone but described behaviors that occurred and set boundaries around her family's safety.

If the Council allows this complaint to proceed, the message to every resident will be that harassment works. Capitola cannot afford to drive out its representatives through campaigns of intimidation. We need leaders who will defend open dialogue and personal safety, not enable those who would silence voices they dislike.

I urge you to dismiss this complaint outright on September 25. Capitola residents deserve nothing less.

Alexander Pedersen

Gautho, Julia

From: Pmcveigh <pmcveigh@baymoon.com>
Sent: Monday, September 22, 2025 7:52 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25

Nothing wrong with naming names of people who are out of line she is being harassed by an individual who needs to be held accountable. Thank you.
Sincerely,

Have a good day

Gautho, Julia

From: WSmith <wennyrsmitt@yahoo.com>
Sent: Monday, September 22, 2025 8:02 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Sincerely, Wendy Smith

Gautho, Julia

From: Russell Weisz <russweisz1@gmail.com>
Sent: Monday, September 22, 2025 8:07 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,we urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Sincerely,
Judith Carey, Russell Weisz
319 Laguna St, Santa Cruz, CA 95060

Gautho, Julia

From: Jensen Maass <jensen@lastresortsalon.com>
Sent: Monday, September 22, 2025 8:09 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. The person she named is a menace to anyone who disagrees with him.

Sincerely,
Valerie Jensen Maass

Sent from my iPhone

Gautho, Julia

From: Donna Hall <nana1donna@gmail.com>
Sent: Monday, September 22, 2025 8:09 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.
Are we following in Trump's footsteps?
Sincerely,

Donna Hall
Soquel

Gautho, Julia

From: Pamela Simmons <Pamela@pamelaw.com>
Sent: Monday, September 22, 2025 8:22 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

I have been stunned by the behavior of many individuals with strong beliefs on one side or the other. To request that all parties adhere to the Code of Conduct is not a bad thing. What is a bad thing is to use it as a hammer against some trying to request civility from our civil servants.

Sincerely,

Pamela Simmons
Attorney at Law

Gautho, Julia

From: Greg Cole <gmuellercole@gmail.com>
Sent: Monday, September 22, 2025 8:30 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,

I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

Sincerely,

Greg Cole

Sent via BlackBerry Hub+ Inbox for Android

Gautho, Julia

From: Siena Shaw <sienashaw@me.com>
Sent: Monday, September 22, 2025 8:40 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,

I urge the Council to dismiss the complaint against Council member Orbach on September 25. Putting her on trial for speaking openly about her experience of harassment would be a dangerous precedent to set for every woman in Capitola who dares to speak her truth.

Sincerely,

Siena

Gautho, Julia

From: Kitty Hansen <kittyhansen674@gmail.com>
Sent: Monday, September 22, 2025 9:16 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Capitola City Council members:

I am shocked that this person who disagrees with Councilwoman Melinda Orbach is allowed to further harass her by filing a complaint against her. Women (and mothers) have enough obstacles in our way as we navigate careers and parenting.

I sincerely hope that you ask this demented individual to leave Orbach alone. We don't want to lose her on our City Council.

Will you please ban him from all future City Council meetings? He is politicizing our community, and causing harm to the residents of Capitola....we don't deserve this AT ALL.

Thank you,

K Hansen
Capitola

Gautho, Julia

From: Jan <jaburrou10@yahoo.com>
Sent: Monday, September 22, 2025 9:19 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.
Sincerely,

Jan Burroughs

Gautho, Julia

From: TJ Anderson <tjandersonsc@gmail.com>
Sent: Monday, September 22, 2025 9:21 PM
To: City Council
Subject: Item+9B+Code+of+Conduct+Complaint

Dear Council members, I urge the Council to dismiss the complaint against Council member Orbach on September 25, 2025.

Sincerely,
T Anderson

Gautho, Julia

From: Phuong Tracy Ton <phuong.ton227@gmail.com>
Sent: Monday, September 22, 2025 9:26 PM
To: City Council
Subject: Item 9B code of conduct complaint

Dear Capitola City Council,

I urge you to dismiss the complaint against Councilmember Orbach. Councilmember Orbach used her voice to defend herself. She has already apologized for naming this individual and is now in mediation. Having a public hearing about this will undermine that process. It also sends the message; if you speak up, you will be silenced and punished.

I urge you to dismiss the complaint on September 25 and let mediation work.

Respectfully,

Tracy Ton

Gautho, Julia

From: Molly Ording <mollyording@yahoo.com>
Sent: Monday, September 22, 2025 9:27 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Council-members:

We strongly urge you, the Council, to stand with your fellow Councilwoman, Melinda Orbach and strongly & firmly dismiss and flatly discourage any future personal attacks or intrusions upon your fellow council member, which absolutely include her personal, home & family space. These tactics cannot and should not be tolerated in no uncertain terms!

Disagreements on policies, decisions and votes are acceptable but carrying them over into one's private life and space is absolutely unacceptable! We urge you to speak up and act to clearly discourage any future behaviors and actions such as Councilmember Orbach and her family have had to contend with! This is your duty and your obligation as an elected member of our Capitola City Council!
We strongly urge the Council to dismiss the complaint against Councilmember Orbach on September 25th.

Most sincerely,

MOLLY & MICKEY ORDING
218 Monterey Avenue
Capitola

Sent from my iPhone

Gautho, Julia

From: S. LaVerne Coleman <caburne@gmail.com>
Sent: Monday, September 22, 2025 9:30 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Council members,

I respectfully urge you, as individuals and as a governing body, to dismiss the complaint against Councilmember Orbach on September 25.

Whether a constituent agrees or disagrees with her, no one should have to endure the ongoing harassment that she and her family have been subjected to. Though naming the harasser may not have been the best choice, I thank her for speaking out.
It needed to be made public, and she has my unwavering support.

Sincerely,

S. LaVerne Coleman

Gautho, Julia

From: Chris Vinson <vinsonvendor@gmail.com>
Sent: Monday, September 22, 2025 9:54 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

We support Councilmember Orbach.

Gautho, Julia

From: Matt Farrell <mattfarrell922@gmail.com>
Sent: Monday, September 22, 2025 10:03 PM
To: City Council
Subject: Agenda Item 9B Comment Letter on Code of Conduct Complaint

Mayor Clarke and Councilmembers,

I am writing to oppose the scheduling of a public hearing regarding the code of conduct complaint filed against Councilmember Melinda Orbach.

At the April 17 Capitola City Council meeting, Councilmember Orbach commented on harassment and threats made against her by Capitola neighbors. She named the complainant who has filed this complaint as one of those who had harassed her; and who had visited her neighborhood, asking her neighbors where she lived. Regardless of his intent, the complainant's actions caused Ms. Orbach to fear for the safety of herself and her family. She used the only means of defending herself and her family: her voice. She called for respect and civility in discourse and behavior.

Apparently naming a complainant at a city council meeting is contrary to city policy. For this reason, at the June 26 Council meeting, Councilmember Orbach publicly apologized for naming the complainant during the meeting; and stated that she would not do this again.

Councilmember Orbach has been proactive in working to engage in mediation with the complainant; and has made herself available to meet and start engaging in this process. This meeting, facilitated by the Conflict Resolution Center, is scheduled for October.

The best solution to this situation is conflict resolution; and both parties are engaged in this process. Holding a public hearing on this complaint undermines the ongoing conflict resolution process, short circuiting a process which has already started.

I urge the Council to dismiss this complaint; and allow the resolution process to proceed.

Matt Farrell

Gautho, Julia

From: Amie Forest <amie.forest@gmail.com>
Sent: Monday, September 22, 2025 10:03 PM
To: City Council
Subject: Strong Opposition to Item 9B – Support for Councilmember Melinda Orbach

Dear Mayor and Members of the Capitola City Council,

I am writing to express my deep concern and outrage that Item 9B has even been added to your 9/25/25 agenda. The attempt to pursue a code of conduct complaint against Councilmember Melinda Orbach is not only unjust, it is a dangerous misuse of process that undermines the very principles of democracy, public service, and civil discourse that this council is meant to uphold.

Councilmember Orbach has shown nothing but integrity, courage, and dedication in her service to our community under extremely difficult circumstances. Her comments on April 17 were made in good faith, in response to threatening behavior that no public servant—or their family—should ever have to endure. She spoke truthfully, factually, and with a clear purpose: to set healthy boundaries and protect her family from intimidation. To suggest that this constitutes a code of conduct violation is absurd and insulting, especially given her repeated efforts to resolve the conflict through mediation.

It is unacceptable that the council is considering punishing one of its own members for defending herself against harassment. By moving forward with this complaint, the council sends a chilling message: that those who speak openly about harassment will be silenced, while those who engage in intimidation tactics will be emboldened. Capitola deserves better. Our country deserves better, too.

I urge you in the strongest terms to dismiss this complaint immediately and not allow Item 9B to be used as a political weapon. The residents of Capitola elected Councilmember Orbach to bring her voice, her values, and her leadership to the council. She should be supported, not subjected to public trial for doing what any responsible person would do—standing up for herself and her family.

I am deeply disappointed in the Councilmembers who have voted to validate this complaint from Mr. Maguire, this is setting a very dangerous precedent, letting the bully rewrite the story as the victim. Please do what is right. Vote to dismiss this claim and put an end to this baseless and destructive effort.

Thank you,

Amie Forest,

516 Oak Drive, Capitola

Gautho, Julia

From: Tiffany Wise-West <twise99@yahoo.com>
Sent: Monday, September 22, 2025 10:26 PM
To: City Council
Subject: 9/25/25 Agenda Item 9b: Request to Dismiss Code of Conduct Violation Claim

September 22, 2025

Email to: citycouncil@ci.capitola.ca.us

Re: Request to Dismiss Code of Conduct Violation Claim against Councilmember Orbach

Dear Capitola City Council,

As a resident of Capitola for over 20 years, I write today with disappointment that the Council has allowed a baseless complaint against Councilmember Melinda Orbach to rise to the level of a public agenda item. Doing so has essentially placed Councilmember Orbach on trial for speaking openly about harassment and intimidation, which is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

While neither violation purported by the complainant has any merit whatsoever, Councilmember Orbach acknowledged that naming that individual was a mistake she will not repeat. Nonetheless, her comments on April 17, 2025 were rooted in truth, transparency, and a mother's instinct to protect her family. Councilmember Orbach described ongoing threatening behaviors accurately and has evidence of it. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of attacks on her character and motives online, threats of litigation, and political intimidation.

Councilmember Orbach has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council majority is legitimizing harassment by publicly considering agendizing a code of conduct complaint that has no merit. Unless dismissed, the Council majority's actions will be construed as complicity in the unwarranted and dangerous harassment that has taken place.

Capitola residents are outraged to witness attempts to silence their duly elected representatives and/or drive them out of office by those who would rather bully rather than engage in authentic and meaningful dialogue in a neutral facilitated environment.

Thank you for consideration of this letter and the facts surrounding this unfortunate turn of events. I urge you to dismiss this claim outright on September 25. It is important that Capitola's leaders protect truth and principle and do not bow to intimidation. Punishing Councilmember Orbach for demanding civility sends a message that harassment works. That is not the Capitola I believe in and I stand firmly with her. Capitola can and should do better.

Respectfully,

Dr. Tiffany Wise-West, P.E.
4795 Opal Street
Capitola, California 95010

Gautho, Julia

From: DJ Timpany <timpanydj@gmail.com>
Sent: Monday, September 22, 2025 10:58 PM
To: City Council
Subject: Item 9B Code of Conduct complaint

Dear Members of Capitola City Council,

Please vote *against* the code of conduct complaint which has been lodged against Capitola City Council-member Melinda Orbach. She has been subjected to extreme retaliatory actions by persons in organizations that disagree with her position on the rail trail.

Despite her attempts to resolve the conflict through **mediation** with the Conflict Resolution Center, severe harassment has continued.

Stand up and stand strong for respectful discourse and community safety.

Thank you for your consideration of my request.

Joan DJ Timpany
25 year resident of
Santa Cruz County

Gautho, Julia

From: Tim Pedemonte <tim.pedemonte@gmail.com>
Sent: Tuesday, September 23, 2025 5:47 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Sincerely,

Gautho, Julia

From: david van brink <david.van.brink@gmail.com>
Sent: Tuesday, September 23, 2025 6:09 AM
To: City Council
Subject: re: Item 9B -- in support of Councilmember Orbach

Dear Capitola City Council --

Please dismiss the spurious attack (one of many) against Councilmember Orbach. She has acted always in good faith. There is a bit of a "mob" aspect to this as well.

Respectfully -- David Van Brink

Gautho, Julia

From: christine morgan <revchristine@yahoo.com>
Sent: Tuesday, September 23, 2025 6:42 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Sincerely, Rev. Christine Morgan

Gautho, Julia

From: nitroxbaby@gmail.com
Sent: Tuesday, September 23, 2025 7:38 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,
I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

Every woman in public service, and every parent raising daughters to speak up, is watching this case. To discipline Councilmember Orbach risks reinforcing the oldest harmful message: stay quiet, stay small, don't stand up for your rights.

Sincerely,
Colleen Young
Sent from my iPhone

Gautho, Julia

From: Susan Mingione <spmingione@yahoo.com>
Sent: Tuesday, September 23, 2025 8:10 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,

I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. It's appalling that it's even gone this far.

Sincerely,
Susan P Mingione

Gautho, Julia

From: Myles Corcoran <mylescor@gmail.com>
Sent: Tuesday, September 23, 2025 8:16 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Council members,

Please dismiss the complaint against Council member Orbach.

Sincerely,

Myles F Corcoran

Gautho, Julia

From: Joe Farsakh <joefarsakh@gmail.com>
Sent: Tuesday, September 23, 2025 9:05 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

I urge the council to vote to dismiss this claim.

I do not believe that the actions taken constitute a violation of the code of conduct.
It is important to be able to express the need for respectable boundaries when there is animosity directed towards a council member.
This code of conduct complaint is just another form of legal harassment that has been used to target Melinda Orbach and other council members in the past.
This needs to stop. For a functioning democracy, we need to support and encourage participation in civic responsibility, not silence council members by harassing them and their families.

This is appalling.

-Joseph Farsakh
Resident of Santa Cruz County

Gautho, Julia

From: Sally Arnold <sallya@cruzio.com>
Sent: Tuesday, September 23, 2025 9:11 AM
To: City Council
Subject: Item 9B DISMISS the Bogus Code of Conduct Complaint

Dear Councilmembers,
It is imperative that you dismiss the Code of Conduct Complaint against Councilmember Orbach. We have here a public servant who has been harassed and stalked by a member of the public and then is punished for trying to stop it.

This is very reminiscent for me of the anti-rape work I did in the 1970's. At that time, if a woman dared to stand up and confront her assailant in public she was attacked for being "unlady like". The parallels are disturbing.

If Mr. McGuire is uncomfortable having his behavior described in public, he needs to change his behavior, not attack the person who told him to stop.

Given that any one of you could find yourself subject the exact same harassment and intimidation that Councilmember Orbach has had to endure, it is shocking that you would want to encourage your constituents to act like this. If you don't support your colleagues on the council, you are telling your constituents, "This is how we do things in Capitola. This is the level of politics we practice here. Who ever is the most unpleasant and threatening will get their way."

I shudder to think what kind of place Capitola will become if you do not stop this now.
Concerned,
Sally Arnold

Gautho, Julia

From: Ernesto Anguiano <ernestoanguiano2222@gmail.com>
Sent: Tuesday, September 23, 2025 10:13 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

I am writing to express my support for Councilmember Melinda Orbach and to urge you to act with fairness and integrity as you consider the Code of Conduct complaint against her.

In recent months, Councilmember Orbach and her family have faced significant threats and intimidation stemming from her policy positions, particularly from those associated with the anti-transit organization Greenway. This behavior not only undermines the values of respectful discourse and public safety but also threatens the democratic principles of our community.

Councilmember Orbach has bravely acknowledged that naming an individual was a mistake, a misstep she is committed to not repeating. Nonetheless, acknowledging individual actions should not be conflated with “abusive conduct” when the heart of her statements was to highlight and counteract threatening behavior against her and her family.

Elevating the complaint to a public hearing not only poses a risk of reinforcing negative precedents but could silence necessary conversations, especially those initiated by women in public service. Every woman, and indeed every community member who values honesty and integrity, is affected by these proceedings. Their right to safety, civility, and a fair chance at voicing concerns without fear of retaliation must be protected.

Councilmember Orbach has persistently reached out in good faith for mediation through the Conflict Resolution Center. Unfortunately, these efforts have been met with increased hostility. This response highlights the retaliatory nature of the complaint rather than any legitimate grievance about conduct.

Please show your support for a respectful and inclusive community by dismissing the complaint. Ensuring that our community leaders can operate without undue fear or intimidation is crucial to maintaining the fabric of our society.

Thank you for your attention to this important matter.

Thank you,

Gautho, Julia

From: Gustavo Castets <g.castets@gmail.com>
Sent: Tuesday, September 23, 2025 10:15 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Sincerely,
Gustavo Castets

Gautho, Julia

From: Melody Sharp <melody@melodysharp.com>
Sent: Tuesday, September 23, 2025 11:19 AM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

So sorry this happened. I've supported rail/trail for 40 years!

Sincerely,

Melody Sharp
831-685-8318
Melodysharp.com

Gautho, Julia

From: Robert Ross <rross@mcn.org>
Sent: Tuesday, September 23, 2025 12:28 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Sincerely, Robert Ross.

Gautho, Julia

From: Amanda Jackson Miller <amandajacksonmiller@gmail.com>
Sent: Tuesday, September 23, 2025 12:44 PM
To: City Council
Subject: item 9b on 9/25/25 agenda

Dear Capitola City Council,

I am writing to express deep concern regarding the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This move risks setting a troubling precedent for how the City responds to conflicts of this nature.

I speak not only as a concerned community member, but also as a woman and mother who has served as a locally elected school board member since 2014. When I first took office, my children were just 2, 9, and 12 years old. I know firsthand the anxiety that arises when public service intersects with personal safety—especially during times of heightened tension and eroding civility.

I also recall the challenges of being new to public office, and how easily missteps can occur. These moments should be treated as opportunities for learning, reflection, and growth—not just for the individual, but for the entire governance team. This situation calls for mutual support and a recommitment to shared norms and protocols, not a punitive process that isolates one member.

I urge the Council to allow the parties involved to resolve this matter through mediation—a process designed for healing and understanding—rather than through public censure or adjudication. I respectfully request that the Council dismiss this complaint outright on September 25.

To penalize Councilmember Orbach for advocating for civility sends a dangerous message: that harassment is effective, and that those who raise legitimate concerns about personal safety may be punished for doing so. This not only undermines the integrity of our public institutions, but discourages future leaders—especially women and parents—from stepping forward to serve.

Respectfully, and with appreciation for your service,

Amanda Jackson Miller

Gautho, Julia

From: chris amsden <amsdenfinance@yahoo.com>
Sent: Tuesday, September 23, 2025 12:50 PM
To: City Council
Subject: Agenda Item 9B

Hello Council Members,

I'm writing regarding the Code of Conduct complaint and item 9B on the 9/25 agenda. After reading through all of the correspondence submitted to the City Council, it appears that (once again) many of the letters are from non-Capitola residents. Further, most of those submitting letters were not at the April 17th city council meeting where Council Member Orbach described what she perceived as harassment and intimidation.

I was with Kevin Maguire on the day in question. We were canvassing. Simply handing out fliers. We distributed over 300 fliers to multiple neighborhoods that weekend and had conversations with dozens of citizens about the Capitola trestle and the rail-trail.

One of the letters submitted to the City Council states: "The facts are clear: Councilmember Orbach described threatening behaviors accurately". This is from a person that wasn't even there when Mr. Maguire was handing out his fliers. Many of the letters submitted to our City council had strikingly similar grammar and language. It appears that the rally cry went out to Mrs. Orbach's supporters to flood the City council with their sentiments of support based on hearsay.

This level of vitriol must stop.

We are a diverse community with a variety of opinions about what we want for Capitola. We elect our City council members to help us sort through these diverse opinions, and come together towards a common goal for the greater good of our community. It is important that our elected leaders listen to and hear the voices of their constituents to better understand what Capitolans want for our little beach town.

Whatever the decision is regarding Agenda Item 9B, I hope our City council will take this opportunity to clarify that in a town as small as Capitola, we are all neighbors. Those that don't share our opinion aren't our enemies. Let's stop pointing fingers and mud-slinging. We have important decisions to make for our community in the coming days, and we must find common ground in which to make these decisions.

Sincerely,

Chris Amsden
Phone: (408) 386-7484

Gautho, Julia

From: Monica Pielage <mpielage@yahoo.com>
Sent: Tuesday, September 23, 2025 1:13 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,

I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. The heart of her comments was about safety, respect, and boundaries — things every community should support.

Sincerely,

Monica Pielage
117 Darwin St.
Santa Cruz

Gautho, Julia

From: Cheryl Ban <cherylban@sbcglobal.net>
Sent: Tuesday, September 23, 2025 1:27 PM
To: City Council
Subject: Code of Conduct Complaint: Item 9B

Dear Capitola City Council Members,
This letter is in regards to Code of Conduct Complaint, item 9B for September 25, 2025 City Council meeting. I would like further discussion on this matter item 9B to determine what actions must be taken.

I was in attendance at the April 17, 2025 Capitola City Council meeting when Council Member Orbach decided to address the public about a personal experience from her seated position on the Council Dias.
Council Member Orbach was allowed as much time as needed to inform the public of what she described as intimidation, harassment, and someone showing up at her place of work, in which Council member Orbach called out by name, Kevin Maguire.
I was stunned to hear Council Member Orbach use this public city council meeting to speak about her fears, especially during a portion of the meeting reserved for Council Members to address the item on the agenda to vote on.
I am not making a judgement upon what clearly is an issue for Council Member Orbach and causing her fear.
I am questioning her judgement in an elected position of standing in our community to choose this moment, this meeting, to bring up her concerns.
I wondered what assistance could be provided to Council Member Orbach when she choose to insert her experience into the business at hand of a City Council meeting.
I wondered if she had contacted the police for assistance in this matter, filling a complaint, as this is a private matter, instead of using a City Council meeting.

I listened as a member of our community was called out by name, leaving the citizen accused, without redress.
It seemed to me his reputation was put into question, even slandered in front of his community and broadcasted over zoom.
Without an opportunity to defend himself from harm.
There is pain and suffering being accused without channels to remedy the situation.

As an attendee of this city council meeting, Council Member Orbach's actions were disconcerting, shocking to me, leaving the general public in an awkward position.
Placing other City Council Members in a comprised position with another Council Member.
Also, exposing the City of Capitola to a possible lawsuit and the burden of added time and cost to the city.
Most important, one is left to consider, if this same unprofessional unexpected behavior could and would be used against a citizen in a public manner.

Unfortunately, I am unable to maintain confidence in the decision making of a Council Member, sadly I have lost trust.
This powerful entrusted elected position has been abused by a liberty taken by Council Member Orbach.

My hope is that Council Member Orbach may have support for her fears through approitate cha
My hope is that Kevin Maguire may find resolve to this public situation.
I am sorry that I witnessed this unnecessary experience at two Capitola City Council Meetings.
Sincerely,
Cheryl Ban
Capitola Resident

Gautho, Julia

From: Scott Farmer <s.farmer82@gmail.com>
Sent: Tuesday, September 23, 2025 1:29 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

The public servants and families of Capitola are watching closely. No matter the issue or our individual political views, we strive to elect leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life.

Capitola has a long history of effective civil discourse. We are grateful to those who have chosen to lead this City. It is a wonderful place to live and play. We believe each member of the Council is committed to making it a better place. We are glad Council members have differing views. We understand differing views cause tension. This is the bedrock of our political system. True leaders work to find common ground within disagreement. The best results are derived from hard-earned compromise.

We are hopeful the Council will choose to be models of effective civil discourse. Instead of disciplining Councilmember Orbach for insisting on civility, please take the higher road. We urge you to dismiss the Code of Conduct complaint and commit to open and constructive dialogue with each other and the public.

In a political environment where women are too often silenced or minimized, Councilmember Orbach did what strong women do - she spoke up. Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. We know Councilmember Orbach has endured threats, online intimidation, and relentless personal attacks.This Council risks legitimizing this type of harassment by entertaining the Code of Conduct complaint.

Please carefully consider the example you are setting and do what is best for the public servants and families of Capitola. Please make the decision that best ensures a safe and effective environment for City leadership.

Respectfully,

Scott Farmer

Gautho, Julia

From: Rachel Martinez <rachel.t.martinez19@gmail.com>
Sent: Tuesday, September 23, 2025 2:04 PM
To: City Council
Subject: Item 9b code of conduct complaint

To whom it may concern,
I write this letter regarding the code of conduct complaint against Councilmember Orbach. I support Melinda Orbach and believe this complaint should be dismissed at the 9/25/2025 meeting. Mediation that is underway should be allowed to take place freely. Although I do not live in Capitola, I do consider it a part of my community and believe we should be fostering a sense of togetherness and resolution rather than punitive measures and reactivity.
Sincerely,
Rachel Thorn
Aromas, CA

Gautho, Julia

From: Paul Boyer <boyerpb@gmail.com>
Sent: Tuesday, September 23, 2025 2:06 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Councilmembers,

I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

Sincerely, Local Resident
There is no room for the cowardice intimidation methods of those persuading & threatening council members.
If people cannot recognize they are all equally valued as 1 vote per person, then they should not be voting in the first place.
When people feel they can impact a scenario through intimidation, they are acting against the process.
If people are afraid that 'what they want' will not happen via voting processes, then they can run for a position and look to have a bigger impact on the scenario.

Gautho, Julia

From: Paula Bradley [redacted]
Sent: Tuesday, September 23, 2025 2:54 PM
To: City Council; Gautho, Julia; Ryan, Sarah (sryan@ci.capitola.ca.us)
Subject: [PDF] Council meeting 9/2/25,Item 9B
Attachments: CC Item 9B.docx Melinda 9-25-25.pdf

Please forward attached public comments letter and redact my email address.
Please confirm receipt,
Thank you!

Paula Bradley (she/her)
P. O. Box 1146 Capitola CA 95010

Subject: Item 9B – Code of Conduct Complaint

Dear Mayor Clarke and Council Members,

Please dismiss Kevin McGuire's claims against Melinda Orbach and do not discuss this matter further in the public arena (hearing). His claims are unfounded. At the infamous 4/17/25 blue dot lynch mob meeting against Alex Pederson, Melinda firmly tried to firmly set some boundaries after McGuire continued to cross the line of decency. For months he had verbally attacked her credibility, actions, threatened a recall, on and on. McGuire would not be inquiring about her residence to deliver her flowers; he was inappropriate and threatening just like he would seem to anyone else. Melinda did not violate decorum such as engage in abusive conduct, personal charges, or verbal attacks on the motives of others. The Code of Conduct is subjective, vague and allows interpretation.

McGuire on social media has demonstrated threats, intimidation, bullying and relentless trolling of Council member Orbach and her three predecessors, along with several others on Next Door for the last two years.

Instead of being ashamed of himself for what he did (Kevin was also the one who called Alex Pederson's work trying to get him fired which is shameful and wrong), he has continued to escalate his claims even though there have been efforts to mediate. Since mediation was offered why is this item being brought to a public hearing? Apparently, McGuire wants some kind of public reprimand. A normal person who felt any shame for their behavior would back off and hope it goes away, but not Kevin.

It is a mistake to give a bully like McGuire more attention by discussing his claims at a public hearing and let him think he will get some kind of public vindication for bullying & harassing people, particularly public officials. Given the increasing hostility and violence toward public officials serving their community, the Council needs to show strong leadership, stand together on principal, not bow to intimidation and set boundaries for public behavior in public meetings. The public who attended the 4/17/25 lynch mob meeting did not feel welcome or safe. Legislative decisions should not be made in response to an angry mob, which is not the intent of freedom of expression. It was good idea to move the Police Chief to sit in front of the podium to observe the publics behavior more easily for threats to safety. If the Council vindicates McGuire, it rewards and encourages bullies like him to ramp it up. The City has more important business on the agenda than assuage this man's bruised ego. He is obviously not thin-skinned, or he wouldn't be such a presence on Next Door which has become toxic.

Keep in mind this is all about the Rail Trail and the anti-rail vocal minority continue to go after council persons or SCCRTC members who support the rail trail. These bad actors are trying to get Melinda to resign and have threatened a recall. Their MO is to relentlessly attack anyone who disagrees with their viewpoint, not to have public discourse. Anyone else who dares to disagree with them, will be similarly subject to their vitriol and disrespectful behavior.

Paula Bradley, Capitola resident

Gautho, Julia

From: Steve Lustgarden <slustgarden@gmail.com>
Sent: Tuesday, September 23, 2025 3:13 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear City Council Members,

Please stand with women, please stand with Councilmember Orbach. Every woman in public service is watching. So are parents raising daughters. We cannot send the message that women need to abide harassment; we must send a message that says, "you are safe to stand up for your rights."

We deserve leaders who stand with women. Please stand with Councilmember Orbach. The complaint against Councilmember Orbach is rooted in intimidation. Elevating it to a public hearing sends a decidedly wrong message.

Thank you.
SL

Gautho, Julia

From: Karl Forest <karlforest1@gmail.com>
Sent: Tuesday, September 23, 2025 3:37 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

On May 8, 2025 Alexander Pedersen resigned from the Capitola City Council following an April vote regarding the Rail Trail, after which harassment in the form of a smear campaign of lies regarding his residence drove him from office. According to a May 9, 2025 article in Lookout Santa Cruz titled, “Citing harassment, Vice Mayor Alexander Pedersen resigns from Capitola City Council,” Council member Clarke was quoted saying, “…they felt the council member did what he felt best…” making “the best choice for himself and his family.” Nowhere in the article was any reporting of any council member other than Melinda Orbach defending Mr. Pedersen, addressing the harassing lies. The council not standing up for Mr. Pedersen was wrong then.

And this is wrong now. You need to stand up for your fellow council members. Council Member Melinda Orbach, who has also suffered from harassment after the same April vote, has publicly named the continuing harasser and harassment, directed not only to herself but to her family, from online, in person, and email directed to her and the council. And now a tort claim that seeks monetary compensation for her speaking her truth, while he is allowed under our system to spew his lies. And is the council defending her? Maybe. When given the opportunity to do so unequivocally, Council member Westman moved to agendize further discussion on September 25. Enough members agreed to allow the continuation of this harassment rather than stop it once and for all. Perhaps this is in reaction to the tort claim. Perhaps there are other motivations. But it is plain to see there have not been any violations of the Capitola code of conduct by Council Member Orbach.

I ask the council on September 25 to put a stop to the bullying and dismiss this claim. You had the chance before to quickly and directly address this injustice and stop this outrageous claim. You should be supporting Council Member Orbach to speak openly about harassment and intimidation. You should be criticizing intimidating behavior from a community member, not censoring a fellow council member for openly protecting her family and herself.

Vote to dismiss. Support truth, principle and directly address this intimidation.

Thank you for listening.

Karl Forest
516 Oak Drive
Capitola

Gautho, Julia

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Tuesday, September 23, 2025 4:09 PM
To: Clarke, Joe; Westman, Susan; Margaux Morgan; Gerry Jensen; City Clerk; Melinda Orbach; City Council
Cc: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); Samantha Zutler; Concerned Citizens Of Capitola
Subject: [PDF] 9.25.2025 City Council Meeting Agenda Item 9 B: Code of Conduct Complaint - Amendment to Code of Conduct Complaint Against Councilmember Orbach
Attachments: Amendment to Code of Conduct Complaint Against Councilmember Orbach.pdf

Amendment to Code of Conduct Complaint Against Councilmember Orbach

Filed by: Kevin Maguire
Date: September 20, 2025

Background

On June 12, 2025, I filed a formal Code of Conduct complaint regarding Councilmember Melinda Orbach's remarks of April 17, 2025, and her subsequent doubling down on June 26, 2025. Upon further review of the City Council & Commissioner Code of Conduct (Administrative Policy I-42), I am amending my complaint to highlight additional violations and to address new misconduct that occurred on June 26—just two hours after Councilmember Orbach emailed me about mediation through the Conflict Resolution Center (CRC).

That same evening, she used the dais to reaffirm her accusations as both her **"truth"** and **"facts."** In then in the same breath she also called this a **"misunderstandings"**

6.26.2025 Councilmember Orbach " earlier today I sent an email to this individual advocating for a newkind of conversation one guided by experienced facilitators who can help us move beyond our **misunderstandings"**

Since then, the harm has been compounded by political allies submitting letters repeating the same falsehoods—many from individuals outside Capitola and using near-identical language. This complaint is not about political differences. It is about an elected official's **abuse of power**, **misuse of the dais**, and **violation of the City's own Code of Conduct**.

Original Attack – April 17, 2025

During a public meeting, Councilmember Orbach accused me of:

- "wandering around a council member's neighborhood asking where they live,"
- "engaging in physically threatening behavior that extends past politics to our homes and our families," and

- "showing up to someone's work and trying to get them fired."

These are some of the most serious accusations a public official can make against a private citizen. **No police complaint, no report, no investigation, and no evidence** exists to support them.

The facts: I was canvassing with other residents ahead of the Measure L vote. A witness confirms I did not "wander the neighborhood asking where Melinda lives." I handed out flyers, as others did. At one point, I asked a gentleman if he knew anything about Measure L, Park Avenue and the Rail Trail plans. He said he did not. I asked him if he knew Councilmember Orbach and if he would pass along a flyer; he agreed. That was the extent of it.

Councilmember Orbach's residence was public knowledge. She has described her perspective as representing the **extreme east side of Capitola**, publicly posted on social media during her campaign, and had a large campaign sign at her residence. To claim I was trying to uncover something hidden is **false and slanderous**.

Ironically, she framed her remarks as a call for "civil discourse," while engaging in the very toxic conduct the Code forbids: personal charges, verbal attacks, and reckless misuse of office.

Continued Misconduct – June 26, 2025

After two months to reflect, Councilmember Orbach stated she "did not mischaracterize" me and described her earlier remarks as both her "truth" and "facts." This is not a clarification; it is an **escalation**. After ample time to correct the record, she doubled down, leaving the harm ongoing.

On the **same day**, hours before the meeting, she emailed me about CRC mediation—then publicly repeated the same attacks that evening. This sequence shows the outreach was **not genuine** but intended for **optics**.

Rejected Mediation & Good-Faith Efforts (April–May 2025)

- I contacted the Police Chief to check if any complaint or investigation existed. **There were none.** The Chief offered to mediate. **I accepted.** Councilmember Orbach rejected/ignored it.
- I met with the Mayor for over an hour. He offered to help restore civility and mediate. **I accepted.** Councilmember Orbach rejected/ignored it.
- Only two months later (June 26) did she send a single email about mediation—**then contradicted it at the dais** that night.

Contemporaneous records exist: Text exchanges with Chief Ryan (May 2 and May 8) and Mayor Clarke confirming I sought a peaceful apology/mediation, and logistics texts with my canvassing partner confirming broad route-planning (not "wandering" or "targeting").

July 24 Code of Conduct Discussion – Orbach's Own Standard

At the July 24 discussion of Policy I-42, Councilmember Orbach argued there must be a way to "legitimize whether it's truly a complaint" and to dismiss unsupported complaints within 30–45 days. By her **own standard of legitimacy**, this complaint qualifies: the City's video record shows her making false

statements of fact from the dais and later doubling down. This is not policy disagreement—it is **documented misconduct**.

Bad-Faith Use of "Mediation" & Optics

- After April 17, I accepted mediation facilitated by the Mayor and Police Chief; Councilmember Orbach **rejected** those opportunities.
- On **May 5, 2025**, my canvassing partner met with Councilmember Orbach at her request. His contemporaneous message afterward stated: **"The only reason Melinda agreed to meet was to check the box… just able to tell Chief Ryan she met with me."** This reflects **performative engagement**, not accountability.
- On June 26, she emailed about CRC, then **doubled down** hours later from the dais.

This pattern violates **§6.1.2 – Avoiding Impropriety**, using the appearance of civility to shield retaliatory, defamatory conduct.

Misuse of Political Connections

After my initial filing, a wave of support letters appeared repeating the same narrative. Many came from **non-Capitola residents** and used **identical phrasing** ("perceived harassment," "felt intimidated," "rooted in a mother's instinct"), suggesting coordination rather than independent observation. None cites a complaint, report, or investigation. **Feelings are not facts.** Repeating them as accusations compounds harm, misleads the public, and makes writers complicit in perpetuating misuse of the dais.

Councilmember Orbach's husband, Matt Orbach, submitted a second-hand account claiming that a neighbor felt "uncomfortable" and that I asked for details about where Councilmember Orbach lived. This statement is neither corroborated by the neighbor himself nor accurate. The neighbor's own letter to the Council contains no factual account of our interaction; it instead repeats the same generalized narrative of "perceived harassment."

The truth is straightforward: during canvassing, I briefly spoke with a gentleman in the neighborhood and offered him a flyer. I asked if he knew Councilmember Orbach and whether he would be willing to pass along the flyer. He agreed. The exchange was polite, productive, and genuine — the kind of neighborly interaction I would welcome again. At no point did I press for information about her specific residence or attempt to make the interaction uncomfortable.

By contrast, Matt Orbach's retelling is second-hand, inconsistent with what actually occurred, and appears crafted to fit Councilmember Orbach's narrative of harassment. This type of uncorroborated hearsay only compounds the reputational harm caused by the original false statements from the dais.

Violations of the Code of Conduct (Administrative Policy I-42)

- **§5.1 – Decisions on the Merits:** Acted on feelings, not facts/evidence.
- **§5.3 – Consider All Sides:** Declared me guilty without due process or engagement.

- **§5.4 – Decorum:** Personal charges & verbal attacks against a resident.
- **§6.1.2 – Avoiding Impropriety:** Retaliation for political criticism/recall activity; performative "mediation" to mask misconduct.
- **§7.2.2 – Professional Conduct in Meetings:** Diverted City business for personal attacks.
- **§7.2.4 – Public Communication:** Failed to use tact and civility.
- **§8.3.1 – Oath of Office:** If she believed crimes occurred, her duty was to report to law enforcement—not use the dais for accusations.

Legal & Constitutional Concerns

- **Slander per se (California law):** Public accusations of criminal/threatening conduct, made without evidence, that harm reputation.
- **Chilling effect on First Amendment activity:** Labeling lawful civic engagement (Nextdoor posts, canvassing) as "harassment" discourages participation.
- **City exposure:** If the Council declines to act, it risks appearing complicit in ongoing misuse of the dais.

Pattern of Conduct

This is not a one-time lapse. It is a pattern: acting on feelings over facts; using the dais for personal attacks; rejecting genuine mediation; doubling down instead of correcting; mobilizing allies to repeat falsehoods.

Requested Actions (Amended)

1. Adopt a **Resolution of Censure** against Councilmember Orbach.
2. **Remove** her from ceremonial roles and committee assignments until corrective steps are completed.
3. Require **mandatory training** in ethics, civility, and professional conduct.
4. Reaffirm that personal attacks from the dais are a **gross misuse of office** and direct presiding officers to immediately curtail such conduct.

Closing

This is not about politics. My speech has been about policy. Councilmember Orbach's remarks were **personal accusations**, broadcast as facts, **without evidence**. The harm was public; the accountability must be public. The Council's duty is to enforce its Code of Conduct. To ignore these violations is to **condone** them.

Respectfully submitted,
Kevin Maguire

Capitola Resident
kmaguire831@gmail.com

Attachment A: Statement of Facts (Concise)

1. **Canvassing (April 2025):** I canvassed neighborhoods with other residents to distribute flyers ahead of Measure L. This included areas near Councilmember Orbach's residence. We did not "wander" to identify her address; her residence was public knowledge from campaign displays and posts.
2. **Public Accusations (4/17):** From the dais, Councilmember Orbach accused me of "wandering," "physically threatening behavior," and "showing up at someone's work to get them fired." She named me directly.
3. **No Complaint/Investigation:** I checked with the Capitola Police Chief. No complaints or investigations existed.
4. **Good-Faith Mediation:** I accepted the Mayor's and the Police Chief's offers to mediate in April; Councilmember Orbach rejected or ignored both.
5. **Doubling Down (6/26):** After two months, she publicly reaffirmed her accusations as "truth" and "facts" the same evening she emailed me about CRC mediation.
6. **Witness & Records:** A canvassing partner confirms the flyer distribution was part of a broad neighborhood effort. Contemporaneous texts reflect general coordination of routes and timing; texts with the Police Chief and Mayor, and emails to the council reflect my immediate request for a peaceful apology/mediation starting in **April**
7. **Ongoing Harm:** Support letters (many from non-residents) repeat her narrative; media coverage has amplified it. The reputational harm continues.

I declare under penalty of perjury under the laws of the State of California that the foregoing facts are true and correct.
Executed on 9/19, 2025, in Capitola, California.

Kevin Maguire

Kevin Maguire

Amendment to Code of Conduct Complaint Against Councilmember Orbach

Filed by: Kevin Maguire
Date: September 20, 2025

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Kevin Maguire
Capitola Resident
kmaguire831@gmail.com

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I declare under penalty of perjury under the laws of the State of California that the foregoing facts are true and correct.
Executed on 9/19, 2025, in Capitola, California.

Kevin Maguire

Kevin Maguire

Outlook

Melinda Orbach Claim

From Elizabeth Malmborg <elizabethmalmborg@gmail.com>
Date Tue 9/23/2025 4:57 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council.

I stand firmly with Melinda Orbach and ask that the Council stop legitimizing harassment by agendizing a code of conduct complaint that has no merit. I was in attendance on April 17th and know firsthand that her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. Since that meeting Melina has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. These good faith efforts must be met with united support from the Capitola City Council, her colleagues, by dismissing the claim outright at its September 25th meeting.

Now is the time to communicate your firm and public commitment to keeping our elected City Council members, their families, and their livelihoods safe and protected from personal attacks, harassment and political intimidation. None of us want a tragedy to unfold in our community due to disagreements about issues and flaring tempers. We desperately need you, the Capitola City Council, to demand civility, ensure safety, and facilitate respect for all those willing to serve on the City Council now and in the future. It is shameful to be watching our Capitola elected representatives be silenced or driven out by those who would rather bully than engage in dialogue.

As I have noted, I was in attendance at the April 17th meeting and it was a disgrace start-to-finish. ALL Capitola City Council members must do more to ensure meetings going forward are respectful and that disruptive behaviors are not tolerated at all. Frankly, it was shocking that the Mayor did not attempt to gain control of that meeting and try to establish calm as behavior rapidly diminished. It was a disgraceful meeting for everyone involved.To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation at the start of the meeting is not only absurd—it is an insult to everyone who attended that meeting.

We need needs leaders who insist on civil discourse, safety, and respect for everyone participating in Council meetings. Let's get back to work and focus on the real issues facing Capitola and its residents. Don't let intimidation tactics become the default mode of attack for anyone who may disagree with the Council or one of its members. We must do better here in Capitola. Dismiss the claim against Melinda Orbach on September 25th so our community can move on. Any other course of action is sure to result in more challenges and result in a chilling effect for those who may wish to do more in their communities.

Respectfully,

Elizabeth A. Malmborg
Community Advocate, Santa Cruz County

Outlook

Melinda Orbach

From Leah Jack <ljack95060@yahoo.com>
Date Tue 9/23/2025 5:03 PM
To City Council <citycouncil@ci.capitola.ca.us>

Good Afternoon,

I am writing on behalf of Melinda Orbach. You will find my letter attached here.

Thank you for your time and attention,
Leah K. Rogers

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit, nor does it create trust from our community members.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Sean and Jessica McElveny
Capitola Residents

Outlook

Agenda item 9b

From Bob Hickman <bobster1263@yahoo.com>
Date Tue 9/23/2025 5:44 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council

With regards to Item 9B on the agenda for Sept 25, 2025

I was in attendance at the 4/17 city council meeting and heard the comments made by Melinda Orbach I have since gone back and rewatched both of these council meetings.

Here is my take away.

4/17 She starts of by saying she has been threatened, felt intimidated, physically threatening behavior, and toxic behavior by individuals then calls out Kevin Maguire by name in a Public City Council Meeting.

She did not have any facts to back up her claims, just hearsay on what she perceived. She then uses her power as a council member on her podium to call out someone by name. He has no chance to respond as there are no more public comments.

If she really felt threatened, why did she not file a complaint with the police department?

6/26 She say's she did not Miscategorized, or call him names. Uhm physically threatening toxic behavior…Yea that's someone saying bad things about you. No apologies given for any statements made nor anything else than to say I will not use his name again.

To me listening to those comments from 4/17 constitutes nothing but slander and harassment in a Very Public Forum by a member of the City Council. This is a gross violation of the code of conduct from a city official. A public apology could have been made on 6/26 but instead it seems that she is restating the verbiage from 4/17 only this time not mentioning him by name.

Now with Regards to all of the letters that have been submitted on this item, 76 so far as of me writing this.

How many of these are drawn from Outside the city of Capitola?

Do you notice almost all of the emails in support are basically cut and paste? I notice 2 different versions on this.

Finally

In the correspondence you have received

1. Letter from Matt Orbach (her husband) Wow he is taking it to a whole new level, Now he is labeling Kevin as Gestapo, kkk and the mafia, wow just wow the council members husband…

2. The letter from Sherlocksbones His email stating the record does not include comments from the neighl that said Matt approached him etc.

3. Finally the email from Chris Amsden who was there at the time and backing up Kevin's claims……

So yea with Melinda's comments her husbands comments she needs to be censored and made to own up to her mis use of public power.

Respectfully

Bob Hickman

Capitola Ca. 95010Dear Council,

Outlook

Supporting Melinda Orbach councilmember

From kjsullivan <kjsullivan@protonmail.com>
Date Tue 9/23/2025 5:56 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Councilmembers,

This letter is in support of Councilmember Melinda Orbach.

It is deeply upsetting that this baseless complaint against Councilmember Orbach has risen to the level of this September 25, 2025 public agenda item.

Councilmember Melinda Orbach has lived through and described her experience of harassment, intimidation, and threatening behaviors and she has tried her level best to resolve this issue with great integrity. She has offered solutions through the Conflict Resolution Center, in addition to other good faith efforts.

Councilmember Orbach is a leader and representative who is responsible, truthful, honest, trustworthy, and serving well the City of Capitola. We need leaders like this more than ever now and she should not be silenced and ignored, and we stand firmly with her.

Civility is crucial and we urge you to dismiss this claim outright on September 25. Capitola needs to move in a positive direction and protect those that honorably serve as City Council members.

Please count this as two votes standing firmly with Councilmember Melissa Orbach!

Thank you for taking the time to read our letter and thank you in advance for taking the right step forward to protect Councilmember Melissa Orbach.

With much kindness and compassion,
Kristin and Mark Sullivan
Kjsullivan@protonmail.com

Outlook

Item 9B code of conduct complaint

From Yazmin serna <yazmin23serna@gmail.com>
Date Tue 9/23/2025 9:05 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.
Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

What troubles me most is what this says about our city's priorities. In times when Capitola families are losing children to suicide, when immigrant neighbors live in fear of deportation, when residents are losing essential health care services, and when we should be preparing for the next flood, the Council is instead consumed with a trivial complaint. This is not leadership. It is political theater at the expense of our community.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,
Capitola Resident,
Yazmin Serna Esqueda

Outlook

Item 9b code of conduct complaint

From Justine Pawliuk <justinepawliuk@gmail.com>
Date Tue 9/23/2025 8:59 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts.

We all know the current political climate is tense, divisive, and often hostile. Public servants at every level face constant criticism, intimidation, and personal attacks. I would hope that Capitola would rise above this rhetoric and let mediation work, rather than making a public spectacle of this issue. I would also hope that Capitola would value the safety of all of its residents, council members included, and support/respect when someone sets a boundary.

As a parent, I want my daughter to know that her voice has the power to create positive change, to speak out against injustice, and to demand that her boundaries be respected. This hearing sends her the opposite message: that when women speak up, they will be silenced, criticized, or punished. That is not the lesson we should be modeling as a community.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,
Justine Pawliuk
Soquel

Outlook

item 9B code of conduct complaint

From Amanda Crowder <a.marie.crowder@gmail.com>
Date Tue 9/23/2025 8:54 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach and I urge you to dismiss the complaint against Councilmember Orbach. This action sets a troubling precedent for how the City responds to conflicts between council members and creates unnecessary risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. Council members have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

We all know the current political climate is tense, divisive, and often hostile. Public servants at every level face constant criticism, intimidation, and personal attacks. Serving on council is already demanding and stressful; to add weaponized complaints on top of that makes it harder for good people — especially women — to step up and lead. Capitola should be making public service more sustainable, not more punishing.

As a parent, I want to teach my kids — that their voices have the power to create positive change, to speak out against injustice, and to demand that their boundaries be respected. This hearing sends them the opposite message: that when women speak up, they will be silenced, criticized, or punished. That is not the lesson we should be modeling as a community.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,
Amanda Crowder
Resident of Live Oak

Outlook

Melinda Orbach

From Stacee H <staceeh888@gmail.com>
Date Tue 9/23/2025 8:09 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit, nor does it create trust with community members.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,
Stacee Starkweather
926 Ponselle Ln. Capitola, CA
staceeh888@gmail.com
(831) 818-2407

Outlook

Letter submitted for your consideration - Item 9B

From Mariah Roberts <mariah.roberts.design@gmail.com>
Date Tue 9/23/2025 7:59 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear
Capitola City Council,

Thank
you for your service. I write today knowing you to be leaders who support civil discourse and respect for others. These values are foundational to democracy, representative government and outcomes for our community. In light of this, public agenda item 9B
should be dismissed outright.

Councilmember
Orbach has acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple
times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Recognizing these good-faith efforts at resolution, this Council should move to dismiss.

The
facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish.

As
a community leader and mother who deeply values the essential work of our representative democracy, I welcome your role to lead with calm, fortitude and clarity and dismiss this claim outright on September 25.

Respectfully,
Mariah
Roberts, MEd
marah.roberts.design@gmail.com
831-419-1662

Outlook

Be careful with censures...

From Lowell Hurst <lhurst@baymoon.com>
Date Tue 9/23/2025 7:56 PM
To City Council <citycouncil@ci.capitola.ca.us>
Cc Samantha Zutler <SZutler@bwslaw.com>

As one of the longest serving Councilmembers in the county I am writing to express strong concern about your Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

I strongly urge the Council to dismiss this complaint. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines the trust and accountability of good government.

Sincerely,

Lowell Hurst
Councilmember Emeritus
WATSONVILLE, CA 95076

Outlook

Item 9B Code of Conduct Complaint

From Melissa Ha <mha817@gmail.com>
Date Tue 9/23/2025 7:18 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing as someone who knew Councilmember Orbach from a prior community, and I want to share what I know of her character. Her service has always been tied to dedicating herself to the community, from high school volunteering to her career in healthcare, working for a nonprofit clinic. She has always been a person of integrity. She is someone who listens, leads with compassion, and speaks up when it matters. That is exactly what she did.

Councilmember Orbach is a dedicated and empathetic professional who is still new to this role. I believe it's an important aspect to be taken into account. She has apologized for naming an individual and has repeatedly sought mediation, despite continuing to face personal attacks. To punish her now would not only be unfair, but it would also send the wrong message that certain individuals should remain silent rather than speak their truth.

Capitola deserves leaders who value fairness, civility, and a growth mindset, not a process that deepens division or silences a person who has always led with honesty and courage. I believe she will keep leading with the same passion and genuine care she has always shown.

Respectfully,

Melissa H.

Outlook

Condemnation of Council Inaction & Demand to Dismiss the Code of Conduct Complaint

From Vanessa Quiroz <vanessa.quiroz@watsonville.gov>
Date Tue 9/23/2025 6:43 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Members of the Capitola City Council,

I am writing to express my deep disappointment and concern regarding the way this Council has responded to the ongoing harassment and intimidation directed at one of your own members — and more disturbingly, your collective failure to stand with her in the face of it.

It is unacceptable that, rather than offering public solidarity or institutional support, the majority of this Council appears more interested in legitimizing a bad-faith complaint by a member of the public who has engaged in behavior that borders on stalking and harassment. The comments made by Councilmember Orbach on April 17, 2025, were not attacks. They were a clear and courageous attempt to establish boundaries — boundaries that any public servant, and frankly, any person, has a right to assert.

The facts speak for themselves:

- A community member by the name of Kevin Maguire attempted to locate where a Councilmember lives.
- He has waged a sustained campaign of pressure, threats, and public shaming since then.
- In response to this, the Councilmember offered dialogue, engaged a mediator, and worked through proper channels in good faith.
- Mr. Maguire escalated the matter by filing both a code of conduct complaint and a tort claim.

And yet, instead of dismissing this complaint for what it clearly is, a retaliatory action intended to silence and intimidate, this Council is entertaining the possibility of a public hearing, further subjecting your colleague to scrutiny and humiliation for having the courage to speak the truth.

Let's be absolutely clear: This is not about decorum. This is about power. It is about the silencing of the only progressive voice on the Capitola City Council, one who is a mother, a woman of color, a nurse, and a person trying to make a difference in her community, through tactics that should never be tolerated in any democratic institution. This Council should be protecting that voice, not joining the chorus attempting to drown it out.

The parallels between this case and the recent resignation of Councilmember Pedersen are impossible to ignore. Capitola cannot afford to lose another representative because this Council is too timid to call out harassment when it happens — even when it's directed internally.

You were not elected to enable public intimidation. You were elected to lead.

If you let this go to a public hearing, you are signaling that truth-telling, boundary-setting, and emot honesty are punishable offenses — especially when they come from women in leadership. You are also sending a message to future candidates that serving on this Council comes with no protection from coordinated attacks — even when those attacks threaten the safety of one's home and family.

I urge you to do what is right:

- **Dismiss the Code of Conduct complaint immediately**
- **Condemn the harassment that your colleague has endured**
- **Reaffirm your commitment to fostering a respectful, safe, and inclusive environment for all members of the Council — and the public**

This Council's integrity is on the line. The entire Santa Cruz County community is watching.

Best,

Vanessa

Vanessa Quiroz-Carter, Council Member District 2
Former Watsonville Mayor (2023-2024)
vanessa.quiroz@watsonville.gov
Office: 768-3008
Cell: (831) 235-8152

How to pronounce my name

"Caminante, no hay puentes, se hace puentes al andar.
(Voyager, there are no bridges, one builds them as one walks.)" — Gloria E. Anzaldúa

Outlook

Item 9B Code of Conduct Complaint

From lynda otero <163lynda@gmail.com>
Date Tue 9/23/2025 9:13 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing as a Capitola resident to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between council members and creates unnecessary risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Council member Orbach and her family as threatening. Council members have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

What troubles me most is what this says about our city's priorities. In times when Capitola families are losing children to suicide, when immigrant neighbors live in fear of deportation, when residents are losing essential health care services, and when we should be preparing for the next flood, the Council is instead consumed with a trivial complaint. This is not leadership. It is political theater at the expense of our community.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,
Lynda Otero

Outlook

Item 9B Code of Conduct Complaint

From Tasha Fareed, MBA & Realtor <fatashafareed@gmail.com>
Date Tue 9/23/2025 9:14 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach.

This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary risk for Capitola.
Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. The actions taken by the individual in this case were perceived by Councilmember Orbach and her family as threatening. In this case, Councilmember Orbach sought to establish boundaries and protect her family by voicing her concerns. It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation.

Apparently, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,

Fatasha Fareed,
Santa Cruz County Resident

Confidentiality Statement: This email is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential and/or exempt from disclosure. I have not and will not verify any information supplied by third parties. If you have received this in error, please (1) do not use this information in any way; (2) notify the sender by reply e-mail; and (3) delete this message and any attachments

and destroy all copies of the original message. If you are not the intended recipient, you are hereby notified that any review, dissemination, distrib
or duplication of this communication is strictly prohibited.

Outlook

Item 9B Code of Conduct Complaint

From Roland Saher <rolandsaher@gmail.com>
Date Tue 9/23/2025 10:02 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Sincerely,

Outlook

Item 9B_In Support of Council Orbach

From Martha Macambridge <mmacambridge@gmail.com>
Date Tue 9/23/2025 10:15 PM
To City Council <citycouncil@ci.capitola.ca.us>

Mayor Clarke and councilmembers,

I am writing to express my support for Councilmember Melinda Orbach and to share my concern about the claims brought forward by Kevin McGuire.

Councilmember Orbach has consistently shown dedication, professionalism, and respect for her role. During the April 17, 2025 meeting, she acted appropriately in setting clear boundaries when lines of civility were crossed. I believe her response was measured and within the standards of decorum expected of an elected official.

Unfortunately, Mr. McGuire has, for some time, engaged in behavior that has felt hostile, personal, and at times intimidating toward Councilmember Orbach and others in public service. While differences of opinion are a normal and healthy part of democracy, personal attacks and relentless criticism cross a line and create a toxic environment that discourages meaningful civic participation.

The Council's time and energy are best spent on the important work of serving our community—on issues like transportation, housing, and public safety—rather than on amplifying conflicts rooted in personal grievances. By setting aside these claims, the Council can send a strong message that while public discourse and debate are welcome, harassment and intimidation will not be rewarded.

Thank you for your consideration and for your ongoing commitment to respectful and effective governance.

Martha Macambridge

mmacambridge@gmail.com

Outlook

Item 9B - In Support of Councilmember Melinda Orbach

From Tina Andreatta <tina.marieotr@gmail.com>
Date Tue 9/23/2025 10:32 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Mayor Clarke and Council members,

I respectfully ask that you dismiss the code of conduct complaint concerning Capitola City Councilmember Melinda Orbach.

It is unacceptable for any Capitola councilmember to face prolonged harassment for such an extended period.

Capitola residents should not tolerate their representatives being silenced or driven out by bullies who refuse to engage in dialogue.

Capitola needs leaders who stand for truth and principle, not those who fold under pressure. Punishing Councilmember Orbach advocating for civility sends a dangerous message: that harassment works.

Tina Andreatta

Outlook

Item 9B code of conduct complaint

From Giselle Serriteno <giselleserriteno@gmail.com>
Date Tue 9/23/2025 10:37 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

My name is Giselle Serriteno and I am from the city of Santa Cruz. I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.
Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

What troubles me most is what this says about our city's priorities. In times when Capitola families are losing children to suicide, when immigrant neighbors live in fear of deportation, when residents are losing essential health care services, and when we should be preparing for the next flood, the Council is instead consumed with a trivial complaint. This is not leadership. It is political theater at the expense of our community.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,

Giselle Serriteno

Outlook

Item 9B Code of Conduct Complaint

From Julia Greenspan <greenspan.julia@gmail.com>
Date Wed 9/24/2025 6:17 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today out of profound concern for Melinda Orbach, as this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item.

To put Councilmember Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth. Councilmember Orbach is a newer member and has already acknowledged that naming an individual was a mistake she will not repeat. Have we lost all empathy? Her comments on April 17 were genuine and valid: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a heightened political environment where women are too often silenced, minimizing, or second-guessing their own lived experiences, Councilmember Orbach did what leaders do—she spoke up. That should never be treated as a transgression. Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint. Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. *Every woman in leadership is watching this closely.* To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power. I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life.

To discipline Councilmember Orbach sets a dangerous precedent of rewarding harassment—and that is something no city committed to justice and equity should tolerate.

Respectfully,
Julia Greenspan, MBA

Outlook

Councilmember Melinda Orbach

From Jessica McElveny <jessica.mcelveny@gmail.com>
Date Wed 9/24/2025 7:04 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (15 KB)
Councilmember Melinda Orbach.docx;

Hello - Please see the attached letter regarding the trial of Councilmember Melinda Orbach scheduled for 9/25/2025.

Sean and Jessica McElveny

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit, nor does it create trust from our community members.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Sean and Jessica McElveny

Capitola Residents

Outlook

Upcoming Capitola City Council meeting.

From Sandra Torrez <sandraktorrez@gmail.com>
Date Wed 9/24/2025 7:51 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council Members,

This email is to state my firm objection to the claim of misconduct filed against Council Member Melinda Orbach. She should not be punished for having a more progressive attitude and approach to city governance. She should be appreciated and respected for her public service and not be harassed to the point of near-resignation.

I am shocked and disappointed to learn that many Capitola Council Members do not seem to operate under Democratic principles. Surely the Council has more important business to attend to.

Please reject and dismiss the agenda item pertaining to the supposed misconduct of Melinda Orbach.

Respectfully Yours,
Sandra Torrez
Santa Cruz, California

Outlook

Item 9B

From Teal Redwoods <teal839@gmail.com>
Date Wed 9/24/2025 8:11 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Mayor and Members of the Capitola City Council,

I am writing to express my outrage that Item 9B has even been placed on your agenda. Councilmember Orbach has faced harassment, intimidation, and even threats, and instead of standing with her, this Council is choosing to entertain a baseless complaint that only legitimizes these attacks. It is unacceptable that a colleague who has shown courage and integrity is being singled out for speaking the truth about behavior that any of us would find threatening.

By moving forward with this, the Council sends the message that harassment works—that those who bully and intimidate can weaponize city processes to silence an elected official. Capitola deserves better. Councilmember Orbach should be supported, not put on trial for doing her job and protecting her family. I urge you to immediately dismiss this complaint and stand with her.

Sincerely,

Teal Redwoods

516 Oak Drive

Capitola, CA 95010

Outlook

Councilwoman Melinda Orbach

From Diana Hallock <dianahallock@yahoo.com>
Date Wed 9/24/2025 8:12 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Council Members,

I have owned property in Capitola since 2000, in Aptos since 1983 and my family has had a summer home in Capitola since the 1930's. I raised my children in Aptos and Capitola. I owned a bed and breakfast in Aptos for 20+ years and ran a consignment nursery across Santa Cruz County for 10+ years. This little part of heaven is near and dear to me.

I am writing today to support free speech and differing viewpoints which I believe is the heart and soul of Santa Cruz County and Capitola specifically. Did Melinda Orbach make a grievous error in naming a member of the public? Certainly but she has acknowledged her error and apologized. It is now time for the Capitola City Council to support her courage, dismiss these charges, and get on with the business of governing our fabulous little city. Nothing good can come of continuing these destructive accusations and conversations.

Diana Hallock
917 Ponselle Lane
Capitola, CA 95010
dianahallock@yahoo.com
408-440-1301 home
650-465-1818 cell

Insecure leaders surround themselves with "yes people". Effective leaders surround themselves with people who challenge them

Outlook

Fwd: Public Comment for Item 9B

From Jenni Veitch-Olson <jveitcholson@gmail.com>
Date Wed 9/24/2025 9:33 AM
To Gautho, Julia <jGautho@ci.capitola.ca.us>

Hello City Clerk Gautho,

I submitted a public comment for item 9B on Monday, Sept 22 at 4:20 PM (included below). I received an acknowledgement email from a Council Member. However, I do not see my comment posted on the website under Comments Received. I wanted to make sure that my comment was indeed recorded and included. Please let me know. Thank you for your assistance.

Sincerely,
Jenni Veitch-Olson

---------- Forwarded message ---------
From: **Jenni Veitch-Olson** <jveitcholson@gmail.com>
Date: Mon, Sep 22, 2025 at 4:20 PM
Subject: Public Comment for Item 9B
To: <citycouncil@ci.capitola.ca.us>

Dear
Capitola City Council,

I
am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between council members and creates
unnecessary risk for the city and its residents.

I
am also an elected leader in our County and work for an organization that recruits and trains women to run for and win elections to local and state offices. I care deeply about building a more just and equitable California, and that depends on having more
women in all levels of elected office.

This
complaint brought against Councilmember Orbach is not novel or isolated, but rather is part and parcel of the disproportionate hostility that women candidates and elected officials across the US face every day. Consider the following findings from the report,
"Analyzing the Mental Health Impacts of Hostility Women Face Pursuing Political Office in California," published in 2023:

- Nearly two-thirds of women (65%) experienced harassment during their campaigns, compared to 50% of men
- 42% of all women experienced stalking, 55% of women of color experienced stalking and 53% of LGBTQ+ women
- Nearly half of women in elected office have had to change their activities of daily living due to concerns about their safety and well-being
- Women are 3.4 times more likely to be the targets of harassment and threats than men
- California has the highest amount of unique incidents of threat or harassment against women local officials with 64 filed incidents in 2022 alone

This current political culture is unacceptable.

California needs more women in elected office, we need more council members like Melinda Orbach. When women are elected, they pass on average twice as many bills, and they legislate intersectionally because they legislate with everyone in mind. Women pass bills that effectively address issues impacting women, people of color, the LGBTQ+ community, service workers, immigrants and mixed status families, tenants, and the next generation to name a few. Councilmember Orbach is doing this work.

I strongly urge the Council to dismiss this complaint. Capitola deserves leaders who prioritize building a stronger, more equitable, and resilient community.

Sincerely,

Jenni Veitch-Olson

Outlook

Item 9B Code of Conduct Complaint

From Jennifer Barnette <jennifer.barnette@gmail.com>
Date Wed 9/24/2025 8:52 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Council members,

I'm writing as a concerned member of the community to urge you to drop the Code of Conduct complaint against Councilmember Orbach.

Our community thrives when elected representatives encourage diverse viewpoints, engage in respectful dialogue, and make decisions with openness and fairness. Melinda Orbach's comments at the April 17 meeting called for nothing more than civility and respect. Despite being the target of harassment and intimidation, she in no way engaged in abusive conduct herself, instead politely requesting that citizens respect personal boundaries of elected officials and use appropriate forums to express disagreement. How such a request can be construed as a potential code of conduct violation is nonsensical.

Please remain committed to fostering an environment where all members and constituents feel safe and respected, even amidst disagreement. That is the foundation of good governance and a healthy civic culture. I urge you to 1) dismiss the code of conduct complaint against Councilmember Orbach, 2) call for standards of civility and respect at all council meetings and forums of public discourse and 3) strongly condemn physically threatening behavior and intimidation tactics that undermine the safety of our community and elected representatives. This kind of abusive behavior has no place in our community.

Sincerely,

Jen Barnette

Outlook

Item 9B consideration this week

From Andrew Goldenkranz <agoldenk@gmail.com>
Date Wed 9/24/2025 10:37 AM
To City Council <citycouncil@ci.capitola.ca.us>

Hello, I am Andrew Goldenkranz. I sit on the board of Santa Cruz Community Health, which has about 800 patients in Capitola; and am a leader in Temple Beth El, which has about 100 members in Capitola. Both of these institutions have existed serving the local community for more than 50 years.I appreciate all your hard work on behalf of this beautiful city.

In my view, item 9B is a waste of time and a distraction from the real work of the city. Someone walking a neighborhood looking for the home address of an elected official, in this day and age, is cause for concern and Melinda's mama bear instincts took over and she called him out. Personally I think she overstepped but this is certainly a molehill. The attempts to smear her are simply a cover for whatever policy disagreements exist among them.

If we've learned anything this month, it's the importance of listening and reconciling different opinions. 9B pulls the City in the opposite direction. Every minute you spend on this is a minute you're not considering housing, public safety, parks, and the important needs for better community development.

Thanks in advance for showing thr wisdom to move beyond this distraction and get back to the real work of governing Capitola.

Sincerely,

--
Andrew Goldenkranz (he, him)
agoldenk@gmail.com
831-588-8262 (c)

Outlook

Item 9B Code of Conduct Complaint

From Timmi Pereira <timmipereira@hotmail.com>
Date Wed 9/24/2025 10:16 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Councilmembers,

I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

Sincerely,

Timmi Pereira
Cell: 831-239-6564

Outlook

Support for Melinda Orbach

From Matt Miller <millerneary@gmail.com>
Date Wed 9/24/2025 11:04 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (15 KB)
Melinda Orbach Support Letter 9.24.25.docx;

Hello Capitola City Council,

Please find the support letter for Council Member Melinda Orbach attached.

Thank you for considering,

Matt Miller

Dear Capitola City Council,

I write today with bewilderment and disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach, your fellow peer in serving the Capitola community, on public trial for speaking openly about harassment and intimidation is its own form of disrespect and sets a harmful precedent against a leaders who stand up for civil discourse, safety, and respect.

Councilmember Orbach has served in her role with incredible integrity, tenacity, clarity, and clear purpose to support the community of Capitola. She has demonstrated energetic, creative, and future focused leadership. On the particulars of this instance, she has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by taking personal accountability, going above and beyond by continuing to seek peace and understanding through mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit, nor does it create trust from our community members.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks, she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. The Capitola community should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle and stand up for what's right, not those who make space for intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. I stand with Melinda, and I ask you to do the same.

Outlook

Melinda Orbach

From Corinne Speckert <cespeckert@gmail.com>
Date Wed 9/24/2025 11:38 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,
I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.
Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimizing, or second-guessing their own lived experiences, Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression.
Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.
Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power.
I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something no city committed to justice and equity should tolerate.
Respectfully,
Joan Speckert

Outlook

Item 9B Code of Conduct Complaint

From Becca Rubin <becca@beccarubin.com>
Date Wed 9/24/2025 11:48 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

As a woman and the mother of a daughter in this county, I write today out of deep concern that this Council has chosen to elevate a retaliatory and intimidating complaint into a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not only absurd—it sends a chilling message to every woman in this community: that her voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was unmistakable: a woman, a mother, and an elected leader asserting her right to safety and to set boundaries when faced with threatening behavior. In a world where women are so often silenced, minimized, or pressured to doubt their own lived experiences, Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression.

Rather than escalating conflict, Councilmember Orbach has repeatedly sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her good-faith efforts have been met not with respect but with continued attempts to discredit her leadership and undermine her character. Now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Councilmember Orbach did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to believe their voices matter, is watching. To punish her would be to reinforce one of the most harmful messages women have always been told: stay quiet, stay small, don't upset power.

I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who ensure that public life is grounded in respect and safety. To discipline Councilmember Orbach for demanding civility is to reward harassment—and that is something no city committed to justice and equity should ever tolerate.

Respectfully,

Rebecca Rubin

Outlook

Code of Conduct Complaint on Agenda

From Mathilde Rand <randomsantacruz@gmail.com>
Date Wed 9/24/2025 11:47 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,
I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between council members and creates unnecessary risk for Capitola.
No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. As far as I know, Council members have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.
Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward.
By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.
Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.
I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.
Respectfully,

Mathilde Rand

Outlook

Item 9B Code of Conduct Complaint

From Lizann Keyes <lwestkeyes@gmail.com>
Date Wed 9/24/2025 11:50 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Councilmembers,I urge the Council to dismiss the complaint against Councilmember Orbach on September 25. Councilmembers must be able to speak up with honesty and receive respectful listening and response. No one on the council should be attacked, demeaned, and intimidated.. We must push for peaceful dialogue and productive outcomes. Thank you.
Sincerely,
Lizann Keyes
Santa Cruz County Friends of the Rail & Trail

Outlook

Item 9B Code of Conduct Complaint (Kevin Maguire vs. Melinda Orbach)

From Carl A. Seibert <carloncam@gmail.com>
Date Wed 9/24/2025 12:01 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Councilmembers:

My name is Carl Seibert and while I claim Soquel as my residence/hometown, I'm a proud graduate of Capitola School,
Class of 1965. The "Mid-County" area of Santa Cruz County has been my home since the 1950s
I write to urge the Council to dismiss the complaint against Councilmember Orbach on September 25.
In light of Mr. Maguire's conduct towards Ms. Orbach, I find his complaint absurd, ironic even.
The bully is offended when he's called out? Give us a break!
Please dismiss this nonsense and get back to business, thank you very much.
Sincerely,
Carl A. Seibert
Soquel

Outlook

item 9B code of conduct complaint

From erica brown <ericabrown95060@yahoo.com>
Date Wed 9/24/2025 1:22 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to express concern regarding the decision to place a code of conduct complaint against Councilmember Melinda Orbach on the September 25 agenda. Elevating this matter risks setting a precedent that discourages elected officials, and particularly women, from speaking openly about their own experiences of harassment.

Councilmember Orbach has already acknowledged that naming an individual during her April 17 remarks was a mistake she will not repeat. However, the essence of her comments was clear: an elected representative, mother, and community member asserting her right to safety and to set boundaries when confronted with behavior she found threatening. In any healthy civic environment, public officials must be allowed to voice such concerns without fear of formal reprisal.

It is also important to note that Councilmember Orbach has made repeated efforts to resolve this conflict constructively, including offering mediation through the Conflict Resolution Center. These efforts have not been reciprocated. By moving forward with this complaint, the Council risks legitimizing continued attacks on her character rather than supporting good-faith resolution.

The record shows that Councilmember Orbach did not slander or demean anyone; she set boundaries and communicated her concerns. The consequence has been ongoing threats and online intimidation. The Council's response in this matter will send a broader signal about whether Capitola values respectful dialogue and the right of its leaders to speak candidly about safety.

I urge the Council to reject this complaint. Doing so will affirm Capitola's commitment to integrity, fairness, and equity in public service, while making clear that harassment cannot be validated through official process

Respectfully,

Erica Brown

Outlook

The complaint against Councilmember Orbach

From Jennie Kulczyk <jkulczyk@gmail.com>
Date Wed 9/24/2025 12:56 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am very concerned about the complaint against Councilmember Orbach being presented as a public agenda item. Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, she has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit. Continuing dialogue about this within public council meetings does not benefit the community - this kind of pot stirring rouses drama and schisms, which is the opposite of what we need for effective city leadership.

Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,
Jennie Kulczyk
4441 W Walnut St
Soquel, CA
jkulczyk@gmail.com
831-295-0614

Outlook

[PDF] Letter for Sept 25 2025 Agenda Packet Item 9B re Melinda Orbach

From Iwalani Faulkner <equitytransitsantacruz@gmail.com>
Date Wed 9/24/2025 12:52 PM
To City Council <citycouncil@ci.capitola.ca.us>; Clarke, Joe <jclarke@ci.capitola.ca.us>; Margaux Morgan <mmorgan@ci.capitola.ca.us>; Gerry Jensen <gjensen@ci.capitola.ca.us>; Melinda Orbach <morbach@ci.capitola.ca.us>; Westman, Susan <swestman@ci.capitola.ca.us>

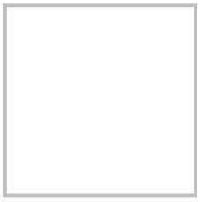
1 attachment (342 KB)
2025-09-24_Item9B_DismissCode of Conduct Complaint.pdf;

Dear City Council Members and Staff:

Attached is our letter in support of Councilmember Orbach requesting that you dismiss the Code of Conduct complaint against her for reasons outlined therein.

--
Best regards,

Lani Faulkner, Director
Equity Transit - Tránsito de Equidad
www.EquityTransit.org
831-278-1007



1840 41st Ave, Ste 102, #227
Capitola, CA 95010
831-278-1007

Capitola City Council Members
420 Capitola Ave
Capitola, CA 95010
March 2, 2023

Re: Item 9B Code of Conduct Complaint filed by Kevin Maquire against Council Member Orbach on June 12, 2025

Dear Capitola City Council Members and Staff:

We urge you to dismiss the **Code of Conduct complaint** filed by Kevin Maquire against Melinda Orbach in retaliation for her speaking out his name in fear asking him to cease stalking her in her neighborhood.

On Saturday morning June 14th, 2025, at 2am Vance Boelter, dressed in a police uniform, pounded on the door of **Senator John and his wife Yvette Hoffman**, shouting that he was the police. When she and her husband opened the door, John was shot 9 times and Yvette was shot 8 times, and their daughter was spared when Yvette pushed her back into the laundry.

At 3:30 am the same morning, Vance Boelter pounded on the door of **Minnesota House Speaker Emerita Melissa and her husband Mark Hortman's** home. When she and her husband opened the door, they were slaughtered, along with their pet golden retriever, **Gilbert**. They leave behind two children, Sophie and Colin.

In April, **Governor Josh Shapiro's** home was set on fire while his family slept inside. In October of 2022, David DePape located the home of **House Speaker Nancy Pelosi** and her husband and beat **Paul Pelosi** over the head with a hammer stating that he was planning to break **Nancy Pelosi's** kneecaps. In 2020, 9 people plotted to kidnap and possibly kill Michigan Governor **Gretchen Whitmer**.

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831-278-1007

The safety of our elected officials has been deeply compromised! When someone choses to not use proper processes and channels to reach out to a councilmember and instead seeks to hunt them down, knocking on neighbor's doors in the area where a councilmember resides with their 3 young children and husband, this level of stalking cannot be taken lightly. Most of us would be afraid for our lives and safety of our families. Mr. Maguire's behavior has been extremely inappropriate and concerning. Even more concerning and outrageous is the fact that a group of vocal locals who associate with Mr. Maguire and share his political leanings, primarily opponents of rail, have similarly engaged is bullying and have rallied behind Mr. Maguire as though he is the victim.

This was not the first time Mr. Maguire or other members of this group of people inappropriately doxed and harassed our city council members and members of the public. I am refraining from calling out the name of these groups here, because most importantly, this harassment needs to stop! These aggressive people continue to harass and dox councilmembers, representatives, and members of the public beyond Capitola. Calling these people out by name may be the only way to get them to stop!

Alexander Pederson, a recent Capitola Councilmember, was harassed and bullied, even at his place of employment, which led to his stepping down! Stalking, doxing, and bullying is **never** acceptable behavior and for those of us who sit in public positions which leave us vulnerable to attack, resorting to calling out a perpetrator may be the only way to get shine light on an aggressive perpetrator in order to encourage them to stop their inappropriate behavior.

The initial statement made by Melinda during the April 17, 2025 meeting I attended is below. She did not expand upon the incredible fear that a young mother, or anyone, must feel when being stalked in her own neighborhood:

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Capitola, CA 95010
831-278-1007

"I support civil discourse. I think political disagreements and the process of finding compromise are the bedrock of our democracy. I am all for free speech. However, the actions of certain community members, including threats and intimidation, both explicit and implied, have crossed the line in recent months."

"Spewing vitriol on Nextdoor is one thing, but wandering around a City Council member's neighborhood asking their neighbors where they live is something entirely different. You are engaging in physically threatening behavior that extends past politics to our homes and families."

"I would kindly request that the members of our community who have been crossing those lines, and in particular Kevin Maguire (the one trying to find out where I live), dial down the rhetoric and restrict their activities to the appropriate forums."

It is unconscionable that fellow councilmember Susan Westman requested that the tort claim be continued instead of being rejected during the September 11th meeting and that the code of conduct complaint against Melinda be agendized for discussion! Melinda has indicated that she regrets calling out Mr. Maguire by name and is willing to work through appropriate conflict resolution processes to help mediate this issue. Kudos to Melinda for being willing to sit with a perpetrator of bullying and harassment! Kudos to Melinda for remaining at the dais amongst peers who might consider siding against a her, a fellow councilmember, because their personal politics and opinions do not align, favoring instead harassers and bullies who inappropriately stalk councilmembers! This behavior is egregious.

I encourage this council to consider training on council conduct and mentoring the public on appropriate behaviors, as is offered through a number of programs such as the CSDA (California Special Districts Association). Included in such training is the discussion that

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831-278-1007

councilmembers need be aware of the tendency towards inappropriate bias favoring aggressive or highly vocal groups with a strong united message. These vocal groups can often represent more entitled members of the community who are financially able to attend council meetings. Refresher training reminds us that our representatives should reflect on a greater sentiment of the community, often a quiet majority. Importantly, councilmembers like Melinda represent the community members who are unable to come to meetings or write letters. The people voted for Melinda because Melinda represents people in our community who work full time, possibly over the hill, many who have children and can NOT afford to attend these public meetings. Members of this community who have the luxury and privilege of time to attend council meetings think that their perspectives matter more than those who voted for Melinda but are unable to attend council meetings. This is not how democratic representation works!

To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect. For that, she has been met with months of attacks on her character and motives online, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss the Code of Conduct Complaint outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that stalking, bullying and harassment works. That is not the Capitola we believe in, and we stand firmly with Melinda Orbach.

Sincerely,

Lani Faulkner, Director

Outlook

[PDF] Letter about 9B

From Thomas Pedersen <thomas@ignitenexus.co>
Date Wed 9/24/2025 12:28 PM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (34 KB)
Letter agenda 9_25.pdf;

My stance on agenda item 9B about Melinda Orbach.

I’m writing with deep disappointment that the Council has allowed a baseless complaint to make it onto the public agenda. To put Councilmember Melinda Orbach on trial for speaking honestly about harassment and intimidation is not only absurd — it’s an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she won’t repeat. But her comments on April 17 came from a place of truth, transparency, and a mother’s instinct to protect her family. She has shown integrity by offering mediation through the Conflict Resolution Center multiple times, and she continues to show restraint in the face of relentless personal attacks. Instead of honoring her good-faith efforts to resolve conflict, this Council is giving legitimacy to harassment by agendizing a complaint that has no merit. This does not build trust in our community — it erodes it.

The facts are straightforward: Councilmember Orbach described threatening behavior accurately. She did not engage in name-calling or personal attacks — she set boundaries, as any public servant has the right to do. For that, she has endured months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or bullied out of public service.

I urge you to dismiss this complaint outright on September 25. Capitola needs leaders who protect truth and principle, not leaders who bow to intimidation. To punish Councilmember Orbach for demanding civility sends the message that harassment wins. That is not the Capitola I believe in — and I stand firmly with her.

Thomas Sage Pedersen
Resident/local business owner

Outlook

Melinda Orbach

From Christopher O'Connell <smokinoke@gmail.com>
Date Wed 9/24/2025 1:44 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, and her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks – she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of attacks on her character and motives online, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,
Chris O'Connell
106 Hollister Avenue
Capitola, CA 95010
smokinoke@gmail.com

Chris O'Connell
BDC Director
Ocean Honda
831-325-6110 Direct

https://vimeo.com/80252109

Outlook

Item 9B, Complaint vs. Councilmember Melinda Orbach

From Dan Haifley <dan.haifley@gmail.com>
Date Wed 9/24/2025 1:34 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Mayor Clarke and Councilmembers-

Thank you so much for your service! Relative to Item 9B, I hear, and I believe, Councilmember Melinda Orbach when she says that she was concerned for herself and her family. I also hear, and I believe, her when she says that naming the individual at a Council meeting was a mistake. She has taken steps towards mediation, and therefore I would encourage the City Council to dismiss the complaint against her. As the late great Robert Hunter wrote, "The ABCs we all must face, try to keep a little grace." Councilmember Orbach indeed has.

In gratitude,

Dan Haifley (He/Him)
(831) 234-8148

Outlook

Dismiss the Complaint – Protect Honest Leadership in Capitola

From McPeak, Susan <susan@thedalesgroup.com>
Date Wed 9/24/2025 2:00 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing as a Capitola resident and supporter of open, honest governance to urge you to dismiss the code of conduct complaint against Councilmember Melinda Orbach.

Councilmember Orbach has done what any responsible leader and parent should do when faced with intimidation: she spoke the truth. Naming the person whose actions caused her and her family to feel unsafe was not an act of malice, but a statement of fact and a call for civility. Unlike the hostile political attacks we too often see on the national stage, her words were measured, rooted in reality, and motivated by her duty to protect her family and her community.

It is unacceptable that an elected official in Capitola—or anywhere—should be punished for setting boundaries against threatening behavior. Walking through someone's neighborhood searching for where they live is not political discourse, it is intimidation. To say so publicly is not a violation of decorum, it is leadership.

Over the past months, Councilmember Orbach has demonstrated integrity and restraint. She has acknowledged that naming an individual directly is something she would handle differently in the future, yet she has stood by the truth of her experience. She has offered mediation multiple times, showing a willingness to resolve conflict constructively, even while continuing to endure personal attacks, online vitriol, threats of litigation, and political intimidation. Capitola residents should see this for what it is: an attempt to silence a progressive voice and drive out an elected leader through harassment rather than dialogue.

Councilmember Orbach's comments were not abusive. They were not slander. They were a mother's instinct, a public servant's duty, and a woman's right to demand respect. To punish her for this is to send a chilling message that residents and leaders alike cannot safely call out harassment when it happens. That is not the Capitola I know and love.

I urge the Council to dismiss this complaint on September 25. Capitola needs leaders who defend truth, protect their families, and insist on civil discourse—not those who enable intimidation by agendizing meritless claims. Councilmember Orbach deserves our support, and I stand firmly with her.

Respectfully,

Susan McPeak

--

Susan McPeak
Direct Line: 517 214 4681

Susan McPeak
Principal, Creative Director
Marketing, PR, Web

Outlook

Item 9B Code of Conduct Complaint: please respect for people with differing views; honor good public caring

From James Mulherin <jimm@ucsc.edu>
Date Wed 9/24/2025 2:20 PM
To City Council <citycouncil@ci.capitola.ca.us>

Hello, Council Members,

I want to encourage respect for hardworking and thoughtful Capitola City Councilmember Melinda Orbach and her energetic service to the town and the community.

She in no way deserves censure for her actions to defend herself and her family.

Sincerely,

James Mulherin, Ph.D.
jimm@ucsc.edu (for identification only)

Outlook

Public Comment – Dismissing the Code of Conduct Claim Against Councilmember Orbach

From Douglas S Crowder <Douglas.s.crowder@gmail.com>
Date Wed 9/24/2025 2:08 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

As a long time resident and former member of the Capitola FAC - I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, and her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks – she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of attacks on her character and motives online, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. My own wife is in public service for Santa Cruz County and I simply can not believe the Council is legitimizing bullying in politics like we've seen in other counties and at a national level in our country. Our community is better than that and that is not the Capitola I believe in. I stand with Councilmember Member Orbach in support.

Sincerely,
Doug Crowder

Douglas S. Crowder
162 Greystone Ct, Santa Cruz CA 95062
douglas.s.crowder@gmail.com
(559) 779-3002

Outlook

CouncilMember Orbach

From Maureen O'Connell <mloc@earthlink.net>
Date Wed 9/24/2025 2:57 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council:

My email (virtual) inbox is overflowing with stories about the harassment and bullying of CouncilMember Melinda Orbach. Community members and neighbors I trust implicitly are outraged by this treatment of a public servant.
Isn't it time we ALL stood up to those individuals employing these kind of tactics?

I hope you will.

Maureen O'Connell
Davenport, CA

Email from M.L.O'C. T.
Sent from my iPhone

Outlook

Public Comment: September 25th Council Meeting

From Nick Brown <nbrown214@gmail.com>
Date Wed 9/24/2025 2:42 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, and her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks – she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of attacks on her character and motives online, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,
Nicholas Brown
207 Cherry Ave
nbrown214@gmail.com / (214)477-6394

Outlook

Protect Melinda Orbach!

From Denise Ryan <denisearyan8@gmail.com>
Date Wed 9/24/2025 3:17 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I have been a full time resident of Capitola for 36 years and I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item.

To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, and her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict
Resolution Center, and she continues to show restraint in the face of
relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks – she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of attacks on her character and motives online, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who
would rather bully than engage in dialogue.

I am particularly sensitive to this issue having been bullied by the same person on social media. We must NOT allow bully's to be excused. Ever!

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,
Denise Ryan
106 Hollister Ave.
Capitola, CA 95010

Denise Ryan
denisearyan8@gmail.com
(831) 345-0279

Outlook

Item 9B Code of Conduct Complaint

From Martine Watkins <tines63@gmail.com>
Date Wed 9/24/2025 4:04 PM
To City Council <citycouncil@ci.capitola.ca.us>

To the Capitola City Council,

As a former mayor and councilmember, I understand that serving in local government can come with challenging dynamics and moments of disagreement. I believe we can all agree that, even when we don't share the same politics, there are lines that should not be crossed.

I want to express my support for Councilmember Melinda Orbach, both for her willingness to speak candidly about her experience and for her efforts to address it responsibly. It's not always easy to name discomfort or set boundaries in public service, and doing so deserves understanding.

I believe that at the local level, we all serve because we care about our communities and what we can do for the people we represent. I thank each of you for your service and trust that the Council can move forward in a way that centers the important work ahead for Capitola and fosters a climate of mutual respect and professionalism. I hope, in that spirit, the Council will choose not to advance the complaint further.

Sincerely,

Martine Watkins
Former Mayor and Councilmember, City of Santa Cruz

Outlook

Dismiss Code of Conduct complaint, item 9B

From Cynthia Mathews <mathews@cruzio.com>
Date Wed 9/24/2025 4:29 PM
To City Council <citycouncil@ci.capitola.ca.us>

To: Capitola City Council

I am writing in regard to item 9B on your agenda, the code of conduct complaint filed against your fellow council member Melinda Orbach. I have read the Code of Conduct in its entirety — a very complete and sound document — and can see NO evidence at all that Ms. Orbach has violated its standards. Quite the contrary: In reporting the behavior directed at her, Ms. Orbach was remarkably restrained in her statement. She simply stated the facts, called for civility in public discussion and behavior, and even generously initiated a call for mediation as a more positive alternative. She was entirely justified in noting the behavior directed in her; respectfully calling it to the attention of the council and community was in fact the right thing to do.

We can all recognize with sadness and foreboding the poisonous, even deadly atmosphere that has come to dominate political discourse throughout our country. Harassing public figures in their homes, vilifying them relentlessly on social media, filing unfounded suits and complaints — all this and more has eroded public respect for government at every level, and discouraged good people from even considering elected office or public service careers. We cannot let this atmosphere of hostility and harassment dominate our local communities. It has no place at all in Capitola.

I urge you to summarily reject the complaint filed by Mr. Maguire as being without cause. Beyond that, I hope you will take to heart the impact of the continuing vicious online attacks aimed at Ms. Orbach — attacks on her own character, and utterly demoralizing to well-intentioned community members and staff who simply want to serve in the best interests of their community. Who has the courage to speak out against these attacks? To remain silent is to suggest that this is acceptable behavior. It is not.

Please summarily reject the claim filed by Mr. Maguire, work to build a more positive working relationship with Council Member Orbach, and call upon the community to cease the hostile online campaign of disinformation, disparagement and harassment.

Most Sincerely,
Cynthia Mathews
Former Council Member and Mayor
City of Santa Cruz

Outlook

[PDF] Re: Melinda Orbach

From Leah Jack <ljack95060@yahoo.com>
Date Wed 9/24/2025 4:33 PM
To Gautho, Julia <jGautho@ci.capitola.ca.us>

1 attachment (41 KB)
Letter for your consideration in support of Melinda.pdf;

Here is my letter again.

Thank you,
Leah

On Wednesday, September 24, 2025 at 08:25:25 AM PDT, Gautho, Julia <jgautho@ci.capitola.ca.us> wrote:

Good Morning,

Thank you for emailing the City Council. In order for your letter to be included in the agenda packet, please send it in Word or PDF format, or copied into the body of your email. It's possible that your link may not work through our software once uploaded.

Thank you,

Julia Gautho

City Clerk

jgautho@ci.capitola.ca.us

(831) 475-7300 x. 228

From: Leah Jack <ljack95060@yahoo.com>
Sent: Tuesday, September 23, 2025 5:03 PM
To: City Council <citycouncil@ci.capitola.ca.us>
Subject: Melinda Orbach

Good Afternoon,

I am writing on behalf of Melinda Orbach. You will find my letter attached here.

Thank you for your time and attention,

Leah K. Rogers

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit, nor does it create trust from our community members.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her.

Leah Rogers
Capitola Resident

Outlook

9.25.25 Agenda, Item 9B

From Pellerin, Gail <Gail.Pellerin@asm.ca.gov>
Date Wed 9/24/2025 4:44 PM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (648 KB)
09.24.2024 Melina Orbach.pdf;

Please see attached letter. Thank you.

Gail Pellerin
State Assembly, District 28
gail.pellerin@asm.ca.gov

COMMITTEES
APPROPRIATIONS
BUSINESS AND PROFESSIONS
ELECTIONS
NATURAL RESOURCES
PRIVACY AND CONSUMER PROTECTIONS

Assembly
California Legislature

GAIL PELLERIN
CHAIR, ELECTIONS COMMITTEE
ASSEMBLYMEMBER, TWENTY-EIGHTH DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0028
(916) 319-2028
FAX (916) 319-2128

DISTRICT OFFICES
3150 ALMADEN EXPRESSWAY, SUITE 252
SAN JOSE, CA 95118
(408) 264-2848

701 OCEAN STREET, ROOM 318-B
SANTA CRUZ, CA 95060
(831) 425-1503

17555 PEAK AVENUE, SUITE 100
MORGAN HILL, CA 95037
(408) 659-3127

Capitola City Council
420 Capitola Ave
Capitola, CA 95010

September 25, 2025

Dear Capitola City Council,

I regret being unable to attend in person, but submit this letter in support of Councilmember Melinda Orbach.

We are in a critical political era. One in which women and other minorities are being disproportionately and unnecessarily harassed, threatened and assaulted for doing their jobs as public servants. Just this year I voted on two pieces of legislation that will increase the security options and privacy of candidates and elected officials. Running for public office takes courage and strength. It is not an easy decision, but one based on the desire to serve our communities.

To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach's comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. Yet, she has demonstrated true leadership and integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit, nor does it create trust from our community members.

Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright at tonight's' meeting. Capitola needs leaders who protect truth and principle, not those who bow to intimidation.

Sincerely,

Gail Pellerin

GAIL PELLERIN
Assemblymember, 28th District

gp:td

Outlook

(No subject)

From Rachel Williams <rachelaw619@gmail.com>
Date Wed 9/24/2025 4:48 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

As a concerned Santa Cruz County resident, I write to express my deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to anyone who expects local leaders to uphold civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. Even so, her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center and continues to show restraint in the face of ongoing personal attacks. Rather than supporting these efforts at resolution, this Council is instead legitimizing harassment by agendizing a code of conduct complaint that lacks merit and undermines community trust.

I urge you to dismiss this complaint outright at the September 25 meeting. Capitola—and the wider county community that watches and engages with your work—needs leaders who protect truth and principle, not those who yield to pressure and fear. To punish Councilmember Orbach or any member for standing up for civility is to send a message that harassment is an effective tool.

Sincerely,

Rachel Williams

Outlook

Item 9B

From John Mulry <jxmulry@gmail.com>
Date Wed 9/24/2025 5:18 PM
To City Council <citycouncil@ci.capitola.ca.us>

I'm told the DCC are going to try to paint Kevin as anti woman. As they did me. Joe and Gerry and Sue were of course called racist white supremacists (repeatedly) by these same folks.

Seems like they understand it's harder to label folks under 50 as racist so we get the anti woman label. Over 50 gets racist.

Anything to avoid taking about their bad behavior, political self enrichment, diversion of city funding to their own careers etc.

Same tired strategy. The irony that they act like Trump while opposing him so intensely. Meh.

The response against Kevin by outsiders further shows how essential it is to censure her for her outlandish behavior. The mechanisms of the state party being targeted at an individual seeking redress is bad government folks. We actually have a word for it in English. Fascism.

She is openly racist as we saw with her insistence on one process for a white woman appointment and then advocating for a different process when it was an afro Hispanic man.

Do the job. Stop this bad actor from harassing any other resident. Please.

Warmly JM

Outlook

FW: Communication from the CRC

From Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>
Date Wed 9/24/2025 5:13 PM
To City Council <citycouncil@ci.capitola.ca.us>
Cc Samantha Zutler <SZutler@bwslaw.com>

Mayor and Council – pls see the update regarding mediation.

From: Woodmansee, Chloe <cwoodmansee@ci.capitola.ca.us>
Sent: Wednesday, September 24, 2025 4:52 PM
To: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>
Cc: Samantha Zutler <SZutler@bwslaw.com>
Subject: Communication from the CRC

Hi Jamie,

I heard from the CRC today. Jill Borba, their Workplace Mediation and Training Manager, notified me that after her staff conducted intakes with both individuals, CRC staff determined that mediation is not viable in their case.

Jill indicated she would follow up in writing with this information, likely later today or tomorrow. I'll forward you what I receive.

Thank you.

Warmly,
Chloé Woodmansee (she/her)
Assistant to the City Manager - City of Capitola
831.475.7300 x220

Outlook

9 B Code of Conduct - FACTS

From Kevin Maguire <kmaguire831@gmail.com>
Date Wed 9/24/2025 5:46 PM
To City Clerk <cityclerk@ci.capitola.ca.us>; City Council <citycouncil@ci.capitola.ca.us>; Clarke, Joe <jclarke@ci.capitola.ca.us>; Westman, Susan <swestman@ci.capitola.ca.us>; Gerry Jensen <gjensen@ci.capitola.ca.us>; Margaux Morgan <mmorgan@ci.capitola.ca.us>; Melinda Orbach <morbach@ci.capitola.ca.us>
Cc Samantha Zutler <SZutler@bwslaw.com>

Dear [City Clerk/Mayor/City Attorney],

Please enter the attached documentation into the public record for consideration at the September 25, 2025 Council meeting regarding my Code of Conduct complaint against Councilmember Orbach.

The attached timeline and supporting communications are provided to demonstrate my good-faith efforts, beginning in April, to seek a civil resolution through appropriate channels. These are contemporaneous records that show the steps I took and the responses I received.

My intent in submitting this material is not to expand the scope of the complaint, but to ensure the Council has an accurate factual record as it considers this matter.

Thank you for your time and for including this in the official record.

Respectfully

Kevin Maguire

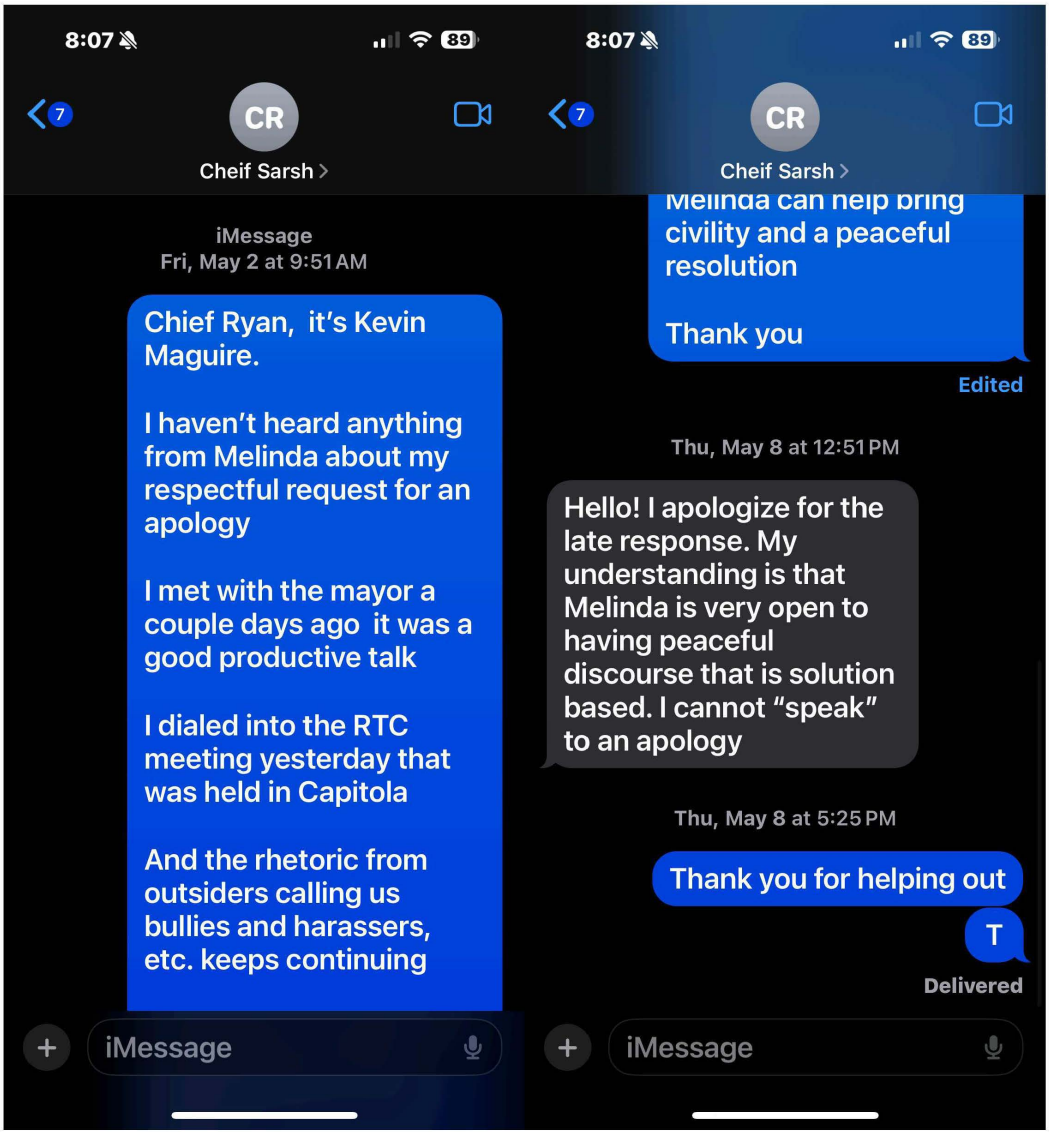
TIMELINE OF GOOD-FAITH OUTREACH & DOCUMENTED FACTS

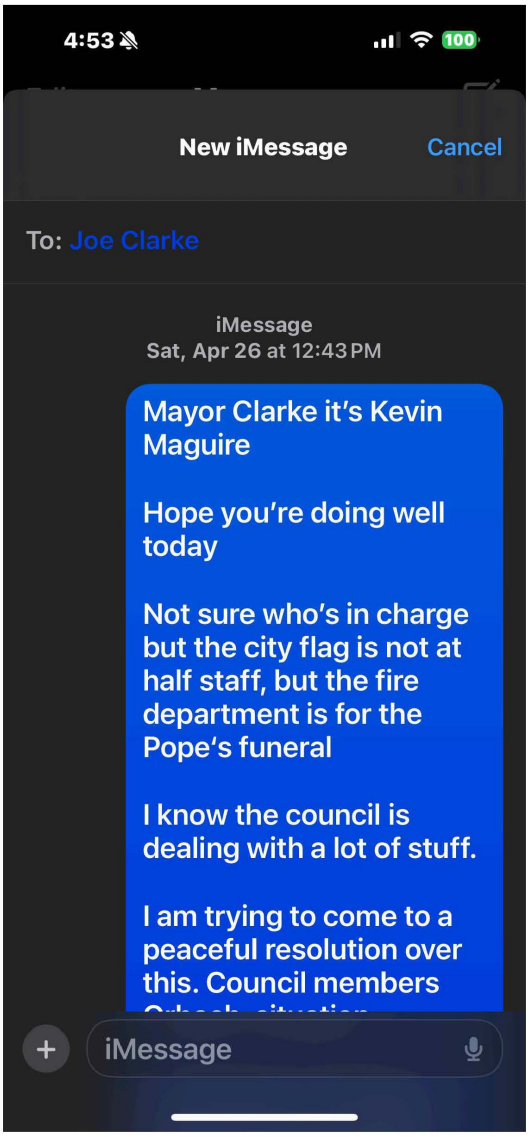
4.23.25 – voicemail exchange with Chief Ryan requesting assistance with resolution. Followed up with a Phone call.
4.23.25 (8:04 PM) – Emailed entire Council asking for an apology and resolution.
4.26.25 – Text exchange with Mayor Clarke requesting assistance regarding resolution (followed by phone calls).
4.28.25 – Met with Mayor Clarke for over an hour to discuss paths to civility.
5.02.25 – Texted Chief Ryan reiterating request for peaceful resolution and apology.
5.29.25 – Follow-up outreach to Councilmember Orbach, Chief Ryan, and Mayor Clarke again seeking resolution.
6.12.25 (7:57 PM) – Filed formal Code of Conduct complaint against Councilmember Orbach.
6.26.25 (4:23 PM) – First email from Councilmember Orbach in over two months, mentioning CRC mediation.
7.16.25 (10:20 AM) – I responded after returning from travel.

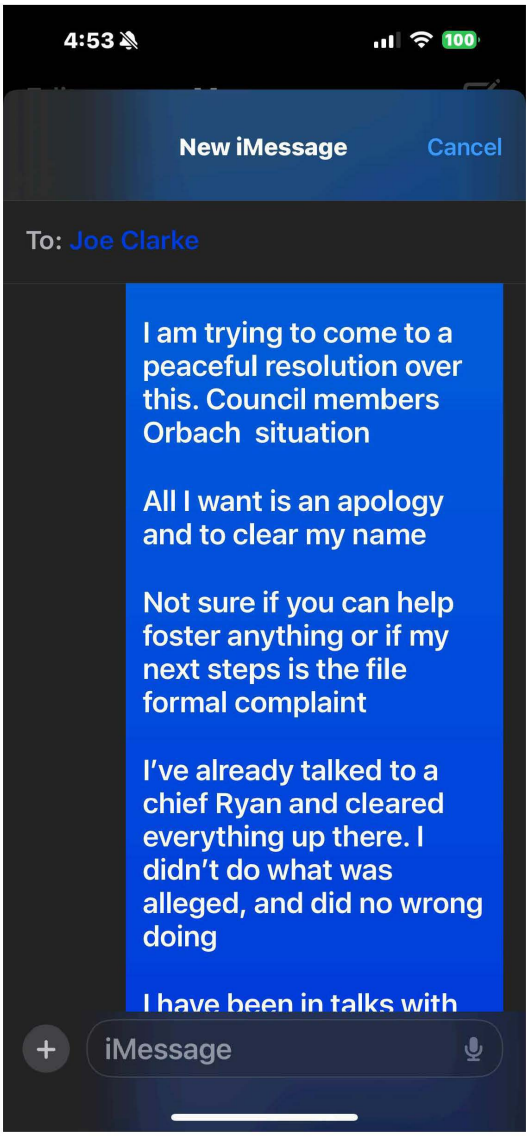
7.16.25 (4:18 PM) – Councilmember Orbach replied with a brief 13-word response to my detailed question about how mediation could address the harm.
7.16.25 (4:26 PM) – I clarified: open to mediation, but stressed the need for sincerity and acknowledgment of the real impact of her remarks as part of any resolution.
7.31.25 (10:51 AM) – Orbach: *"You do not start mediation with a set of conditions. That is not how mediation works. If you would like to move forward with mediation, let me know. This is my third and final offer."*
7.31.25 (8:44 PM) – My reply: *"Yes, mediation is a voluntary process… to be honest about the real impact of your public remarks and the need for that harm to be acknowledged at some point in the process, not necessarily at the outset, but as part of any genuine resolution."*
8.01.25 (2:01 PM) – Orbach replied: 7-word response *"Staff from the CRC will reach out."*

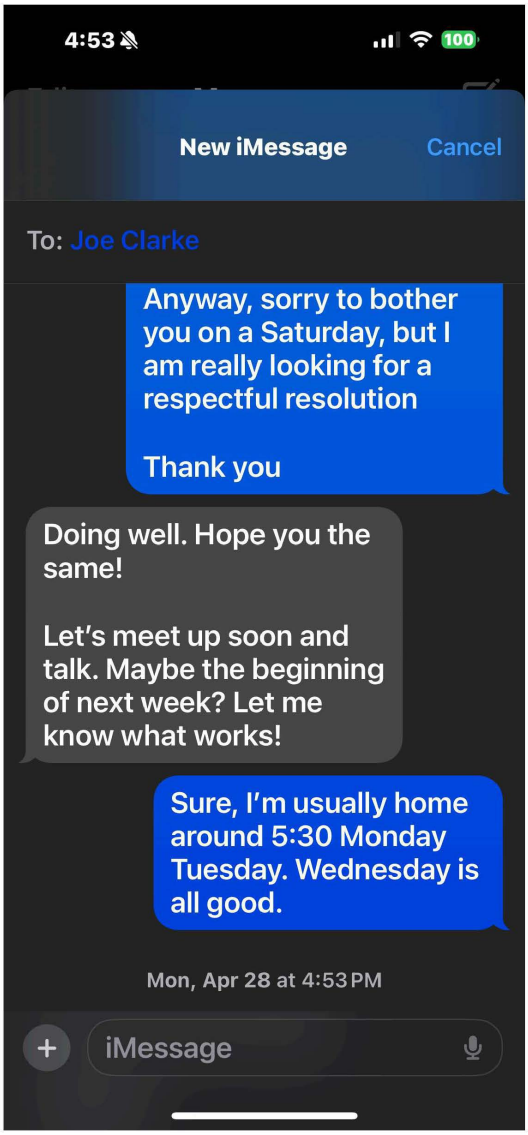
Key Clarifications

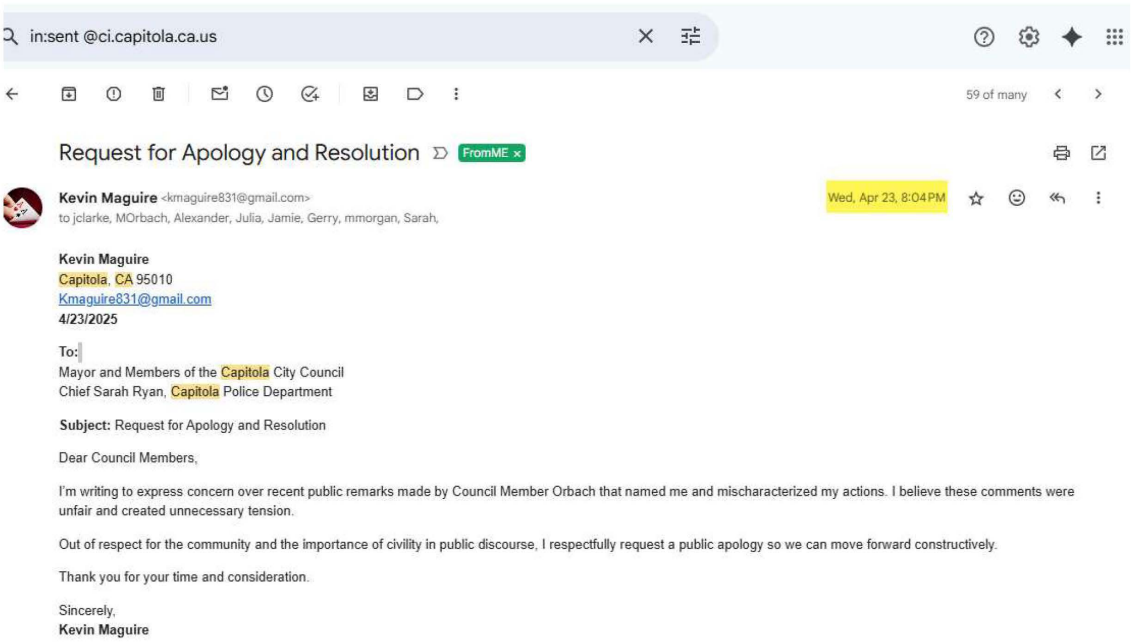
- Orbach's "three offers" were **not three distinct offers**. It was **one ongoing conversation**, in which I consistently affirmed openness to mediation while emphasizing the need for sincerity.
- CRC has since reviewed the matter and **recommended against mediation**, confirming this is not a "misunderstanding" but a case of public harm that belongs with the Council.

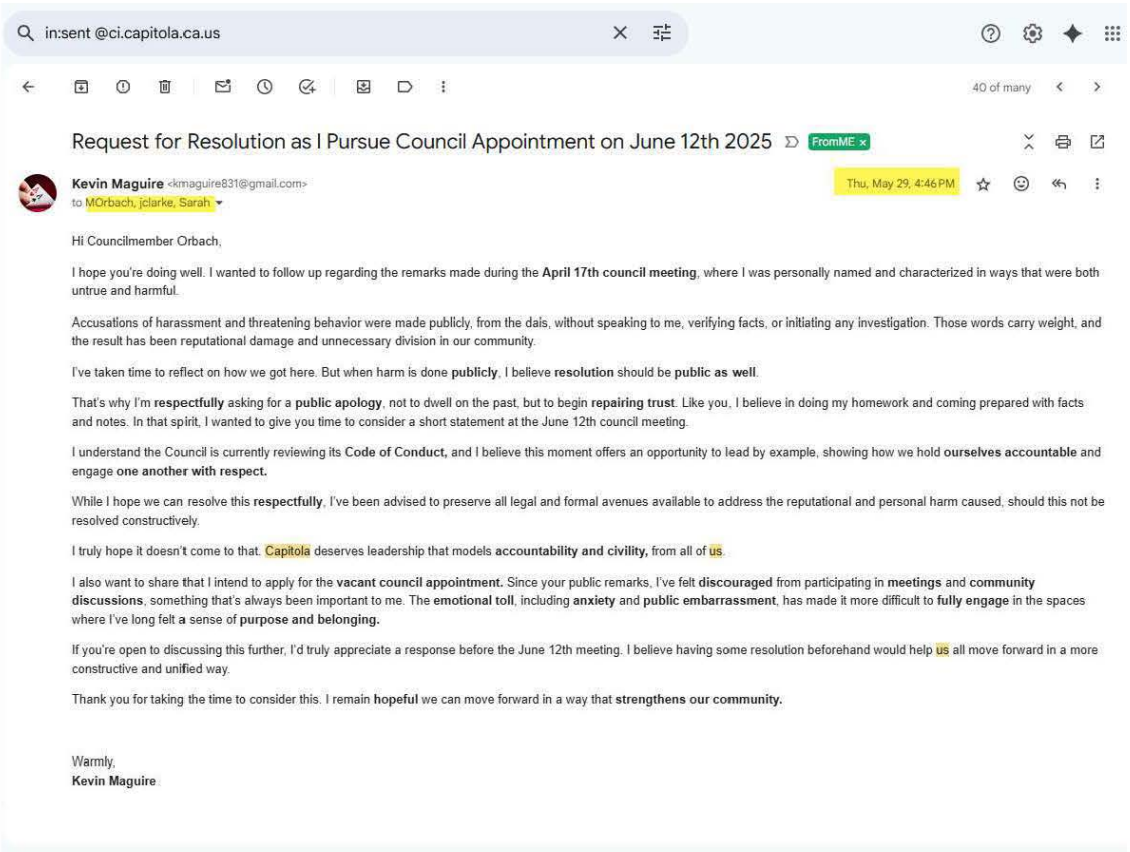



4:53
100
New iMessage
Cancel
To: Joe Clarke
iMessage
Sat, Apr 26 at 12:43 PM
Mayor Clarke it's Kevin Maguire
Hope you're doing well today
Not sure who's in charge but the city flag is not at half staff, but the fire department is for the Pope's funeral
I know the council is dealing with a lot of stuff.
I am trying to come to a peaceful resolution over this. Council members
iMessage


4:53
100
New iMessage
Cancel
To: Joe Clarke
I am trying to come to a peaceful resolution over this. Council members Orbach situation
All I want is an apology and to clear my name
Not sure if you can help foster anything or if my next steps is the file formal complaint
I've already talked to a chief Ryan and cleared everything up there. I didn't do what was alleged, and did no wrong doing
I have been in talks with
iMessage


4:53
100
New iMessage
Cancel
To: Joe Clarke
Anyway, sorry to bother you on a Saturday, but I am really looking for a respectful resolution
Thank you
Doing well. Hope you the same!
Let's meet up soon and talk. Maybe the beginning of next week? Let me know what works!
Sure, I'm usually home around 5:30 Monday Tuesday. Wednesday is all good.
Mon, Apr 28 at 4:53 PM
iMessage


in:sent @ci.capitola.ca.us
59 of many
Request for Apology and Resolution
FromME
Kevin Maguire <kmaguire831@gmail.com>
to jclarke, MOrbach, Alexander, Julia, Jamie, Gerry, mmorgan, Sarah,
Wed, Apr 23, 8:04 PM
Kevin Maguire
Capitola, CA 95010
Kmaguire831@gmail.com
4/23/2025
To:
Mayor and Members of the Capitola City Council
Chief Sarah Ryan, Capitola Police Department
Subject: Request for Apology and Resolution
Dear Council Members,
I'm writing to express concern over recent public remarks made by Council Member Orbach that named me and mischaracterized my actions. I believe these comments were unfair and created unnecessary tension.
Out of respect for the community and the importance of civility in public discourse, I respectfully request a public apology so we can move forward constructively.
Thank you for your time and consideration.
Sincerely,
Kevin Maguire



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40 of many

Request for Resolution as I Pursue Council Appointment on June 12th 2025

FromME ×

Kevin Maguire <kmaguire831@gmail.com>
to MOrbach, jclarke, Sarah

Thu, May 29, 4:46 PM

Hi Councilmember Orbach,

I hope you're doing well. I wanted to follow up regarding the remarks made during the **April 17th council meeting**, where I was personally named and characterized in ways that were both untrue and harmful.

Accusations of harassment and threatening behavior were made publicly, from the dais, without speaking to me, verifying facts, or initiating any investigation. Those words carry weight, and the result has been reputational damage and unnecessary division in our community.

I've taken time to reflect on how we got here. But when harm is done **publicly**, I believe **resolution** should be **public as well**.

That's why I'm **respectfully** asking for a **public apology**, not to dwell on the past, but to begin **repairing trust**. Like you, I believe in doing my homework and coming prepared with facts and notes. In that spirit, I wanted to give you time to consider a short statement at the June 12th council meeting.

I understand the Council is currently reviewing its **Code of Conduct,** and I believe this moment offers an opportunity to lead by example, showing how we hold **ourselves accountable** and engage **one another with respect.**

While I hope we can resolve this **respectfully**, I've been advised to preserve all legal and formal avenues available to address the reputational and personal harm caused, should this not be resolved constructively.

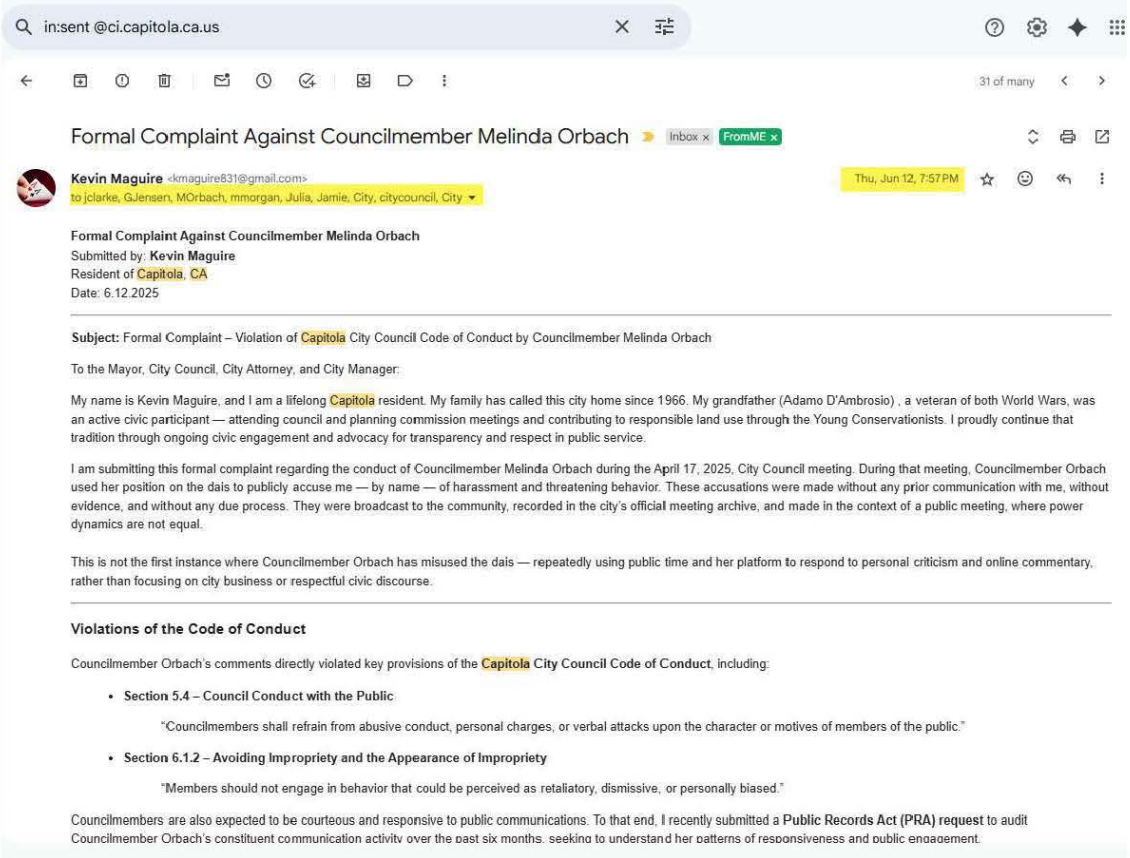
I truly hope it doesn't come to that. Capitola deserves leadership that models **accountability and civility,** from all of us.

I also want to share that I intend to apply for the **vacant council appointment.** Since your public remarks, I've felt **discouraged** from participating in **meetings** and **community discussions**, something that's always been important to me. The **emotional toll**, including **anxiety** and **public embarrassment**, has made it more difficult to **fully engage** in the spaces where I've long felt **a** sense of **purpose and belonging.**

If you're open to discussing this further, I'd truly appreciate a response before the June 12th meeting. I believe having some resolution beforehand would help us all move forward in a more constructive and unified way.

Thank you for taking the time to consider this. I remain **hopeful** we can move forward in a way that **strengthens our community.**

Warmly,
Kevin Maguire



in:sent @ci.capitola.ca.us

31 of many

Formal Complaint Against Councilmember Melinda Orbach

Inbox × FromME ×

Kevin Maguire <kmaguire831@gmail.com>
to jclarke, GJensen, MOrbach, mmorgan, Julia, Jamie, City, citycouncil, City

Thu, Jun 12, 7:57 PM

Formal Complaint Against Councilmember Melinda Orbach
Submitted by: **Kevin Maguire**
Resident of Capitola, CA
Date: 6.12.2025

Subject: Formal Complaint – Violation of Capitola City Council Code of Conduct by Councilmember Melinda Orbach

To the Mayor, City Council, City Attorney, and City Manager:

My name is Kevin Maguire, and I am a lifelong Capitola resident. My family has called this city home since 1966. My grandfather (Adamo D'Ambrosio) , a veteran of both World Wars, was an active civic participant — attending council and planning commission meetings and contributing to responsible land use through the Young Conservationists. I proudly continue that tradition through ongoing civic engagement and advocacy for transparency and respect in public service.

I am submitting this formal complaint regarding the conduct of Councilmember Melinda Orbach during the April 17, 2025, City Council meeting. During that meeting, Councilmember Orbach used her position on the dais to publicly accuse me — by name — of harassment and threatening behavior. These accusations were made without any prior communication with me, without evidence, and without any due process. They were broadcast to the community, recorded in the city's official meeting archive, and made in the context of a public meeting, where power dynamics are not equal.

This is not the first instance where Councilmember Orbach has misused the dais — repeatedly using public time and her platform to respond to personal criticism and online commentary, rather than focusing on city business or respectful civic discourse.

Violations of the Code of Conduct

Councilmember Orbach's comments directly violated key provisions of the **Capitola City Council Code of Conduct**, including:

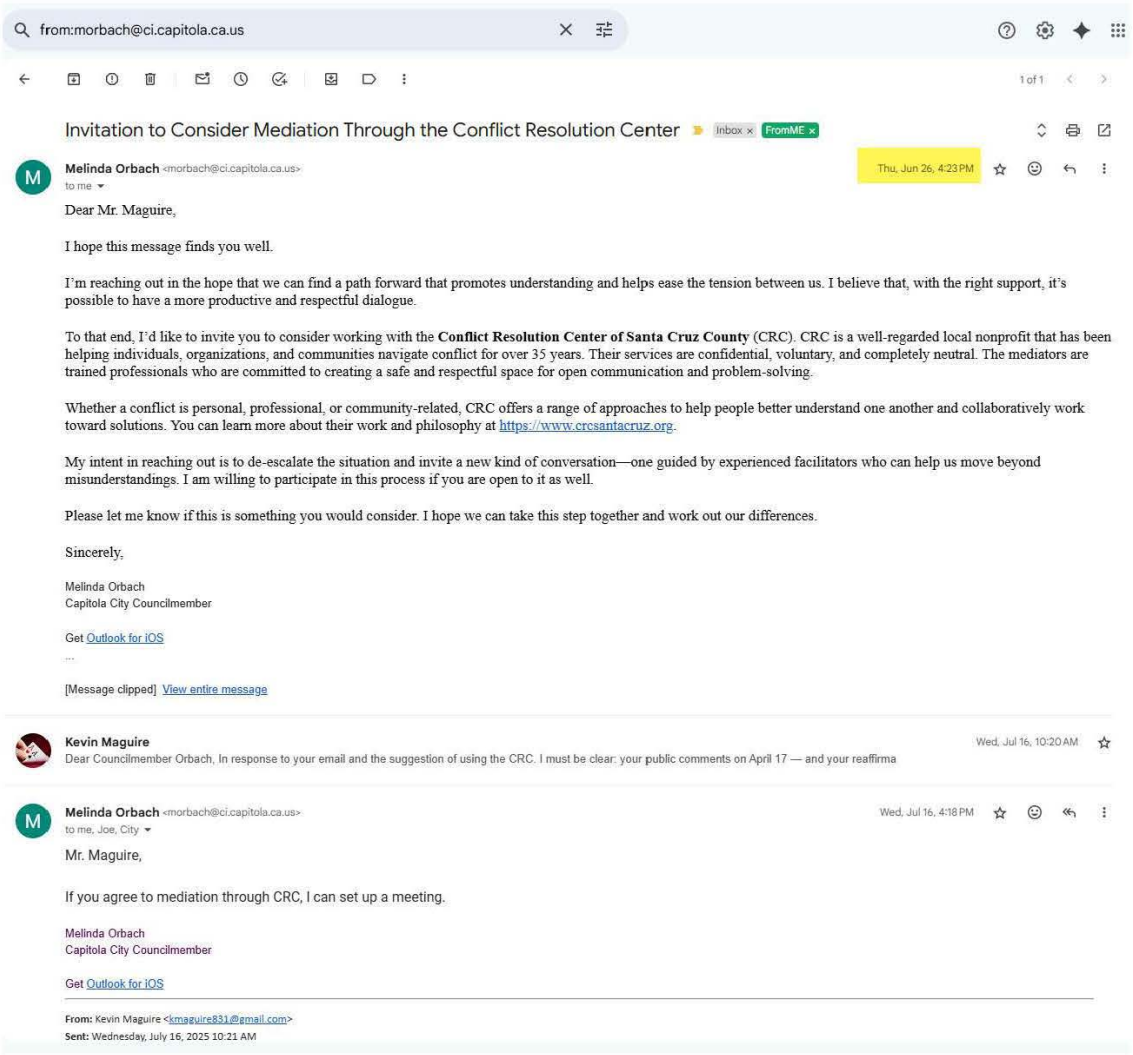
- **Section 5.4 – Council Conduct with the Public**

  "Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of members of the public."

- **Section 6.1.2 – Avoiding Impropriety and the Appearance of Impropriety**

  "Members should not engage in behavior that could be perceived as retaliatory, dismissive, or personally biased."

Councilmembers are also expected to be courteous and responsive to public communications. To that end, I recently submitted a **Public Records Act (PRA) request** to audit Councilmember Orbach's constituent communication activity over the past six months, seeking to understand her patterns of responsiveness and public engagement.



from:morbach@ci.capitola.ca.us

1 of 1

Invitation to Consider Mediation Through the Conflict Resolution Center

Inbox × FromME ×

Melinda Orbach <morbach@ci.capitola.ca.us>
to me

Thu, Jun 26, 4:23 PM

Dear Mr. Maguire,

I hope this message finds you well.

I'm reaching out in the hope that we can find a path forward that promotes understanding and helps ease the tension between us. I believe that, with the right support, it's possible to have a more productive and respectful dialogue.

To that end, I'd like to invite you to consider working with the **Conflict Resolution Center of Santa Cruz County** (CRC). CRC is a well-regarded local nonprofit that has been helping individuals, organizations, and communities navigate conflict for over 35 years. Their services are confidential, voluntary, and completely neutral. The mediators are trained professionals who are committed to creating a safe and respectful space for open communication and problem-solving.

Whether a conflict is personal, professional, or community-related, CRC offers a range of approaches to help people better understand one another and collaboratively work toward solutions. You can learn more about their work and philosophy at https://www.crcsantacruz.org.

My intent in reaching out is to de-escalate the situation and invite a new kind of conversation—one guided by experienced facilitators who can help us move beyond misunderstandings. I am willing to participate in this process if you are open to it as well.

Please let me know if this is something you would consider. I hope we can take this step together and work out our differences.

Sincerely,

Melinda Orbach
Capitola City Councilmember

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...

[Message clipped] View entire message

Kevin Maguire Wed, Jul 16, 10:20 AM
Dear Councilmember Orbach, In response to your email and the suggestion of using the CRC. I must be clear: your public comments on April 17 — and your reaffirma

Melinda Orbach <morbach@ci.capitola.ca.us>
to me, Joe, City

Wed, Jul 16, 4:18 PM

Mr. Maguire,

If you agree to mediation through CRC, I can set up a meeting.

Melinda Orbach
Capitola City Councilmember

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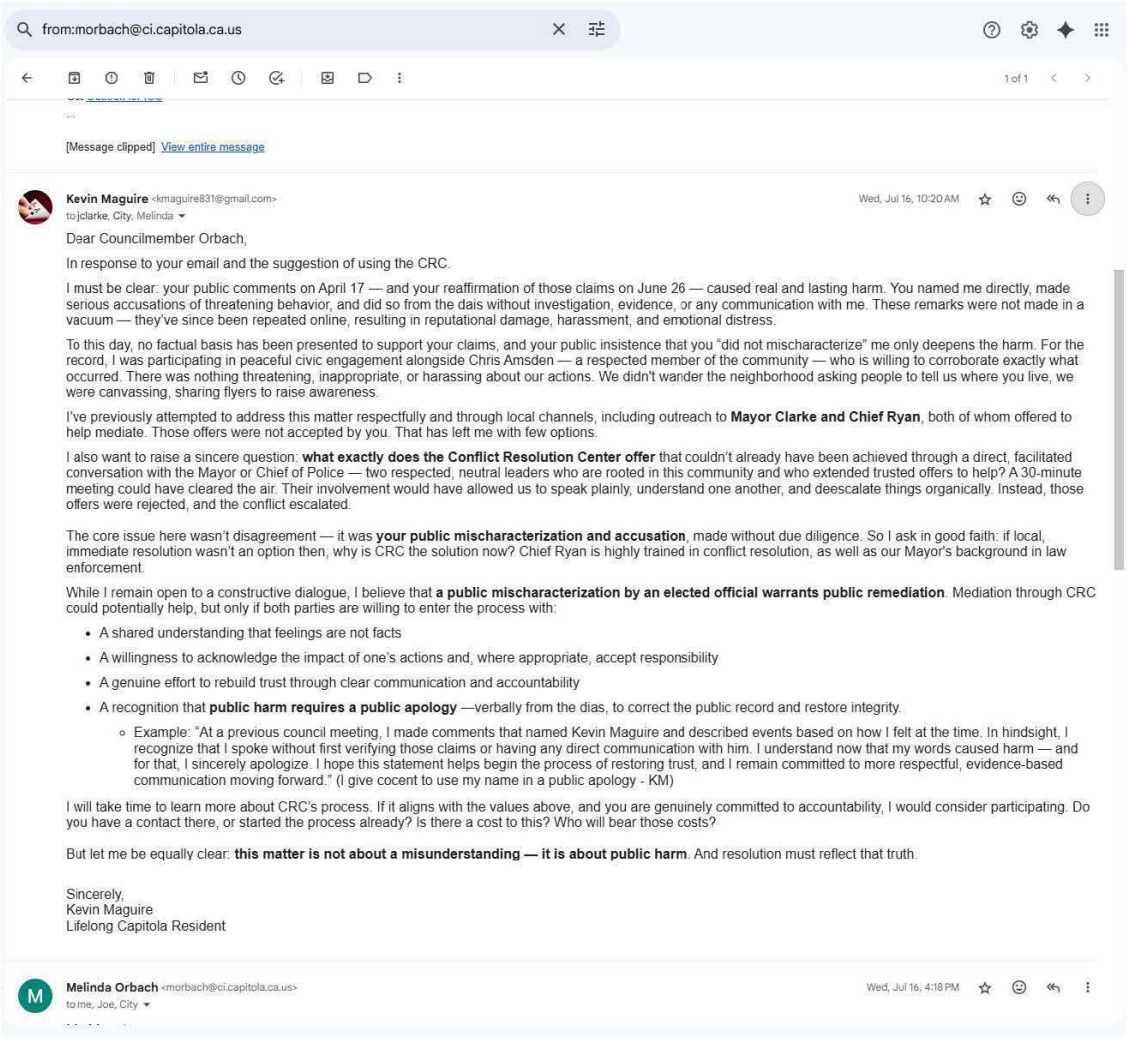
From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, July 16, 2025 10:21 AM



from:morbach@ci.capitola.ca.us

1 of 1

[Message clipped] View entire message

Kevin Maguire <kmaguire831@gmail.com>
to jclarke, City, Melinda

Wed, Jul 16, 10:20 AM

Dear Councilmember Orbach,

In response to your email and the suggestion of using the CRC.

I must be clear: your public comments on April 17 — and your reaffirmation of those claims on June 26 — caused real and lasting harm. You named me directly, made serious accusations of threatening behavior, and did so from the dais without investigation, evidence, or any communication with me. These remarks were not made in a vacuum — they've since been repeated online, resulting in reputational damage, harassment, and emotional distress.

To this day, no factual basis has been presented to support your claims, and your public insistence that you "did not mischaracterize" me only deepens the harm. For the record, I was participating in peaceful civic engagement alongside Chris Amsden — a respected member of the community — who is willing to corroborate exactly what occurred. There was nothing threatening, inappropriate, or harassing about our actions. We didn't wander the neighborhood asking people to tell us where you live, we were canvassing, sharing flyers to raise awareness.

I've previously attempted to address this matter respectfully and through local channels, including outreach to **Mayor Clarke and Chief Ryan**, both of whom offered to help mediate. Those offers were not accepted by you. That has left me with few options.

I also want to raise a sincere question: **what exactly does the Conflict Resolution Center offer** that couldn't already have been achieved through a direct, facilitated conversation with the Mayor or Chief of Police — two respected, neutral leaders who are rooted in this community and who extended trusted offers to help? A 30-minute meeting could have cleared the air. Their involvement would have allowed us to speak plainly, understand one another, and deescalate things organically. Instead, those offers were rejected, and the conflict escalated.

The core issue here wasn't disagreement — it was **your public mischaracterization and accusation**, made without due diligence. So I ask in good faith: if local, immediate resolution wasn't an option then, why is CRC the solution now? Chief Ryan is highly trained in conflict resolution, as well as our Mayor's background in law enforcement.

While I remain open to a constructive dialogue, I believe that **a public mischaracterization by an elected official warrants public remediation**. Mediation through CRC could potentially help, but only if both parties are willing to enter the process with:

- A shared understanding that feelings are not facts
- A willingness to acknowledge the impact of one's actions and, where appropriate, accept responsibility
- A genuine effort to rebuild trust through clear communication and accountability
- A recognition that **public harm requires a public apology** —verbally from the dias, to correct the public record and restore integrity.
    - Example: "At a previous council meeting, I made comments that named Kevin Maguire and described events based on how I felt at the time. In hindsight, I recognize that I spoke without first verifying those claims or having any direct communication with him. I understand now that my words caused harm — and for that, I sincerely apologize. I hope this statement helps begin the process of restoring trust, and I remain committed to more respectful, evidence-based communication moving forward." (I give cocent to use my name in a public apology - KM)

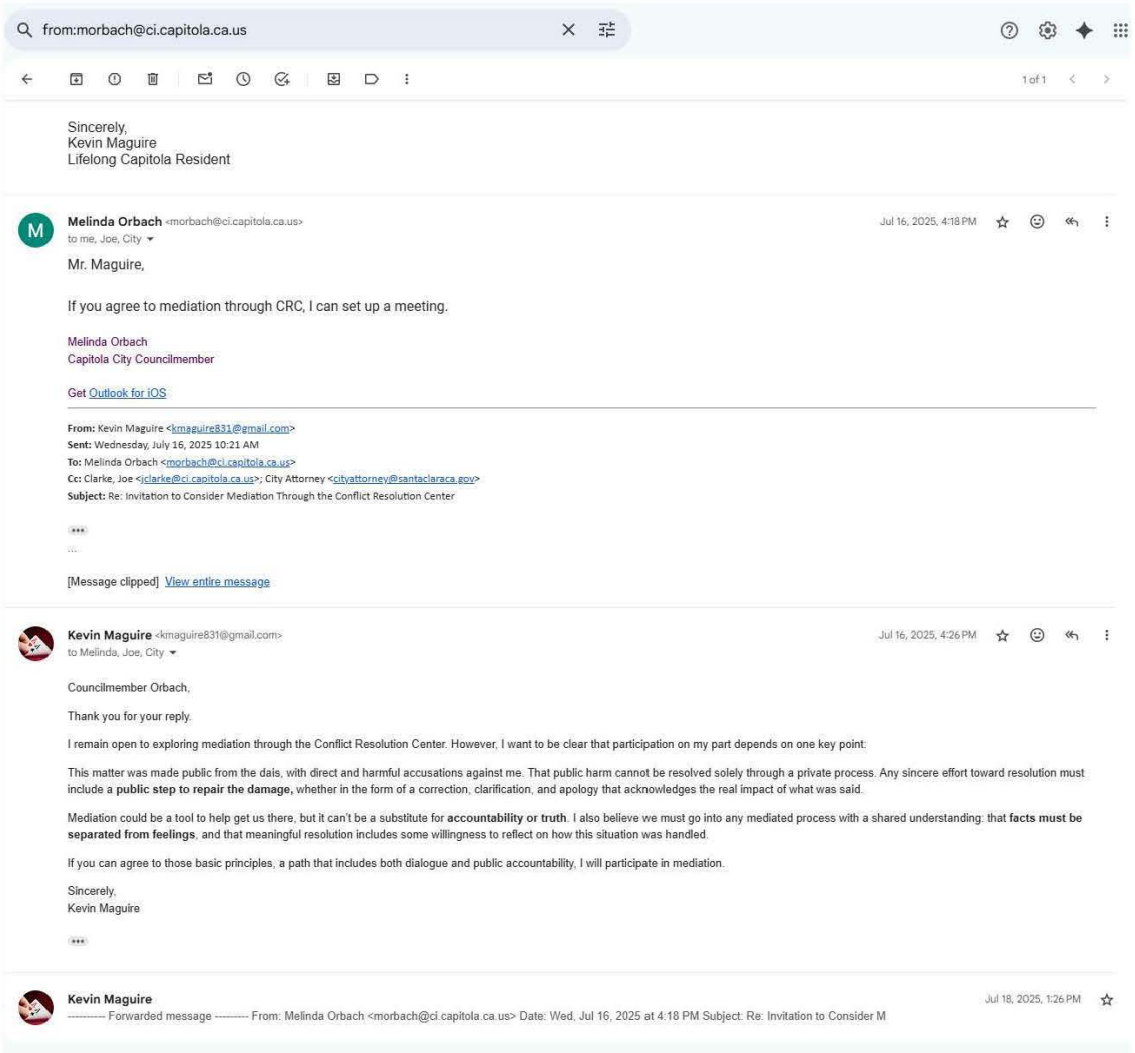
I will take time to learn more about CRC's process. If it aligns with the values above, and you are genuinely committed to accountability, I would consider participating. Do you have a contact there, or started the process already? Is there a cost to this? Who will bear those costs?

But let me be equally clear: **this matter is not about a misunderstanding — it is about public harm**. And resolution must reflect that truth.

Sincerely,
Kevin Maguire
Lifelong Capitola Resident

Melinda Orbach <morbach@ci.capitola.ca.us>
to me, Joe, City

Wed, Jul 16, 4:18 PM



from:morbach@ci.capitola.ca.us

1 of 1

Sincerely,
Kevin Maguire
Lifelong Capitola Resident

Melinda Orbach <morbach@ci.capitola.ca.us> Jul 16, 2025, 4:18 PM
to me, Joe, City

Mr. Maguire,

If you agree to mediation through CRC, I can set up a meeting.

Melinda Orbach
Capitola City Councilmember

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From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, July 16, 2025 10:21 AM
To: Melinda Orbach <morbach@ci.capitola.ca.us>
Cc: Clarke, Joe <jclarke@ci.capitola.ca.us>; City Attorney <cityattorney@santaclaraca.gov>
Subject: Re: Invitation to Consider Mediation Through the Conflict Resolution Center

[Message clipped] View entire message

Kevin Maguire <kmaguire831@gmail.com> Jul 16, 2025, 4:26 PM
to Melinda, Joe, City

Councilmember Orbach,

Thank you for your reply.

I remain open to exploring mediation through the Conflict Resolution Center. However, I want to be clear that participation on my part depends on one key point:

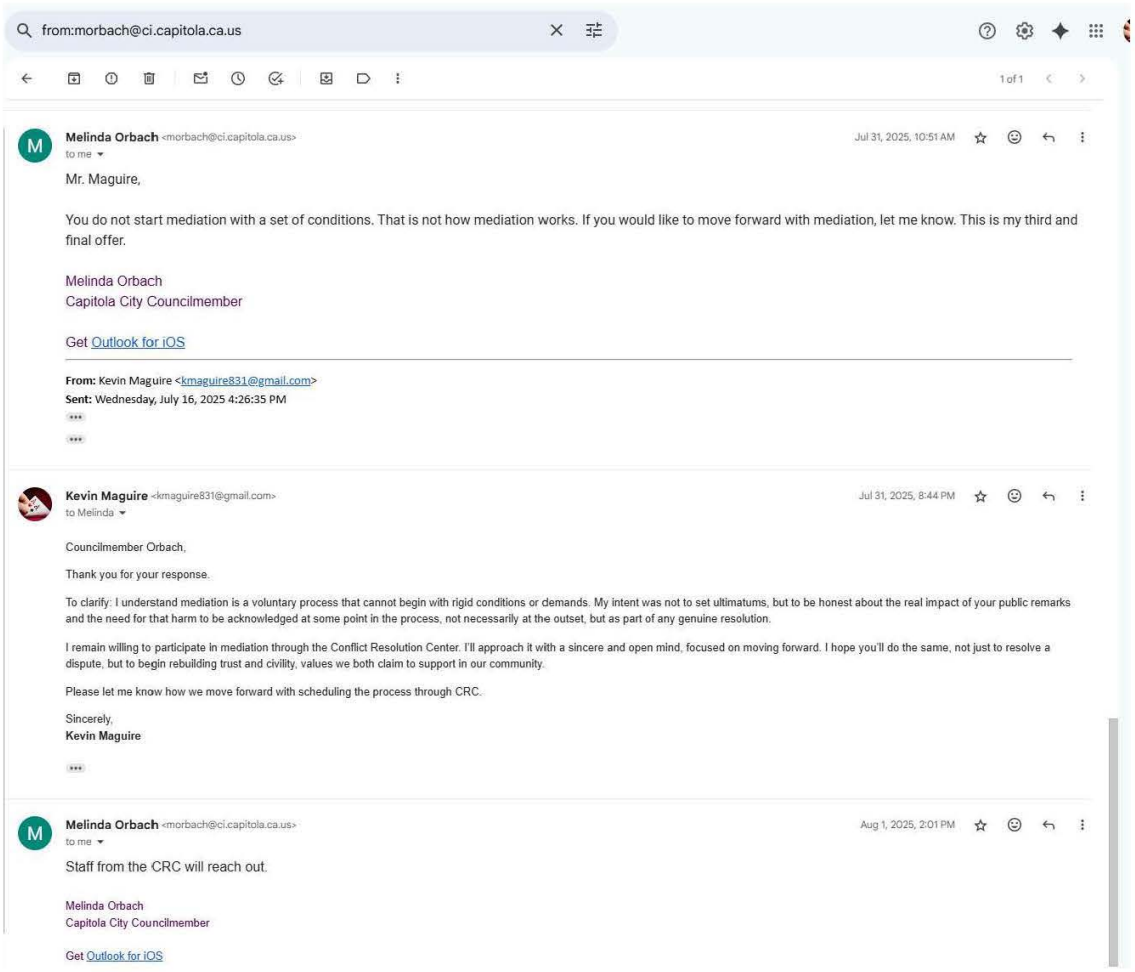
This matter was made public from the dais, with direct and harmful accusations against me. That public harm cannot be resolved solely through a private process. Any sincere effort toward resolution must include a **public step to repair the damage,** whether in the form of a correction, clarification, and apology that acknowledges the real impact of what was said.

Mediation could be a tool to help get us there, but it can't be a substitute for **accountability or truth**. I also believe we must go into any mediated process with a shared understanding: that **facts must be separated from feelings**, and that meaningful resolution includes some willingness to reflect on how this situation was handled.

If you can agree to those basic principles, a path that includes both dialogue and public accountability, I will participate in mediation.

Sincerely,
Kevin Maguire

Kevin Maguire Jul 18, 2025, 1:26 PM
---------- Forwarded message --------- From: Melinda Orbach <morbach@ci.capitola.ca.us> Date: Wed, Jul 16, 2025 at 4:18 PM Subject: Re: Invitation to Consider M



from:morbach@ci.capitola.ca.us

1 of 1

Melinda Orbach <morbach@ci.capitola.ca.us> Jul 31, 2025, 10:51 AM
to me

Mr. Maguire,

You do not start mediation with a set of conditions. That is not how mediation works. If you would like to move forward with mediation, let me know. This is my third and final offer.

Melinda Orbach
Capitola City Councilmember

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From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, July 16, 2025 4:26:35 PM

Kevin Maguire <kmaguire831@gmail.com> Jul 31, 2025, 8:44 PM
to Melinda

Councilmember Orbach,

Thank you for your response.

To clarify: I understand mediation is a voluntary process that cannot begin with rigid conditions or demands. My intent was not to set ultimatums, but to be honest about the real impact of your public remarks and the need for that harm to be acknowledged at some point in the process, not necessarily at the outset, but as part of any genuine resolution.

I remain willing to participate in mediation through the Conflict Resolution Center. I'll approach it with a sincere and open mind, focused on moving forward. I hope you'll do the same, not just to resolve a dispute, but to begin rebuilding trust and civility, values we both claim to support in our community.

Please let me know how we move forward with scheduling the process through CRC.

Sincerely,
Kevin Maguire

Melinda Orbach <morbach@ci.capitola.ca.us> Aug 1, 2025, 2:01 PM
to me

Staff from the CRC will reach out.

Melinda Orbach
Capitola City Councilmember

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Outlook

Support for Melinda Orbach

From Kristal Salcido <salcido4citycouncil@gmail.com>
Date Wed 9/24/2025 7:28 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Council,

I am writing to express my support for Councilwoman Melinda Orbach. I understand as an elected leader and as a mother the priority of my family's safety and security. I hope council will move past this issue and continue the important work that the citizens of Capitola elected them to do. Councilwoman Orbach is a needed voice for the community and a great advocate for the future of Capitola.

Kristal Salcido

Outlook

Council members Orbach Coordinated Call to Action Email – Agenda Item 9B

From Kevin Maguire <kmaguire831@gmail.com>
Date Wed 9/24/2025 7:29 PM
To Kevin Maguire <kmaguire831@gmail.com>; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>; Gautho, Julia <jGautho@ci.capitola.ca.us>; City Clerk <cityclerk@ci.capitola.ca.us>; Gerry Jensen <gjensen@ci.capitola.ca.us>; Clarke, Joe <jclarke@ci.capitola.ca.us>; Margaux Morgan <mmorgan@ci.capitola.ca.us>; Melinda Orbach <morbach@ci.capitola.ca.us>; Westman, Susan <swestman@ci.capitola.ca.us>
Cc Samantha Zutler <SZutler@bwslaw.com>

Dear Council and City Attorney,

Please enter the attached email chain into the public record for Item 9B. It shows a coordinated political mobilization effort being circulated by Councilmember Orbach's allies, including former Mayor Yvette Brooks, encouraging people outside Capitola to submit letters and appear at the meeting.

This demonstrates how the narrative is being shaped externally, repeating Councilmember Orbach's claims as "truth" without evidence. Many of these letters rely on the same language provided in this call to action.

This is not about politics or progressive vs. conservative views. It is about whether councilmembers may use the dais for personal accusations against residents, in violation of the City's Code of Conduct.

I submit this not to silence opposing views, but so the Council is fully aware of the organized narrative campaign and the degree to which outside voices are being mobilized to influence this process.

Respectfully,
Kevin Maguire

From: Amie Forest <mailto:amie.forest@gmail.com>
Date: September 22, 2025 at 9:28:29 PM
Subject: Fwd: Confidential: Call to action, Please Share!I Item 9B

Hi concerned Capitola Citizens and Capitola friends, I'm forwarding on this request to support Councilwoman Melinda Orbach in these times where the bully can now claim to be the victim. This is an outrageous thing that is happening THIS Thursday at our Capitola City Council meeting. Please do

what you can to help Melinda. It has been my experience that she is currently the most responsive and progressive, city council member. She does not deserve to be treated like this! It's a long read, but worth it. Thanks for caring.
Love,
Amie

Dear Family and Friends,
I have never before needed to write such a heartfelt call to action until today. Many of you know me as a community member, a colleague, a friend, a mother, and as someone who served our city as a Councilmember. When I encouraged Melinda Orbach to run for Capitola City Council, it was because I knew she had the courage, compassion, and integrity to lead during difficult times. It brings me deep sadness that she is now being forced to endure this level of hostility and scrutiny for simply speaking the truth about harassment and intimidation in our community.

The City Council has chosen to agendize a baseless complaint against Melinda. Item 9B. This is not only a misuse of staff time and our tax dollars—it is an embarrassment to Capitola. To "put her on trial" for standing up for civil discourse and the safety of her family undermines the very principles of public service.

That is why I am asking you—whether you live in Capitola or not—to stand with Melinda. Please:

- Write a letter to the City Council (a draft is linked below for your use). Even if you plan to attend, please send in an email too—this ensures your voice is counted in case you cannot speak during the meeting.
- Show up and speak at the September 25 City Council meeting at 6 p.m. (you'll likely only have one minute to speak, but your presence matters). People are meeting at 5pm prior at Margaritaville to organize.
- Share this call to action with colleagues, friends, and networks who believe in fairness and respect in leadership.

This fight is bigger than one councilmember—it's about what kind of community we want to be. One where bullying and intimidation are legitimized, or one where leaders are supported when they stand for what is right. And please know: it does not matter if you live in Capitola—your voices and your solidarity matter.

👉 Click here for the draft letter: Draft Letter Link
(https://docs.google.com/document/d/1gWLEY_OsDR3TJTETkbumJc7IbEYk1ZGTWNrDZB7q5zw/edit?usp=drivesdk)
(Feel free to edit, personalize, and send as you see fit. Personal details such as your name or address are optional.)
Please reply and let me know if you can join us in solidarity—whether by sending a letter, attending in person, or helping spread the word. Your voice and support mean more than ever.
With gratitude and urgency,
Yvette Brooks

From Melinda Orbach

Friends, it's an understatement to say that the last nine months of being on the Capitola City Council

has been a really stressful and trying time for me and my family. I never expected public service, a the desire to help my community, to be such emotional and difficult work. I am writing to humbly ask for your support at the upcoming City Council meeting on Thursday, September 25, 2025, at 6 p.m. at the Capitola Council Chambers.

At the April 17, 2025, City Council meeting, I made the following comments in an attempt to establish some boundaries for acceptable behavior during a time of intense polarization in our community:

"I support civil discourse. I think political disagreements and the process of finding compromise are the bedrock of our democracy. I am all for free speech. However, the actions of certain community members, including threats and intimidation, both explicit and implied, have crossed the line in recent months."

"Spewing vitriol on Nextdoor is one thing, but wandering around a City Council member's neighborhood asking their neighbors where they live is something entirely different. You are engaging in physically threatening behavior that extends past politics to our homes and families."

"I would kindly request that the members of our community who have been crossing those lines, and in particular Kevin Maguire (the one trying to find out where I live), dial down the rhetoric and restrict their activities to the appropriate forums."

Based on those comments, Mr. Maguire filed a code of conduct violation complaint against me under Section 5.4 of the Capitola Code of Conduct related to decorum, saying that I engaged in abusive conduct by making "personal charges or verbal attacks upon the character or motives" of a member of the public.

Over the course of these last five months, this individual has posted negative comments about me online, called for a recall campaign against me, and sent an incessant stream of emails to the City Council that included threats of litigation, claims of Code of Conduct violations, ultimatums, demands for a public apology, and calls for the City Council to reprimand me, censure me, and/or take away my committee appointments.

During the June 26, 2025, City Council meeting, I made the following statements:

"Many of you know, I'm a mother of three kids under ten, a wife, a sister, a daughter of immigrants, a Family Nurse Practitioner, and also a councilwoman. This is the hardest job I've ever had. I fully acknowledge that there's a lot to learn and I'm still learning and I know I have made some mistakes. I am human just like you."

"When I made my comments on April 17th, I responded in a way that felt most authentic to me. I did not mischaracterize the individual or call him names, I simply stated the facts. While I acknowledge the mistake of calling him out by name, which I will never do again, I do not regret speaking truthfully about what transpired and how certain behaviors of community members have made me feel. My highest priority is to protect my family and ensure their health and safety. I believe threatening behavior of any kind should never be tolerated. I'm sure my council members would agree."

"I want to put this behind me and move forward in a productive and respectful manner, and I have talked to the Conflict Resolution Center to help mediate this issue. Just earlier today, I sent an email to this individual, advocating for a new kind of conversation - one guided by experienced facilitators who can help us move beyond our misunderstandings, and I hope he will accept."

I acknowledged my mistake and offered meditation. Mr. Maguire agreed to meet after receiving my third and final offer on July 31, 2025. I offered mediation with the hope that we could meet face to face, share our experiences, understand how we each got to this point, and hopefully see that, while we each have different experiences of Capitola and what it could/should be, we are each trying to make it better. I have been trying in good faith to set up a meeting with him through the Conflict Resolution Center since the beginning of August, but they had to repeatedly push back the date

because no dates seemed to work for him. We finally have our intake visit set up for tomorrow afternoon, with our face-to-face meeting set for October 7th.
While I was attempting to defuse this conflict through mediation, Mr. Maguire submitted a tort claim against me and the City of Capitola on August 27th. During the September 11th City Council meeting, Councilmember Susan Westman requested that the tort claim be continued (instead of being rejected) and that the code of conduct complaint against me be agendized for discussion at the next meeting. Instead of supporting me in this process, the majority of the council wants to put me on trial for having the audacity to ask that an individual respect boundaries. This has been the most difficult and infuriating part of it all - to not be supported by my colleagues. One fellow council member even told me: "Just apologize and this all goes away."

On September 25, the City Council will decide whether to dismiss the code of conduct violation claim against me or vote to move forward with a public hearing. If we move forward with a public hearing, I will defend myself, provide context for my comments, and demonstrate that they do not constitute a violation of the code of conduct, but being put on trial is not the path I would prefer to take.

Just a few short months ago, Councilmember Pedersen chose to resign because of the intense legal harassment he was receiving from the same group of individuals that are now attacking me. As the only progressive voice left on the Capitola City Council, I believe that certain other council members and their friends and supporters are trying to silence me and hoping that if they make civic life miserable enough, I too will resign.

I am asking you to urge the council to vote to dismiss the claim. I do not believe that my comments constitute a violation of the code of conduct. I spoke truthfully about documented events that led up to the April 17th council meeting and asked for respectful boundaries from an individual who has demonstrated animosity towards me since I decided to run for office. I want to teach my kids, and especially my daughters, that their voices have the power to create positive change, to speak out against injustice and inappropriate behavior, and to demand that their boundaries always be respected.

Please consider coming to the meeting to speak during the public comment period and request that the council dismiss this claim. You can also submit a public comment letter to the council if you cannot make it to the meeting by sending it via email to mailto:citycouncil@ci.capitola.ca.us. Thank you for your consideration and support. I am also open to hearing any and all ideas!

Outlook

Former Mayor who abandoned her commitment one year into her term can't really be attempting to secretly organize against a resident

From John Mulry <jxmulry@gmail.com>
Date Wed 9/24/2025 7:59 PM
To City Council <citycouncil@ci.capitola.ca.us>; Tamsin McMahon <tamsin@lookoutlocal.com>

Like that's the rumor that can't actually be true. Yvette is possibly the worst and least authentic person I have ever met but still. This can't be true can it. I'm told she sent an email titled Confidential even. Like please tell me this isn't true. Can't believe she opened herself up to the liability alone beyond the horrid fascist aspect of it's true.

Please advise if any of you know.

Warmly JM

Outlook

September 25, 2025 meeting

From Kiersten Elzy <kelzyloving@gmail.com>
Date Wed 9/24/2025 8:02 PM
To City Council <citycouncil@ci.capitola.ca.us>

To the Members of the Capitola City Council,

This letter is intended to convey my disappointment and concern regarding the potential compromise of our country's cherished protection of freedom of speech, on learning that Councilmember Melinda Orbach has been targeted for speaking openly about her experiences of harassment and intimidation. As community members, we expect all members to be treated equally with dignity and respect. Councilmember Orbach has publicly acknowledged that naming an individual was a mistake that she will not repeat. Her comments on April 17, 2025, were truthful, transparent, and rooted in a parent's desire to protect her family. Councilmember Orbach exhibited integrity by repeatedly offering mediation through the Conflict Resolution Center, while she continues to show restraint during ongoing, very public, and personal attacks. At this moment, the Capitola City Council has the opportunity to set an example in positive leadership and best practices. I am concerned that the decision appears to reward further the harassment experienced by Councilmember Orbach by agendizing a "code of conduct complaint" that seems without merit.

- Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks.
- Councilmember Orbach has endured months of online vitriol, threats of litigation, and intimidation.
- Capitola residents are witnessing bullying as an effective means for community decision-making, rather than the City Council providing an example of respectful discourse and healthy conflict resolution.

Capitola and the citizens of Santa Cruz County need leaders who are committed to truth and principle. Punishing Councilmember Orbach for insisting on civility sends the message that harassment is effective. My (now grown) children attended Capitola Schools, Junior Guards, and Little League. When they graduated from college, both from across the country and abroad, they chose to return, and each made their homes in Capitola.

I am grateful for your individual commitment to community service. There have always been, and will continue to be challenges in serving in local government, but please do not make the mistake of bowing to pressures to rebuke Councilmember Orbach. I urge you to dismiss the misguided complaint at your meeting on September 25, 2025.

Respectfully,
Kiersten Elzy-Loving
Santa Cruz, CA

Outlook

Item 9B Code of Conduct Complaint

From Joanne Noce <joannenoce@yahoo.com>
Date Wed 9/24/2025 8:02 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Councilmembers,

I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

Sincerely,
Joanne Noce
Capitola Resident

Outlook

ATTN: Public Comment - Council Agenda Item 9B

From Emeline Nguyen <emelinen.gov@gmail.com>
Date Wed 9/24/2025 8:19 PM
To City Council <citycouncil@ci.capitola.ca.us>

Good evening, Mayor Clarke and Councilmembers,

As a Capitola resident who cares deeply about our community, I am writing regarding Item 9B on the September 25 agenda.

Serving in local government is an act of service and sacrifice. For Councilmembers, it is volunteer work that involves constant pressure from all sides, including community members with diverse perspectives, colleagues with competing priorities, and the personal responsibility of both decision-maker and role model. I want to start by acknowledging the challenges of this work and the commitment required to serve as a voice for the community, including those who may not otherwise be heard.

In this environment, it is more crucial than ever that the Council's process remains transparent, consistent, and fair. Even the perception that one member is being treated differently, regardless of intention, can erode trust. The Code of Conduct should serve to reinforce civility and accountability, not to divide or discourage those willing to serve.

I also understand that mediation between the parties is in progress. Given that, I respectfully ask whether moving forward to a full public hearing at this point is the most effective course of action. Public hearings can escalate conflicts, consume considerable time and resources, and further inflame an already tense civic atmosphere. A resolution through mediation could allow the Council to demonstrate both accountability and compassion, while preserving resources to address the urgent issues facing Capitola, such as housing, climate resilience, fiscal sustainability, and community safety.

At the same time, I recognize the importance of taking complaints seriously and upholding standards of conduct. I encourage the Council to find a balance: protect the integrity of the Code, ensure fairness in its enforcement, and prioritize reconciliation when possible.

The way this situation is handled will set an example not only for today's civic culture but also for future generations who look to their leaders as role models. Our community needs strength, hope, unity, and compromise. We need leaders who can disagree respectfully, restore trust, and focus their efforts on the issues that shape our shared future.

Thank you for your service during these challenging times and for your dedication to fairness, transparency, and the long-term well-being of Capitola.

Respectfully,

Emeline N.

Outlook

ATTN: Comment on Item 9B – Importance of Process and Respect

From natek.gov <natek.gov@gmail.com>
Date Wed 9/24/2025 8:49 PM
To City Council <citycouncil@ci.capitola.ca.us>

To the Capitola City Council,

As a Capitola resident, I want to share a concern about how sensitive items are handled at Council meetings.

When matters like Item 9B come before you, the process is just as important as the decision itself. These discussions should stay focused on facts, fairness, and transparency. No councilmember should feel singled out, and no resident should feel dismissed.

Since the beginning of the year, this Council has worked through difficult tensions. In recent months, the tone has started to return to respect, and that progress matters. Protecting that progress means honoring due process, avoiding unnecessary disputes, and staying focused on the people's business. Neither councilmembers nor residents should ever be bullied or subjected to intimidation, especially since all of us who serve this city do so as volunteers.

By keeping the focus on process and respect, the Council protects the City, supports one another, and strengthens public trust.

Respectfully,

Nathan Kieu

Outlook

Fwd: Canvassing for Measure L

From Russell, Elisabeth (ebertrandrussell@hotmail.com) <ebertrandrussell@hotmail.com>
Date Wed 9/24/2025 9:01 PM
To City Council <citycouncil@ci.capitola.ca.us>
Cc Kevin Maguire <kmaguire831@gmail.com>

Subject: Canvassing for Measure L

Dear Members of the Capitola City Council,

An organized group worked together to inform Capitola citizens about the pending city council proceedings that could have violated Measure L. One of the components was dispersing fliers to every neighborhood in the city.

Every neighborhood was given fliers. There was no targeting, only an effort to inform all of the citizens.

Sincerely,
Elisabeth Bertrand

Sent from my iPhone

Outlook

Item 9B code of conduct

From Jacqueline Chen <cjchen221@gmail.com>
Date Wed 9/24/2025 10:30 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to express strong concern about the Council's decision about a code of conduct complaint against Council member Melinda Orbach.

The actions taken by this individual citizen were perceived to Councilmember Orbach and her family as threatening. Council members have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Council member Orbach relied on her voice to request for boundaries and protect her family to the best of her ability.

Council member Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council complicates resolution of the original conflict. Moving forward with this hearing creates additional liability for both the City and Council member Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation.

Respectfully,

Jacqueline Chen

Outlook

Item 9B Code of Conduct Complaint (September 25 meeting)

From Keith Wood <keithwgtr@gmail.com>
Date Wed 9/24/2025 11:59 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I attended your very tense April 17 meeting, and I'm surprised and concerned that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of obvious harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimizing or second-guessing their own lived experiences, Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression.

Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met *not with respect, but with ongoing attacks* on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Clearly, Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured *threats, online intimidation, and relentless personal attacks*. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don't upset power.

I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who *protect the right to safety and respect* in public life. To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something no city committed to justice and equity should tolerate.

Respectfully,
Keith Wood

Outlook

True Leadership: who will you choose to be

From joy flynn <joyflynnwall@gmail.com>
Date Thu 9/25/2025 2:53 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Council member Melinda Orbach on trial for exercising her authority and freedom of speech and speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. Which is exactly what you as a board representing the city of Capitola should also be doing. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts as resolution, and modeling restrictive practices for its community, this Council instead is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Council-member Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation when you as a board have the authority to shut this down and provide her the backing she deserves. Instead you are using her as an example and singling her out. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue. As a board member who knows all to well the discord that can occur from the dais it is important to have a call for kindness both on and off the dais something I've recently begun calling for.

I urge you to dismiss this claim outright on September 25. Capitola deserves leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment, rather than logic, works. That is not the Capitola I believe in, and I stand firmly with her.

Respectfully,

Joy Flynn

PVUSD Trustee area 1

Sent from mobile, please forgive any mistakes.

Outlook

Item 9B Code of Conduct Complaint

From Nils Tikkanen <120psi@gmail.com>
Date Thu 9/25/2025 8:26 AM
To City Council <citycouncil@ci.capitola.ca.us>

I support Councilmember Orbach's position and transparency. Our community should have zero tolerance for the kind of behavior she's been subjected to -- it's fine to have a political stance but absolutely unacceptable to threaten someone. I urge you to dismiss the complaint against Councilmember Orbach.

-- Nils Tikkanen
County resident since 1999, currently residing in Live Oak

Outlook

Item 9B code of conduct complaint

From Andrea Ludwick <andrea.paz.donnelly@gmail.com>
Date Thu 9/25/2025 8:58 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I respectfully urge the Council to dismiss the complaint against Councilmember Orbach. She has acknowledged her actions, issued an apology, and is actively participating in mediation. Moving forward with a public hearing at this stage would undermine that process and set a precedent of politicizing disputes better resolved through established channels.

Public hearings should be reserved for matters of significant policy or governance, not for conflicts already addressed through mediation. To proceed otherwise risks creating a climate where complaints become a tool of intimidation rather than accountability. This erodes trust in the process, discourages qualified individuals from public service, and disproportionately impacts those already underrepresented in leadership roles.

Dismissing this complaint would affirm the Council's commitment to fair, efficient, and constructive conflict resolution, while ensuring that the focus remains on the substantive work of governing our community.

Thank you for considering my opinion,

Andrea Ludwick

Outlook

Public Comment – Item 9B (Code of Conduct Complaint against Melinda Orbach)

From Emmy Mitchell-Lynn <emmythehistorian@gmail.com>
Date Thu 9/25/2025 9:00 AM
To City Council <citycouncil@ci.capitola.ca.us>; Gautho, Julia <jGautho@ci.capitola.ca.us>

Dear Capitola City Councilmembers,

I am writing regarding Item 9B and urge you to dismiss the complaint against Councilmember Orbach.

The facts the public has been privy to are these: at the April 17, 2025 meeting, Councilmember Orbach described behavior that crossed the line from political disagreement into intimidation. She named the individual and asked him to stop. In response, he filed a Code of Conduct complaint, then a tort claim, and has continued to send demands for censure, reprimand, and removal from committees. Councilmember Orbach has acknowledged that naming him was a mistake in form, and mediation has been sought to resolve the matter.

Councilmember Orbach's comments do not constitute "abusive conduct." They were a straightforward account of actual events that raised legitimate safety concerns. Labeling this as a "personal attack" misuses the Code of Conduct and reflects a troubling pattern in Capitola, where process is increasingly used to marginalize or silence elected and appointed officials whose voices do not align with the priorities of certain groups. This kind of attack, regardless of which side engages in it, undermines the Council's work and erodes public trust, and it fundamentally needs to stop. Allowing this complaint to stand would only legitimize harassment and intimidation as political tactics.

What makes this especially damaging is who Councilmember Orbach is as a leader. She is not reactionary or partisan. She takes the time to analyze every issue from multiple angles, weighing competing interests and offering solutions that are balanced and fair. This impartiality is rare in today's politics, and Capitola should recognize it as an asset. Undermining that kind of leadership sends the message that fairness and balance will be met with hostility rather than respect.

And this is not an isolated incident. I served on a Capitola city board for over six years before stepping away because of the increasingly hostile climate of our city's government. I have watched how bullying tactics and divisive behavior drive out people who try to serve thoughtfully. What is happening to Councilmember Orbach is part of that same pattern — a pattern that should not be rewarded.

Allowing this complaint to move forward would not protect civic life; it would hand more power to those who thrive on intimidation. Dismissing it is the only outcome that refuses to reward harassment and keeps Capitola's public process from being further hijacked.

Sincerely,
Emmy Mitchell-Lynn

Outlook

Item 9B Code of Conduct Complaint

From Taylor Seamount <taylorseamount@gmail.com>
Date Thu 9/25/2025 9:03 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Councilmembers,
I urge the Council to dismiss the complaint against Councilmember Orbach on September 25.

The submission of the complaint is clearly not based out of a concern for fairness or safety. It is yet another tactic to squash good-faith discourse about the rail trail.

Councilmember Orbach has not been protected by our community from harassment and intimidation. And now we move to punish her for a totally understandable attempt to protect herself? This is truly unacceptable.

The pro-rail trail campaign has not employed harassment tactics. Councilmember Orbachs harasser is no less on danger with his identity called out. Meanwhile councilmember Orbach and her family are increasingly under threat every time she speaks up for public transit in our community. It would be deeply unfair for her to be the one ultimately punished for this asymmetrically violent dispute.

Sincerely,
Taylor Seamount
(she/her or they/them)

Artist envisioning a regenerative California through plein air and illustration.
taylorseamount.com
instagram.com/taylorseamount

Etsy seller creating ultralight plein air gear
etsy.com/shop/TSeamount

UC California Naturalist, class 2023

Outlook

Reject complaint against Councilmember Orbach

From Natasha Pedroza <pedrozafamily53@gmail.com>
Date Thu 9/25/2025 9:13 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing with deep concern about the Council's decision to place a code of conduct complaint against Councilmember Orbach on the public agenda. This course of action not only undermines the integrity of a process already underway through mediation, but sends an unsettling message about how Capitola treats leaders who speak out with courage and conviction.

At the heart of this situation is something more than a procedural disagreement. A public servant experienced conduct that felt unsafe, and she responded with the only recourse available to her: she used her voice. Without any other protections in place for public servants, she spoke out. That voice wasn't reckless—it was clear, measured, and rooted in a commitment to transparency and accountability. Councilmember Orbach acknowledged her initial misstep in using a specific name and immediately sought resolution through mediation. That's leadership.

By continuing to elevate this complaint, the Council is not serving justice—it is disrupting it. Rather than allowing the existing conflict resolution process to proceed, this hearing risks inflaming division, escalating hostility, and exposing the city to unnecessary legal and reputational harm. Worse, it threatens to normalize a pattern far too familiar to women in public service: speak out, and be silenced.

Let's be honest about what's at stake. When a woman in public life draws a boundary to protect herself and her family and the consequence is a public hearing meant to shame her—that is not accountability. That is a warning shot. And every woman watching, every young person learning what civic leadership looks like, sees it for what it is. In this political climate, when a disgruntled constituent appears to be hunting down her home where she lives with her young family, of course she felt fearful. And I am disappointed that instead of protecting her and our other public servants, we are witnessing this spectacle.

I urge the Council to reject this complaint and restore faith in Capitola's commitment to ethical leadership, authentic dialogue, and a public culture where all can lead without fear. Please reject this complaint and move forward with the work that actually serves this community.

With conviction and respect,
Natasha

Outlook

[PDF] Item 9B Code of Conduct Complaint

From Loren Morse, REALTOR <lorensellsrealestate@gmail.com>
Date Thu 9/25/2025 9:22 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (155 KB)
Item 9B Code of Conduct Complaint (1).pdf;

Dear Capitola City Council,

See attached signed letter, but below is a body of the letter**

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Council member Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd, it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Melinda is not seeking clout. She is a full-time professional, a full-time mother, and a woman whose perspective brings much-needed diversity to Capitola. As someone who grew up only a mile away in a community made up almost entirely of white families, including my own, I know how important it is to have representation that reflects the richness of our community today. Her presence on this council is a breath of fresh air, and she represents voices like mine and many others who care deeply about Capitola's future.

Council member Orbach has already acknowledged that naming an individual was a mistake she will not repeat. The heart of her comments on April 17 was clear, however: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimized, or forced to second-guess their own lived experiences, Council member Orbach did what strong women do, she spoke up. That should never be treated as a transgression.

Rather than inflaming conflict, she has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. Despite the limited time she has between work and family responsibilities, she still shows up, dedicating herself to making Capitola a better place. That commitment deserves this Council's respect and support.

Let us be clear, Melinda did not slander, demean, or lash out, she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear, stay quiet, stay small, do not upset power.

I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Council member Orbach for insisting on civility is to reward harassment, and that is something no city committed to justice and equity should tolerate.

Respectfully,
Loren

Loren Morse, Realtor
eXp Realty of California, Inc.
"Housing Humans & Hounds"
Lorensellsrealestate@gmail.com
831-345-8912 | DRE#02115062
lorenmorse.exprealty.com

Docusign Envelope ID: 45FF2554-BB93-413C-92EA-377449857A6C

Dear Capitola City Council,

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Council member Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd, it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Melinda is not seeking clout. She is a full-time professional, a full-time mother, and a woman whose perspective brings much-needed diversity to Capitola. As someone who grew up only a mile away in a community made up almost entirely of white families, including my own, I know how important it is to have representation that reflects the richness of our community today. Her presence on this council is a breath of fresh air, and she represents voices like mine and many others who care deeply about Capitola's future.

Council member Orbach has already acknowledged that naming an individual was a mistake she will not repeat. The heart of her comments on April 17 was clear, however: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimized, or forced to second-guess their own lived experiences, Council member Orbach did what strong women do, she spoke up. That should never be treated as a transgression.

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Let us be clear, Melinda did not slander, demean, or lash out, she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear, stay quiet, stay small, do not upset power.

I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Council member Orbach for insisting on civility is to reward harassment, and that is something no city committed to justice and equity should tolerate.

Respectfully,

DocuSigned by:
Loren Morse
0A4E8FDD0B66438...

Loren Morse

9/25/2025

Outlook

women in leadership

From Ziggy RendlerBregman <zig.poet@gmail.com>
Date Thu 9/25/2025 9:40 AM
To City Council <citycouncil@ci.capitola.ca.us>

To all members of the Capitola City Council,

It has come to my attention that there has been a series of issues
that appear to be harassment of your abiding councilwoman, Melinda Orbach.

I am writing to you so that you can address this head on.

There is never a place or time for women who are serving in leadership positions in our local, regional, or national government to receive any backlash or harassment due to their gender. We must all be vigilant in addressing this right here, right now.

Thank you for your concern and your effort to stop it!

Sincerely,

Ziggy Rendler-Bregman

--
"There is no such thing as an artist: there is only the world lit or unlit."
--Annie Dillard

ziggyrendlerbregman.com

Outlook

(No subject)

From Lunamar Harter <lunamar.harter@gmail.com>
Date Thu 9/25/2025 9:47 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in

dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with Councilmember Orbach

Respectfully,

Lunamar Harter, Resident of Capitola

1790 48th Ave., #4 Capitola, CA 95010

Lunamar.Harter@gmail.com

Outlook

Item 9B Code of Conduct Complaint

From Mary Seamount <mseamount@yahoo.com>
Date Thu 9/25/2025 10:07 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I urge you to dismiss the complaint against Councilmember Orbach. She has the right and responsibility to speak openly about harassment and to protect her family.

She has acknowledged her mistake in naming the harasser and acted in good faith. After seeking mediation to resolve conflict, the harassment against her only escalated.

The complaint is clearly retaliatory and continued harassment. To discipline her for speaking truthfully about harassment would set a dangerous precedent and send a chilling message to every woman and every parent who raises children to stand up for themselves. Please do not reward intimidation.

Capitola deserves leaders who value integrity over intimidation, and who protect the right to safety and civility in public life.

Sincerely,

Mary Seamount

196 Meadow Ct

Aptos, CA 95003

831-588-0162

mseamount@yahoo.com

Outlook

Councilmember Orbach (support letter)

From Juan Pedroza <pedroza.juan@gmail.com>
Date Thu 9/25/2025 10:31 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear City Council,

I write in support of Councilmember Melinda Orbach. The current issue being discussed appears to be one of selective application of rules. Even considering Orbach's admitted mistake, I see nothing out of the ordinary that would require the type of action (against Orbach, specifically) being considered. We are left to assume that the rules are being applied in a way that has more to do with caprice than advancing a public interest.

A concerned member of the public,
Juan Pedroza

Outlook

[PDF] Concerned citizen

From Jillian Lashley <jmlarm27@gmail.com>
Date Thu 9/25/2025 10:35 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (141 KB)
Melinda Letter.pdf;

To Whom it May Concern,

Attached is a letter in regards to the local issue of city council member,Melinda Orbach.

As a born and raised citizen, I find it deeply concerning that even as Melinda seek mediation,that she faces biased scrutiny in efforts by our own council members whom seem to put precedent of protecting a predator. Not just a predator, but one who influences our local youth in our community.

It is evident that Melinda has not only apologized but seeks to address and resolve issue at hand of misuse of her position.
Yet our own council, continues to scrutinize and put on trial the very member whom is being threatened and harassed instead of the person of wrongful behavior.

It's deeply concerning and disappointing if our very own members have questionable ethics that compromise our local citizens and moral obligations to this community.

Docusign Envelope ID: DA64EAC8-B4DB-4723-A211-F98D82003AE8

Dear Capitola City Council,

I write today out of profound concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimizing, or second-guessing their own lived experiences, Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression.

Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay quiet, stay small, don’t upset power.

I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something no city committed to justice and equity should tolerate.

Respectfully,

Signed by:
5CB9918DC2704C7...

Jillian Lashley

9/25/2025

Outlook

9B Code of Conduct Complaint

From Kimberly Chang <ksgchang@yahoo.com>
Date Thu 9/25/2025 10:43 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

In these days of serious political violence, I encourage you to dismiss the Code of Conduct complaint against City Councilmember Ms. Melinda Orbach. Her comments were innocuous and not harmful to the accuser... and yet the City Council turns a blind eye to the safety of your colleague, Ms. Orbach. There must be a line where those in public service can maintain their personal privacy and safety from acts of the public posing direct inquiries to neighbors as to where Ms. Orbach resides. The political process and code of conduct should not be used to further target City Councilmembers. The City Council should be taking measures to protect Ms. Orbach (and by extension, ALL city councilmembers) from infringements on their personal privacy and safety. Make no mistake, enabling this sort of behavior only emboldens further intrusive behavior from the public, which can escalate into physical harm. Deescalate now.

Sincerely,
Kimberly Chang

Outlook

Concern Regarding Council Functionality and Harassment

From Michael Gutiérrez <mdgutierrez@gmail.com>
Date Thu 9/25/2025 10:50 AM
To City Council <citycouncil@ci.capitola.ca.us>

Mayor and Members of the City Council,

As a resident of Capitola for nearly 25 years, I am writing to am writing to express my profound concern regarding the recent actions of a small, focused group within our community. These actions are having a detrimental effect on the integrity and functionality of our City Council, which is a cause for significant alarm for me as a voter and a citizen.

I am particularly disturbed by the ongoing pattern of targeting and harassment directed at individual council members. The resignation of one member and the continued targeting of others indicate a deliberate effort to disrupt our city's governance and deter duly elected officials from serving the public. The repeated scrutiny of council members' personal lives, the exaggeration of minor issues, and the relentless pursuit of new grievances, even after previous allegations have been formally disproven, appear to be tactics aimed at political intimidation rather than genuine accountability.

The recent request for the City Council to adopt a policy requiring hearings for allegations even without legal merit is especially troubling. Such a policy would not promote transparency or public trust; instead, it would weaponize the Council's own procedures against its members. This would create a system that enables the harassment of public servants and consumes valuable city resources with unfounded, politically motivated disputes.

I am concerned that this behavior, if allowed to continue, will discourage qualified and dedicated individuals from running for office and will undermine the democratic process. Our city's progress depends on a City Council that can focus on the important work of governance without being sidetracked by campaigns of personal and political intimidation.

I urge you to resist any policies that would enable these disruptive tactics. I also encourage you to find ways to support our elected officials so they can fulfill their duties without fear of harassment. Your commitment to a fair and functional government is essential for the well-being and future of our city.
Thank you for your time and consideration of this critical matter.

Sincerely,
Michael Gutierrez
Longtime Capitola Resident

Outlook

Item 9B code of conduct complaint

From Roya Pakzad <roya.pakzad@gmail.com>
Date Thu 9/25/2025 10:59 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Honorable Members of the Capitola City Council,

I'm writing in strong support of Councilmember Melinda Orbach and to respectfully urge you to dismiss the Code of Conduct complaint (item 9B) at the September 25, 2025 meeting.

Councilmember Orbach has been a dedicated and effective public servant, consistently focused on the core issues facing our community. Her comments on April 17 were a reasonable request for basic respect and safety for herself and her family; clear, necessary boundaries that any elected official should be able to expect. She has since taken constructive steps toward resolution, including initiating mediation.

This matter should not distract from the work residents elected her to do. Continuing a punitive process risks normalizing intimidation of public officials and shifts attention away from solving our shared challenges.

Please allow Councilmember Orbach to continue her focused attention on the main issues before us and send a message that protecting the safety and dignity of those who serve is a shared priority.

Warm regards,
Roya Pakzad

Outlook

Letter of support for Melinda Orbach

From Ben Breen <breen85@gmail.com>
Date Thu 9/25/2025 11:05 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Councilmembers,

I am writing to express my strong support for Melinda Orbach. In my interactions with her (our kids went to preschool together) she is a thoughtful, principled, and dedicated person.

I urge you to dismiss the Code of Conduct complaint against her. Melinda strikes me as someone who is honest, respectful, and committed to civil discourse. In other words, exactly the sort of person I want in local government.

Sincerely,
Benjamin Breen

Benjamin Breen
Associate Professor of History
University of California, Santa Cruz

Faculty page: history.ucsc.edu/faculty/profiles/index.php?uid=bebreen
Website: benjaminpbreen.com
Newsletter: resobscura.substack.com
Books: *Tripping on Utopia: Margaret Mead, the Cold War, and the Troubled Birth of Psychedelic Science* (2024) and *The Age of Intoxication: Origins of the Global Drug Trade* (2019)

Outlook

Item 9B Code of Conduct Complaint

From Mary Seamount <mseamount@yahoo.com>
Date Thu 9/25/2025 10:07 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I urge you to dismiss the complaint against Councilmember Orbach. She has the right and responsibility to speak openly about harassment and to protect her family.

She has acknowledged her mistake in naming the harasser and acted in good faith. After seeking mediation to resolve conflict, the harassment against her only escalated.

The complaint is clearly retaliatory and continued harassment. To discipline her for speaking truthfully about harassment would set a dangerous precedent and send a chilling message to every woman and every parent who raises children to stand up for themselves. Please do not reward intimidation.

Capitola deserves leaders who value integrity over intimidation, and who protect the right to safety and civility in public life.

Sincerely,

Mary Seamount

196 Meadow Ct

Aptos, CA 95003

831-588-0162

mseamount@yahoo.com

Outlook

[PDF] item 9B code of conduct complaint

From Raman Virk <ramanvirk83@gmail.com>
Date Thu 9/25/2025 11:17 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (31 KB)
Letter.pdf;

Dear City Council Members,

Please see the attached letter regarding a matter of misconduct that requires your attention. I appreciate your time and consideration.

Regards,
Ramandeep Virk

Dear Capitola City Council,

I respectfully urge you to dismiss the complaint against Councilmember Orbach. In a moment of intimidation, she used her voice, the only tool she had and has since acknowledged the impact, apologized publicly, and entered mediation. A public hearing now could undermine that progress.

In today's hostile political climate, especially for women, this kind of punitive action sends the wrong message. It discourages thoughtful leadership and tells women that speaking up may lead to punishment.

As a parent, I want my children to know their voices matter. Let's choose a constructive path. Please dismiss the complaint on September 25 and let mediation continue.

Respectfully,

Ramandeep Virk.

Ramandeep Virk

Outlook

Letter of Concern and Support for Councilwoman Melinda Orbach RE: Item 9B in tonight's Capitola City Council Agenda

From Stephanie Barron <81lulu81@gmail.com>
Date Thu 9/25/2025 11:29 AM
To City Council <citycouncil@ci.capitola.ca.us>

Letter of Concern and Support for Councilwoman Melinda Orbach RE: Item 9B in tonight's Sept 25 Capitola City Council Agenda

Good evening, Councilmembers,

I'm writing because I'm deeply concerned about what this hearing represents. By moving forward with a public code of conduct complaint — despite a public apology, active mediation, and no precedent for agendizing past complaints — this Council is sending a dangerous message.

It legitimizes personal and political attacks — particularly those targeting women of color in leadership. Councilmember Orbach spoke up to set boundaries. That should not make her a target.

We've seen this pattern across the country: women, especially women of color, being held to different standards, scrutinized more harshly, and punished for asserting themselves. Capitola should not follow that path.

At a time when our city, county, state, and country faces real, urgent challenges, this process feels less like accountability and more like intimidation.

I urge you: dismiss the complaint, protect the integrity of mediation, and apologize to Melinda for reinforcing harmful dynamics by agendizing this matter. Capitola can do better. I hope to see greater solidarity and mutual respect from this honorable council, the work will only get harder and we are stronger together when we do not let our values get tuned out by the loudest in the room. Please keep those of us on the margins of power and privilege in your mind as equally deserving of your courage and advocacy.

Thank you.

Stephanie Barron Lu,

Outlook

Item 9B, Code of Conduct Complaint

From R James <lovinglife95062@gmail.com>
Date Thu 9/25/2025 11:32 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Council Members,

I am writing to urge you to dismiss the claim against Melinda Orbach and let mediation take its course. Melinda has not only acknowledged what she did, but has publicly apologized, and sought to work through the issue with the individual in mediation. Scheduling this hearing, undermines the mediation process and complicates resolution of the original conflict.

Again, I ask you to dismiss this claim at tonight's meeting.

Thank you for your time and consideration.

RJ - unincorporated county

Outlook

Supporting Melinda Orbach

From Grace Kau <graciekau@gmail.com>
Date Thu 9/25/2025 11:36 AM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,

Grace Kau

Sent from my iPhone

Outlook

Council member Melissa Orbach

From Ilene Feinman <ilenerose@baymoon.com>
Date Thu 9/25/2025 12:05 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear council members and mayor,
From a community perspective, Councilmember Orbach needs to be protected from harassment by constituents. When women name a harasser they are publicly protecting themselves by garnering witness to the harassment and warning others of the behavior of the harasser.
Please take her concerns seriously and support her thriving and serving our communities with her work on Council.

Ilene Feinman
District 1 constituent Santa Cruz City

Outlook

Item 9B: Code of Conduct Complaint

From Ryan Meckel <ryantmeckel@gmail.com>
Date Thu 9/25/2025 12:29 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

Please dismiss this meritless complaint and condemn the ongoing harassment of your fellow councilmember at today's meeting. It is deeply disheartening to see this rise to the level of an agendized item, giving tacit approval for community members to harass and intimidate those who do not share their beliefs. When our national political climate is becoming ever more toxic, hateful, and divisive it is shameful to see those same behaviors elevated locally, especially by elected officials.

I hope you'll lead by example in standing with Councilmember Orbach against harassment and intimidation in Capitola by rejecting this complaint.

Sincerely,
Ryan Meckel

Outlook

Melinda Orbach code of conduct complaint

From Claudia Donnelly <donnclaudia@gmail.com>
Date Thu 9/25/2025 12:33 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I respectfully urge the Council to dismiss the complaint against Council member Orbach. She has acknowledged her actions, issued an apology, and is actively participating in mediation. Moving forward with a public hearing at this stage would undermine that process and set a precedent of politicizing disputes better resolved through established channels.

Public hearings should be reserved for matters of significant policy or governance, not for conflicts already addressed through mediation. To proceed otherwise risks creating a climate where complaints become a tool of intimidation rather than accountability. This erodes trust in the process, discourages qualified individuals from public service, and disproportionately impacts those already underrepresented in leadership roles.

Dismissing this complaint would affirm the Council's commitment to fair, efficient, and constructive conflict resolution, while ensuring that the focus remains on the substantive work of governing our community.

Thank you for considering my opinion

Outlook

Capitola City Council

From Susanne Melehan CA-Santa Cruz <susanne.melehan@commonspirit.org>
Date Thu 9/25/2025 1:00 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today out of concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation against Councilmember Melinda Orbach, who is on trial for speaking out against her own experience of harassment. This is heinous--a woman should always be able to speak out against harassment.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat. She is a woman, a mother, and an elected leader who asserts her right to safety and to draw boundaries when faced with threatening behavior. Women are too often silenced, minimized, or second-guessed for their own lived experiences. Councilmember Orbach speaking up should not be viewed nor treated as a transgression.

Councilmember Orbach has sought resolution and offered mediation through the Conflict Resolution Center multiple times, but her willingness to meet in good faith has been met with contempt with ongoing attacks against her character and attempts to discredit her leadership. Instead of standing with her, the Council risks legitimizing harassment by fostering a baseless code of conduct complaint against her.

Councilmember Orbach did not slander, demean, or lash out--she asserted her boundaries; yet, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service and every mother in Capitola raising daughters to use their voices are watching. To punish her would be to support the old adage: "stay quiet, stay small, and don't upset power."

Please strongly reject the complaint placed against Councilmember Orbach on September 25th, 2025. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public. Do not punish Councilmember Orbach for insisting on civility and seeking resolution on this matter.

Respectfully,
Susanne Melehan

Caution: This email is both proprietary and confidential, and not intended for transmission to (or receipt by) any unauthorized person(s). If you believe that you have received this email in error, do not read any attachments. Instead, kindly reply to the sender stating that you have received the message in error. Then destroy it and any attachments. Thank you.

Outlook

Item 9B Code of Conduct Complaint

From Alexis Konevich <alexiskonevich@gmail.com>
Date Thu 9/25/2025 1:27 PM
To City Council <citycouncil@ci.capitola.ca.us>

To the esteemed members of the Capitola City Council:

I write today in support of Councilwoman Melinda Orbach, and to express my concern over the state of public discourse in the community. Having recently been the target of similar threats and intimidation tactics as a county appointee, I understand Melinda's fear for her safety and that of her family. I ask that you uphold the honor of your esteemed body and refuse to let fellow council members be harassed into submission by a select few individuals trying to drown out the voice of the people who voted to elect Councilwoman Orbach.

Please note the above comments are my own and do not represent the official views or position of the county parks commission.

Thanks,
Alexis Konevich

Outlook

Item 9b code of conduct complaint

From Jessica Cannarozzi <jessarozzi@gmail.com>
Date Thu 9/25/2025 2:07 PM
To City Council <citycouncil@ci.capitola.ca.us>

To whom it may concern,
As a resident of Capitola and having voted for Melinda Orbach, I find it embarrassing that so much time and effort has been spent by the council on the complaint filed. I am a frequent observer of social media, and question the validity of this complaint at all, based on the many personal attacks this individual has made on Melinda and her family. It's time that you start representing the majority of your constituents and start focusing on issues that will impact the community, such as the rail trail, housing, public transportation, an overwhelming number of properties turned short term rentals, and more. In my opinion, those of you pushing this complain forward are being manipulated by a loud mouth bully who is sitting so comfortably in his privilege he can't see the reality of the world he lives in today. This will be remembered when voting time comes around again, and remember, many of you were not voted in by the public.
I insist you drop the complaint and start listening to the candidate many constituents feel represent their policies and concerns.
Jessica Cannarozzi
38th Ave, Capitola

Outlook

Item 9B Code of Conduct Complaint

From Scott <scott.public49@gmail.com>
Date Thu 9/25/2025 2:13 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to recommend dismissal of the code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary liability for Capitola at the expense of taxpayer dollars.

The issue at hand is regrettable, but also a trivial mistake. And, crucially, Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and has consistently sought to de-escalate by offering mediation. Mediation is identified in the staff report. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Scheduling the hearing also sets the precedent that mediation through the Conflict Resolution Center is unnecessary. Moving these proceedings forward prior to the completion of mediation is not only premature, it sends the message that mediation is not a desired process. That the dialogue for conflict resolution is not needed. This feels antithetical to the existence of this council.

Moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk. This represents poor governance.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation. The message that dialogue is not desired is a message I reject, and I hope you do as well.

Sincerely,
Scott

Outlook

Item 9B code of conduct complaint

From Matt Ludwick <mludwick8@gmail.com>
Date Thu 9/25/2025 2:20 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I respectfully urge the Council to dismiss the complaint against Councilmember Orbach. She has acknowledged her actions, issued an apology, and is actively participating in mediation. Moving forward with a public hearing at this stage would undermine that process and set a precedent of politicizing disputes better resolved through established channels.

Public hearings should be reserved for matters of significant policy or governance, not for conflicts already addressed through mediation. To proceed otherwise risks creating a climate where complaints become a tool of intimidation rather than accountability. This erodes trust in the process, discourages qualified individuals from public service, and disproportionately impacts those already underrepresented in leadership roles.

Dismissing this complaint would affirm the Council's commitment to fair, efficient, and constructive conflict resolution, while ensuring that the focus remains on the substantive work of governing our community.

Thank you,
Matt Ludwick

Outlook

Concern about adding Conduct Complaint to agenda & Capitola Mall

From Bridget Hawkins <bridgethawkins@gmail.com>
Date Thu 9/25/2025 2:33 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear City Council Members,

As a Capitola resident for over 30 years, I am writing to you today to express my concern about the disruptive behavior at recent public meetings regarding the Rail Trail Corridor. I know this issue is challenging and has a big impact on our community, and I appreciate the work you are doing.

While it's understandable that this topic brings out strong feelings, the current level of disruption, by a small group of anti-rail trail vocalists going by the name "Concerned Citizens of Capitola," is preventing a productive and respectful dialogue. It's important to remember that intimidating or stalking public servants is illegal and has no place in our community discourse. This behavior also feels unfair to you as you try to navigate these difficult decisions for our city. I am also disappointed that this was added to tonight's agenda as if to give the complainant legitimacy. This group continues to make public statements demanding her resignation, which I consider a blatant attack on our democracy and duly elected officials.

Lastly, I am also concerned about the proposed high-density project at the current Capitola Mall. A project of seven stories and 1,500+ units is entirely too large for this small community and will diminish property values in adjacent neighborhoods while adding significantly to traffic. I am requesting a community town hall prior to you approving the rezoning for seven stories.

Thank you for your dedication to our city.

Sincerely,

Bridget H

Capitola, CA

Outlook

[PDF] Item 9B on The September 25, 2025 agenda re: Melinda Orbach

From Carla <ccchrist@aol.com>
Date Thu 9/25/2025 2:59 PM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (24 KB)
Letter to the Capitola City Council.pdf;

Letter to the Capitola City Council

From: Carla Christensen

Date Sent: September 25, 2025

Subject: Item 9B, September 25, 2505 Capitola Council Meeting Agenda; Code of Conduct Violation

Honorable City Council Members,

I work with Soquel Creek Water District as a Board Member but I am speaking as a concerned 30-year resident and citizen of Capitola.

I am submitting this letter about the Code of Conduct Violation charge made against your fellow council member, Melinda Orbach. While the Council has the right to review the tort charge, I urge the Council to take a longer view on this matter.

It is true that instead of calling out the person who appeared to be threatening her in her neighborhood by name at a Council meeting she could have pursued a restraining order. However, Councilwoman Orbach did apologize to the person in question publicly and immediately and reached out with an offer to meet with a mediator to clarify the issue with the citizen. This conciliatory path does not appear to have been taken by the complainant. Melinda Orbach did not violate any laws, so this is not a legal matter but a Capitola administrative policy question.

While Mr. McGuire has the right to make negative comments about Orbach, particularly comments about her votes in Council meetings, he went far beyond this when he went into her neighborhood appearing to threaten her and her family.

I urge the Council to support Councilwoman Orbach's right to self-protection and dismiss this complaint. In over 30 years of residence in Capitola I have never seen a Council demonstrate this lack of support for a council member before.

Be strong in standing for respectful discourse and fairness as well as for the safety of our public officials. Please avoid trying to make this a black and white issue that could come back to haunt the City.

Thank you

Gautho, Julia

From: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Sent: Thursday, September 25, 2025 3:24 PM
To: City Council
Subject: FW: [PDF] Mediation
Attachments: City of Capitola 25.9.24.pdf

Mayor and Council – pls see attached letter from CRC regarding mediation.

From: Jill Borba <jill@crcsantacruz.org>
Sent: Wednesday, September 24, 2025 7:27:21 PM
To: Woodmansee, Chloe <cwoodmansee@ci.capitola.ca.us>
Subject: [PDF] Mediation

Hi Chloe,

Please see attached letter.

Wishing you all the best with this situation.

--
Jill Borba
Workplace Mediation and Training Manager

Please note that I am not a full time employee of CRC. My official workdays are Mon, Tues and Thurs. While I make every effort to reply promptly, I may not be able to respond before my next workday. Thank you for your understanding.

Conflict Resolution Center of Santa Cruz County (CRC)
614 Ocean Street
Santa Cruz, CA 95060
831.475.6117 ext 408/ Direct- 831-219-8229
The Conflict Resolution Center is located on the occupied/unceded territory of the Awaswas-speaking Uypi Tribe. The Amah Mutsun Tribal Band, comprised of the descendants of indigenous people taken to missions Santa Cruz and San Juan Bautista during Spanish colonization of the Central Coast, is today working hard to restore traditional stewardship practices on these lands and heal from historical trauma. We recognize that we benefit from living and working on their traditional homeland, and we affirm their sovereign rights as first peoples.

Conflict Resolution Center
of SANTA CRUZ COUNTY

To whom it may concern:

Our organization was approached by the City of Capitola requesting a mediation between Melinda Orbach and Kevin Maguire. The case was assessed for mediation and found to not be amenable to the process. It is not recommended to proceed.

Sincerely,
Jill Borba
Workplace Mediation Manager

Gautho, Julia

From: Ron Sandidge <ronsandidge@gmail.com>
Sent: Thursday, September 25, 2025 3:19 PM
To: City Council
Subject: tonight's meeting

Dear Capitola City Council,

I write with deep concern that this Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not only unjust—it sends a chilling message to every woman in this community: that telling the truth can be punished.

Councilmember Orbach has already acknowledged that naming an individual on April 17 was a mistake she will not repeat. But the essence of her comments was unmistakable: a woman, a mother, and an elected official asserting her right to safety and setting boundaries in the face of threatening behavior. In a world where women are too often silenced or pressured to minimize their experiences, Councilmember Orbach did what strong women do—she spoke up. That is not a violation; it is leadership.

Far from escalating conflict, Councilmember Orbach has repeatedly sought resolution, offering mediation through the Conflict Resolution Center. Her good-faith efforts have been met instead with character attacks and attempts to undermine her credibility. By entertaining this baseless code of conduct complaint, the Council risks legitimizing harassment and discrediting her integrity.

Let us be clear: Councilmember Orbach did not slander or demean anyone. She drew boundaries, as every person has a right to do. For that, she has faced threats, online intimidation, and relentless personal attacks. To discipline her would reinforce the most damaging message women hear: *stay quiet, stay small, don't challenge power.*

On September 25, I urge this Council to reject this complaint decisively. Capitola deserves leaders who stand with women when they speak their truth, who choose integrity over intimidation, and who defend the basic right to safety and respect in public life. To punish Councilmember Orbach for insisting on civility is to reward harassment—and that is something no just or equitable city should allow.

Ron Sandidge
phone: (831) 251-1950
ronsandidge@gmail.com

Gautho, Julia

From: Eva Brunner <evasbrunner@gmail.com>
Sent: Thursday, September 25, 2025 3:44 PM
To: City Council
Subject: 9-25-25 Agenda Item 9B Code of Conduct Complaint

Dear Mayor Clarke and Councilmembers -

I urge you to dismiss the code of conduct complaint concerning Capitola City Councilmember Melinda Orbach.

I was startled to learn about the harassment that Councilmember has been experiencing due to her stance on an issue. Councilmember Orbach deserves the full support of the Council and should not in any way support this unacceptable behavior from a community member.

It's unfortunate that this type of bullying would be so bad that a Councilmember would choose to resign rather than continually face threats and harassment. Councilmember Pedersen felt so unsafe that he chose to resign rather than to continue to represent his constituents in the position he was elected to. Is this what we have come to?

Not supporting your fellow councilmembers in the face of this type of behavior sets a dangerous precedence. If bullying means a council member quits, or is censured, then there is no reason for the bullying and harrassing to stop.

Sincerely,
Eva Brunner

--

Eva Brunner

Bookkeeping services & consulting

for small business and non-profit organizations

Serving Santa Cruz since 1990

Gautho, Julia

From: J Virk <jimmyvirk80@gmail.com>
Sent: Thursday, September 25, 2025 4:23 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council,

I am writing with deep alarm over the Council's decision to place a retaliatory and baseless code of conduct complaint against Councilmember Melinda Orbach on the public agenda. To subject an elected official to scrutiny for speaking out about harassment is not only unjust—it sends a chilling message to every woman in Capitola that her voice may be punished for demanding safety and respect.

Councilmember Orbach has already taken responsibility for her error in naming an individual during her April 17 remarks, a mistake she has vowed not to repeat. Yet her core message was unmistakable: a woman, mother, and leader asserting her right to protect herself and her family from behavior she perceived as threatening. In a world where women's experiences are too often dismissed or silenced, Councilmember Orbach showed courage by speaking out. This should be commended, not penalized.

Far from escalating the conflict, Councilmember Orbach has pursued reconciliation, repeatedly offering to engage in mediation through the Conflict Resolution Center. Her good-faith efforts have been met with hostility, including personal attacks and attempts to undermine her leadership. By entertaining this complaint, the Council risks validating harassment and amplifying division, rather than fostering resolution.

Let me be unequivocal: Councilmember Orbach did not defame or disparage—she set clear boundaries. For this, she has faced threats, online abuse, and relentless criticism. Every woman in public office and every parent in Capitola teaching their daughters to stand up for themselves is watching this moment. To discipline Councilmember Orbach would reinforce a toxic message: stay silent, shrink yourself, and avoid challenging those who intimidate.

I strongly implore the Council to dismiss this complaint on September 25. Capitola deserves leaders who uplift women's voices, prioritize integrity over intimidation, and safeguard the right to safety and dignity in public service. Punishing Councilmember Orbach for demanding respect undermines the values of justice and equity our community holds dear.

Regards,Jimmy

Gautho, Julia

From: Albi Romero <albi.b.romero@gmail.com>
Sent: Thursday, September 25, 2025 4:45 PM
To: City Council
Subject: Item 9B Code of Conduct Complaint

Dear Capitola City Council Members,

I believe that civil discourse, based on verifiable facts, should be the basis of decisions made to better our community. Threats and intimidation should not be allowed to circumvent that process or silence individuals with different viewpoints. Councilmember Orbach should not be censured for raising concerns about the safety of her family. She has repeatedly sought out peaceful mediation and is not the aggressor in this situation.

-Dr Albi Romero

Gautho, Julia

From: Sarah Marschall <sarahmarschallstrategy@gmail.com>
Sent: Thursday, September 25, 2025 5:18 PM
To: City Council
Subject: Item 9B

Greetings, Council Members.

I am writing in opposition and am very concerned about the actions presented in 9B.

For the past several years, I have served in a role that allowed me to hear from women who are elected or running for office about their hopes, desires to serve, and, unfortunately, far beyond just opposition -- the targeting, harassment, and even threats to personal safety they face, even in our community.

The "threats and harassment database" held by Princeton University, and recently updated with a study in 2022, showed that women across the nation are 3.4 times more likely to face harassment online. Several other studies, many referenced in this article, point to highly disproportionate harassment and attacks on women of color. We have seen the severity shift upwards. This is a problem for our nation, and it is already evident here in Capitola. It is very important that people be able to express their experiences and bring attention to problems, having them reviewed with attention and fairness, rather than retaliation.

I am asking that you dismiss the complaint (that is being resolved in other, thoughtful, and fair ways). Further, I ask you to look systematically at the ways that a small group of influential people are undermining representation, good process, and the voices of those who have been elected by their constituents to serve.

In Service,
Sarah

Sarah Marschall, MS

Pronouns | she, her, hers
Phone: 775.741.5384
sarahmarschallstrategy@gmail.com
https://www.sarahmarschallstrategy.com/

Gautho, Julia

From: Tara Manjunath Rous <misstaram@gmail.com>
Sent: Thursday, September 25, 2025 5:28 PM
To: City Council
Subject: Item 9b code of conduct complaint

To Whom It May Concern,
I am writing this brief note in support of my friend and colleague Melinda Orbach. I have worked with Melinda for over eight years and she is intelligent, caring, fair and most of all reasonable. I have no doubt that in trying to establish clear boundaries she was doing what she felt was safest for her and her family. She does not deserve the scrutiny and backlash she is receiving. She deserves the same level of support that she offers to everyone that she meets- personally and professionally. I trust that through the mediation process each party's truths will be better understood, and they can move forward in a cooperative manner.

Best,
Tara Rous
Family Nurse Practitioner, Sutter Health And local community member, Live Oak

Sent from my iPhone

Gautho, Julia

From: Christina Mc Queen <27cmcqueen@gmail.com>
Sent: Thursday, September 25, 2025 5:59 PM
To: City Council
Subject: Melinda Orbach

Dear Capitola City Council,

I am writing to express strong concern about the Council's decision to agendize a code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice—to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Finally, moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines trust and accountability.

Respectfully,

Christina McQueen

Gautho, Julia

From: Gabriela Trigueiro <gabriela@santacruzmentor.org>
Sent: Thursday, September 25, 2025 6:17 PM
To: City Council
Subject: Support for Councilmember Orbach

Dear Capitola City Council,

I am writing in my capacity as Executive Director of Big Brothers Big Sisters of Santa Cruz County to share my support for Councilmember Melinda Orbach.

In my work with youth and families, I see the critical importance of leaders who show up for their communities with compassion and courage. Melinda has consistently been an advocate for the issues that affect the young people and families we serve, and she has stood as a visible ally for our queer and trans youth. That kind of leadership makes a real difference for those who often feel most vulnerable.

I recognize that councils face difficult decisions in times of conflict. My hope is that Melinda's dedication, her service to Capitola, and her commitment to inclusivity and fairness are fully considered as you move forward.

Sincerely,
Gabriela Trigueiro
Executive Director
Big Brothers Big Sisters of Santa Cruz County

Gabriela Trigueiro
Executive Director
Big Brothers Big Sisters of Santa Cruz County
She/Her/Ella
740 Front Street #155 | Santa Cruz, CA 95060 | Office: 831.464.8691
We've expanded to serving Santa Cruz, Monterey, and San Benito counties! Through impactful one-to-one relationships, we strive to empower young individuals to reach their full potential, overcome challenges, and build a brighter future. For more information, visit bbbsmontereybay.org.

Gautho, Julia

From: Sarah Woodside <sarahcwoodside@gmail.com>
Sent: Thursday, September 25, 2025 7:02 PM
To: City Council
Subject: Support for Melinda Orbach

Dear Capitola City Council,

I am concerned that the Council has chosen to elevate a complaint rooted in retaliation and intimidation to the level of a public agenda item. To put Councilmember Melinda Orbach on trial for speaking openly about her own experience of harassment is not just absurd—it is a dangerous signal to every woman in this community that her voice can be punished for daring to tell the truth.

Orbach has already acknowledged that naming an individual was a mistake she will not repeat. But the heart of her comments on April 17 was clear: a woman, a mother, and an elected leader asserting her right to safety and to draw boundaries when faced with threatening behavior. In a political environment where women are too often silenced, minimizing, or second-guessing their own lived experiences, Councilmember Orbach did what strong women do—she spoke up. That should never be treated as a transgression.

Rather than inflaming conflict, Councilmember Orbach has sought resolution, offering mediation through the Conflict Resolution Center multiple times. Her willingness to meet in good faith has been met not with respect, but with ongoing attacks on her character and attempts to discredit her leadership. And now, instead of standing with her, this Council risks legitimizing harassment by entertaining a baseless code of conduct complaint.

Let us be clear: Melinda did not slander, demean, or lash out—she asserted her boundaries. For that, she has endured threats, online intimidation, and relentless personal attacks. Every woman in public service, and every mother in Capitola raising daughters to use their voices, is watching

closely. To punish her would be to reinforce the oldest, most harmful message women hear: stay
quiet, stay small, don't upset power.
I urge this Council to reject this complaint decisively on September 25. Capitola deserves leaders who stand with women when they speak their truth, who value integrity over intimidation, and who protect the right to safety and respect in public life. To discipline Councilmember Orbach for insisting on civility is to reward harassment—and that is something
no city committed to justice and equity should tolerate.

Thank you,
Sarah Woodside Bury
Capitola homeowner and Santa Cruz County resident

Sent from my iPhone

Gautho, Julia

From: Sonja Brunner for Santa Cruz City Council 2020 <sonja4santacruz@gmail.com>
Sent: Thursday, September 25, 2025 7:45 PM
To: City Council
Subject: Support for Councilmember Orbach

9/25/25
Capitola City Council
420 Capitola Ave.
Capitola, CA 95010
citycouncil@ci.capitola.ca.us
Subject: Support for Councilmember Orbach

I am writing to express my strong support for Councilmember Orbach and to urge any dismissal of a code of conduct complaint against them. It is vital that our community and leadership recognize this action for what it was: a defense against intimidation, harassment and a perceived threat, not a personal attack.

While public officials are often expected to endure aggressive and often intimidating behavior, Councilmember Orbach called the behavior into the open. The response to the harassment they endured is not a reflection of their character or their work, it was an attempt to stop the perceived threat and set boundaries, just as we teach children to call out bullying.

The harm caused by harassment extends beyond the individuals involved. A councilmember's experience of harassment can create a climate of fear that not only harms the councilmember but impacts the entire community and the democratic process. Repairing this harm is a collective effort.

It is important for our community and its leaders to strive for respectful communication and to seek constructive ways to address disagreements. Councilmember Orbach's actions in apologizing and offering to participate in mediation shows accountability and demonstrates a willingness to engage in such a process. Councilmember Orbach needs your support right now.

We should support our elected leaders when they stand up to intimidation, rather than penalize them, and instead ensure a restorative process moving forward, provide greater assistance to new officials to build trusted support systems that center their reasons for serving their community. Strengthening ways to foster civility between the public and public officials helps create a culture where abusive behavior is not tolerated.

By taking these steps, you can turn a negative incident into a powerful opportunity for positive growth, promoting a respectful and inclusive environment for all residents of Capitola. I urge you to take this matter seriously.

Respectfully,

Sonja Brunner

___

Sonja Brunner
she/her
1-831-291-5281
Sonja4SantaCruz@gmail.com

Gautho, Julia

From: John <jxmulry@gmail.com>
Sent: Thursday, September 25, 2025 7:45 PM
To: City Council
Subject: How is Melinda there

It's a conflict of interest.

Warmly JM

Gautho, Julia

From: REBECCA GALVAN <wren42742@aol.com>
Sent: Thursday, September 25, 2025 8:20 PM
To: City Council
Subject: Melinda Orbach

Dear Capitola City Council,

You MUST dismiss the complaint against Councilmember Orbach. I have read the article and heard from sources what occurred and can only summarize that in the face of intimidation, Councilmember Orbach used the only tool she had to defend herself - her voice. It is documented that she has already apologized for naming this individual and is now in mediation. Having a public hearing about this will undermine that process and demoralize support for this counsel.

We all know the current political climate is tense, divisive, and often hostile. Public servants at every level face constant criticism, intimidation, and personal attacks. Serving on council is already demanding and stressful; to add weaponized complaints on top of that makes it harder for good people — especially women and especially ESPECIALLY women of color — to step up and lead.
Capitola and its counsel should be making public service more sustainable, not more punishing.

This hearing sends the message: that when women speak up, they will be silenced, criticized, or punished.
That is not the lesson we should be modeling as a community.

I urge you to dismiss the complaint tonight, on September 25, and let mediation work.

Respectfully,
Rebecca Galván -local resident of 45 years and hoping for better community and examples shown to her own children.

Sent from my iPhone

Outlook

[PDF] Written Comment for 9/25 Council Meeting, Agenda 9C, in support of Active Transportation Plan

From Andrew Hoeksema <andrew.hoeksema@ecoact.org>
Date Wed 9/24/2025 10:53 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (171 KB)
250925 Capitola City Council Letter of Support for ATP (1).pdf;

Dear City Council,

Please review the attached letter in support of the Capitola Active Transportation Plan, sustaining the council approval from the meeting on August 28.

Respectfully,

Andrew Hoeksema (He/Him)
Vice President - Community Programs

Direct **831.515.1360**
877 Cedar St. Suite 240, Santa Cruz, CA 95060
ecoact.org

Ecology Action | Community Climate Solutions

Book time to meet with me

In Support of continuing with the Capitola Active Transportation Plan

Re: Council Meeting on September 25, 2025, Agenda Item 9C

Dear Capitola City Council,

I write in support of the council's decision in the August 28 meeting to adopt Resolutions 4449 and 4450, enabling the City to proceed with an Active Transportation Plan by entering into a grant agreement with Caltrans and a professional services agreement with Ecology Action, a local non-profit and the City's co-applicant and contracted implementer for the project.

Please do not pass on this already awarded grant that the city council voted to approve on August 28. Changing course on this Active Transportation Plan will be saying no to a $450,000 project that is ready to launch and benefit the city greatly for years to come. Walking away now would not only waste a hard-won investment, but also delay the safety, mobility, and community improvements our residents deserve.

The grant was supported by staff, and it will promote the safety and wellbeing of the city's youngest residents – kids and families walking and biking to school – as well as oldest residents – seniors walking in the village or to errands on Bay or 41st Avenues. Designing for the safety of people walking and biking makes streets safer, calmer, and more predictable for all road users—including drivers, passengers, and transit riders. Planning now for safe and comprehensive active transportation infrastructure will also prepare the city for accommodating future growth in housing and business. Data is clear that in business districts where people feel safe walking and cycling, customers spend more time and more money in those businesses. This Plan will bring lasting benefits to all Capitola residents and businesses. Please continue with your support for it.

Capitola is the only jurisdiction in Santa Cruz County without an Active Transportation Plan. This grant will allow the City to do comprehensive outreach to understand residents' current challenges with walking, biking and street safety, and make recommendations to City roads, programs, and policies to address them. An Active Transportation Plan is a necessary mechanism to apply for future funding so that the city can maintain and improve infrastructure to address safety issues, and accommodate growth in residential and commercial zones in the next decade.

As a project, an Active Transportation Plan is primarily a data gathering and outreach effort that culminates in a formal set of recommendations and a written plan. It involves extensive communication with and listening to the whole community through focus groups, public workshops, in-person outreach, and online input. As the co-applicant and contracted service provider, Ecology Action brings local expertise in this transportation planning outreach and we have done similar work in partnership with the City of Santa Cruz, County of Santa Cruz, Scotts Valley, Watsonville, and Salinas. Throughout, Ecology Action will work under the advisement of City staff to ensure outreach accomplishes the City's goals, reaching residents, businesses and the village community.

Ecology Action partnered with City of Capitola staff to work together on the application to Caltrans for this funding beginning in December of 2024 and it was awarded to the City July 1 of this year. As a local non-profit, we see ourselves as partners to local cities and agencies to best accomplish their goals. We tailor each project to best meet the needs of that locale, from co-application through to project completion. This project was co-designed to meet the needs of Capitola in this moment, prioritizing the safety and well-being of children, seniors, and all else who walk and bike in Capitola. Ecology Action is eager to partner with the City on this important project for the city's benefit.

Respectfully,

Andrew Hoeksema
Vice President Community Programs
Ecology Action

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: City Manager Department

Subject: City Council Meeting Minutes

Recommended Action: Approve minutes from the regular meeting on September 11, 2025.

Background: Attached for City Council review and approval are the draft minutes from the regular meeting on September 11th.

Attachments:

1. Regular Meeting 9/11/2025

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

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*

- *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.*

- *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

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

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.*

ATTEST:

Joe Clarke, Mayor

Julia Gautho, City Clerk

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: City Manager Department

Subject: Capitola Municipal Code Title 17 Amendments

Recommended Action: 1) Adopt an ordinance amending Capitola Municipal Code Title 17: Zoning for the Residential Multifamily Zone and the Zoning Map; and 2) adopt an ordinance amending Capitola Municipal Code Title 17, Chapter 17.74: Accessory Dwelling Units.

Background: On August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan (Housing Element). The Housing Element establishes goals and policies for housing production in Capitola as required by state law. The Housing Element also contains programs with required City actions and timelines to implement Housing Element policies.

In 2024, the City Council adopted an initial set of Zoning Code Amendments to implement the Housing Element. Topics addressed in these amendments included corner duplexes, lot consolidation incentives, parking standards, housing on religious sites, emergency shelters, office uses in commercial zones, the design review process, and other topics.

As part of Housing Element Program 1.6, the City committed to assessing the maximum densities allowed in the RM zones to determine if higher densities can help facilitate multi-family development in Capitola. In 2024, the Planning Commission discussed the RM Zone Amendments at three meetings and postponed action until 2025, pending additional public outreach. The City held a community workshop on the RM Zone Amendments on February 24, 2025, and a Planning Commission study session on March 3, 2025.

The 2024 Zoning Code Amendments included changes to Chapter 17.74 (Accessory Dwelling Units) to comply with changes to state ADU law. After adoption, City staff submitted the amended ADU chapter to the California Department of Housing and Community Development (HCD) for review and comment as required by state law. On February 26, 2025, the City received an informal letter from HCD recommending further changes to the ADU chapter. City staff discussed this letter with HCD staff, and on June 4, 2025, submitted a letter to HCD describing the City's expected revisions to the ADU chapter to respond to HCD comments.

The proposed amendments to Chapter 17.74 are consistent with the amendments described in the City's June 4, 2025, letter to HCD. City staff believes these amendments are sufficient to address HCD's February 26, 2025, letter.

On August 21, 2025, the Planning Commission held a public hearing to consider the proposed RM Zone and ADU Amendments, and at this hearing, recommended the Council adopt these Amendments. In their recommendation to the City Council, the Planning Commission included one amendment to include a maximum 10-foot side yard setbacks for the two new RM subzones.

On September 11, 2025, the City Council approved the introduction of the ordinances with a 3-2 vote. The City Council made one amendment to the multifamily to allow for a decreased front yard setback in exchange for increased side or rear yard setbacks. The updated footnote is as follows:

> "[1] The planning commission may approve reduced front and street side setbacks if the reduced setbacks will accommodate development that complies with sidewalk and street tree standards in 17.82.040 (Circulation and Streetscape). If the front or street side setbacks are reduced, the planning commission may also require an equivalent increase in rear and interior side setbacks.

In addition, two minor edits were identified. The title for Table 17.16-2 should no longer include a reference to multi-family, and in Table 17.16-5: Development Standards in the RM Zoning District, the

interior side note for RM-10, RM-15, and RM-20 should be note [4], not note [3]. Note [3] only applies to four-story buildings, which are only allowed in the RM-40 district. These edits have been updated for the second reading and are included in the attachments.

Discussion: Attachment 1 contains the ordinance to adopt the proposed RM Zone Amendments. In furtherance of Program 1.6, the proposed amendments create two new RM subzones to allow for greater residential density: RM-30 (maximum 30 units per acre) and RM-40 (maximum 40 units per acre). The proposed Zoning Map amendments apply the new RM-30 subzone to five areas and the new RM-40 subzone to two areas in Capitola (Attachment 1 Exhibit A), including:

- Area 1 (600 Park Avenue): 30 du/ac
- Area 2 (Rosedale & Hill): 30 du/ac
- Area 3 (Capitola Ave & Hill): 30 du/ac
- Area 4 Clares & 46th): 40 du/ac
- Area 5 (Capitola Cove): 30 du/ac
- Area 6 (Capitola Gardens): 30 du/ac
- Area 7 (Landing at Capitola): 40 du/ac

The above were identified as locations that could realistically accommodate additional multifamily development consistent with and in furtherance of Housing Element Program 1.6. The proposed amendments establish development standards for the new RM subzones, as shown in Attachment 1 Exhibit A. The maximum height in the RM-40 subzone is proposed to be four stories based on HCD input, in order to be able to accommodate 40 units per acre. The proposed amendments also include minor modifications to development standards in the RM-10, RM-15, and RM-20 subzones to accommodate allowed densities.

On September 11, 2025, the City Council adopted Resolution No. 4454, amending the General Plan Land Use Element to state that the maximum permitted residential density in the RM designation is between 10 and 40 dwelling units per acre, depending upon the zoning classification.

Attachment 2 contains the ordinance to adopt the proposed ADU Amendments. The majority of the proposed ADU Amendments are minor in nature, clarify existing requirements, and do not result in substantive changes to existing ADU requirements. To address HCD comments, substantive changes to existing ADU regulations include the following:

- Applies architectural detail standards to historic resources only when located in the coastal zone
- Removes requirement for HOA approval
- Increases the maximum number of detached ADUs on a multifamily parcel to eight, consistent with state law.

The Zoning Code is part of Capitola's Local Coastal Program (LCP), and as such, Zoning Code Amendments must be certified by the Coastal Commission before they become effective in the Coastal Zone. On September 11, 2025, the City Council adopted Resolution No. 4455, authorizing staff to submit the Zoning Code Amendments to the Coastal Commission for certification.

Environmental Determination: The proposed Amendments to the RM zone are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts rezonings to implement a certified Housing Element from CEQA. The General Plan text amendment merely ensures vertical consistency between the General Plan and the Zoning Code. The RM Zone Amendments were also analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. In addition, the RM Zone Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that adoption will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).)

The proposed ADU Amendments are exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically

exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)).

Fiscal Impact: There is no fiscal impact associated with the recommended action.

Attachments:

1. Ordinance – Title 17
2. Ordinance – Chapter 17.74

Report Prepared By: Rosie Wyatt, Deputy City Clerk

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO MUNICIPAL CODE TITLE 17 (ZONING) FOR THE RESIDENTIAL MULTIFAMILY (RM) ZONE AND THE ZONING MAP, AND FINDING THE PROJECT EXEMPT FROM CEQA

WHEREAS, California continues to face an unprecedented housing crisis, caused by housing underproduction and population growth;

WHEREAS, in compliance with State law requirements, on August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan ("Housing Element") and Addendum to the General Plan Final Environmental Impact Report;

WHEREAS, on August 30, 2025, the California Department of Housing and Community Development ("HCD") certified the Housing Element;

WHEREAS, the City's Housing Element is intended to serve the public interest by allowing for flexibility in future housing development, creating additional opportunities to address the housing crisis, and increasing opportunities for affordable housing to be constructed at the benefit of lower-income households;

WHEREAS, in furtherance of these important public interests, Housing Element Program 1.6 states that the City shall review density and other development standards in the Residential Multifamily (RM) zone and revise as appropriate to facilitate multifamily housing development;

WHEREAS, the Planning Commission held work sessions on May 2 and June 6, 2024, to consider Zoning Code amendments affecting the RM zone in furtherance of Housing Element Program 1.6;

WHEREAS, at a noticed public hearing on August 15, 2024, the Planning Commission directed staff to conduct additional public outreach and return to the Planning Commission for continued discussion of the RM zone amendments in 2025;

WHEREAS, on February 24, 2025, the City hosted a community workshop to receive public input on the RM zone amendments with a focus on increases to allowed density in locations that could realistically accommodate additional multifamily development consistent with Housing Element Program 1.6;

WHEREAS, on March 3, 2025, the Planning Commission received an update on the RM zone amendments and provided input on the most effective and pragmatic approach to the RM zone amendments, including increased allowed density in seven RM areas;

WHEREAS City staff prepared draft amendments to Municipal Code Title 17 and the Zoning Map (together, the "Amendments") to promote housing in the RM zones and in furtherance of Housing Element Program 1.6;

WHEREAS, City staff presented the City's proposed approach to implementing Program 1.6 with respect to the RM Amendments to HCD on July 31, 2025, and HCD staff generally concurred with the City's approach;

WHEREAS, notice of the Amendments' availability was mailed and a public review draft made available on August 1, 2025, in compliance with California Coastal Act public participation requirements and applicable state law;

WHEREAS, the Amendments and the associated General Plan text amendment (together, the "Project") are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element.

Further, the Project was analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implements Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)). The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review; and

WHEREAS, at a duly noticed public hearing on August 21, 2025 the Planning Commission recommended the City Council adopt the Zoning Code Amendments and associated conforming General Plan text Amendment, with one recommended revision, to include an upper limit (10 feet) to the minimum required side yard setbacks for the two new RM subzones.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Capitola as follows:

Section 1: The above findings are adopted and incorporated herein.

Section 2: Pursuant to Capitola Municipal Code Section 17.144.050 and 17.144.060 and based on substantial evidence in the record:

a) The proposed Amendments are consistent with the General Plan, including the Housing Element and Land Use Element and any applicable specific plan as provided by Government Code Section 65860, subject to adoption of the associated General Plan text amendment.

b) The proposed Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

c) The affected sites reflected on the Zoning Map are physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the affected sites, surrounding properties, and the community at large

c) The proposed Amendments are internally consistent with other applicable provisions of the Zoning Code.

Section 3: Title 17 (Zoning) of the Capitola Municipal Code is amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 4: The official Zoning Map of the City of Capitola is amended as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

Section 5: Environmental Review.

The City Council finds and determines that the Amendments and the associated General Plan text amendment (together, the "Project") are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element.

Further, the Project was analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implements Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have

been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)). The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review.

Section 6: Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption, subject to approval of the associated General Plan text amendment, except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

Section 7: Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 8: Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 11th day of September, 2025, and was adopted at a regular meeting of the City Council on the 25th day of September, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Joe Clarke, Mayor

Attest: _____
Julia Gautho, City Clerk

Chapter 17.12

ZONING DISTRICTS AND MAP

Sections:
17.12.010 Purpose.
17.12.020 Zoning districts.
17.12.030 Zoning map.

17.12.010 Purpose.

This chapter identifies the zoning districts that apply to land within the Capitola city limits and establishes the official Capitola zoning map.

17.12.020 Zoning districts.

A. Base Zoning Districts. Capitola is divided into zoning districts that implement the general plan land use map as shown in Table 17.12-1. Within the coastal zone, the general plan land use map is the certified coastal land use plan map.

Table 17.12-1: Base Zoning Districts

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
Residential Zoning Districts		
R-1	Residential Single-Family	Single-Family Residential (R-SF)
RM-10~~L~~	Residential Multifamily, 10 du/ac ~~Low Density~~	Multifamily Residential (R-MF)
RM-15~~M~~	Residential Multifamily, 15 du/ac ~~Medium Density~~	
RM-20~~H~~	Residential Multifamily, 20 du/ac ~~High Density~~	
RM-30	Residential Multifamily, 30 du/ac	
RM-40	Residential Multifamily, 40 du/ac	
MH	Mobile Home Park	Mobile Home Park (MH)
Mixed Use Zoning Districts		
MU-V	Mixed Use, Village	Village Mixed-Use (MU-V)
MU-N	Mixed Use, Neighborhood	Neighborhood Mixed-Use (MU-N)
Commercial and Industrial Zoning Districts		
C-C	Commercial, Community	Community Commercial (C-C)
C-R	Commercial, Regional	Regional Commercial (C-R)
I	Industrial	Industrial (I)
Other Zoning Districts		
CF	Community Facility	Public/Quasi-Public Facility (P/QP)
P/OS	Parks and Open Space	Parks and Open Space (P/OS)
PD	Planned Development	N/A

B. Overlay Zones. The zoning code and zoning map include the overlay zones shown in Table 17.12-2. Overlay zones impose additional regulations on properties beyond what is required by the underlying base zoning district.

Table 17.12-2: Overlay Zones

Overlay Zone Symbol	Name of Overlay Zone
-VRU	Vacation Rental Use
-VR	Village Residential
-VS	Visitor Serving
-CZ	Coastal Zone

17.12.030 Zoning map.

A. Adoption. The city council hereby adopts the Capitola zoning map ("zoning map"), which establishes the boundaries of all base zoning districts and overlay zones provided for in the zoning map.

B. Incorporation by Reference. The zoning map, including all legends, symbols, notations, references, and other information shown on the map, is incorporated by reference and made a part of the zoning code.

C. Location. The zoning map is kept, maintained, and updated electronically by the community development department, and is available for viewing by the public at the department.

Chapter 17.16

RESIDENTIAL ZONING DISTRICTS

Sections:

17.16.010 Purpose of the residential zoning districts.
17.16.020 Land use regulations.
17.16.030 Development standards.

17.16.010 Purpose of the residential zoning districts.

A. General. The purpose of the residential zoning districts is to support attractive, safe, and friendly neighborhoods consistent with Capitola's intimate small-town feel and coastal village charm. Development within the residential zoning districts will feature high-quality design that enhances the visual character of the community. The mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes. Residential zoning districts contain a range of housing types and community facilities to support diverse and complete neighborhoods with a high quality of life for residents.

B. Specific.

1. Residential Single-Family (R-1) Zoning District. The purpose of the R-1 zoning district is to protect and enhance the unique qualities of individual neighborhoods in Capitola. The R-1 zoning district allows for variation in development standards based on the existing development patterns within these neighborhoods. New development will respect the existing scale, density, and character of neighborhoods to strengthen Capitola's unique sense of place.

2. Residential Multifamily (RM) Zoning District. The purpose of the RM zoning district is to accommodate a range of housing types to serve all Capitola residents. The RM zoning district allows single-family and multifamily housing at higher densities to maintain and increase the supply of affordable housing choices. Housing in the RM zoning district will be carefully designed to enhance Capitola's unique identity and to minimize impacts on adjacent land uses and structures. The RM zone is divided into ~~three~~ five subzones ~~(RM-L, RM-M, and RM-H)~~ allowing for a range of permitted residential densities.

3. Mobile Home Park (MH) Zoning District. The MH zone provides areas for exclusive development of mobile home parks. Mobile home parks provide a valuable source of affordable housing serving Capitola's lower-income and senior residents.

17.16.020 Land use regulations.

A. Permitted Land Uses. Table 17.16-1 identifies land uses permitted in the residential zoning districts.

Table 17.16-1: Permitted Land Uses in the Residential Zoning Districts

Key		**Zoning District**			
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed	**R-1**	**RM**	**MH**	**Additional Regulations**
Residential Uses [5]					
Cohousing		P	P	P	

Key		Zoning District			
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed	**R-1**	**RM**	**MH**	**Additional Regulations**
Duplex Homes		P [4]	P	–	
Elderly and Long-Term Care		–	C	–	
Group Housing		–	P	–	
Mobile Home Parks		–	C	P [1]	Chapter 17.100
Multifamily Dwellings		–	P	–	
Residential Care Facilities, Small		P	P	C [2]	
Residential Care Facilities, Large		C	P	C [2]	Section 17.96.080
Accessory Dwelling Units		A	A	–	Chapter 17.74
Single-Family Dwellings		P	P	C [2]	
Public and Quasi-Public Uses					
Community Assembly		C	C	C	
Day Care Centers		C	C	C	
Home Day Care		P	P	P	
Parks and Recreational Facilities		–	C	C	
Public Pathways and Coastal Accessways		C	C	C	
Schools, Public or Private		–	C	C	
Commercial Uses					
Bed and Breakfast		C	C	–	
Vacation Rentals		See Section 17.40.030			
Transportation, Communication, and Utility Uses					
Utilities, Major		C	C	C	
Utilities, Minor		P	P	P	
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					
Accessory Uses and Structures		P [3]	P [3]	P [3]	Chapter 17.52
Home Occupation		P	P	P	Section 17.96.040
Temporary Uses and Structures		M	M	–	Section 17.96.180

Key		Zoning District			
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed	**R-1**	**RM**	**MH**	**Additional Regulations**
Urban Agriculture					
Home Gardens		P	P	P	
Community Gardens		M	M	M	

Notes:

[1] May include offices incidental and necessary to conduct a mobile home park use.

[2] Permitted on the mobile home park parcel or on a separate parcel of no less than five thousand square feet.

[3] An accessory structure that exceeds the development standards of Chapter 17.52 requires a conditional use permit.

[4] Allowed on corner parcels only.

[5] See Section 17.96.210 (Demolition and replacement of dwelling units) for requirements that apply to new residential uses on sites identified as nonvacant in the general plan housing element inventory of land suitable for residential development.

B. Additional Permits. In addition to permits identified in Table 17.16-1, development projects in the residential zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

17.16.030 Development standards.

A. ~~General Standards~~ Single-Family ~~and Multifamily~~ Zoning District~~s~~.

1. General Standards. Table 17.16-2 identifies development standards that apply in the R-1 ~~and RM zoning~~ district~~s~~.

Table 17.16-2: Development Standards in the R-1 ~~and RM~~ Zoning District~~s~~

	R-1	~~RM~~	Additional Standards
Site Requirements			
Parcel Area, Minimum [1]	5,000 sq. ft.	~~N/A~~	
Parcel Width, Minimum [1]	30 ft.	~~N/A~~	
Parcel Depth, Minimum [1]	80 ft.	~~N/A~~	
Floor Area Ratio, Maximum	See Section 17.16.030(~~B~~A)(1)	~~N/A~~	Section 17.16.030(A~~B~~) Section 17.48.040
Building Coverage, Maximum	N/A	~~40%~~	

	R-1	~~RM~~	Additional Standards
Open Space	N/A	~~Section 17.16.030(C)(2)~~	
Parcel Area per Unit, Minimum	N/A	~~RM-L: 4,400 sq. ft.~~ ~~RM-M: 2,900 sq. ft.~~ ~~RM-H: 2,200 sq. ft.~~	
Parking and Loading	See Chapter 17.76		
Structure Requirements			
Setbacks, Minimum			Sections 17.48.030~~(B)(2) through (5)~~
Front	Ground floor: 15 ft. Garage: 20 ft. Second story: 20 ft.	~~Main structure: 15 ft.~~ ~~Garage: 20 ft.~~	Section 17.16.030(A~~B~~)(3~~2~~) Section 17.16.030(A~~B~~)(4~~5~~)
Rear	20% of parcel depth; 25 ft. max.	~~15% of parcel depth~~	Section 17.16.030(A~~B~~)(5~~4~~)
Interior Side	Ground floor: 10% of parcel width [2] Second story: 15% of parcel width	~~10% of parcel width [2]~~	Sections 17.16.030(A~~B~~)(5~~4~~) and (A~~B~~)(6~~5~~)
Street Side, Corner Lots	10 ft.	~~10 ft.~~	Section 17.16.030(A~~B~~)(5~~4~~)
Height, Maximum	25 ft.	~~RM-L: 30 ft.~~ ~~RM-M: 30 ft.~~ ~~RM-H: 35 ft.~~	Sections 17.16.030(A~~B~~)(7~~6~~) Section 17.48.020
Accessory Structures and Detached Garages	See Chapter 17.52 [3]		

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of June 9, 2021. See Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

[2] Regardless of parcel width, in no case shall the minimum required interior side ground setback be less than three feet or greater than seven feet.

[3] Chapter 17.52 does not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Accessory Dwelling Units).

~~B. Additional Standards in the R-1 Zoning District. The following additional standards apply in the R-1 zoning district:~~

2~~1~~. Floor Area Ratio. Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040(B) for floor area calculations.

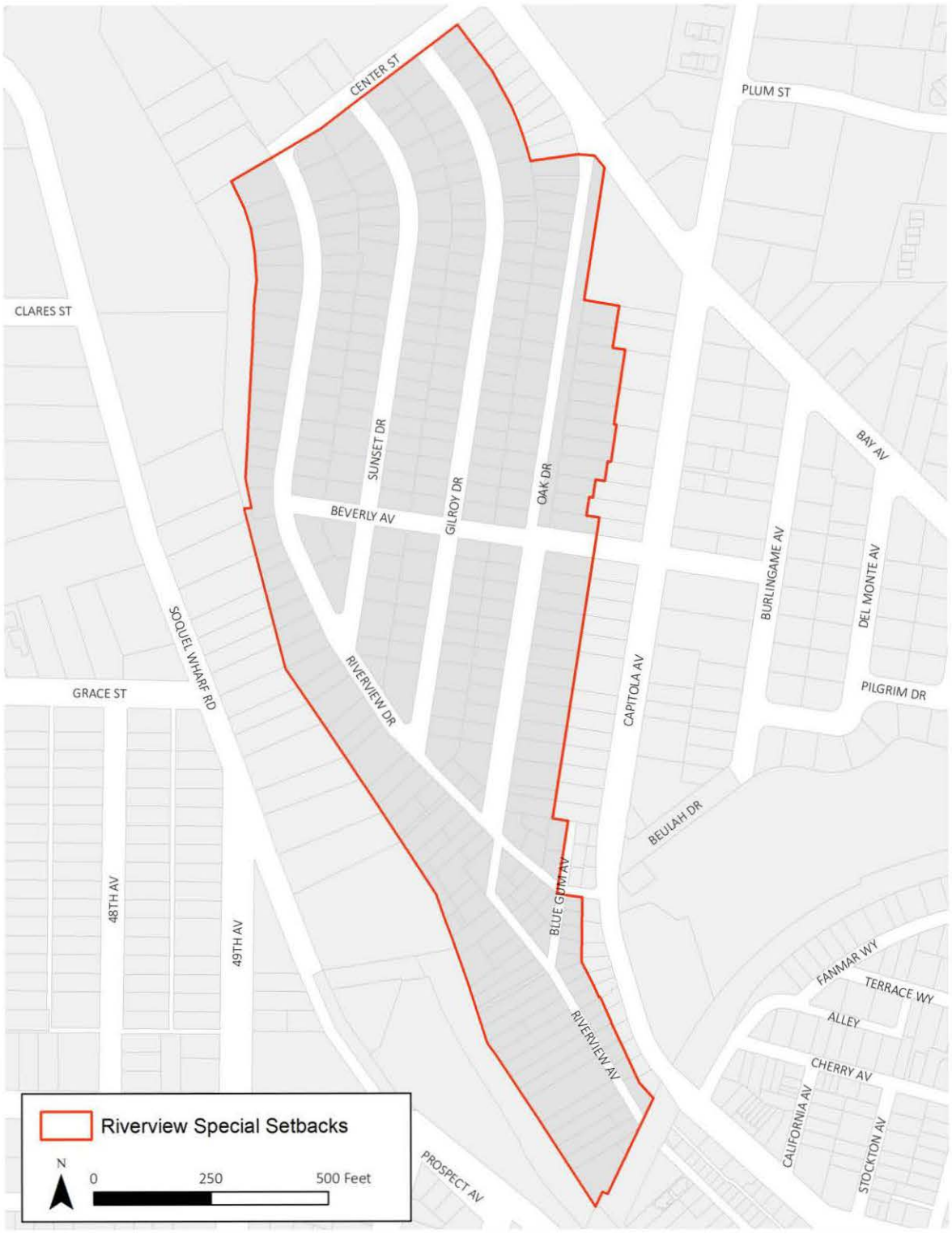
Table 17.16-3: Maximum Floor Area Ratio in the R-1 Zoning District

Lot Size	Maximum FAR
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55

Lot Size	Maximum FAR
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52
4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50
5,001 to 6,000 sq. ft.	0.49
More than 6,000 sq. ft.	0.48

3~~2~~. Front Setbacks in Riverview Terrace. Within the areas shown in Figure 17.16-1, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street. The reduced front setback shall in all cases be no less than ten feet.

Figure 17.16-1: Riverview Terrace



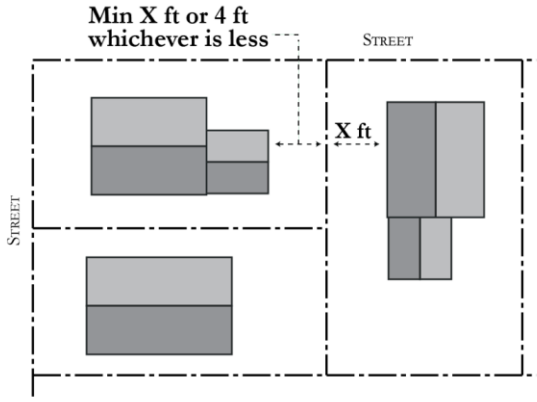
43. Wharf Road Reduced Setback. For properties on the east side of Wharf Road from 1820 Wharf Road to 1930 Wharf Road, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street.

54. Corner Lots.

a. The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than four feet. See Figure 17.16-2.

b. On a corner lot, the front line of the lot is ordinarily construed as the least dimension of the parcel facing the street. The community development director has the discretion to determine the location of the front yard based on existing conditions and functions.

Figure 17.16-2: Reverse Corner Lot Rear Setback

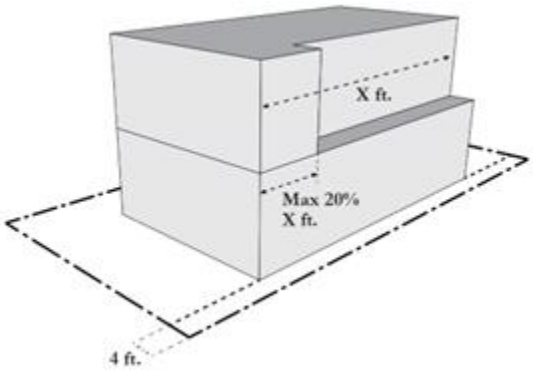


65. Second-Story Setback Exceptions. Second-story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:

a. For lots thirty feet wide or less, the minimum interior side setback for a second story is the same as the ground floor.

b. Up to twenty percent of the length of an upper-story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least four feet from the side property line. See Figure 17.16-3.

Figure 17.16-3: Second-Story Setback Exception



76. Height Exceptions. A maximum height of up to twenty-seven feet in the R-1 zoning district is allowed in the following circumstances:

a. Additions to historic structures that are designed to match the roof pitch of the historic structure within the area of new addition.

b. Parcels greater than six thousand square feet in size.

c. Parcels with a width sixty feet or more.

d. Parcels with an average slope of twenty-five percent or greater.

e. When the plate height of structure does not exceed twenty-two feet.

8~~7~~. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

9~~8~~. Mini-Bar/Convenience Areas.

a. A single-family home may contain one mini-bar/convenience area in addition to a kitchen, subject to the following standards:

i. Fixtures shall be limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches.

ii. No gas line or two-hundred-twenty-volt electric service is permitted within the area.

iii. Only one such area is permitted within a property in addition to the kitchen.

iv. The mini-bar/convenience area may be located inside or outside of the home. If located inside the home, internal access to the area shall be maintained within the dwelling. A mini-bar/convenience area is permitted in addition to an outdoor kitchen.

b. The requirements in subsection (B)(8)(a) of this section shall not limit the establishment of an accessory dwelling unit in conformance with Chapter 17.74 of this code (Accessory Dwelling Units).

10~~9~~. Outdoor Kitchens. On a lot occupied by a single-family home, an outdoor kitchen is permitted in addition to an indoor kitchen. Outdoor kitchens shall comply with the following standards:

a. The kitchen may include gas, electric and plumbing.

b. Electric service may not be two hundred twenty volts.

c. Drain size may not exceed that allowed for a mini-bar.

d. The kitchen may project into the rear setback area as provided in Table 17.48-3.

11~~0~~. Second-Story Decks and Balconies.

a. Cumulative upper floor deck area in excess of one hundred fifty square feet is included in the floor area ratio calculation.

b. A second-story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling.

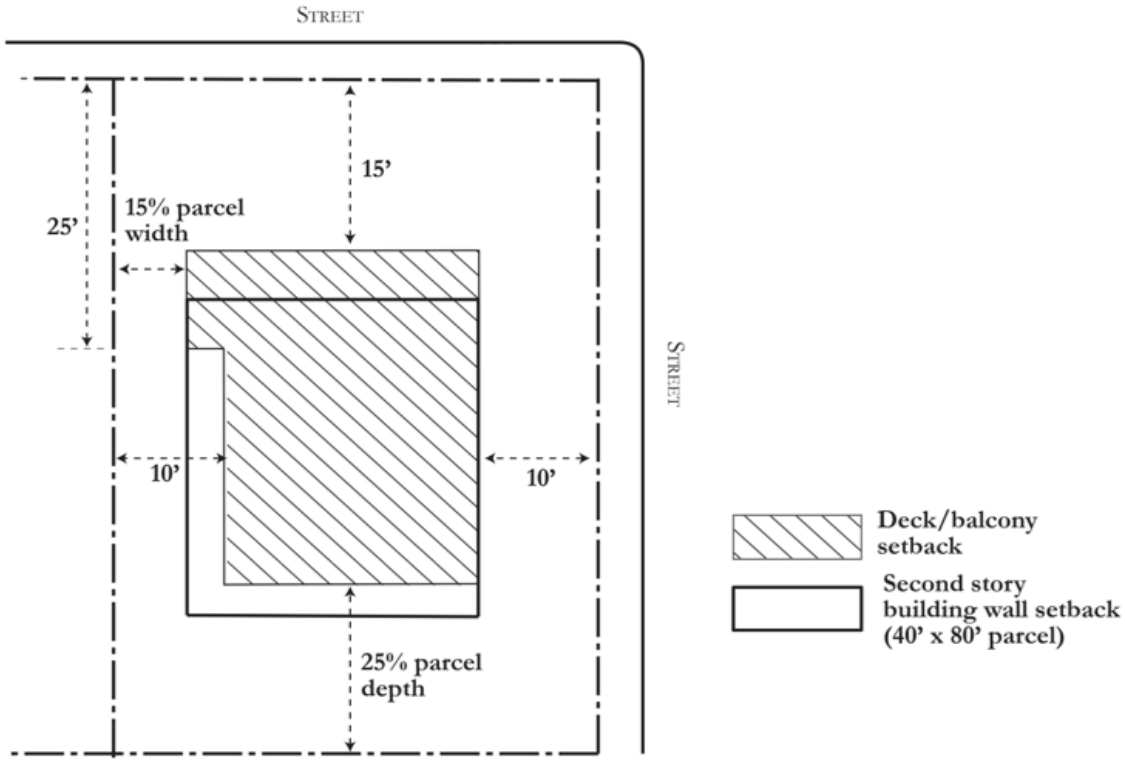
c. A second-story deck or balcony must comply with the minimum parcel line setback requirements in Table 17.16-4 and as shown in Figure 17.16-3a:

Table 17.16-4: Second Story Deck and Balcony Setbacks

Parcel Line	**Minimum Setback**
Front	15 ft.
Interior Side	

Deck area located within 25 ft. of front property line	15% of parcel width
All other decks	10 ft.
Street Side	10 ft.
Rear	25% of parcel depth

Figure 17.16-3a: R-1 Second-Story Decks and Balconies



d. To address neighbor privacy impacts, the planning commission may require permanent privacy screening (e.g., opaque glass, solid materials, vegetation) for an upper floor deck or balcony.

e. A second-story deck or balcony facing the rear of the parcel may not project further than ten feet from the exterior upper-story building wall to which it is attached. For a second story deck or balcony, including staggered or non-linear building walls, the maximum ten-foot projection is measured from the upper floor rear exterior wall.

f. The area of a second-story deck shall not exceed the habitable second-story floor area of the building to which it is attached. For example, if the second story of a home contains two hundred fifty square feet of habitable space, the second story deck area may not exceed two hundred fifty square feet. The second story deck must also comply with all applicable setback and dimensional standards.

g. Roof decks are prohibited in the R-1 zoning district.

h. The elevation of a freestanding deck or platform not attached to a building may not exceed thirty-five inches above the adjoining grade.

BC. ~~Additional Standards for~~ RM Zoning Districts.

1. General Standards. Table 17.16-5 identifies ~~The following additional~~ standards that ~~The following additional standards~~ apply in the RM zoning district~~s~~:.

Table 17.16-5: Development Standards in the RM Zoning Districts

	RM-10	RM-15	RM-20	RM-30	RM-40	Additional Standards
Site Requirements						
Building Coverage, Maximum	40%	40%	45%	50%	60%	–
Open Space	Section 17.16.030(B)(3)					
Units per Acre, Maximum	10 du/ac	15 du/ac	20 du/ac	30 du/ac	40 du/ac	–
Parking and Loading	See Chapter 17.76					
Structure Requirements						
Setbacks, Minimum						Sections 17.48.030
Front	15 ft.	15 ft.	15 ft.	15 ft. [1]	15 ft. [1]	
Rear	10 ft. [2]	10 ft. [2]	10 ft. [2]	10 ft. [2]	10 ft. [2] [3]	
Interior Side	10% of parcel width [4]	10% of parcel width [4]	10% of parcel width [4]	10% of parcel width [4]	10% of parcel width [3] [4]	
Street Side, Corner Lots	10 ft.	10 ft.	10 ft.	10 ft. [1]	10 ft. [1]	
Height, Maximum						Section 17.48.020
Stories	3	3	3	3	4 [3]	
Top Plate	30 ft.	30 ft.	30 ft.	30 ft.	40 ft.	
Additional for pitched roof [5]	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	
Accessory Structures and Detached Garages	See Chapter 17.52 [6]					

Notes:

[1] The planning commission may approve reduced front and street side setbacks if the reduced setbacks will accommodate development that complies with sidewalk and street tree standards in 17.82.040 (Circulation and Streetscape). If the front or street side setbacks are reduced, the planning commission may also require an equivalent increase in rear and interior side setbacks.

[2] 15 ft. if abutting a R-1 zone.

[3] Fourth story must be setback a minimum of 25 feet from a side or rear property line abutting a residential parcel.

[4] Regardless of parcel width, in no case shall the minimum required interior side ground-floor setback be less than three feet or greater than ten feet.

[5] Additional height permitted only for roof elements with a minimum 5:12 pitch. Exterior doors above the maximum top plate height, as well as decks above the maximum top plate height, are prohibited.

[6] Chapter 17.52 does not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Accessory Dwelling Units).

~~1~~2. Single-Family Dwellings. Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district.

~~2~~3. Open Space. Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-6~~5~~ and Figure 17.16-4.

Table 17.16-65: Usable Open Space in RM Zoning District

Common Open Space [1]	
Minimum area (percent of site area)	15% [2] [3]
Minimum horizontal dimension	15 ft.
Private Open Space [4]	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

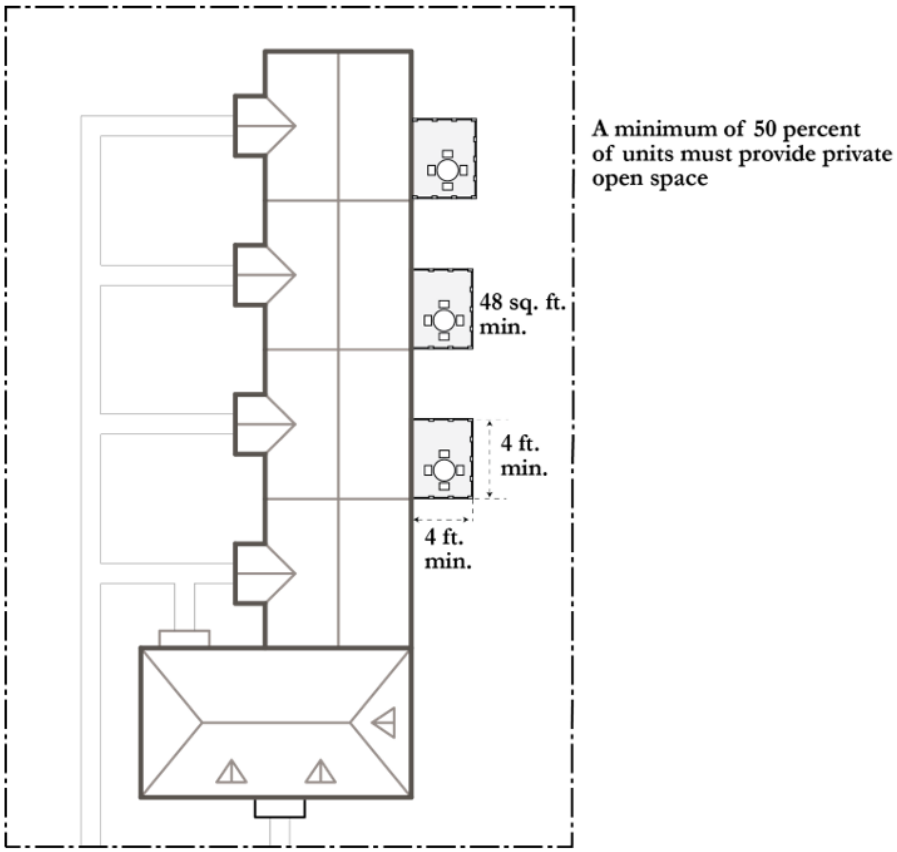
[1] Common open space shall be fully landscaped and accessible to all residents.

[2] See subsection (BC)(4) of this section for requirements that apply to rooftop decks used as common open space.

[3] The planning commission may allow reduced common open space to a minimum of ten percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.

[4] Private open space may include screened terraces, decks, balconies, and other similar areas.

Figure 17.16-4: Private Open Space



43. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

54. Objective Standards for Multifamily Dwellings. New multifamily dwellings in the RM zoning district must comply with Chapter 17.82 of this code (Objective Standards for Multifamily and Mixed-Use Residential Development).

65. Upper-Level Decks and Balconies.

a. For parcels that are within or abut the R-1 zoning district, second-story decks and balconies must comply with the standards in subsection (AB)(110) of this section (Second-Story Decks and Balconies) and Section 17.82.080(B)(5) of this code (Neighbor Privacy).

b. Roof decks must comply with the following standards:

i. Roof decks are not permitted on parcels that abut the R-1 zoning district.

ii. Roof decks require a design permit.

iii. Roof decks may provide up to fifty percent of the minimum required common open space specified in subsection (BC)(2) of this section.

iv. Where permitted, a roof deck must be set back at least five feet from the building wall closest to the property line.

v. Railings to accommodate a roof deck may project forty-two inches above the maximum building height in cases where the roof deck provides open space for residents.

vi. Other than as needed to provide for roof access, no permanent structure that has a solid roof and/or is enclosed on two or more sides may be placed on or attached to a roof deck. Fully transparent glass wind barriers are allowed.

vii. Roof decks may not be placed on building features that project above the maximum building height permitted in the zoning district.

D. Standards for the MH Zoning District. Table 17.16-~~7~~6 identifies development standards that apply in the mobile home park (MH) zoning district.

Table 17.16-~~7~~6: MH Zoning District Development Standards

		Additional Standards
Site Area [1]	5 acres [2]	
Residential Density, Maximum	20 units per acre	
Setbacks [3]		17.48.030
Front	15 ft.	
Interior Side	10 ft.	
Exterior Side	10 ft.	
Rear	20 ft.	

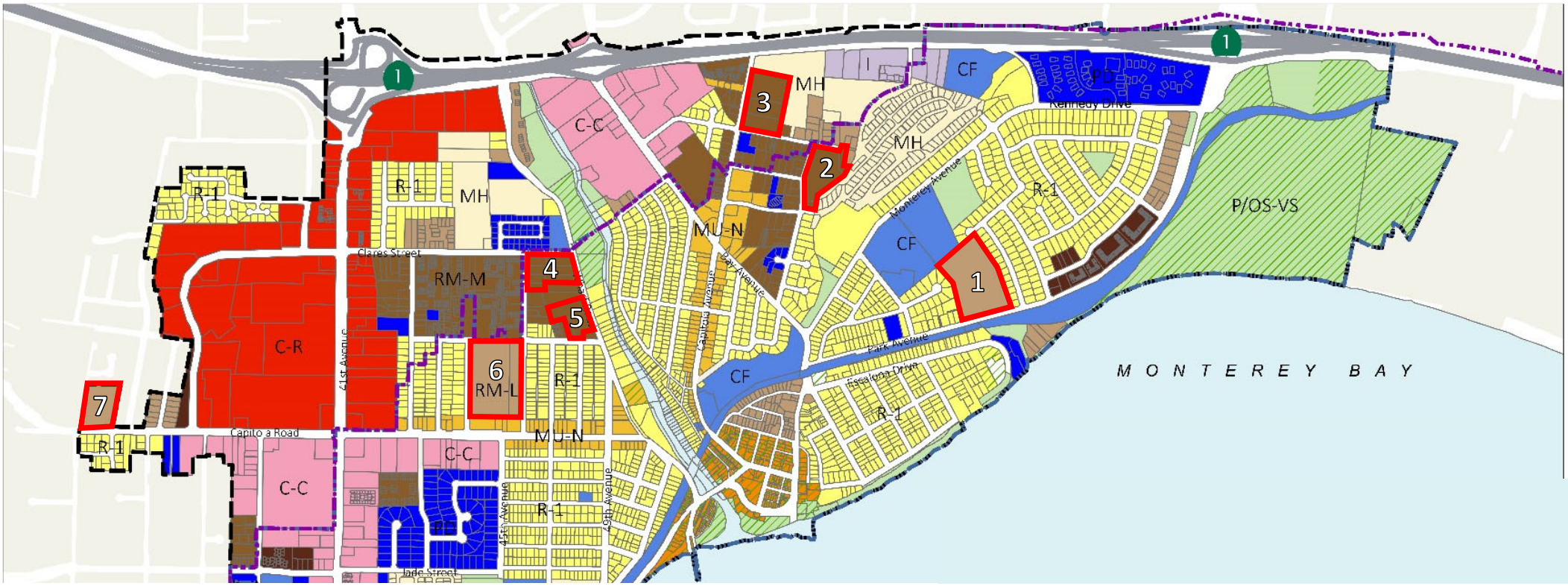
Notes:

[1] Applies to overall mobile home park area, not sites for individual units.

[2] For vacant property rezoned to MH, the minimum lot area is five acres. For existing mobile home parks, the minimum parcel size is five acres or the existing parcel size, whichever is less.

[3] Applies only to the perimeter of the mobile home park, not to sites and structures within the interior of the park.

Proposed Zoning Map Amendments



Area	Existing Zoning	Proposed Zoning
1	RM-L (10 du/ac)	RM-30 (30 du/ac)
2	RM-M (20 du/ac)	RM-30 (30 du/ac)
3	RM-M (20 du/ac)	RM-30 (30 du/ac)
4	RM-M (20 du/ac)	RM-40 (40 du/ac)

Area	Existing Zoning	Proposed Zoning
5	RM-M (20 du/ac)	RM-30 (30 du/ac)
6	RM-L (10 du/ac)	RM-30 (30 du/ac)
7	RM-L (10 du/ac)	RM-40 (40 du/ac)

Area 1: 600 Park Avenue

Site Area	6.8 acres
Existing Units	80
Built Density	12 du/ac
Existing Zoning	RM-L
Allowed Density	10 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 2: Rosedale & Hill

Site Area	2.9 acres
Existing Units	62
Built Density	21 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 3: Capitola Ave & Hill

Site Area	4.3 acres
Existing Units	72
Built Density	17 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 4: Clares & 46th

Site Area	2.75 acres
Existing Units	52
Built Density	19 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-40
Proposed New Density	40 du/ac

Area 5: Capitola Cove

Site Area	2 acres
Existing Units	35
Built Density	18 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 6: Capitola Gardens

Site Area	6.6 acres
Existing Units	80
Built Density	12 du/ac
Existing Zoning	RM-L
Allowed Density	10 du/ac
Proposed New Density	30 du/ac

Area 7: Landing at Capitola

Site Area	2.8 acres
Existing Units	50
Built Density	18 du/ac
Existing Zoning	RM-L
Allowed Density	10 du/ac
Proposed New Zoning	RM-40
Proposed New Density	40 du/ac

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO MUNICIPAL CODE TITLE 17, CHAPTER 17.74 (ACCESSORY DWELLING UNITS), AND FIND THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM CEQA

WHEREAS, on November 14, 2024, City of Capitola Ordinance No. 1066 went into effect, amending, among other sections, Municipal Code Chapter 17.74 (Accessory Dwelling Units) (the "ADU Ordinance");

WHEREAS, on December 19, 2024, the City submitted Ordinance No. 1066 to HCD for review and comment on the ADU Ordinance;

WHEREAS, the City received a letter from HCD dated February 26, 2025, providing an informal "fly over" review of the ADU Ordinance, with suggested revisions;

WHEREAS, after discussions with HCD staff, City staff submitted a letter to HCD dated June 4, 2025, documenting revisions to the ADU Ordinance that reflect revisions, as agreed upon by City and HCD staff, to be sufficient to address comments in the February 26, 2025, HCD letter;

WHEREAS City staff prepared draft amendments ("Amendments") to the ADU Ordinance to implement the revisions agreed upon by City and HCD staff;

WHEREAS, notice of the Amendments' availability was mailed and public review drafts were made available on August 1, 2025, in compliance with California Coastal Act public participation requirements and applicable state law;

WHEREAS, the Amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)); and

WHEREAS, at a duly noticed public hearing on August 21, 2025, the Planning Commission recommended the City Council adopt the Zoning Code Amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Capitola as follows:

Section 1: The above findings are adopted and incorporated herein.

Section 2: Pursuant to Capitola Municipal Code Section 17.144.050 and 17.144.060 and based on substantial evidence in the record:

a) The proposed Amendments are consistent with the General Plan, including the Housing Element and Land Use Element and any applicable specific plan as provided by Government Code Section 65860.

b) The proposed Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

c) The proposed Amendments are internally consistent with other applicable provisions of the Zoning Code.

Section 3: Title 17, Chapter 17.74 (Accessory Dwelling Units) of the Capitola Municipal Code is amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 4: Environmental Review.

The City Council finds and determines that the Amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3));

Section 5: Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

Section 6: Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 7: Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 11th day of September, 2025, and was adopted at a regular meeting of the City Council on the 25th day of September, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Joe Clarke, Mayor

Attest: _____
Julia Gautho, City Clerk

Chapter 17.74

ACCESSORY DWELLING UNITS

Sections:
17.74.010 Purpose.
17.74.020 Definitions.
17.74.030 Permitting process.
17.74.040 General requirements.
17.74.050 Units subject to limited standards.
17.74.060 Units subject to full review standards.
17.74.070 Units requiring a design permit.
17.74.080 Development standards.
17.74.090 Objective design standards.
17.74.100 Deviation from standards.
17.74.110 Findings.
17.74.120 Deed restrictions.
17.74.130 Incentives.

17.74.010 Purpose.

A. This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 66310 through 66342. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

B. It is the city's intent for this chapter to be consistent with state law as it is amended from time to time. In case of conflict between this chapter and state law, state law governs unless local variation is permitted. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.020 Definitions.

Terms used in this chapter are defined as follows. If a definition below conflicts with a definition in Chapter 17.160 (Glossary), the definition below controls.~~:~~

A. "Accessory dwelling unit" means- an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code~~a self-contained living unit located on the same parcel as a primary dwelling unit~~.

B. "Attached accessory dwelling unit" means an accessory dwelling unit that:

1. Shares at least one common wall with the primary dwelling unit; and

2. Is not fully contained within the existing space of the primary dwelling unit.

C. "Detached accessory dwelling unit" means an accessory dwelling unit that does not share a common wall with the primary dwelling unit and is not an internal accessory dwelling unit.

D. "Internal accessory dwelling unit" means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

E. "Junior accessory dwelling unit" means an accessory dwelling unit no more than five hundred square feet in size and contained entirely within a single-family residence. For purposes of this definition, attached garages and other enclosed uses within the residence are considered a part of a single-family residence.

F. “Multifamily dwelling” means a structure on a single lot with two or more attached dwelling units.

F. “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:

1. Two stories of living space attached to an existing primary dwelling unit; or

2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.

G. “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:

1. Two stories of living space in a single accessory dwelling unit; or

2. Second-story living space above a ground-floor garage or other accessory structure. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.030 Permitting process.

A. When Consistent with Standards.

1. Except when a design permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in this chapter shall be approved ministerially with an administrative permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the administrative permit application.

2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the city shall either approve or deny an application to create an accessory dwelling unit within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.

3. If the city denies an application for an accessory dwelling unit, the city shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

4. If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay approving or denying the accessory dwelling unit application until the city approves or denies the permit application for the new single-family or multifamily dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.

5. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

B. Two-Story Units.

1. Planning commission approval of a design permit is required for a two-story accessory dwelling unit (attached or detached) with a height greater than the maximum permitted one-story accessory dwelling unit heights in Table 17.74-1.

2. To approve the design permit, the planning commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) unless the planning commission allows a deviation through the design permit process.

C. When Deviating from Standards. An accessory unit that deviates from any standard in Section 17.74.080 (Development standards) or 17.74.090 (Objective design standards) may be allowed with planning commission approval of a design permit. See Section 17.74.100 (Deviation from standards).

D. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit ("separate construction") and is not proposed as part of a permit application to create a new single-family dwelling on the parcel, the city shall either:

1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

E. Within Coastal Zone.

1. A proposed accessory dwelling unit that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).

2. The City may issue a CDP waiver pursuant to Section 17.44.090 (De minimis waiver of a CDP) for a proposed accessory dwelling unit in the coastal zone. The City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission. To be eligible for a CDP waiver, the proposed accessory dwelling unit must comply with all of the following:

a. The accessory dwelling unit complies with all standards in this chapter and may be approved with no public hearing required. b. The accessory dwelling is not located:

i. In an area subject to coastal hazards as defined by Section 17.44.040(F);

ii. Within 200 feet of a cliff edge; or

iii In an environmentally sensitive habitat area (ESHA) as defined by Section 17.44.040(J), including categorical ESHA areas identified in Section 17.64.020 (Applicability).

c. The accessory dwelling unit would not negatively impact coastal resources, public access, or views consistent with the City's certified Local Coastal Program.

3. A CDP waiver for an accessory dwelling unit shall comply with all requirements in Section 17.44.090 that apply to other types of development with the exception that the City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission.

4. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that:

a. A public hearing for a CDP application for an accessory dwelling unit is not required as provided in Section 17.74.030(A)(1); and

b. The City may issue a CDP waiver for an accessory dwelling unit as provided in Section 17.74.030(E)(2)

F. Historic Resources.

1. ~~If~~ A~~a~~ proposed accessory dwelling unit is subject to the requirements in Chapter 17.84 (Historic Preservation) if all of the following apply:

a. The property is in the coastal zone;

b. The accessory dwelling unit requires a design permit; ~~is required for an accessory dwelling unit~~and

c. The ~~on a~~ property ~~with~~ contains a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources)~~historic resource, the proposed project is subject to the requirements in Chapter 17.84 (Historic Preservation). Third-party review of the proposed project may be required as provided in Chapter 17.84.~~

~~2.~~

2. Compliance with Chapter 17.84 is not required for accessory dwelling unit~~s approved ministerially with an administrative permit~~applications that do not meet all criteria in Paragraph 1 above.

G. Correction of Violations. The city shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

H. Unpermitted Accessory Dwelling Units.

1. Except as provided in subsection (H)(2) of this section, the city shall not deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020~~18~~, due to either of the following:

a. The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

b. The accessory dwelling unit or junior accessory dwelling unit does not comply with Government Code Sections 66314 through ~~-~~ 66332 or this chapter.

2. The city may deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020~~18~~, if the ~~local agency~~city makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code~~protect the health and safety of the public or occupants of the structure~~.

3. This subsection shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.040 General requirements.

The following requirements apply to all accessory dwelling units:

A. Where Allowed. An accessory dwelling unit is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and

2. On any parcel with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Parcel. Not more than one accessory dwelling unit is allowed per parcel except as allowed by Sections 17.74.050 (Units subject to limited standards).

C. Residential Mixed Use. If an existing or proposed ~~one~~ dwelling unit is on a parcel with a nonresidential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more existing or proposed attached dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.

D. Utility Connections. Utility connection requirements shall be subject to state law and the serving utility district. Establishing an accessory dwelling unit in conformance with this chapter does not require placing existing overhead utility lines underground.

E. Fire Sprinklers. The city shall not require accessory dwelling units to provide fire sprinklers if ~~they would~~ sprinklers are not ~~be~~ required for the primary residence ~~under the current fire code in effect at the time the primary residence was permitted~~. Establishing an accessory dwelling unit does not require installing fire sprinklers in the existing primary dwelling.

F. Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals as defined in Chapter 17.160 (Glossary), and notwithstanding any other provision to the contrary, rental of an accessory dwelling unit shall be for a term longer than 30 days.

G. Separate Sale from Primary Dwelling. An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 6634~~10-66342~~.

H. Guaranteed Allowance.

1. Maximum building coverage, floor area ratio, front setbacks, ~~and~~ private open space standards in Section 17.74.080 (Development standards) and privacy impact standards in 17.74.090.B (Privacy Impacts) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of eight hundred square feet of floor area is in addition to the maximum floor area of a property.

2. An accessory dwelling unit may deviate from a building coverage, floor area ratio, front setbacks, or private open space standard no more than the minimum necessary to allow for eight hundred square feet of floor area.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.

2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

3. If any portion of an existing structure crosses a property line (excluding attached dwelling units bisected by a property line along the common wall), the structure may not be converted to or replaced with an accessory dwelling unit. For an existing structure within four feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant to California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:

~~a. Provide a minimum of three hundred twenty square feet of floor area;~~

a~~b~~. Be built on a permanent chassis;

b~~c~~. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and

c~~d~~. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.

2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.

3. A prefabricated or modular home is allowed as an accessory dwelling unit.

K. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.

2. Occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property unless the property is owned by a governmental agency, land trust, or housing organization, in which case owner-occupancy is not required.

3. Sanitation Facilities.

a. A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.

b. If a junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

4. Kitchen. A junior accessory dwelling unit must include, at a minimum:

a. A cooking facility with appliances; and

b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

~~L. Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:~~

~~1. Be signed by an authorized officer of the HOA; and~~

~~2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required.~~

L~~M~~. Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 16.78 of this code; and (2) an SB 9 residential development with two units on each lot has been approved for construction pursuant to Chapter 17.75 of this code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1052 § 4, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.050 Units subject to limited standards.

The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create any of the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) do not apply to these types of accessory dwelling units.

A. Internal Accessory Dwelling Units. One internal accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the second story of an existing accessory structure shall be limited to accommodating ingress and egress.

2. The unit has exterior access from the proposed or existing single-family dwelling.

3. The side and rear setbacks are sufficient for fire and safety.

4. The junior accessory dwelling unit complies with Government Code Sections 66333 through ~~-~~ 66339.

B. ~~One-Story~~ Detached Accessory Dwelling Units Eight Hundred Square Feet or Less. One detached accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection A of this section (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

1. Minimum rear and side setbacks: four feet.

2. Maximum floor area: eight hundred square feet.

3. Maximum height: sixteen feet or ~~18 feet~~ as allowed by Government Code Section 66321(b)~~.~~(4).

C. Nonlivable Multifamily Space. One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:

1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to a maximum of twenty-five percent of the existing multifamily dwelling units; and

2. Each unit shall comply with state building standards for dwellings.

D. Detached Accessory Dwelling Units on Multifamily Parcels.

1. Up to t~~T~~wo detached accessory dwelling units are allowed on a lot with ~~an existing or~~ a proposed multifamily dwelling. On a lot with an existing multifamily dwelling, up to eight detached accessory dwelling units are allowed, not to exceed the number of existing units on the lot.~~Not more than two eight detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling,~~. The accessory dwelling units must comply with~~subject to~~ the following:

a. Maximum height: ~~eighteen~~ sixteen feet or as allowed by Government Code Section 66321(b)~~.~~(4).

b. Minimum rear and side setbacks: four feet.

2. If the existing multifamily dwelling has a rear or side setback of less than four feet, the city shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.060 Units subject to full review standards.

The city shall ministerially approve an application for a building permit to create the following types of accessory dwelling units:

A. ~~One-Story~~ Attached Accessory Dwelling Units. An ~~one-story~~ attached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1.

B. ~~One-Story~~ Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A ~~one-story~~ detached accessory dwelling unit with a floor area between eight hundred and one thousand two hundred square feet in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.070 Units requiring a design permit.

The following types of accessory dwelling units require planning commission approval of a design permit:

A. ~~Two-Story~~ Accessory Dwelling Units – Additional Height Allowance. A ~~two-story~~ detached accessory dwelling unit ~~greater than the maximum permitted one-story accessory dwelling unit heights in Table 17.74-1~~ in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height that requires design review as specified in Table 17.74-1.

B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards). (Ord. 1043 § 2 (Att. 2), 2020)

17.74.080 Development standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. General. Table 17.74-1 shows development standards that apply to accessory dwelling units.

Table 17.74-1: Development Standards

ADU Type/Location	Standard
Unit Size, Maximum	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum
Junior ADU	500 sq. ft.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1st and 2nd Story	4 ft.
Exterior Side, 1st and 2nd Story	4 ft.
Rear, 1st and 2nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40% [2]
All other zoning districts	No maximum
Height, Maximum [3]	
Attached ADU	25 ft. or maximum permitted in zoning district, whichever is less
Detached ADU – Ministerial Approval	16 ft. [8] [9]
~~One-story detached ADU on lot with existing or proposed single-family dwelling~~	~~16 ft. [8]~~
~~One-story detached ADU on lot with existing or proposed multifamily and multi-story dwelling~~	~~18 ft.~~
Detached ADU – With Design Permit~~, two-story [6]~~	22 ft.
Private Open Space, Minimum [7]	48 sq. ft. [2]

Notes:

[1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[2] Standard may not prohibit an accessory dwelling unit with at least eight hundred square feet of floor area. See Section 17.74.040(H) (Guaranteed Allowance).
[3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.
[4] See also Section 17.74.040(I) (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.
[5] See also subsection B of this section (Front Setbacks) and Section 17.74.040.H.
[6] A two-story detached accessory dwelling unit greater than sixteen feet in height requires a design permit.
[7] Private open space may include screened terraces, decks, balconies, and other similar areas.
[8] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height is allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
[9] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit, except that increased front setback requirements do not apply to an accessory dwelling unit created by converting or replacing an existing structure.

2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in Section 17.16.030(B) apply to accessory dwelling units.

3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

C. Parking.

1. All Areas. The following parking provisions apply to accessory dwelling units in all areas in Capitola:

a. Required Parking in Addition to Primary Residence. Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.

b. Tandem Spaces. Required off-street parking may be provided as tandem parking on an existing driveway.

c. Within Setback Areas.

i. Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.

ii. A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.

d. Alley-Accessed Parking. Parking accessed from an alley shall maintain a twenty-four-foot back-out area, which may include the alley.

2. Outside of Coastal Zone or in Cliffwood Heights. The following parking provisions apply only to accessory dwelling units outside of the coastal zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.

a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.

b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in subsection (C)(2)(c) of this section.

c. No off-street parking is required for an accessory dwelling unit in the following cases:

i. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 66313(m~~l~~).

ii. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.

iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

v. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed above.

d. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

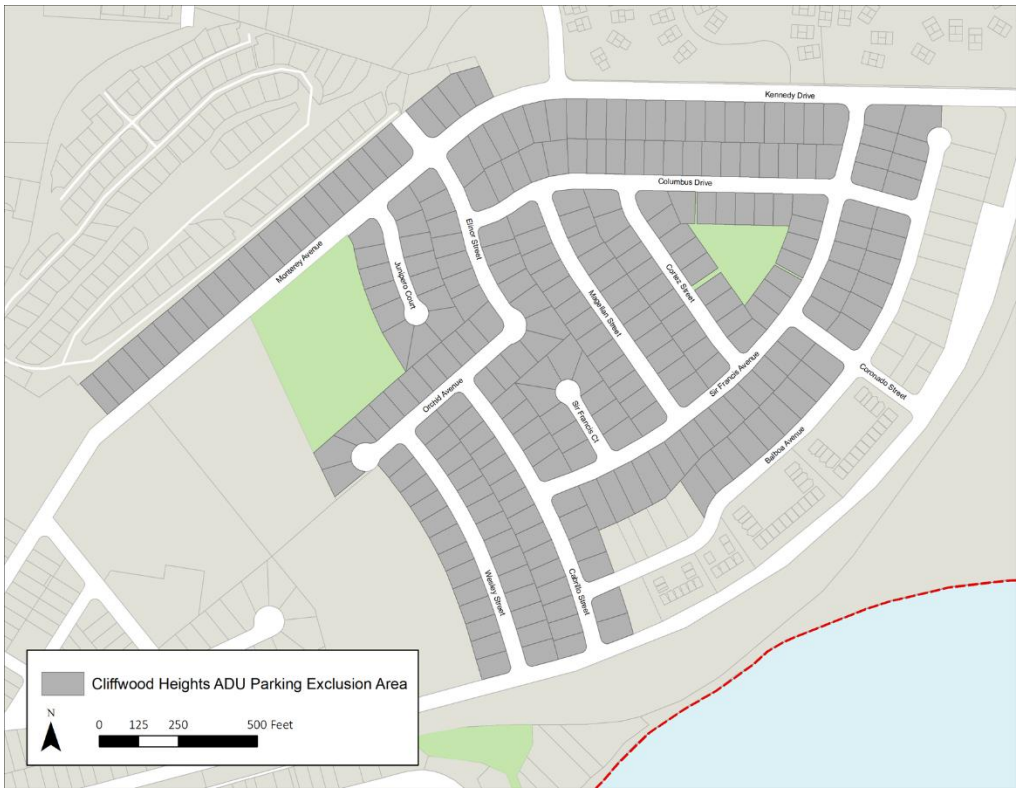
3. Within Coastal Zone and Outside Cliffwood Heights. The following parking provisions apply only to accessory dwelling units in the coastal zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the city's adopted local coastal program.

a. One off-street parking space is required for any type of accessory dwelling unit except as provided in subsection (C)(3)(b) of this section.

b. Where the primary residence is served by three or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.

c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in subsection (C)(3)(a) of this section.

Figure 17.74-1: Cliffwood Heights ADU Parking Exclusion Area



(Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.090 Objective design standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:

   a. A six-foot solid fence on the property line; or

   b. Clerestory or opaque windows for all windows facing the adjacent property.

2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

C. Second-Story Decks and Balconies. Second-story decks and balconies proposed as part of an accessory dwelling unit that requires a design permit shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.

D. Architectural Details. Table 17.74-2 shows architectural detail standards for accessory dwelling units.

Table 17.74-2: Architectural Detail Standards

	Non-~~h~~Historic p~~P~~roperty in the coastal zones and all properties outside the coastal zone [1]		Historic p~~P~~roperty in the coastal zone [1]	
	Attached ADU	**Detached ADU**	**Attached ADU**	**Detached ADU**
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a nonreflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or nonreflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater [6]	No requirement	4:12 or greater [6]
Exterior Preservation	No requirement	No requirement	See 17.74.090.E.1	No requirement

Notes:
[1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).
[2] Standard does not apply to secondary and accent materials.
[3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.
[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.
[5] Bathroom windows may be horizontally oriented.
[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

E. Building Additions to Historic Structures. The following standards apply in the coastal zone to an ADU attached to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

1. The attached ADU may not obscure, damage, or destroy the exterior of a historic structure on its historically significant building face(s), including associated roofline(s).
2. Historically significant building face means any character-defining building elevation which abuts a street or public access easement. A structure may have more than one historically significant face.
3. Preservation requirements extend to all associated elements of a character-defining building face including, but not limited to, porches, windows, doors, trim, and cladding.

~~Within the coastal zone, a~~~~A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.~~

17.74.100 Deviation from standards.

A. When Allowed. The planning commission may approve an accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Permit Required. Deviations allowed under this section require planning commission approval of a design permit. A variance is not required. To approve the design permit, the planning commission must make the findings in Section 17.74.110 (Findings). (Ord. 1043 § 2 (Att. 2), 2020)

17.74.110 Findings.

A. When Required. The planning commission must make the findings in this section to approve a design permit for:

1. ~~Two-story D~~detached accessory dwelling units with a height that requires design review as specified in Table 17.74-1.~~greater than sixteen feet in height~~; and

2. Accessory dwelling units that deviate from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards).

B. Findings. To approve the design permit, the planning commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.

2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.

3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.

4. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.

5. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.

6. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.

7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.

8. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.

9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

10. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.120 Deed restrictions.

A. Prior to issuing a certificate of occupancy for a junior~~n~~ accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The junior accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).

2. The junior accessory dwelling unit may not be sold separately from the primary dwelling ~~except as provided in Government Code Section 66340-66342~~.

3. ~~For junior accessory dwelling units,~~ R~~r~~estrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.

B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the junior accessory dwelling unit.

C. The deed restriction shall lapse upon removal of the junior accessory dwelling unit. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.130 Incentives.

A. Fee Waivers for Affordable Units.

1. The city may waive development fees for accessory dwelling units that will be rented at levels affordable to low- or very low-income households.

2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low- or very low-income levels prior to issuance of a building permit.

3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual Consumer Price Index increase commencing with the date of application for building permit.

B. Historic Properties. The planning commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a historic resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the planning commission shall approve a design permit and find that the exception is necessary to preserve the architectural character of the primary residence. (Ord. 1043 § 2 (Att. 2), 2020)

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: Public Works Department

Subject: Coastal Conservancy Grant Application

Recommended Action: Authorize staff to submit a grant application to the State Coastal Conservancy for the Esplanade Park Coastal Access Enhancement & Adaptation Plan.

Background: Esplanade Park is located at the intersection of Esplanade and Monterey Avenue in Capitola Village, directly adjacent to Capitola Beach. The site has been home to several historic buildings over the years, including the Hotel Capitola and the Capitola Ballroom. In 1960, restrooms and a parking lot were constructed at the site, and the park itself was formally dedicated in July 1984. The bandstand, completed in 2007 through community contributions, added a focal point for concerts and events. Today, the park includes restrooms, outdoor showers, benches, plantings, and the bandstand, which supports regular programming and community use.

A major underground sewer pumping station is located beneath the restrooms operated by the Santa Cruz County Sanitation District. The Park is subject to an easement that allows the District to access and operate this facility, and all development must be coordinated with the District to ensure continued operation.

Esplanade Park is Capitola's most heavily used public park, serving as a central hub for both residents and visitors. Its open lawn areas, seating, and shoreline-adjacent walkways provide direct access to Capitola Beach and host a wide range of community activities and events.

Because of its low elevation and direct shoreline exposure, the park and adjacent seawall are routinely overtopped by waves during winter storm events, resulting in flooding, debris deposition, and repeated damage to park infrastructure. Impacts were especially severe during the January 2023 atmospheric river storms, which left the park inundated and covered with debris. Any long-term park improvement project should therefore consider strategies to mitigate these recurring hazards and ensure resilient public access.

During adoption of the FY 2025-26 budget, the City Council allocated $50,000 toward updating Esplanade Park. In an effort to obtain outside funding for this effort, staff submitted a pre-application to the State Coastal Conservancy under its Climate Ready and Coastal Access grant program to determine whether a design project for the park would be eligible. The Conservancy—whose mission includes supporting sea level rise adaptation, improving public coastal access, and advancing nature-based shoreline resilience—responded the project is eligible and invited the City to submit a full application for funding.

Discussion: The proposed Esplanade Park Coastal Access & Adaptation Plan will complete technical studies, community engagement, and conceptual design (up to 30%) for improvements and climate adaptation measures at the park. Specific tasks include:

- Sea level rise modeling, drainage analysis, and coastal hazard studies.
- Development of 3–4 concept alternatives, including traditional park enhancements along with nature-based, hybrid, structural, and retreat strategies.
- Refinement of one preferred alternative.
- A regulatory and CEQA pathway analysis to identify required approvals for future implementation.
- Robust community engagement through three workshops, an online bilingual survey, and pop-up outreach at park events.

If the grant is awarded, the project would begin in February 2026 and be completed by April 2027. Technical studies would be completed in early 2026, with community engagement and concept alternatives carried out through the summer and fall. A preferred concept, and regulatory pathway analysis would be finalized by spring 2027. These deliverables will provide the City with a 30% design, cost estimates, and a clear roadmap for future permitting and funding.

This is a planning effort only; future implementation will require additional design, environmental review, and construction funding.

Fiscal Impact: The proposed grant request is $275,000 from the State Coastal Conservancy. A $50,000 in-kind contribution of City staff time will serve as the local match, for a total project cost of $325,000. No General Fund contribution is required with this grant; the existing General Fund allocation of $50,000 could be made available for future project phases.

Attachments:

1. State Coastal Conservancy Grant Application Guide
2. Draft Grant Application (Esplanade Park Coastal Access & Adaptation Plan)

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

State Coastal Conservancy Grant Application Guide

GRANT APPLICATION GUIDE

Released October 2022

Application is a separate document found at this link.
Submit Application via email to grants@scc.ca.gov

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STATE COASTAL CONSERVANCY

MISSION STATEMENT

The State Coastal Conservancy's vision is of a beautiful, restored, and accessible coast for current and future generations of Californians. We act with others to protect and restore, and increase public access to, California's coast, ocean, coastal watersheds, and the San Francisco Bay Area.

FOREWORD

The State Coastal Conservancy ("Conservancy") is a state agency established in 1976 to work proactively with local communities to implement multi-benefit projects that protect and enhance coastal resources. The Conservancy works along the entire length of California's coast, within the watersheds of rivers and streams that extend inland from the coast, and throughout the nine-county San Francisco Bay Area.

The Conservancy is committed to providing technical assistance and being approachable and informative. Contact information is listed below, and grant updates can be found at: https://scc.ca.gov/grants/.

CONTACT INFORMATION

Regional Manager Contacts

North Coast: Del Norte County to coastside Sonoma and Marin Counties
Joel Gerwein: joel.gerwein@scc.ca.gov

San Francisco Bay Area: Nine Bay Area Counties, excluding the coastside of Sonoma, Marin, and San Mateo Counties
Jessica Davenport: jessica.davenport@scc.ca.gov

Central Coast: Coastside San Mateo County to Santa Barbara County
Trish Chapman: trish.chapman@scc.ca.gov

South Coast: Ventura County to San Diego County Megan Cooper:
megan.cooper@scc.ca.gov

KEY LINKS

Application

- Application download in Microsoft Word – found at this link:
  https://scc.ca.gov/webmaster/ftp/pdf/forms/SCC_Grant_Application.docx
- Application download in Google Docs – found at this link:
- https://docs.google.com/document/d/1WBBQHM21pzuflRvrbYMBbgTAEH4Cy5Hl/edit?usp=sharing&ouid=100782272886121659354&rtpof=true&sd=true

- You may use Google Docs if you do not have a Microsoft Office license or to enhance collaboration among your organization. Please open the Google Docs-compatible link below. When it is opened, go to file > "Make a copy". You can then freely edit and share the document in Google Docs. When you are ready to submit the application, go to File > Download > Microsoft Word (.docx). If you do not have a Microsoft Office license, you can instead download the document as a PDF.

Website

https://scc.ca.gov/grants/

PURPOSE OF APPLICATION GUIDE

This application guide provides step-by-step instructions on completing a grant application for the Conservancy. Use this guide as you go through your application to help answer questions and provide the appropriate information.

I. GRANT PROGRAM OVERVIEW

INTENT

The Conservancy's grants will fund projects that support our Strategic Plan (found at this link: https://scc.ca.gov/about/plan/) and meet our Project Selection Criteria (found at this link: https://scc.ca.gov/grants/project-selection-criteria/). There are no program-specific priorities or funding limits, and applications will be accepted on a rolling basis.

ELIGIBLE APPLICANTS

- Public Agencies, including Joint Power Authorities and Federally-Recognized Indian Tribes
- Nonprofit organizations with 501(c)(3) status
- Other community-based organizations and non-federally-recognized tribes may apply with a 501(c)(3) fiscal sponsor

ELIGIBLE PROJECTS

- Types of eligible projects
    - Develop plans and permits for projects that meet the funding priorities below
    - Implement projects that meet the funding priorities below
    - Acquire property that furthers the funding priorities below.
- Funding priorities
    - Projects that meaningfully advance one or more the of the Conservancy's Strategic Plan objectives

For details on eligible costs, please see the Eligible Costs section.

GRANT AMOUNT PER APPLICATION

There are no maximum or minimum grant amounts for this funding; however, it is anticipated that most grants will be between $200,000 and $5,000,000.

APPLICATION DEADLINE

Applications may be submitted on a rolling basis and will be accepted and evaluated when they are received.

APPLICATION PROCESS

The application is a two-step process. Applicants will first submit a pre-application. If a pre-application meets the Conservancy's Eligibility Criteria and there is available Conservancy funding for the project, applicants will be invited to submit a full application. Here are the steps in the application process:

1. Develop a Pre-application

- If needed, request a technical assistance consultation with the Regional Manager covering your project area to discuss project eligibility. All applicants are encouraged to request this consultation prior to pre-application submission. See page 3 for details on how to contract the Regional Manager.
- Submit a Pre-application, which can be found at this link: https://scc.ca.gov/webmaster/ftp/pdf/forms/SCC-Grant_Pre-Application.docx
- Within 60 days, you will receive notification whether you are being asked to submit a full application or if your project is not eligible for Conservancy funding.
- If your project is selected for a full application, go to step 2 below.

2. Develop a competitive full application

Prior to full application submission, we recommend applicants:

- Review this Application Guide to understand the requirements in more detail.
- Review the following materials for grantees on the Conservancy website to understand standard grantee requirements if your application were to be selected for funding.
  - Grantee Manual: https://scc.ca.gov/grants/grantee-manual/
  - Typical Grant Agreement Terms: https://scc.ca.gov/webmaster/ftp/pdf/forms/typicalgrantagreementterms.pdf

- Submit a full application, which can be found at this link: https://scc.ca.gov/webmaster/ftp/pdf/forms/SCC_Grant_Application.docx

3. Submit your application

- Email the application to the Conservancy at grants@scc.ca.gov. Application submittal instructions are found on page 10.
- After you have submitted your application, we ask that you fill out this anonymous short survey: https://www.surveymonkey.com/r/3TLJBYK. Your input will help us improve our grant application process in the future.

4. Conservancy review of application

- You may be asked to correct or complete documents after the application is submitted.
- Conservancy staff will evaluate applications based on the Project Selection Criteria.
- You may be invited to provide additional information to Conservancy staff during the application review process.
- You may be asked to participate in an Application Interview and/or site visit to provide additional information to Conservancy staff during the application review process.

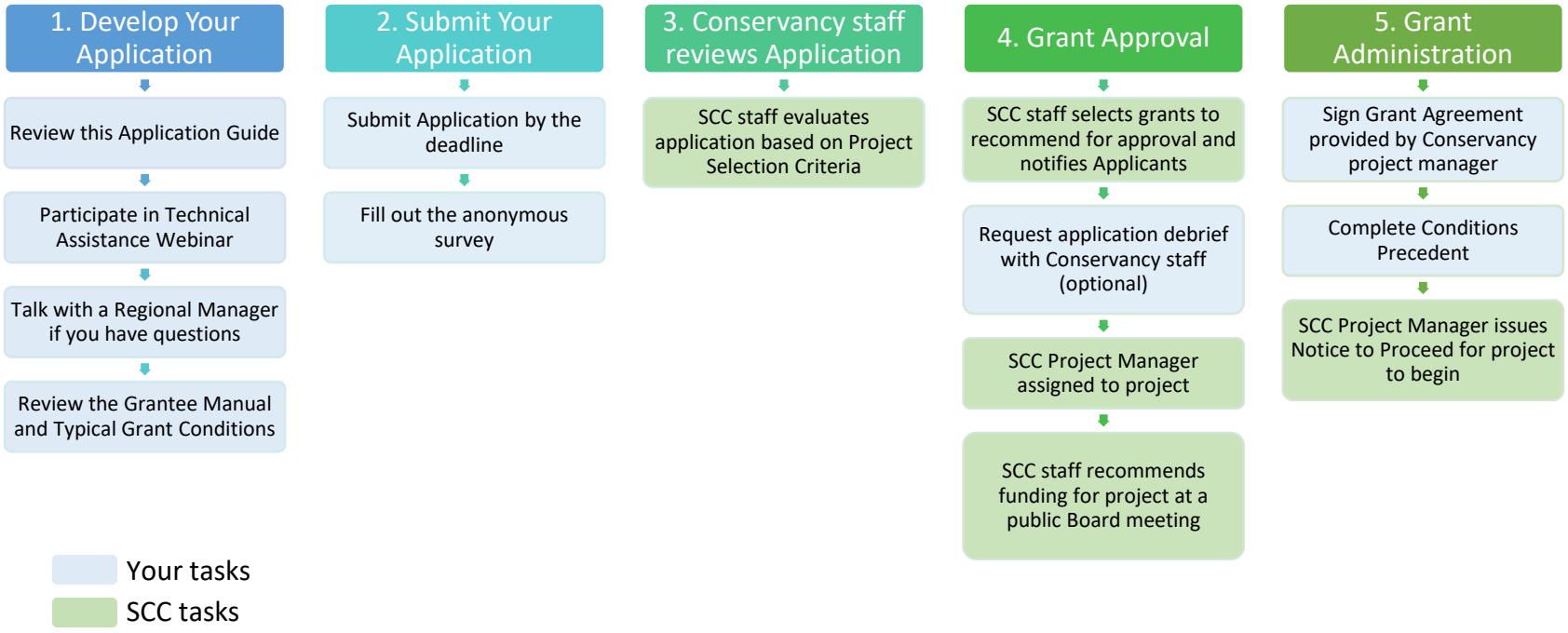
5. Grant approval process

- Grant award recommendations will be announced approximately 60 days after the application is received. You will receive an email indicating whether or not your application will be recommended for a grant award. All grants must be approved by the Coastal Conservancy Board.
- After Grant award recommendations are made, you may request feedback from Conservancy staff on strengths and weaknesses of your application.
- Applicants who receive a grant award letter will be assigned a Conservancy Project Manager to work with.
- The Conservancy Project Manager will present a recommendation for funding to the Coastal Conservancy Board. Applicants may be asked to provide materials to assist in making this recommendation. If the Coastal Conservancy Board approves the Grant recommendation, the Conservancy Project Manager will move forward with the Grant award.

GRANT ADMINISTRATION PROCESS

The Conservancy's grant administration process is explained in detail in our Grantee Manual, which can be found at this link: https://scc.ca.gov/grants/grantee-manual/. An overview of the grant process is provided below.

1. Following approval by the Coastal Conservancy Board, the Conservancy Project Manager will send a Grant Agreement to the applicant along with a link to the Grantee Manual. Refer to the Grantee Manual (https://scc.ca.gov/grants/grantee-manual/) for further detail.
2. After a signed Grant Agreement is returned and signed by the State, the applicant becomes a Grantee.
3. The Grantee must then complete the Conditions Precedent to Project Commencement listed in the Grant Agreement, which include but are not limited to submitting a Work Program for Conservancy approval.
4. Work on the grant may begin only after receiving a notice from the Conservancy Project Manager that all of the Conditions Precedent to Project Commencement have been met.
5. Project Completion Date is at least three months before the end of the Grant Termination Date.
6. Send the final payment request to the Conservancy at least two months before the Grant Termination Date. This gives time for the Conservancy to review the payment documents, conduct a final site inspection, and process the final payment through the State Controller's Office.


1. Develop Your Application
Review this Application Guide
Participate in Technical Assistance Webinar
Talk with a Regional Manager if you have questions
Review the Grantee Manual and Typical Grant Conditions
2. Submit Your Application
Submit Application by the deadline
Fill out the anonymous survey
3. Conservancy staff reviews Application
SCC staff evaluates application based on Project Selection Criteria
4. Grant Approval
SCC staff selects grants to recommend for approval and notifies Applicants
Request application debrief with Conservancy staff (optional)
SCC Project Manager assigned to project
SCC staff recommends funding for project at a public Board meeting
5. Grant Administration
Sign Grant Agreement provided by Conservancy project manager
Complete Conditions Precedent
SCC Project Manager issues Notice to Proceed for project to begin
Your tasks
SCC tasks

PHOTOS AND RECORDS SUBMITTED WITH APPLICATION

All information that you submit is a public record subject to disclosure under the Public Records Act.

Please only submit photos, maps, or other materials with this application in which either (1) you own the copyright, trademark, or have some other ownership rights in the materials, or (2) you have permission to use and have the authority to grant the Conservancy the permission to use such materials for non-commercial purposes. When submitting photos, maps, or other materials, please confirm in writing via the grant application or some other method that you are granting the Conservancy the unlimited right to use such materials for non-commercial purposes. Please indicate if photos, maps, or other material submitted with this application require crediting when reused by the Conservancy - you should indicate this on each document.

If you provide any photographs of individuals to the Conservancy, you should ensure that the individuals (or the guardians of individuals under the age of 18) were informed that photographs may be taken and used for any non-commercial purpose.

II. APPLICATION PACKAGE

This section provides detailed guidance to complete the application.

Please follow these five instructions to prepare the application.

- Use the Application Checklist on the next page to organize the application.
  - Checklist items 1-6 are required for all applications.
  - Checklist item 7 is only required for non-profit applicants.
  - Checklist Item 9 is only required for projects that are on the Southern California Wetlands Recovery Project (WRP) Work Plan**.**
  - Checklist item 8 is required for Implementation projects.
  - Checklist item 10 is only required for Acquisition projects that are within one of the nine Bay Area counties.
- For application submittal
  - Submit the application by email to grants@scc.ca.gov.
  - Do not mail a paper copy of the application.
  - Send only the items requested in the Checklist. Do not send supplementary materials, such as PowerPoint presentations or letters of support at this time. If notified that your application for funding is successful, support letters from stakeholders, match funders, and elected officials will be requested for the funding approval. Consult your project manager regarding the number, format, and source of support letters.
- Please keep at least one copy for your records.

APPLICATION CHECKLIST

Use the checklist below to help you track completion of the required parts of the application. Directions for each item can be found on the page number listed below.

	Application Item	Guidance Page Number
☐	1. Application Cover Sheet	
☐	2. Project Description	
☐	3. Project Selection Criteria	
☐	4. Project Tasks and Schedule	
☐	5. Project Cost Estimate	
☐	6. Project Maps and Design Plans	
☐	7. Nonprofit Organization Documentation	
☐	8. For Implementation projects, applicants must submit a Conservation Corps Consultation Review Form.	
☐	9. Southern California Wetlands Recovery Project (WRP) Work Plan support letter and map from Marsh Adaptation Planning Tool, if applicable.	
☐	10. Conservation Lands Network 2.0 Conservation Portfolio Report, if applicable.	

SUMMARY INFORMATION

Fill out the two-page summary information section provided in the application. Summary information should be no more than two pages.

CONTACT INFORMATION

- **Organization.** Be sure to enter your organization's full legal name. If an applicant will be using a fiscal sponsor, the organization should be the fiscal sponsor, not the applicant.
- **Contact Person.** This should be the person who can best answer questions about the proposed project. The phone and email address provided should be for this person.
- **Webpage.** Please provide a link to your organization's webpage, if you have one.

PROJECT INFORMATION

- **Project Name.** We recommend that the project name be no more than six words long. Pick a name that captures the essence of the project and the location if possible.
- **Project Summary**. Provide a one sentence description of your project that specifies 1) the phase of the project (Acquisition, Planning, or Implementation) 2) the key action of the project (develop a plan, restore wetlands, build a trail, etc), 3) the location, and 4) the number of acres or miles involved.

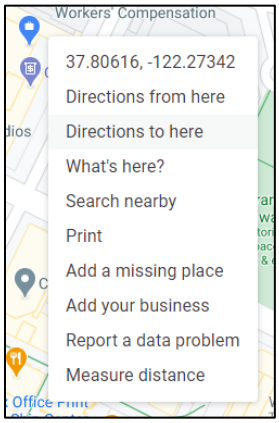
- **Amount Requested and Total Project Cost**. Provide specific numbers, rounded to the nearest one hundred dollars. Your answers should not be a range. We understand that the total project cost is an estimate and may change.
- **Estimated Start and End Dates.** Provide your best estimate of when work under the grant would start and when it would be complete. Your answer should not be a range. We understand that the dates are an estimate and may change.
- **Project Type.** The Conservancy can fund each phase of a project – Acquisition, Planning, and Implementation. But typically we would fund each phase as a separate grant with a separate application. We cannot fund the Implementation phase of a project until environmental review pursuant to the California Environmental Quality Act is complete (see

CEQA Compliance section below). For this reason, we cannot fund both the preliminary Planning and Implementation phase of a project under one grant, unless the entire project falls within a CEQA exemption.

- **Total Acres.** For Acquisition projects, provide the total acreage of the property or easement that would be acquired. For restoration projects, provide the total acreage of the restoration area only.
- **Total Miles.** For projects that will plan or build trails, include the total number of trail miles that will be planned or built. Do not include the mileage of already existing trails on a site.
- **Assessor Parcel Numbers**. Acquisition projects only. If the project will acquire fee title or easement property rights, provide the assessor parcel numbers (APN) for all of the properties that will be acquired. Identify any parcels where property rights to only part of a parcel will be acquired. If the project involves acquisition of both fee title and conservation easement interests, specify which type of interest will be acquired for each APN.

LOCATION INFORMATION

- **County(ies)**. List the County(ies) in which the project will occur.
- **Specific Location(s).** Provide the place name or other identifying name for the specific location(s) of the project.
- **Latitude and Longitude.** Pick a key location on your project site such as the center of the restoration area, parking lot, trailhead. If your project has multiple sites, just pick one that is representative. An easy way to get the latitude and longitude is to follow these steps:
    - Open google maps and navigate to the location of your project.
    - Point the cursor at the key location you have identified (see above). On a PC right-click and select the paired numbers at the top of the list of options. These are the latitude and longitude (lat/longs). On a Mac, you get this list by using Control-Click. Selecting the numbers will copy them.



    - Paste them directly into the application. They will look something like this: 37.806155798708346, -122.27334936704644.
- **Disadvantaged and Severely Disadvantaged Communities**. Conservancy funding aims to prioritize projects that benefit Disadvantaged Communities (DACs) and/or Severely Disadvantaged Communities (SDACs) as defined in legislation. To determine if your project is located in one of these communities, go to this website: https://www.parksforcalifornia.org/communities/?overlays=parks. Navigate to your project location on the map. Check the legend box for Disadvantaged Community in the lower right of the map screen.

LEGISLATIVE DISTRICTS

- **Districts.** For each District type, list the numbers and the names of the political representatives that represent the geographical area where your project takes place.
    - **State Assembly.** The State Assembly works alongside the State Senate and the Governor to form the State Legislature. You can find your State Assembly member and Assembly District number at https://findyourrep.legislature.ca.gov/
    - **State Senate.** The State Senate works alongside the State Assembly and the Governor to form the State Legislature. You can find your State Senate member and Senate District number at https://findyourrep.legislature.ca.gov/
    - **Congress.** Your Congressional District represents the division of the state from which a member of the US House of Representatives is elected. You can find your Congressional District number and representative at https://www.house.gov/. Enter your project location zip code in the look up tool in the webpage's upper right hand corner.

PROJECT DESCRIPTION

The project description section is for you to explain your project to the application reviewers. Assume that the reviewers have never heard of your project and have a short time to review your application. Be concise and clear. We will use your project description to evaluate your application based on the Project Selection Criteria (see below).

- **(Question 1) Site Description** (1-2 paragraphs). Describe the project site or area including the location and current conditions that relate to your project. Examples include habitat types and conditions, presence of special status species, and current public access amenities. Discuss adjacent land uses if they impact the project.
- **(Question 2) Project Need** (one paragraph). Describe the specific problem, issue, or unserved need the project will address. In most cases, this section can be well done in one paragraph. Focus on the project and minimize discussion of broader regional issues. Examples of project need include: lack of public access, damaged or non-functional habitat, protect coastal resources, address impacts of sea level rise, improve resilience to wildfire. Do not describe in this section how the project will address that problem, issue, or unserved need.
- **(Question 3) Project Activities** (1-3 paragraphs). Describe specifically how the proposed project will address the project need identified above. What are the proposed activities that will be involved in the project that will solve the identified problem?

  To help you understand what we are looking for, the table below provides examples of project activities for each of the project types. This is only a sample list. You should list activities that are relevant to your project whether or not they are in this table.

Type of Project	Sample Activities
Acquisition	• Acquiring land to protect it from development • Acquiring land for future restoration and/or public access • Acquiring a conservation easement to extinguish development rights
Planning	• Community-led planning or engagement • Community capacity-building • Undertake technical analyses and resource studies • Complete conceptual or preliminary planning • Complete CEQA environmental review • Apply for and/or secure permits
Construction	• Remove fill or debris from a habitat area • Breach a levee or remove a barrier to restore water flow • Remove non-native species and replace with natives • Build a new trail segment • Install nature-based infrastructure or elements • Install educational elements

- **(Question 4) Project Outcomes.** To the extent known, provide information on both the quantitative and qualitative project outcomes. Planning projects should use the anticipated quantitative outcomes of the project being planned. Include any community engagement related quantitative outcomes you expect your project to complete such as number of community meetings that will be held, number of volunteer events that will take place, or number of community partners that will be involved. To help you understand what we are looking for, below are examples of both quantitative and qualitative outcomes. These are only samples. You can add additional project outcomes that are relevant to your project.

  Quantitative Outcomes

  - Acres of land or water protected
  - Acres of habitat restored, breakdown by habitat type if available
  - Miles of trail planned or built
  - Stream miles of spawning habitat made more accessible

- Number of access amenities and other facilities constructed; specify what the amenities and facilities are
- Number of community members engaged in project
- Number of tribes engaged in project

Qualitative Outcomes

- Habitat functions restored
- Integration of community input into project/design plans
- Project includes workforce development
- Tribal access to land restored

PROJECT SELECTION CRITERIA

The Coastal Conservancy adopted its current Project Selection Criteria on September 23, 2021 and can be found here: https://scc.ca.gov/grants/project-selection-criteria-2/. The Project Selection Criteria includes both Eligibility Criteria and Selection Criteria. The Eligibility Criteria are used for screening your project to determine if it is eligible for Conservancy funding. If your project does not meet all of the Eligibility Criteria, it is not eligible for funding. The Selection Criteria are used for project prioritization. Your project does not need to address every Selection Criteria and staff will assess each of the Selection Criteria based on your Application and the applicability for your project.

Project Eligibility Criteria (Questions 5 - 8)

Conservancy staff will determine the initial eligibility of your application based on the following criteria:

- **Consistent with purposes of the funding source**. Conservancy staff will confirm eligibility based on the project summary. No further response required from you (the applicant).
- **Consistent with Conservancy enabling legislation**, Public Resources Code, Division 21. Conservancy staff will confirm eligibility based on the project summary. No further response required from you.
- **(Question 5) California Environmental Quality Act (CEQA) Compliance**. The Conservancy Board must make findings relative to the California Environmental Quality Act (CEQA) when approving a project for funding. Your project must be either exempt from CEQA or the CEQA documentation must be complete before our Board considers approving the project. Acquisition and Planning projects typically are exempt from CEQA.

  No further response is required from you for Acquisition and Planning projects.

  For Implementation Projects Only:

  a. Specify the current status of CEQA review (not started, in progress, complete). If CEQA review is not complete, specify the estimated date when it will be complete.

     ☐ Not Started ☐ In Progress ☐ Complete

     Estimated completion date: _____

  b. What document is the CEQA review expected to result in:

     ☐ Exemption
     ☐ Negative Declaration (ND)
     ☐ Mitigated Negative Declaration (MND)
     ☐ Environmental Review Document (EIR)
     ☐ Addendum

  c. If an ND, MND, Addendum or EIR is required, specify who the CEQA Lead Agency will be. CEQA documentation will be requested later on if the proposed project is selected to move forward with funding recommendation.
- **(Question 6) Grantee capacity** (1 paragraph) – Summarize your organization's experience administering grant funds and carrying out similar types of projects and activities. You should describe past efforts that are similar in size and scope to the project you are applying for.
- **(Question 7) Site ownership or control** – Check the applicable box. For Acquisition projects, the "written agreement" refers to a Purchase and Sale Agreement.

  ☐ Applicant owns the land where the project will occur.

  ☐ Applicant has a written agreement with the landowner to conduct the project on their land.

☐ Applicant does not yet have a written agreement with the landowner to conduct the project on their land. If this answer is checked, specify how and when the landowner agreement will be reached.

- **(Question 8) Long-term management and maintenance** (1 paragraph) – Summarize the plan for the long-term management, maintenance, and monitoring of the project. Include who will be responsible for maintenance and how they will fund it.

Project Selection Criteria (Questions 9 - 12)

The following project selection criteria will be used by Conservancy staff to evaluate your proposed project. Some will be assessed from the overall application, while others are specifically asked in a numbered question.

- **Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.** Conservancy staff will assess how well your project meets one or more of the Conservancy's Strategic Plan objectives. No further response required from you. The Conservancy's Strategic Plan can be found here for your reference.

Goal 1. Prioritize Equity

1.1 Commit Funding to Benefit Systemically Excluded Communities

1.2 Return Power to Tribes

1.3 Support Systemically Excluded Communities

1.4 Incorporate Workforce Development in Our Projects

Goal 2. Enjoy the Coast

2.1 Explore the Coast – provide enjoyable coastal experiences for people and communities who face challenges or barriers to accessing or enjoying the coast. v

2.2 Coastal Stories projects that plan, develop, and implement storytelling installations that present communities and voices historically excluded or under-represented.

2.3 Accessibility projects that reduce barriers to coastal access for people with disabilities.

2.4 Build Trails - including the CA Coastal Trail, the Santa Ana River Parkway, the Great Redwood Trail, the San Francisco Bay and Ridge Trails, and other regional trails.

2.5 Enhance recreational amenities including restrooms, parking, paths, interpretive centers, picnic areas, restrooms, shade structures, water fountains, camping, and signage.

2.6 Piers and Waterfronts – support multi-benefit, coastal resilience projects that revitalize waterfronts.

2.7 Explore the Coast Overnight – Increase the variety and amount of lower-cost coastal accommodations and programs to connect lower-income Californians with those accommodations.

Goal 3. Protect & Restore the Coast

3.1 Conserve Land

3.2 Restore or Enhance Habitats

3.3 Working Lands

3.4 Cut Green Tape

Goal 4. Climate Ready

4.1 Sea Level Rise Adaptation Projects

4.2 Wildfire Resilience Projects

4.3 Multi-benefit Nature-Based Climate Adaptation

- **Project is a good investment of state resources** Conservancy staff will assess whether your projects is a good investment of state resources. No further response required from you. The list below provides key factors that we will consider in evaluating your project against this criterion:
  - Project provides important benefits to Californians.
  - Project is feasible.
  - Budget is reasonable.
  - Project leverages non state resources including volunteer work, in-kind support, or partnerships.
  - Project advances statewide goals and is consistent with regional plans.

- Project protects or enhances significant resources.
- Project is located within or benefits a disadvantaged community (See disadvantaged community question above).
- Project is a pilot project that may have demonstration value.
- Applicant has consulted with relevant State and Federal agencies.
- Scientific assumptions of project are explained in the application; project follows best practices.

- **(Question 9) Project includes a serious effort to engage tribes.** (1-2 paragraphs)**.** Describe how you have engaged tribes in the development of this project. The list below provides key factors that we will consider in evaluating your project against this criterion. If there is information already provided in other parts of the application, please indicate where so you don't have to repeat it.
  - Applicant has communicated with tribes as early as possible in project development, including writing letters and emails and following with phone calls updating the tribe throughout the life of the project, and meeting with local tribal government lead consortiums or other inter-tribal governmental organizations.
  - Project includes working with tribes to enable traditional stewardship and cultural practices on ancestral land and co-management of their ancestral lands and natural resources; or projects assist tribes to regain access to their ancestral lands on the coast.
  - Project was or will be developed with tribal leadership and perspectives, including traditional ecological knowledge, indigenous stewardship, and educational programs.
  - Tribal concerns are respected, and archaeological and cultural resources are protected.
  - Project provides benefits to the local tribe and its membership, including providing contracting opportunities to local tribes and their members where appropriate.
  - Signage, communications, and other project information includes tribal land acknowledgement and accurate historical information.

- **(Question 10) Project benefits will be sustainable or resilient over the project lifespan** (1-2 paragraphs)**.** Describe how the benefits of your project will be sustainable or resilient over the project lifespan. The list below provides key factors that we will consider in evaluating your project against this criterion. If there is information already provided in other parts of the application, please indicate where so you don't have to repeat it.
  - Project will continue to deliver benefits over a reasonable time period.

- Project will be resilient to sea level rise or other climate change impacts. If the project is vulnerable to sea-level rise, discuss the projected lifespan of the project and whether the project will be resilient to sea-level rise impacts for its duration.
- Project aligns with statewide sea-level guidance and regulatory agency policies.
    - 2020 Ocean Protection Council Principles for Aligned State Action: use to ensure project complies with statewide minimum requirements for sea-level rise projects (i.e., SLR target minimum of 3.5' by 2050).
    - 2018 Ocean Protection Council State Sea-Level Rise Guidance: use as a resource for locally specific SLR risk analyses and as a decision framework, if applicable to your project.
    - State Coastal Conservancy Sea the Future Sea-Level Rise Visualization Tool: use as a resource to explore and compare sea-level rise visualization tools.
- Project will not make future climate adaptation more difficult. For example, restoring a wetland will provide benefits in the near term and may allow for other future adaptation actions.
- Applicant for planning project has identified potential implementation funding and has a strategy for obtaining necessary approvals.

- **(Question 11) Project delivers multiple benefits and significant positive impact.** (1-2 paragraphs)**.** Describe how the project delivers multiple benefits and significant positive impact. The list below provides key factors that we will consider in evaluating your project against this criterion. If there is information already provided in other parts of the application, please indicate where so you don't have to repeat it.
    - Project provides co-benefits and alleviates multiple stressors within communities, such as improving public health, providing recreational amenities, reducing the pollution burden, improving flood protection, habitat enhancement or other environmental benefits.
    - Project increases equity and environmental justice by benefitting underserved and/or frontline communities.
    - Project increases community-preparedness or resilience to future climate change impacts such as drought.
    - Project increases carbon sequestration.
    - Project provides benefits to the community, such as: job training, job creation, workforce development, support for increased civic engagement, leadership development opportunities, funding for education, and volunteer opportunities.
    - Urban parks, urban trails, education centers, and waterfront revitalization projects include consideration of anti-displacement strategies where appropriate. Please see Appendices for additional information.

- **(Question 12) Project was (or will be) planned with meaningful community engagement and broad community support** (1-3 paragraphs)**.** Summarize how you have (or will) engaged relevant communities in the planning of this project. Also, describe the community support for this project. The list below provides examples of meaningful community engagement. We will be looking for this type of engagement in evaluating your project against this criterion. If there is information already provided in other parts of the application, please indicate where so you don't have to repeat it.
  - Engage with communities in public co-visioning processes before projects are developed to reflect community needs. Project concepts that are anchored in community priorities and expertise.
  - Communities engaged in meaningful way to build mutual trust and relationships. Examples could include: 1) process involves staff, board members, or consultants who have worked in or are from respective community or 2) process includes dialogue between all affected and necessary parties, or direct involvement of local community groups.
  - Engagement process addresses unequal power dynamics between communities and government, historic inequity, injustices, and trauma. Communities have a decision-making role in the development of the project.
  - Community is represented on applicant's staff, board, or within the project's planning group, or project is partnering with local community-based organizations.
  - Engagement process makes it easy for community members to participate by, for example, providing stipends, meeting in convenient locations, using virtual venues, or providing childcare and food.
  - Project team has a track record working within communities and incorporating insights gained from community engagement into project planning.
  - Materials developed during or as a result of the project are made available in multiple languages that are representative of the languages spoken in the engaged community.
  - Question 9 pertains to meaningful community engagement with tribes, so focus this response on any engagement with other communities.

TASKS AND SCHEDULE

This section is one of the most important for communicating what the requested Conservancy grant will be used for and what will be provided to the Conservancy as a result of this work. In the Project Description section, you listed the Project Activities – a big picture summary of what

will be done. In this section, you should specify the details (Tasks) of how those activities will be carried out. For each task, you should include a very brief description and list of deliverable documents (including photos and maps) that would result from the task. The tasks and deliverables vary significantly by project type. Below are some examples of how you might fill out the Tasks & Schedule table for standard acquisition, planning, and implementation projects. If your project covers more than one project type, you can use tasks and deliverables from multiple tables. You may add or remove tasks as needed to best convey your project to us. The exact tasks, descriptions, deliverables and dates in the example tables below are just examples – please fill out the table to reflect your actual project.

Acquisition Projects

	Project Tasks	Description	Deliverables (Documents and Files)	Start Date – End Date
1	Pre-Acquisition	Complete pre-acquisition due diligence.	• Appraisal • Purchase and Sale Agreement • Phase 1 Environmental Site Assessment • Preliminary Title Report • Draft Escrow Instructions	March 2021 – March 2023
2	Acquisition	Complete final documents needed for closing and provide documents post-closing.	• Recorded documents • Grant Deed • Conservancy Offer to Dedicate or other instrument protecting the State's investment • Final Closing Statement	April 2023
3	Other (Explain)		•	

Planning Projects

For planning projects, make sure to specify the level of design that will be prepared (conceptual, 30%, 60%, final design, etc.).

	Project Tasks	Description	Deliverables (Documents and Files)	Start Date – End Date
1	Project Management and Administration	Activities related to grant management, managing project logistics, and funding.	• Progress reports • Invoices	March 2021-Jan 2024

	Project Tasks	Description	Deliverables (Documents and Files)	Start Date – End Date
2	Community Engagement	List anticipated methods of engagement: Outreach to find community engagement partner organizations, conducting community meetings at existing community events, social media campaign for outreach.	• Summary of community workshops and outcomes • Slide deck and notes from community meeting	March 2021-Jan 2024
3	Technical Studies	Conducting studies needed to inform project design, including vegetation/ ecology studies, fish monitoring, topographical surveys, hydrology and hydraulic studies, and a cultural resources study.	List studies such as: • Baseline biological surveys • Topographical surveys • Hydrology and Hydraulics • Cultural Resources	July 2021-Jan 2022
4	Design Drawings and Specifications	Developing draft and final 30% and 60% designs	• Draft 30% designs • Final 30% designs • Draft 60% designs • Final 60% designs	Dec 2021 – Jan 2023
5	Environmental Review	Working on CEQA document	• Completed CEQA EIR	Jan 2023-Jan 2024
6	Permitting	Early coordination with permitting agencies	• Notes from meetings with regulators	March 2024
7	Other (Explain)		•	

Implementation Projects

	Project Tasks	Description	Deliverables (Documents and Files)	Start Date – End Date
1	Project Management and Administration	Coordinating with SCC and other funders to keep them informed on progress, completing required pre-conditions, and submitting invoices.	• Progress reports • Invoices	March 2021-Dec 2023
2	Community Engagement	Implementing community engagement plan throughout the project, prepping for and hosting community meetings for outreach, hosting volunteers for restoration planting.	• List of restoration volunteers and hours worked • Notes from 3 community meetings	April 2021-October 2021

	Project Tasks	Description	Deliverables (Documents and Files)	Start Date – End Date
3	Final Design and Permitting, if applicable	Developing plans, specs and estimates and completing permitting	• 100% designs, including plans, specs & estimates • Completed permits	March 2021-May 2021
4	Construction Management	Construction management consultant will administer the construction contract and perform inspections	• Copy of awarded Construction Management firm contract & invoices	May 2021-November 2021
5	Construction Cost (attach engineer's cost estimate or other detailed cost estimate)	Construction of public access and restoration features.	• Contractor invoices • As-built plans, before/during/after photos, installed funding sign	May 2021-November 2021
6	Environmental Compliance (if not included above)	Conducting required monitoring and trainings throughout construction per CEQA requirements	• Copies of archaeological monitoring plan, biological resource sensitivity training materials, post construction biological monitoring plan	April 2021-November 2021
7	Monitoring and Adaptive Management	Monitoring after construction completion for 2 years to determine need for any change in management actions	• Copy of monitoring reports	December 2021 – December 2023
8	Other (Explain)		•	

Permits

Planning and Implementation projects only. Check the permits needed to undertake the project. Links to permitting information are provided in the table below.

Name of permit	Secured	Pending	Included in Scope of Application
☐ Coastal or Shoreline Development Permit	☐	☐	☐
☐ Local Grading, Vegetation, or Other permit Contact your local County/City planning department	☐	☐	☐
☐ CDFW Lake/Streambed Alteration Permit (1600)	☐	☐	☐
☐ CDFW California Endangered Species Act Take Authorization	☐	☐	☐

☐ Regional Water Quality Control Board Certification (401)	☐	☐	☐
☐ U.S. Army Corps 404 or 408 Permit	☐	☐	☐
☐ U.S. Fish and Wildlife Service Biological Opinion	☐	☐	☐
☐ National Marine Fisheries Service Biological Opinion	☐	☐	☐
☐ Other – Please specify	☐	☐	☐

PROJECT COST ESTIMATE

The project cost estimate should provide the current estimated project cost and should indicate how you anticipate applying the Conservancy grant to those costs. Note, we understand that the amount of each task may change between when you apply for a grant and when you receive the grant. We also understand that how you want to allocate the Conservancy's grant, if awarded, may also change. If you are awarded a Conservancy grant, we will work with you to address necessary budget changes.

Fill in the Project Cost Estimate table in the application, matching the tasks in the Project Cost Estimate table with the tasks you've listed in the Task and Schedule table from the previous section. Below are some examples of budget tables that match the example Task and Schedule tables above.

The Planning and Implementation project budget templates include a category for indirect costs. Indirect costs for the whole project should be shown on this line item, rather than applied to each task. Your indirect cost rate can be whatever rate has been appropriately calculated for your organization. For more information on calculating your indirect rate, your organization should contact a Certified Public Accountant that works with nonprofit or government organizations. Note that, regardless of the rate that is used, the total amount of indirect costs charged to the Conservancy cannot be more than 20% of the total grant amount. Acquisition projects do not typically include indirect costs.

Please round all budget numbers up to the nearest $100.

In the Budget Justification section, you should provide an explanation of the costs for each of the project tasks that will be charged to the Conservancy grant. The budget justification should give reviewers a sense of what costs each budget line item will cover. Please list by task what the cost breakdown is, including estimated labor hours, any materials that will be purchased, or additional costs that your project will have. You can read more about what costs the Conservancy can cover in our grants in Section III of this guide on Eligible Costs.

Project Cost Estimate: Acquisition Projects

	Project Cost Estimate: Acquisition Project Tasks	**Conservancy Grant**	**Other Funding**	**Total**

1	Pre-Acquisition Costs			
2	Acquisition Acquisition Price Closing Costs Other			
	TOTAL			

Budget Justification (Only required for costs listed under Conservancy Grant)

1. Pre-Acquisition Costs: List the pre-acquisition costs included in the cost estimate.
2. Acquisition Price – Specify the basis of the acquisition price (appraisal, estimate based on similar acquisition, etc.)
3. Closing Costs: List the closing costs included in the cost estimate.
4. Other – Identify any other costs included in the cost estimate.

Project Cost Estimate: Planning Project

	Project Tasks	**Conservancy Grant**	**Other Funding**	**Total**
1	Project Management and Administration			
2	Community Engagement			
3	Technical Studies (List)			
4	Design Drawings and Specifications			
5	Environmental Review			
6	Permitting			
7	Other			
	Indirect Costs			
	TOTAL			

Budget Justification (Only required for costs listed under Conservancy Grant)

1. Community Engagement – Provide approximate number of hours of your staff's time that will be charged to the Conservancy for Community Engagement, and separately provide the approximate number of hours of consultant time. You can include stipends for community participation or hours for community partners that will be compensated as well.
2. Technical Studies -- List the technical studies that will be undertaken and the approximately cost of each. Specify the basis of this estimate (consultant proposal, estimate based on past experience, etc.).
3. Design Drawings and Specifications – If more than one level of design (for example, 30% and 60%) will be prepared, provide the cost estimate for preparing each level. Specify the basis of this estimate (consultant proposal, estimate based on past experience, etc.).

4. Environmental Review – Specify the basis of this estimate (consultant proposal, estimate based on past experience, etc.).
5. Permitting – If the estimated cost of work related to any individual permit is $10,000 or more, provide that individual cost estimate in this justification.
6. Other – Specify the components of the "Other" category and the basis of the cost estimate. If the estimated cost for any individual component in the "other category" is $10,000 or more, provide that individual cost estimate in this justification.

Project Cost Estimate: Implementation Project

	Project Tasks	Conservancy Grant	Other Funding	Total
1	Project Management and Administration			
2	Community Engagement			
3	Final Design and Permitting, if applicable			
4	Construction Management			
5	Construction Cost (attach engineer's cost estimate or other detailed cost estimate)			
6	Environmental Compliance (if not included above)			
7	Monitoring and Adaptive Management			
8	Other			
	Indirect Costs			
	TOTAL			

Budget Justification

In this budget justification section, you only need to address the costs listed under Conservancy Grant.

1. Project Management and Administration -- Provide approximate number of hours of your staff's time that will be charged to the Conservancy for Project Management and Administration, and separately provide the approximate number of hours of consultant time.
2. Final Design and Permitting – Specify the basis for the Final Design and Permitting cost estimate; for instance, estimate from designer, estimate based on similar past experience, etc.
3. Construction Management (CM) – Specify the basis for the CM cost estimate; for instance, percent of construction cost, estimate from CM contractor, etc.
4. Construction Cost -- Specify the basis of the construction cost estimate, including the level of design(%) that the estimate is based on. Specify the contingency costs included in the cost estimate (note: we will pay for contingency costs, no need to hide them).

5. Environmental Compliance – Specify the main components of the environmental compliance work such as biological and cultural monitoring, implementing mitigation measures not included in the Construction Cost, implementing required habitat mitigation if not included in the Construction Cost. Specify the basis of the cost estimate for this task.
6. Monitoring and Adaptive Management – Specify the components of the monitoring and adaptive management work and the basis of the cost estimate. Note that the Conservancy can usually only pay for 0 to 2 years of post-project monitoring and adaptive management due to time constraints on our funding.
7. Other – Specify the components of the "Other" category and the basis of the cost estimate. If the estimated cost for any individual component in the "other category" is $10,000 or more, list that individual cost estimate in this justification.

PROJECT MAPS, DESIGN PLANS, AND PHOTOS

Project Location Map

Include a map that clearly shows the project location within the context of the surrounding area. Be sure map shows nearest road access to site.

Concept Level Site Plan

For all Implementation projects and those Planning projects where conceptual design work has been completed, you should include a conceptual level site plan showing the key project components. For Implementation projects, more detailed design documents can also be provided as an attachment.

Site Photos

Provide one or more clear photos of the project site that clearly show the character of the site.

Additional Documents

If there are any additional documents that are critical for understanding the project, please attach or provide a link(s) for up to two additional documents. Examples of attachments could include feasibility studies, CEQA documents, appraisals, or other documents that are directly related to the proposed project.

If you are proposing an ***acquisition project*** in one of the 9 San Francisco Bay Area Counties, please include a Conservation Portfolio Report for your project area using the CLN Explorer Reporting Tool (Explorer 2.0) supported by TOGETHER Bay Area*. Click on "Create a Report" within the CLN Explorer Reporting Tool to log in and prepare the report. Please include the Compensation Portfolio Report as an attachment to your application. This report will help staff

to evaluate the acquisition project and its potential alignment with the goals and objectives of the State Coastal Conservancy's 2023-2027 Strategic Plan.

*TOGETHER Bay Area's Conservation Lands Network (CLN) is an organizing tool for regional coordination, including a set of geography-specific habitat goals for biodiversity conservation, and a set of maps and tools that can be used to inform an acquisition project's alignment with regional biodiversity and habitat goals and conservation plans.

NON-PROFIT APPLICANT DOCUMENTATION

Non-profit applicants should include the following with the applications:

1. Completed Nonprofit Organization Pre-Award Questionnaire.
2. Letter of Determination from the Internal Revenue Service indicating current 501(c)(3) status.
3. *Note: Applicants who have submitted the questionnaire in the past two years do not need to resubmit. Non-profits only need to submit the 501(c)(3) letter once, unless it is updated.*

CONSERVATION CORPS CONSULTATION PROCESS

For Implementation projects, applicants must submit a completed Conservation Corps Consultation Review Form.

SOUTHERN CALIFORNIA WETLANDS RECOVERY PROJECT

For wetlands restoration projects on the Southern California Wetlands Recovery Project Work Plan, submit a map of your project site using the Marsh Adaptation Planning Tool (MAPT) and your WRP Support Letter.

GRANT APPLICATION SURVEY

The Conservancy seeks to continuously improve our grant application process. Please take some time after completing this grant application to provide feedback on your experience as an applicant. The survey link can be accessed here. Your response will be anonymous, and we will greatly appreciate your constructive criticism.

III. ELIGIBLE COSTS

This section provides rules and examples of eligible costs for Acquisition, Implementation and Planning projects.

ACQUISITION PROJECT ELIGIBLE COSTS

The following table provides examples of Eligible Costs for Acquisition Projects.

Acquisition Costs	Examples
Purchase price of the property and other activities necessary to complete the Acquisition. To be eligible for a Conservancy grant, property must be acquired from willing sellers. Acquisition costs associated with condemnation or eminent domain are not eligible. In addition, the land's sale price may be up to, but cannot exceed, the appraised fair market value. State funds may not be used in part or whole to acquire property above fair market value.	• Appraisals, surveys • Preliminary title reports • Title insurance fees • Escrow fees and purchase price, at no more than fair market value • Project Management Costs

PLANNING PROJECT ELIGIBLE COSTS

Planning Project Costs	Examples
Data collection, technical analyses, design and engineering, environmental review, permitting, management activities, community engagement necessary to complete the planning effort.	• Community-based planning meetings, focus groups, design workshop costs. May include multi-lingual translation, materials, stipends for community members' time, etc. • Online community engagement tools • Data collection and analysis • Modelling and other technical analyses

Planning Project Costs	Examples
	• Environmental Review (CEQA and NEPA) • Work necessary to secure project permits • Development of a bid packages • PROJECT/GRANT administration (excluding grant writing) and accounting

IMPLEMENTATION PROJECT ELIGIBLE COSTS

The following table provides examples of Eligible Costs for Implementation Projects.

Implementation Project Costs	Examples
Final design and permitting activities, construction activities and associated regulatory compliance, and management activities necessary to complete the project.	• Project Management and Grant Administration • Community Engagement meetings and activities, including participant or partner stipends. • Plans, specifications, construction documents, and cost estimates • Permits • Premiums on hazard and liability insurance to cover personnel or property • Bid package development • Site preparation, grading, gutting, demolition • Purchase and installation of permanent structures: bridges, bathrooms, etc. • Construction supplies and materials • Construction equipment owned by GRANTEE: Daily rates for equipment owned by the grantee may be charged to the grant for each use. Rental rates published by the California Department of Transportation may be used as a guide. For audit purposes, a report or source document must describe the work performed, indicate the hours used, relate

Implementation Project Costs	Examples
	the use to the GRANT SCOPE, and must be signed by the operator or supervisor. • Construction equipment rented or purchased by GRANTEE: equipment may be rented or purchased, whichever is the most economical use of GRANT funds. For purchased equipment, the GRANT will pay for the rental price equivalent in proportion to the time the purchased equipment is used on the GRANT SCOPE. (Rental rates published by the California Department of Transportation may be used as a guide.) The GRANT will pay for the total cost of the equipment if the purchase price is less than the rental price equivalent. Any funds earned by the GRANTEE from the sale of equipment purchased with the GRANT must be spent on the PROJECT. • Construction management: including site inspections, scheduling mobilization, directing equipment, materials, and construction personnel. • Miscellaneous costs: other costs incurred during the construction phase, such as transporting materials, equipment, personnel, communications and landscape establishment periods. • Contingency costs.

INELIGIBLE COSTS

Ineligible costs include, but are not limited to, the following:

- Costs incurred before the grant agreement is signed and preconditions met or after the grant completion date.
- Projects imposed on an Applicant through legal mitigation or a regulatory process. Note, the mitigation costs associated with implementation of a project are eligible costs.
- Fundraising
- Food for meetings or events (Can be eligible in certain situations, inquire with the Regional Manager if food for events is necessary for your project.)

- Grant Writing in most cases
- Operation and Maintenance
- Addressing record keeping discrepancies
- Charging employee services without documentation (timesheets) of actual time spent on the project
- Other charges that lack source documents or backup documentation (no evidence of invoices, bid process, payment receipts, etc.)

IV. APPENDICES

TECHNICAL ASSISTANCE FOR APPLICANTS

This section summarizes the assistance available to Applicants. We encourage you to access the following:

Individual Assistance

All Applicants can request a technical assistance meeting with Conservancy staff. We encourage you to consult with us prior to applying. In these meetings, we will answer any questions you have and provide guidance on how to make your application as competitive as possible. To schedule a meeting, send an email with a brief description of your project to the Regional Manager that covers the location of your project:

North Coast: Del Norte County to coastside Sonoma and Marin Counties
Karyn Gear: karyn.gear@scc.ca.gov

San Francisco Bay Area: Nine Bay Area Counties, excluding the coastside of Sonoma, Marin, and San Mateo Counties
Moira McEnespy: moira.mcenespy@scc.ca.gov

Central Coast: Coastside San Mateo County to Santa Barbara County
Trish Chapman: trish.chapman@scc.ca.gov

South Coast: Ventura County to San Diego County, plus Riverside and San Bernardino counties.
Megan Cooper: megan.cooper@scc.ca.gov

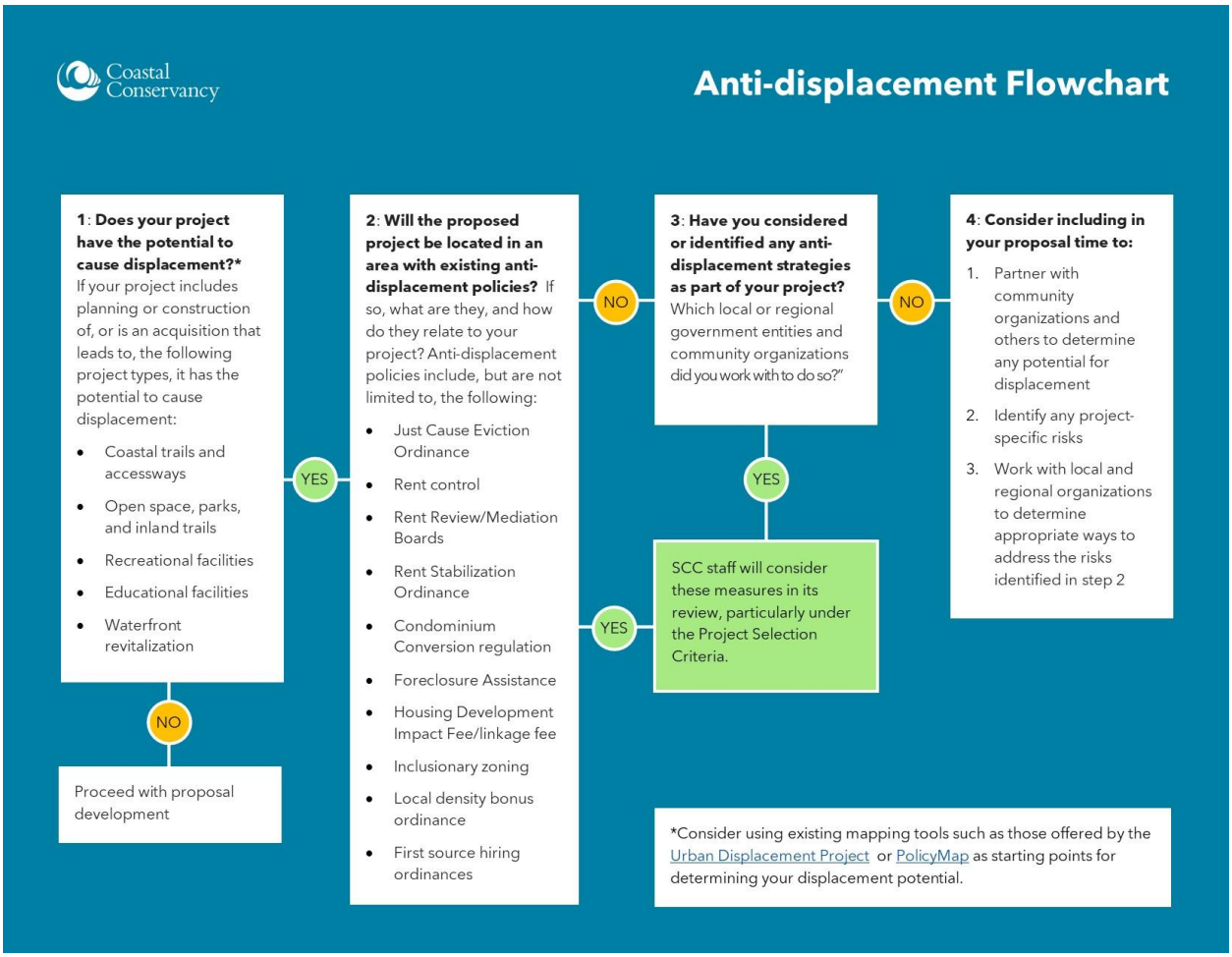
Grant Writing Training

In 2016, the Conservancy offered a training to "Improve Your Grant Writing Skills". The recording of this webinar provides helpful guidance on how to write strong grant applications. We recommend you watch this video: https://youtu.be/bnR8KPTnWvc

Parks-Related Anti-Displacement Strategies

The SCC's mission includes helping people access and enjoy the outdoors. Projects such as parks, urban greenspaces, trails, education centers, and waterfront revitalization provide multiple benefits ranging from local economic development to positive health outcomes. However, these well-intentioned projects sometimes result in drastic increases in property values in the immediate neighborhoods where they occur and can raise the risk of displacement for residents, their respective cultures, and local businesses.

The following flowchart was created by Conservancy staff to assist grantees in considering Parks-Related Anti-displacement Strategies:



Assistance with Incomplete Application Documents

The Conservancy does not automatically disqualify an Application if it is missing a required element. In these cases, the Conservancy will request the missing information and provide a deadline for submittal. If multiple parts of the application are missing it will be deemed ineligible.

Strengths and Weaknesses

If you project does not receive a grant award, you can get "strengths and weaknesses" feedback based on the Project Selection Criteria once all decisions have been made. This feedback may be useful to you in applying for funding in the future. Please contact the appropriate Regional Manager (see list above) to discuss your project.

STATE COASTAL CONSERVANCY
GRANT APPLICATION

Please read the Grant Application Guide, found at this link: https://scc.ca.gov/webmaster/ftp/pdf/forms/SCC_Application-Guide.docx , to help you fill out this application.

Submit your application to grants@scc.ca.gov

SUMMARY INFORMATION

CONTACT INFORMATION

Organization:	City of Capitola
Contact Person:	Jessica Kahn, P.E., Public Works Director
Email:	jkahn@ci.capitola.ca.us
Phone:	(831) 475-7300
Webpage (if applicable):	https://www.cityofcapitola.org/

PROJECT INFORMATION

Project Name	Esplanade Park Coastal Access & Adaptation Plan
Project Summary (1 sentence)	Planning and conceptual design for climate-resilient improvements at Esplanade Park, including sea-level rise studies, community engagement, evaluation of nature-based, hybrid, structural, and retreat strategies, and development of a preferred adaptation and access plan.
Amount Requested	$275,000
Total Project Cost	$325,000
Estimated Start Date	February 2026
Estimated End Date	April 2027
Project Type: (check all that apply)	☒Planning ☐Acquisition ☐Implementation

Total Acres (if applicable)	0.53 acres of parkland
Total Trail Miles (if applicable)	0 (adjacent shoreline access of approx. 1,200 linear feet)
Assessor Parcel Numbers (Acquisition projects only)	

LOCATION INFORMATION

County(ies)	Santa Cruz
Specific Locations	108 Monterey Avenue, Capitola, CA 95010. APNs: 035-262-07, -08, -09, -10
Latitude, Longitude (e.g., 37.80630, -122.2735)	36.971980, -121.950128
What point is represented by the lat/long (e.g. parking lot, center of site, etc.)	center of site
Is project in, or within 0.5 miles of, a Disadvantaged Community? (mapping tool: https://www.parksforcalifornia.org/communities/?overlays=parks)	☐Yes ☒No ☐Partially

LEGISLATIVE DISTRICTS

District	**Number, Name of Representative**
State Assembly	District 30 – Dawn Addis
State Senate	District 17 – John Laird
Congress	District 19 – Jimmy Panetta

PROJECT DESCRIPTION

Complete each of the elements of the project description below with clear, but detailed answers. Add space to each answer as necessary but stay within the suggested limits. Refer to the Grant Application Guide for specific assistance on each question.

1. **Site Description (1-2 paragraphs).**

   Esplanade Park is a 0.53-acre waterfront park located in Capitola Village along the Monterey Bay shoreline. The park functions as a civic centerpiece, offering open lawn areas, benches, a bandstand for concerts and community gatherings, and shoreline-adjacent walkways that connect directly to Capitola Beach. It is a primary public access point to the coast, supporting both daily recreation and larger community events such as festivals and cleanups. The park's location at the interface of urban Capitola and the Monterey Bay makes it highly valued for both its recreational and coastal access functions.

   The site is directly exposed to coastal hazards, including wave overtopping, tidal flooding, and storm surge. During the January 2023 atmospheric river events, the park sustained major flooding and deposition of woody debris, highlighting its vulnerability to sea level rise. Habitat within the project area is limited due to the park's developed condition; however, its shoreline position provides opportunities for integrating nature-based shoreline enhancements. Adjacent land uses include commercial businesses, restaurants, and shops in Capitola Village, as well as public parking areas that provide regional access to the beach. These adjacent uses intensify demand for the park while also constraining adaptation options, making a proactive planning process critical.

2. **Project Need (one paragraph). Describe the specific problem, issue, or unserved need the project will address.**

   Esplanade Park is increasingly threatened by sea level rise, tidal flooding, and storm surge, with severe damage documented during the January 2023 storms. Existing drainage and shoreline protection are inadequate, leaving the park's lawns, walkways, and infrastructure highly vulnerable to future flooding events. As Capitola's primary waterfront gathering space and access point to Monterey Bay, the park's continued exposure to these hazards places public access, community events, and local economic activity at risk. Without proactive planning, the park will face escalating damage and diminished usability, underscoring the need for a comprehensive adaptation strategy. The planning process will also evaluate the feasibility of retreat and identify triggers at which the City would initiate relocation of facilities.

3. **Project Activities (1-3 paragraphs). Describe specifically how the proposed project will address the project need identified in #2 above.**

   To address Esplanade Park's vulnerability to sea level rise and recurring flooding, the project will complete technical studies that quantify site-specific risks, including sea level rise modeling, drainage and stormwater analysis, and coastal hazard assessments.

These studies will provide the foundation for identifying feasible adaptation strategies that can reduce flooding impacts and protect public access.

Using this technical information, the project will develop and compare multiple concept-level alternatives for improving resilience at Esplanade Park, including nature-based strategies such as dune enhancement, vegetated berms, and shoreline planting; hybrid approaches that combine engineered features with natural systems; structural interventions such as infrastructure elevation or shoreline armoring; and a retreat framework. One preferred concept will be refined to a preliminary design level with cost estimates, ensuring the City has a clear pathway toward implementation. Throughout this process, the City will conduct workshops, surveys, and tribal outreach to incorporate community and cultural perspectives into the designs. The project will also coordinate with regulatory agencies to map out future permitting and environmental review steps, positioning the City to move efficiently into implementation.

4. **Project Outcomes. To the extent known, provide information on both the quantitative and qualitative project outcomes. See application guide for sample project outcomes.**

<u>Quantitative Outcomes</u> (e.g. Acres of habitat restored; Miles of trail planned or built; Number of each type of access amenities; Number of community members engaged in project, etc.)

- Development of 3–4 conceptual design alternatives.
- Selection of 1 preferred adaptation and access plan at a preliminary design level.
- Completion of technical studies, including sea level rise modeling, drainage analysis, and coastal hazard assessments.
- 3 community workshops and 2 surveys conducted.
- Engagement of at least 200 community members through workshops, surveys, and public events.
- Preparation of a regulatory and CEQA pathway report.

<u>Qualitative Outcomes</u> (e.g. Habitat functions restored; Integration of community input into project/design plan; Tribal access to land restored, etc.)

- Clearer understanding of site-specific vulnerabilities and feasible adaptation pathways.
- Integration of community and tribal input into the design process.
- Identification of retreat triggers to guide long-term decision-making.
- Strengthened readiness for future implementation and funding by aligning with regulatory requirements.
- Advancement of equitable and climate-resilient coastal access in Capitola.

PROJECT SELECTION CRITERIA

The Grant Application Guide contains the complete list of our project eligibility and project selection criteria. This application only includes those criteria for which we need specific input from you. The other criteria will be assessed based the project description. Refer to the Grant Application Guide for specific assistance on each question.

Project Eligibility

5. **California Environmental Quality Act (CEQA) Compliance** – Implementation Projects Only:
   - Specify the current status of CEQA review:

     ☒ Not Started ☐ In Progress ☐ Complete

     Estimated completion date:
   - What document is the CEQA review expected to result in:

     ☒ Exemption

     ☐ Negative Declaration (ND)

     ☐ Mitigated Negative Declaration (MND)

     ☐ Environmental Review Document (EIR)

     ☐ Addendum
   - If an ND, MND, or EIR is required, specify the CEQA Lead Agency:
   - If an ND, MND, or EIR has already been completed, provide a link to the document:
6. **Grantee capacity (1 paragraph) – Summarize your organization's experience administering grant funds and carrying out similar types of projects.**

   The City of Capitola has experience managing state-funded coastal adaptation projects similar in scope of the proposed Esplanade Park plan. With support from the State Coastal Conservancy, the City completed the Wharf Resiliency Project, a major construction effort that was developed through technical studies, design, permitting, and community engagement. The City is also currently implementing a California Coastal Commission grant for Cliff Drive planning, which addresses bluff erosion, sea level rise, and long-term coastal hazards. These projects demonstrate the City's ability to manage grants, coordinate with regulatory agencies, and deliver complex coastal resilience planning and implementation efforts.
7. **Site ownership or control – Check the applicable box. For Acquisition projects, the "written agreement" refers to a Purchase and Sale Agreement.**

   ☒ Applicant owns the site(s) where the project will occur.

☐ Applicant has a written agreement with the property owner(s) to conduct the project on their property(ies). If checked, please provide a copy as an attachment to your application.

☐ Applicant does not yet have a written agreement with the property owner(s) to conduct the project on their property. If this answer is checked, specify how and when the property owner agreement will be reached.

8. **Long-term management and maintenance (1 paragraph) – Summarize the plan for the long-term management, maintenance, and monitoring of the project.**

   The City of Capitola will be responsible for the long-term management and maintenance of Esplanade Park. Recommendations from the adaptation plan will be incorporated into the City's Capital Improvement Program to guide phased investments, while routine park upkeep will continue to be funded through the City's municipal budget. As specific adaptation measures are advanced, the City will pursue supplemental state and federal grants to support implementation and long-term maintenance.

Project Selection (refer to the Application Guide for more information)

9. **Project includes a serious effort to engage tribes. (1-2 paragraphs). Describe how you have engaged tribes in the development of this project.**

   The City of Capitola has experience engaging tribes through prior coastal adaptation work, including the Cliff Drive Resiliency Project, and will build on that approach for Esplanade Park. Local tribal representatives, including the Amah Mutsun Tribal Band and the Ohlone/Costanoan Esselen Nation, will be contacted early in the planning process with letters and follow-up conversations, and invited to participate in public workshops and targeted discussions.

   Engagement will focus on incorporating tribal leadership and perspectives into conceptual design, with attention to cultural resource protection, shoreline stewardship, and opportunities for cultural interpretation and land acknowledgement within the park.

10. **Project benefits will be sustainable or resilient over the project lifespan (1-2 paragraphs). Describe how the benefits of your project will be sustainable or resilient over the project lifespan. If you already addressed this in other parts of the application, please indicate where.**

    The project will provide lasting benefits by proactively addressing sea level rise, storm surge, and tidal flooding risks. Technical studies and design alternatives will align with the 2018 Ocean Protection Council State Sea-Level Rise Guidance and the 2020 OPC Principles for Aligned State Action, ensuring strategies are consistent with statewide requirements for sea level rise adaptation. By including both near-term improvements and a retreat framework with clear triggers, the plan will remain adaptable as conditions change.

    The planning process is structured so that recommended strategies will not limit future adaptation. By evaluating nature-based, hybrid, structural, and retreat options, the plan will identify flexible pathways that can evolve with community needs and climate conditions.

This positions the City to secure future implementation funding and regulatory approvals, while ensuring that Esplanade Park continues to provide safe, resilient coastal access over its lifespan.

11. **Project delivers multiple benefits and significant positive impact. (1-2 paragraphs). List the specific project benefits and describe any additional significant positive impact. If you already addressed this in other parts of the application (for example, project outcomes), please indicate where. You do not need to repeat the information if it is already provided elsewhere.**

    The project will provide multiple community and environmental benefits. It will strengthen resilience by identifying strategies to protect a heavily used waterfront park from flooding and sea level rise, preserving its role as a key public space and gathering hub. The plan will also improve coastal access by evaluating ADA-compliant upgrades and shoreline connections, ensuring residents and visitors can continue to enjoy Monterey Bay. Environmental benefits will be explored through nature-based shoreline elements that enhance ecological functions while reducing flood risks.

    In addition to physical improvements, the planning process will build community preparedness for climate change by engaging a wide cross-section of residents, businesses, and visitors. Equity will be advanced by ensuring diverse voices are included in workshops and surveys, particularly those of systemically excluded communities and local tribes. Collectively, these benefits will support public health, coastal access, and community resilience while advancing the City's climate adaptation goals.

12. **Project was (or will be) planned with meaningful community engagement and broad community support (1-3 paragraphs). If the communities served by your projects are tribal groups, please write your answer in question 9. If you are serving other groups, please answer this question. Please summarize how you have (or will) engage relevant communities in all phases of the project and describe the community support for the project.**

    The project will include a robust and inclusive community engagement process. Three public workshops will be held at key milestones, supplemented by pop-up outreach at park events and an online bilingual survey to reach Spanish-speaking residents and those unable to attend meetings.

    The City will coordinate with residents, business owners, community groups, and park visitors to ensure diverse perspectives are represented. Project updates and materials will be available on the City's website, and milestones will be reviewed by the City Council and Planning Commission to ensure transparent, community-driven decision-making.

    This approach builds on strong community interest following the January 2023 storm damage and is designed to build trust, incorporate local priorities, and ensure broad support for the park's long-term adaptation strategies.

Conservation Corps Partnership

13. **Conservation Corps Partnership (1 paragraph). Describe any pre-award consultation and proposed project partnership with the California Conservation Corps or local Conservation Corps. Attach the Corps response to your consultation to your application. For consultations with the California Conservation Corps, include the "Corps Consultation Review Document" as an attachment. For consultations with local Corps, include correspondence or another form of documentation indicating that a consultation was conducted. If your project partners with a Corps, clearly identify the selected Corps, outline what project tasks the Corps will conduct, include a line for the Corps in the budget, and describe the plan to re-engage the selected Corps if awarded the grants.**

    Because this is a planning project, no Conservation Corps partnership is proposed.

PHOTOS AND RECORDS SUBMITTED WITH APPLICATION

Please specify whether you are submitting any photos, maps, or other materials with this application by checking the box below:

☒ I AM SUBMITTING PHOTOS, MAPS OR OTHER MATERIALS WITH THIS APPLICATION

☐ I AM NOT SUBMITTING PHOTOS, MAPS, OR OTHER MATERIALS WITH THIS APPLICATION

If you are submitting photos, maps, or other materials with this application, please confirm the following statement:

☒ I HEREBY CONFIRM THAT I OWN THE COPYRIGHT, TRADEMARK, OR HAVE SOME OTHER OWNERSHIP RIGHTS IN THE MATERIALS OR OTHERWISE HAVE PERMISSION TO USE AND HAVE AUTHORITY TO GRANT THE CONSERVANCY PERMISSION TO USE SUCH MATERIALS, AND I HEREBY GRANT TO THE CONSERVANCY THE UNLIMITED RIGHT TO USE SUCH MATERIALS FOR NON-COMMERCIAL PURPOSES.

TASKS AND SCHEDULE

Fill in the appropriate task and schedule table for your project type. Look at the Grant Application Guide for example tasks and deliverables by different project types (e.g. acquisition, planning, and implementation). If you are not doing one of the tasks in the table, insert "N/A". You may add tasks as needed and delete tables for the project categories that are not relevant for your project.

	Project Tasks	Description	Deliverables (Documents and Files)	Start Date – End Date
1	Project Management & Administration	Grant management, project coordination, reporting	Progress reports, invoices, contract oversight	Feb 2026 – Apr 2027
2	Community Engagement	3 public workshops, online survey, pop-up events, outreach summaries	Workshop notes and presentations, survey results, outreach summary	Mar 2026 – Mar 2027
3	Technical Studies	Sea level rise modeling, drainage and stormwater analysis, coastal hazards report	Technical study reports	Mar 2026 – Jun 2026
4	Concept Alternatives	Development of 3–4 conceptual alternatives at ~10–15% design level based on technical studies and community input	Draft and final alternatives package	Jun 2026 – Sep 2026
5	Preferred Alternative & Retreat Framework	Selection and refinement of preferred concept, including retreat triggers and cost estimates	Preferred design report with retreat adaptation framework	Sep 2026 – Dec 2026
6	Regulatory Pathway Analysis	Coordination with regulatory agencies; identification of permitting and CEQA needs	Regulatory and CEQA pathway report	Dec 2026 – Apr 2027

Permits

PLANNING and IMPLEMENTATION projects only. Check the permits needed to undertake the project. Refer to the Grant Application Guide to access informational links on each permit and how to obtain them for your project.

Name of permit	Secured	Pending	Included in Scope of Application
☐ Coastal or Shoreline Development Permit	☐	☐	☒
☐ Local Grading, Vegetation, or Other permit	☐	☐	☐
☐ CDFW Lake/Streambed Alteration Permit (1600)	☐	☐	☐
☐ CDFW California Endangered Species Act Take Authorization	☐	☐	☐
☐ Regional Water Quality Control Board Certification (401)	☐	☐	☐
☐ U.S. Army Corps 404 or 408 Permit	☐	☐	☐
☐ U.S. Fish and Wildlife Service Biological Opinion	☐	☐	☐
☐ National Marine Fisheries Service Biological Opinion	☐	☐	☐
☐ Other – Please specify	☐	☐	☐

PROJECT COST ESTIMATE

Fill in the Project Cost Estimate table below. The tasks in the Project Cost Estimate table should match the tasks in the Task and Schedule table above. Refer to the Grant Application Guide for examples and specific assistance on each project type and the associated Budget Justification.

Please round all budget numbers up to the nearest $100.

Estimated Project Cost:

	Project Tasks	Conservancy Grant	Other Funding	Total
1	Project Management & Administration	$40,000	$20,000	$60,000
2	Community Engagement	$55,000	$10,000	$65,000
3	Technical Studies	$70,000	$5,000	$75,000
4	Concept Alternatives	$45,000	$5,000	$50,000
5	Preferred Alternative & Retreat Framework	$40,000	$5,000	$45,000
6	Regulatory Pathway Analysis	$25,000	$5,000	$30,000
	Indirect Costs	$0	$0	$0
	TOTAL	**$275,000**	**$50,000**	**$325,000**

Other Funding

For the Other Funding included in the Project Cost Estimate above, please list the source, the amount, and status (secured, pending, applied for) for each of the other funding sources.

- City of Capitola (in-kind staff time) — $50,000 — Secured

Budget Justification

Provide an explanation of the costs for each of the project tasks that will be charged to the Conservancy grant. See Grant Application Guide for assistance.

Requested SCC funds will support consultant services for technical studies, development of conceptual design alternatives, a retreat framework, community engagement facilitation, and preparation of a regulatory pathway analysis. City staff time ($50,000 in-kind) will provide grant administration and project oversight. Cost estimates are based on comparable consultant contracts recently managed by the City (e.g., Cliff Drive Resiliency Project, Wharf Resiliency Project) and internal staff experience with similar planning scopes.

1. Project Management & Administration ($40,000 SCC / $20,000 City in-kind)
   Consultant project manager and City staff time for grant reporting, invoicing, scheduling, and coordination with SCC. Estimate includes ~200 consultant hours at $150/hr

($30,000) plus $10,000 for contingency and administrative support. City staff in-kind contribution ($20,000) will cover direct oversight, financial tracking, and internal coordination.

2. Community Engagement ($55,000 SCC / $10,000 City in-kind)
   Consultant facilitation of three public workshops, one online survey, and multiple pop-up engagements; preparation of bilingual outreach materials; translation services; and workshop documentation. Estimate based on ~300 consultant hours at $150/hr plus $10,000 for translation, materials, and meeting logistics.
3. Technical Studies ($70,000 SCC / $5,000 City in-kind)
   - Sea Level Rise Modeling: $25,000
   - Drainage and Stormwater Analysis: $20,000
   - Coastal Hazards Assessment (erosion, overtopping, storm surge): $25,000
     Estimates based on consultant proposals for comparable resilience projects.
4. Concept Alternatives ($45,000 SCC / $5,000 City in-kind)
   Development of three to four conceptual adaptation alternatives at ~10–15% design level, incorporating findings from technical studies and community input. Deliverables include conceptual layouts and cost ranges. Estimate based on ~300 consultant hours plus graphic design support.
5. Preferred Alternative & Retreat Framework ($40,000 SCC / $5,000 City in-kind)
   Refinement of one preferred adaptation alternative to ~30% design, development of cost estimates, and preparation of a retreat framework identifying triggers for phased relocation of park infrastructure. Estimate based on ~250 consultant hours at $160/hr.
6. Regulatory Pathway Analysis ($25,000 SCC / $5,000 City in-kind)
   Coordination with California Coastal Commission, Regional Water Quality Control Board, and U.S. Army Corps staff to outline required approvals. Deliverable includes a permitting and CEQA pathway report. Estimate based on ~150 consultant hours at $150/hr.

PROJECT MAPS AND DESIGN PLANS

Project Location Map

Include a map that clearly shows the project location(s) within the context of the surrounding area. Be sure map shows nearest road access to site. If site can only be accessed via water, show the location of the nearest water access launch point.

Concept Level Site Plan

For IMPLEMENTATION and PLANNING projects where conceptual design work has been completed, you should include a conceptual level site plan showing the key project components. For IMPLEMENTATION projects, more detailed design documents can also be provided as an attachment.

Site Photos

Provide one or more clear photos of the project site that clearly show the character of the site.

Additional Documents

If there are any additional documents that are critical for understanding the project, please attach or provide a link(s) for up to two additional documents. Examples of attachments could include feasibility studies, CEQA documents, appraisals, or other documents that are directly related to the proposed project.

If you are proposing an ***acquisition project*** in one of the 9 San Francisco Bay Area Counties, please include a Conservation Portfolio Report for your project area using the CLN Explorer Reporting Tool (Explorer 2.0) supported by TOGETHER Bay Area*. Click on "Create a Report" within the CLN Explorer Reporting Tool to log in and prepare the report. Please include the Compensation Portfolio Report as an attachment to your application. This report will help staff to evaluate the acquisition project and its potential alignment with the goals and objectives of the State Coastal Conservancy's 2023-2027 Strategic Plan.

*TOGETHER Bay Area's Conservation Lands Network (CLN) is an organizing tool for regional coordination, including a set of geography-specific habitat goals for biodiversity conservation, and a set of maps and tools that can be used to inform an acquisition project's alignment with regional biodiversity and habitat goals and conservation plans.

NON-PROFIT APPLICANT REQUIREMENTS

Non-profit applicants should include the following with the applications:

1. Letter of Determination from the Internal Revenue Service indicating current 501(c)(3) status.
2. Completed Nonprofit Organization Pre-Award Questionnaire.

GRANT APPLICATION SURVEY

The Conservancy seeks to continuously improve our grant application process. Please take some time after completing this grant application to provide feedback on your experience as an applicant. The survey link can be accessed here. Your response will be anonymous, and we will greatly appreciate your constructive criticism.

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: City Manager Department

Subject: Landscape Design and Planting Plan for the Park at Rispin Mansion

Recommended Action: Receive report.

Background: The City of Capitola initiated plans for a park at the Rispin Mansion site in 2014. At the time, significant community outreach and collaboration helped form the project, which included an extensive landscape design and planting plan developed by Michael Arnone and Associates. In its current iteration, the Park at Rispin Mansion Project (Park) is a multi-year effort to create a new public park and event space on the historic Rispin Mansion property, providing community gathering areas, open space, and access to the Soquel Creek corridor. The project includes an amphitheater, walking loop, fountain plaza, sundial installation, and multiple undeveloped landscaped areas, with design elements intended to reflect the site's historic character.

On July 28, 2022, the City Council approved the plans, specifications, and construction budget of the Project. On February 3, 2023, staff published an advertisement inviting construction bids for the Project. A public bid opening was held on February 22, 2023; however, no construction bids were received. In response, staff reached out to potential bidders, who indicated they did not bid because the City's budget was insufficient for the scope of work. In compliance with provisions outlined in the public contract code, staff worked with a local contractor, Betz Works, to develop a feasible scope of work within the approved budget.

On March 28, 2024, Council approved a professional services agreement with Betz Works to complete the amended scope of work in the amount of $949,000. Park construction began in spring 2024. The extensive planting plan was removed from the full project, with the intention that further landscape improvements could be funded and completed later. The current project includes City-installed landscaping, adjacent to the grand staircase and to the wall fronting Wharf Road. Un-landscaped areas will be finished with topsoil and stubbed-out water service to support future planting and irrigation.

During the August 28, 2025, City Council meeting, staff provided an update on the Park at Rispin Mansion project and asked for Council direction regarding a landscaping approach. Council directed staff to seek a volunteer community partner for the installation and maintenance of landscaping at the Park. The selected partner could offer labor and financial support for improved landscaping at the new park.

Discussion: Prior to seeking a partner organization to carry out the garden's installation and maintenance, staff intends to present City Council with a landscape design for the Park, to help ensure the landscaping meets community and Council expectations.

The landscape design must be attainable for current Public Works staff to maintain to facilitate consistency and longevity at the Park. This ensures that, if the City's partner no longer wishes to maintain the City's landscaping, City staff can take on the work and preserve the Park's integrity. To that end, staff intends to retain Michael Arnone and Associates to modify the original landscape design and prepare a new Park at Rispin Mansion planting plan (new plan). This way, the new plan will honor and include the community input that was incorporated in the 2015 plan-set, while being realistic for future maintenance.

Staff intends to execute a professional services agreement with Michael Arnone and Associates in an amount between five and ten thousand dollars. The agreement will include modification of the original landscape design and planting plan, a community meeting to discuss the new plan, and presentation of the new plan to Council for approval. Once approved by Council, the new plan will be included in the selection process for a volunteer community partnership.

Staff intends to return to City Council with a draft request for proposals (RFP) and the proposed new landscape plan for approval in early 2026. Once approved by the Council, staff will publish the RFP seeking a community partner(s) for planting and maintenance. The RFP will include language clarifying that responsible community organizations may apply to complete portions of the requested work; allowing the City to partner with multiple organizations, if needed.

Upon approval of the RFP, staff recommends Council appoint an ad-hoc committee (made up of two Council Members) to work with staff to review proposals and recommend which community partner to select. Staff would prepare a Memorandum of Understanding for Council approval once a partner is identified through the RFP selection process.

On August 28, 2025, Council also discussed interest in a paver fundraising project for certain areas of hardscaping in the Park. Staff has done preliminary research and will return to Council with a proposal for the paver stone fundraising project this Winter.

Earlier this summer, staff submitted a grant request to fund a public art project at the reflecting pool at the Park at Rispin Mansion. Staff anticipates receiving the results of that grant application this December. In addition, next month, the Capitola Art and Cultural Commission will discuss developing an art project at the reflecting pool. That reflecting pool is temporarily filled to protect the public from a fall hazard.

Fiscal Impact: Staff intends to execute a professional services agreement with Michael Arnone and Associates in an amount between $5,000 and $10,000, which will include a new landscape design and planting plan and an in-person community meeting to solicit public input. Staff is proposing to use existing funding within the City-wide parks budget, and will monitor expenses throughout the year and propose a budget amendment at the mid-year review, if necessary.

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Jessica Kahn, Public Works Director; Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: Public Works Department

Subject: Bay Avenue and Hill Street Traffic Safety Update

Recommended Action: Receive an update on the Bay Avenue and Hill Street intersection and provide direction regarding next steps.

Background: At the February 13, 2025, Council meeting, staff presented information on the performance of the Bay Avenue and Hill Street intersection following completion of the quick-build safety project in summer 2024. At that meeting, Council directed staff not to make additional changes at the intersection while conditions were monitored.

The Quick-Build Project was originally developed in response to long-standing concerns at the Bay/Hill intersection, which had been studied by Kimley-Horn and discussed by the City Council on multiple occasions prior to implementation. The project introduced lane reductions, high-visibility striping, and illuminated signage to improve pedestrian and bicycle safety.

Since February, traffic congestion has continued to occur at the intersection. These delays are further compounded by regional construction projects and roadway closures in the County that affect travel patterns.

Discussion: Staff has prepared options for Council consideration:

1. **No changes.** The intersection remains in its current configuration until the Bay Avenue Corridor project is developed and constructed.
2. **Restore prior configuration only.** Restore the intersection to its prior lane configuration while retaining and enhancing safety features. Under this approach, pedestrian crossing distances would be longer and there would be more turning movements, but high-visibility pedestrian striping and illuminated signage would remain in place.
3. **Restoration and New Crossing at Center Street.** This option would restore the prior lane configuration while adding a new enhanced pedestrian crossing at Center Street. The crossing would consist of a raised crosswalk with rectangular rapid flashing beacons (RRFBs) and a refuge median on the north side of the intersection. The design would remove the free right turn onto Center Street, while preserving left turns in and out of the intersection. Bulb-outs would be constructed to reduce pedestrian crossing distances, and striping would be updated to reflect the new configuration. Staff is also evaluating the option of enhanced lighting at this location, though additional costs are to be determined.

Options 2/3 would be intended to be short-term projects that addresses congestion at the intersection while maintaining a portion of the pedestrian and bicycle safety improvements. They are not intended as a substitute for the comprehensive Bay Avenue Corridor project.

As part of that larger corridor project, staff has begun outreach with property owners. Discussions confirm that property owners share concerns with the current intersection configuration, and that there is overall support for moving forward with the development of long-term corridor improvements, which staff will bring back to Council for consideration at a future date.

Fiscal Impact: Costs for the proposed options vary:

- Option 1 (no changes): No cost
- Option 2 (restore prior configuration): Approximately $50,000–$70,000

- Option 3 (alternate plan): Approximately $150,000-$200,000

Staff proposes to fund modifications by reducing the scope of the upcoming 41st Avenue Pavement Project to work only within the Caltrans right-of-way, which extends from Gross Road north to the City limits. When that project returns to Council for approval, staff will provide additional detail on the revised scope and available funding.

Attachments:

1. Restoration of Intersection Configuration and New Crossing at Center Street
2. Public Comment Received Before Publication of Agenda Packet

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

Crossroads Center

Hill St

Dairy Queen

Keep existing quick-build implementations on Hill St (typ.)

Existing light pole

Add bike lane striping

Add receiving lane

Add through/right-turn lane

Realign bike lanes and add green bike striping

Bay Ave

Keep existing crosswalks (typ.)

Add through/right-turn lane

Add receiving lane

Realign bike lanes and add green bike striping

Add light pole

Keep existing quick-build implementations at Shopping Center

Peet's Coffee

Nob Hill Foods

GRAPHIC SCALE IN FEET
0 10 20 40

CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION

Kimley»Horn

097763143 SEPTEMBER 2025

BAY AVE & HILL ST IMPROVEMENTS

CITY OF CAPITOLA

Traffic Flow

Bay Avenue Senior Apartments

Install new bike lane striping

ADA ramps (typ.)

Install RRFB (typ.)

Existing light pole

Add bulbout

Install new bike lane striping

6'

10'

11'

11'

6'

11'

10'

11'

Bay Ave

Install raised median

Install raised crosswalk

New bike lane striping

Add bulbout

Remove existing raised median

Add light pole

Drainage inlet

STOP

Center St

GRAPHIC SCALE IN FEET
0 10 20 40

NORTH

CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION

BAY AVE & CENTER ST PEDESTRIAN CROSSING

097763143 SEPTEMBER 2025

CITY OF CAPITOLA

Outlook

Capitola Bike Lanes

From Devon Caroselli <devon.caroselli@gmail.com>
Date Wed 9/17/2025 8:51 AM
To City Council <citycouncil@ci.capitola.ca.us>

To whom it may concern,

I am writing in support of keeping in place the temporary protected bike lanes at the intersection of Bay Ave and Hill Street. These should be made permanent to ensure the safety of the public and particularly our school age children who utilize this road daily during the school year to ride their bikes to school. I have two daughters who attended Main Street Elementary, New Brighton Middle School and now are at Soquel High School. They ride this road two times a day almost every day on their bike and I am glad they have a protected bike lane for at least part of the more highly trafficked roads to and from.

We all know that there are significantly more ebikes on the road now and for everyone's safety we should provide more bike able roads whenever possible.

Sincerely,
Devon Caroselli

Sent from my iPhone

Bay Avenue and Hill Street Traffic Safety Update

City Council

September 25, 2025

Bay Avenue and Hill Street Background – Pre Quick-Build

Long Standing Concerns

- Intersection identified for improvement since mid-2000s

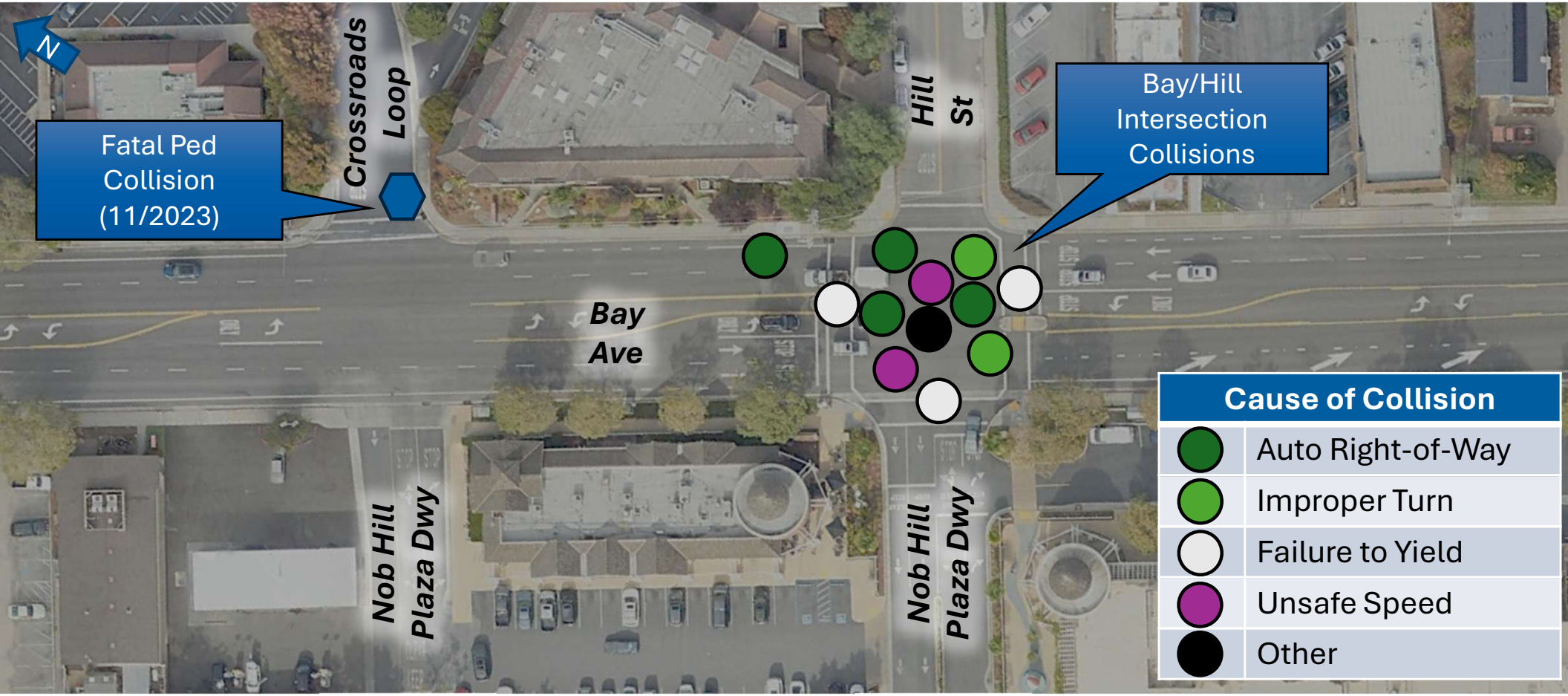
2023 – Project Identification

- **Nov 2023:** Community meeting
- **Dec 2023:** Council directed staff to pursue near-term safety improvements and further study
  - Council Ad-Hoc formed to collaborate on short-term safety project, and additional outreach

2024 – Project Development

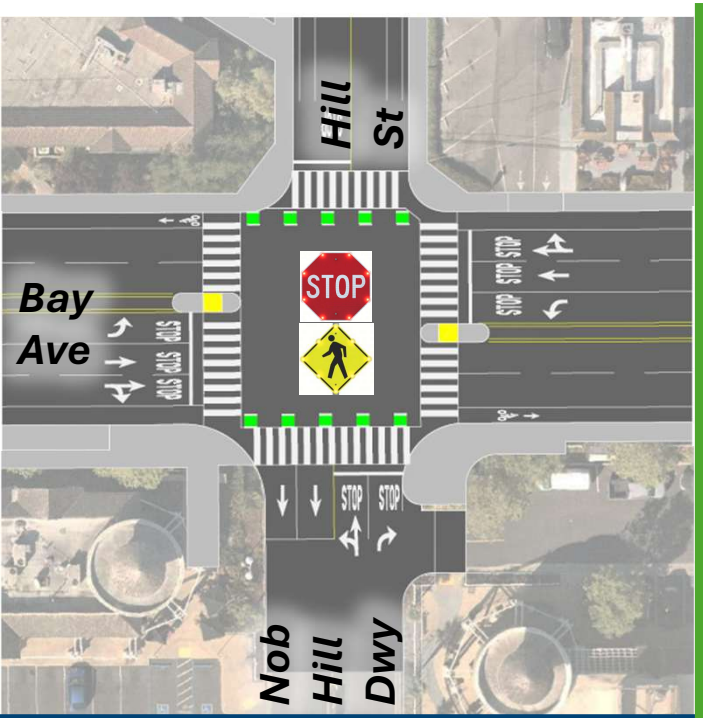
- **Feb 27, 2024:** Options presented; Council selected Option 2
- **July 2024:** "Quick-Build" project installed

Bay Avenue and Hill Street Collision Background

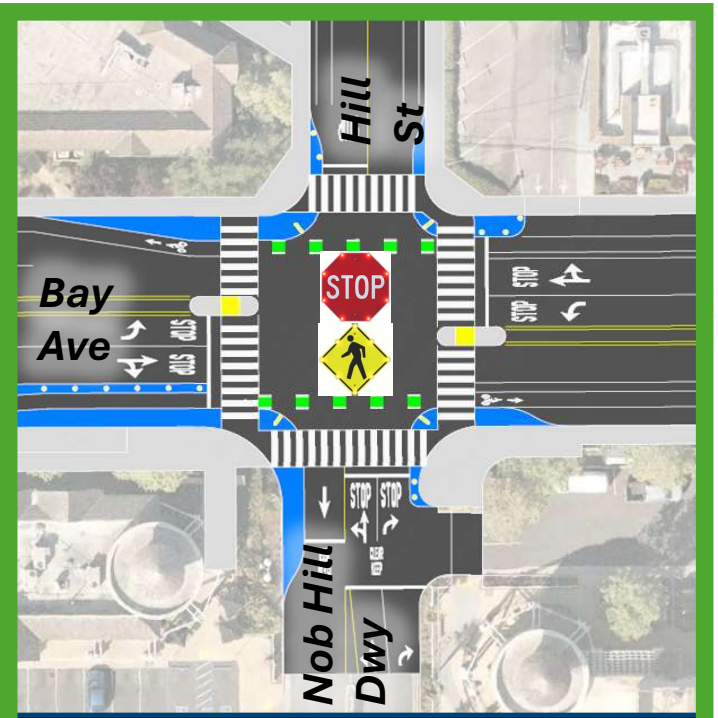


Bay/Hill Collision Data (11/2017 – 12/2023)

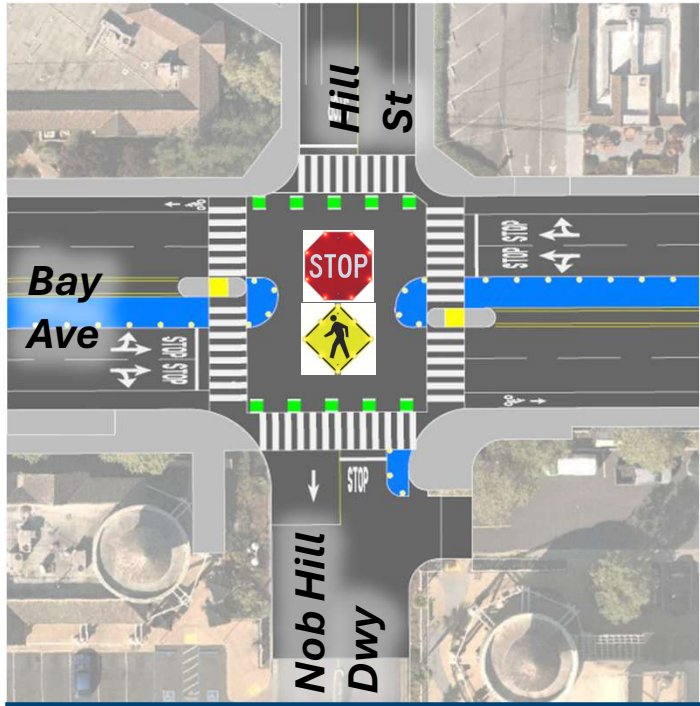
Bay Avenue and Hill Street
Quick Build Layouts Considered



Option 1 – Signing & Striping

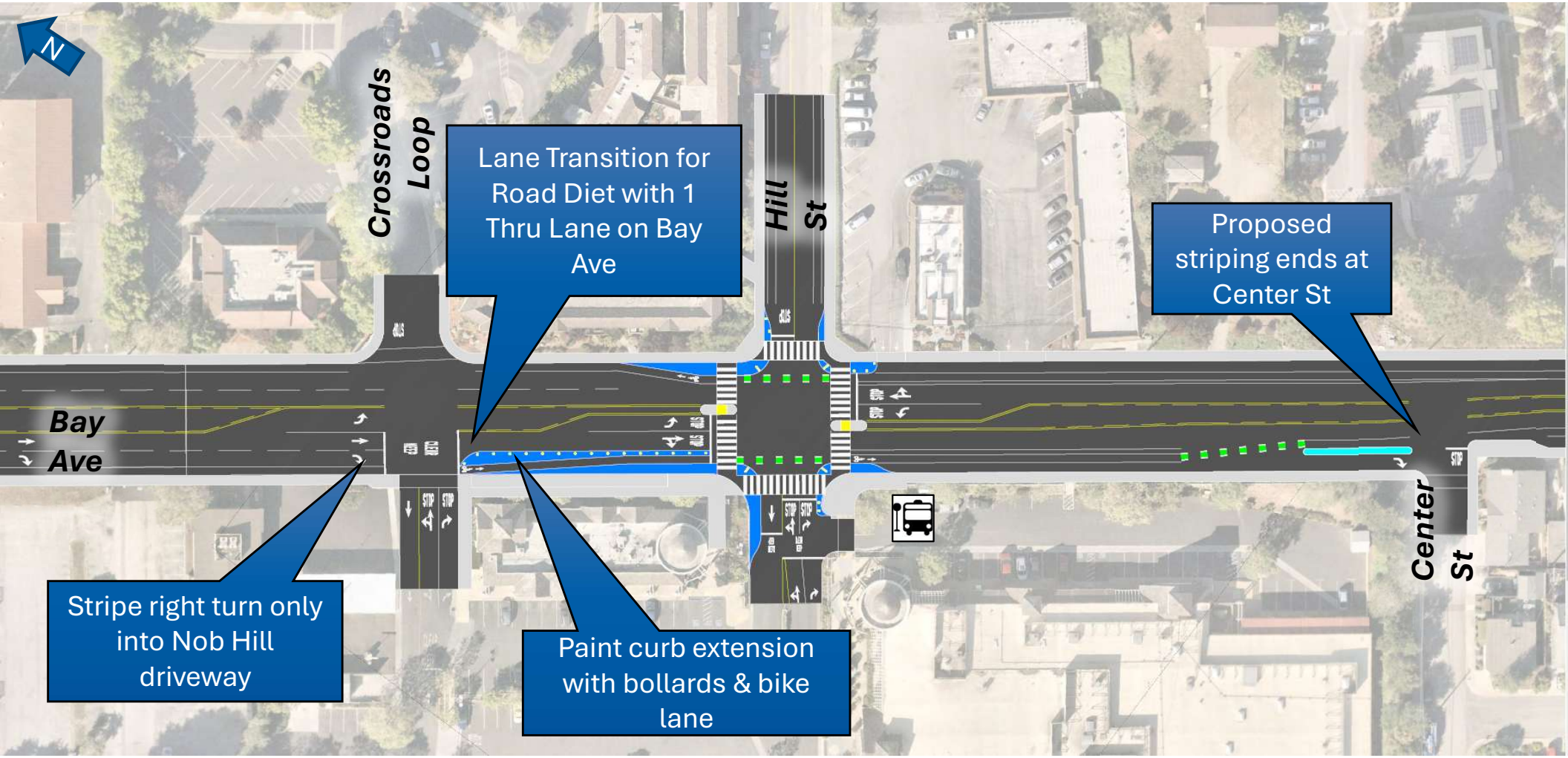


Option 2 – Road Diet



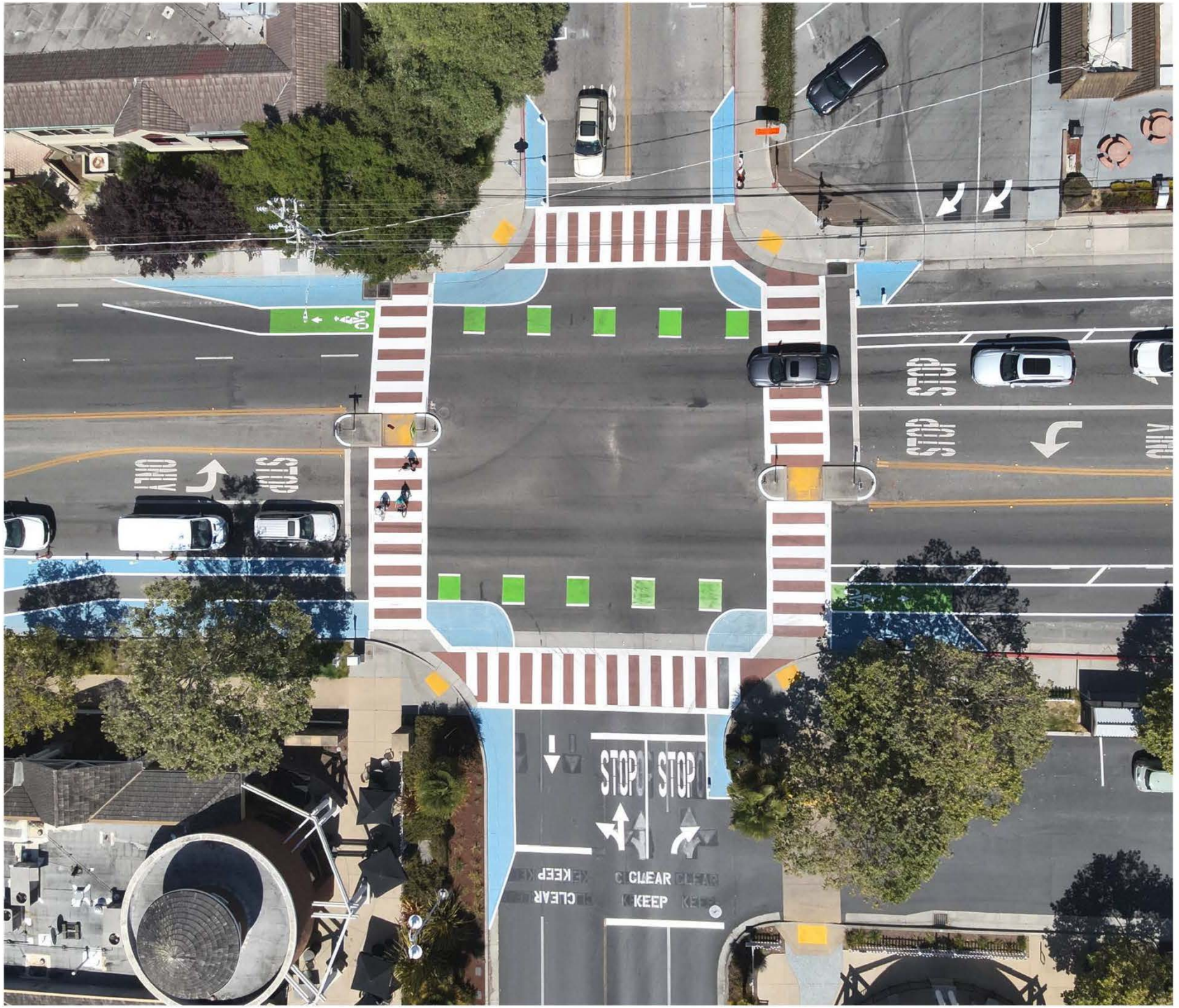
Option 3 – Median

Bay Avenue and Hill Street
Quick Build Option Approved (Option 2)



Bay Avenue and Hill Street
Background – Level of Service

Criteria	Existing Intersection	Option 2 Road Diet
Bike & Pedestrian Safety & Visibility	Low 41 conflict points	High 32 conflict points Marked crossings Curb extensions Bike lane buffer
Pedestrian Crossing Exposure	High 5-lane crossing	Low 3-lane crossing
Intersection Level of Service	Good AM Peak: C Midday: C PM Peak: C	Ok AM Peak: C Midday: F PM Peak: D
Impact to Vehicle Queues	Low	Medium


STOP
STOP
STOP
STOP
KEEP
CLEAR

Bay Avenue and Hill Street Background – Post Quick-Build

2024

- **Nov 2024:** Council reviewed project performance and requested an update in early 2025

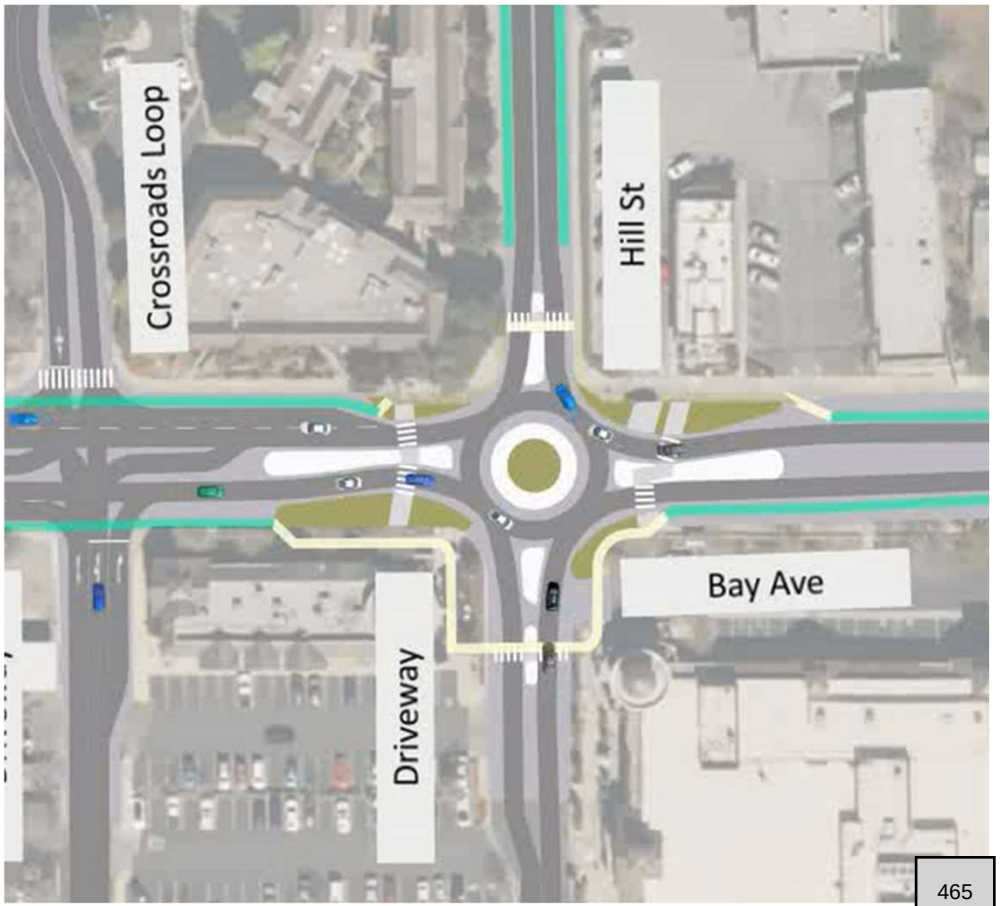
2025

- **Feb 27, 2025:** Council reviewed project performance again and directed staff not to make changes while conditions were monitored
- **Aug 2025:** Item placed back on agenda at Council's request

Bay Avenue and Hill Street
Bay Avenue Corridor Study

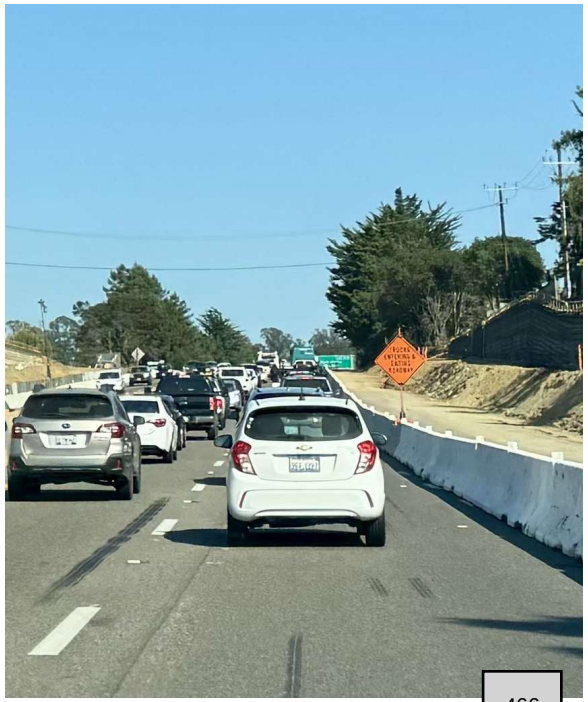
Long-term improvements from Highway 1 to Monterey Avenue

- Feb 27, 2025
  - Council selected *Alternative 2 – Roundabout Control*
  - Authorized staff to proceed and pursue grant funding
- Property owner outreach
  - Concerns shared about current conditions
  - Support for moving forward with long-term improvements
- Update scheduled for an upcoming Council meeting



Bay Avenue and Hill Street Current Conditions

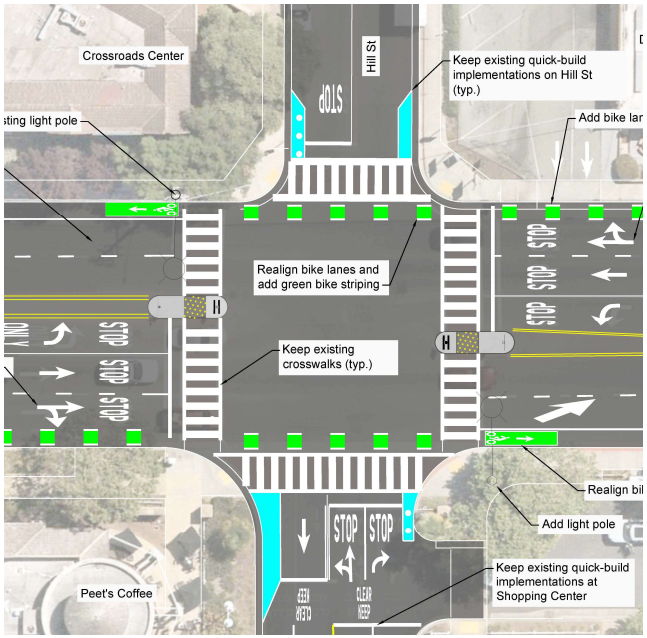
- Congestion and delays continue at intersection
- Impacts compounded by:
  - Regional construction projects
  - Roadway closures in County affecting travel patterns

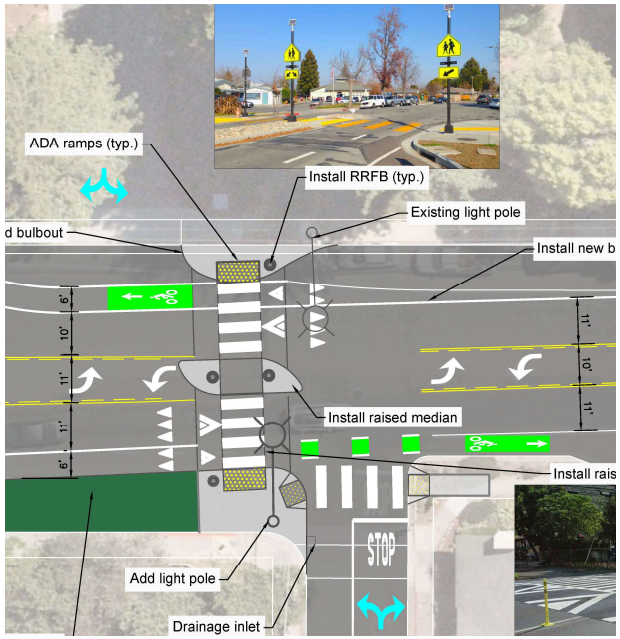


Bay Avenue and Hill Street

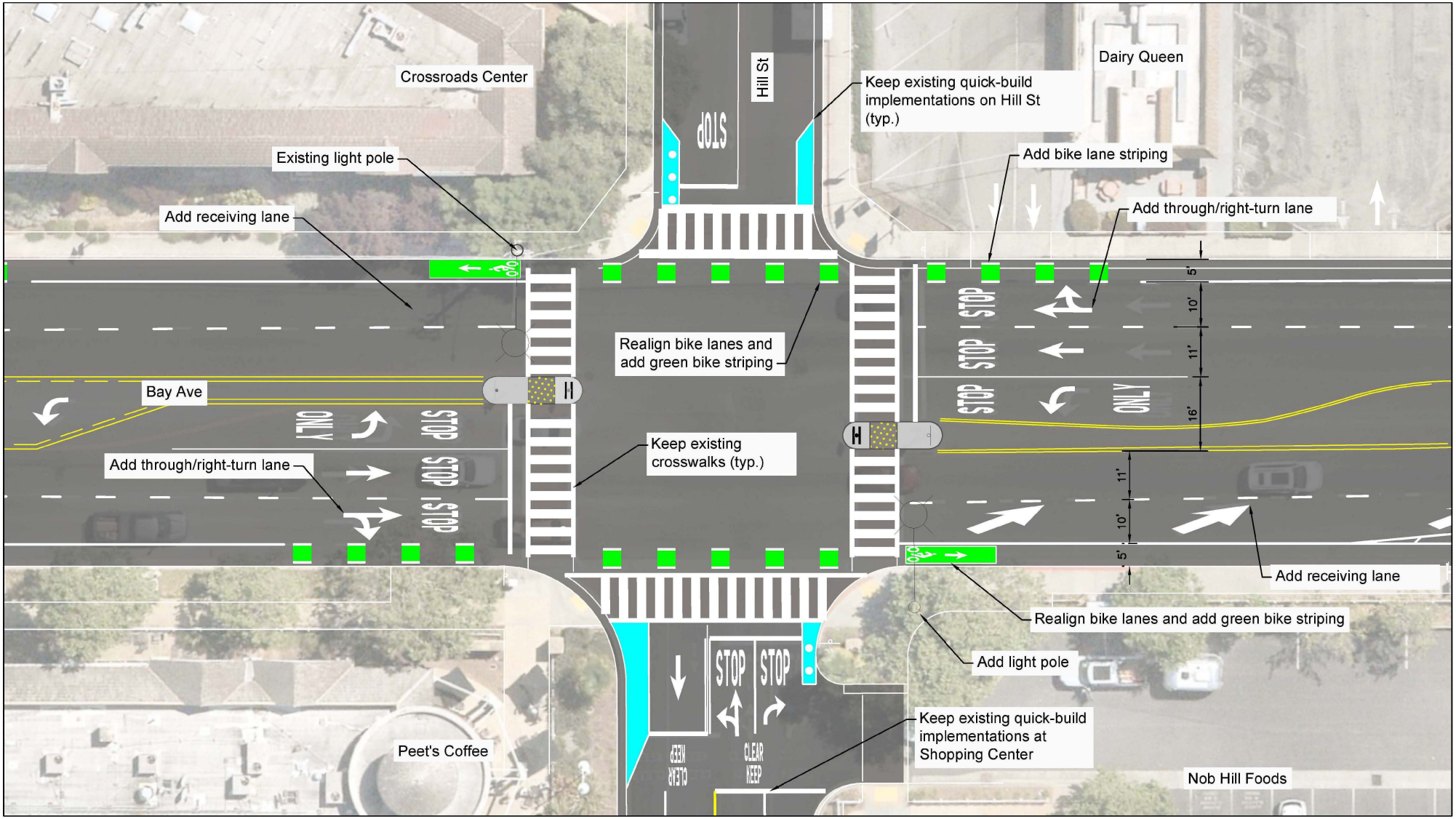
Background – Options for Consideration

- **Option 1 – No Changes**
- **Option 2 – Restore Prior Configuration**
- **Option 3 – Restoration + New Crossing**





Bay Avenue and Hill Street
Long-Term Development Process
Option 2 – Restore Prior Configuration



Kimley»Horn

GRAPHIC SCALE IN FEET
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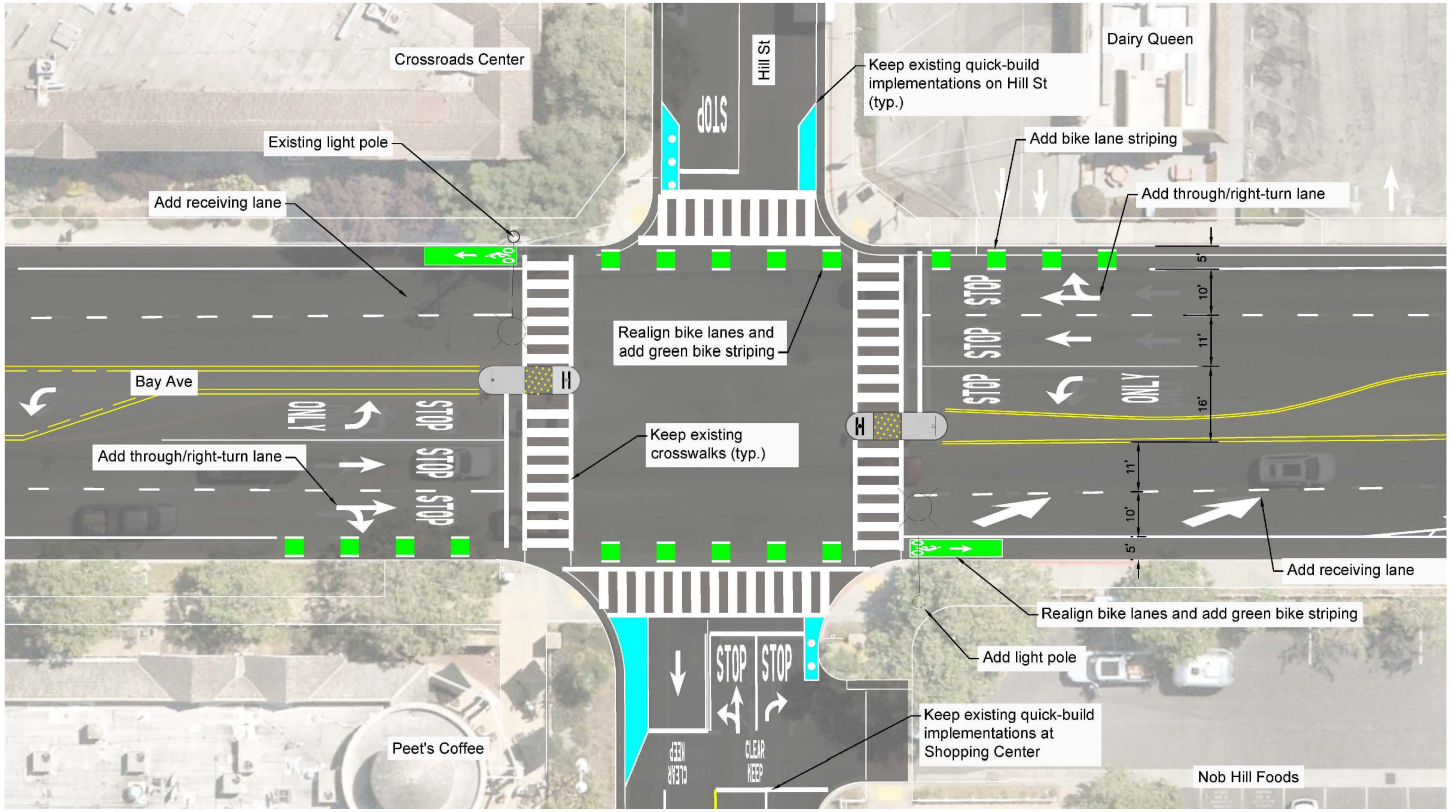
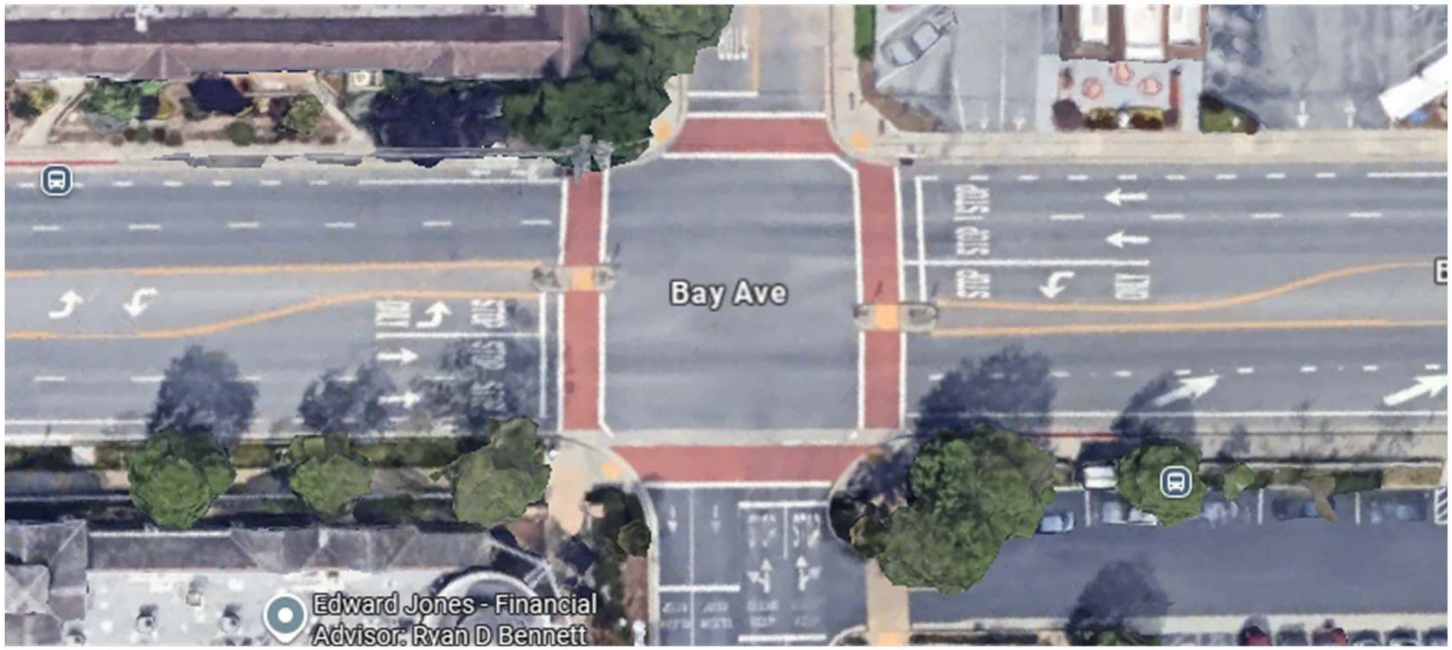
CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION

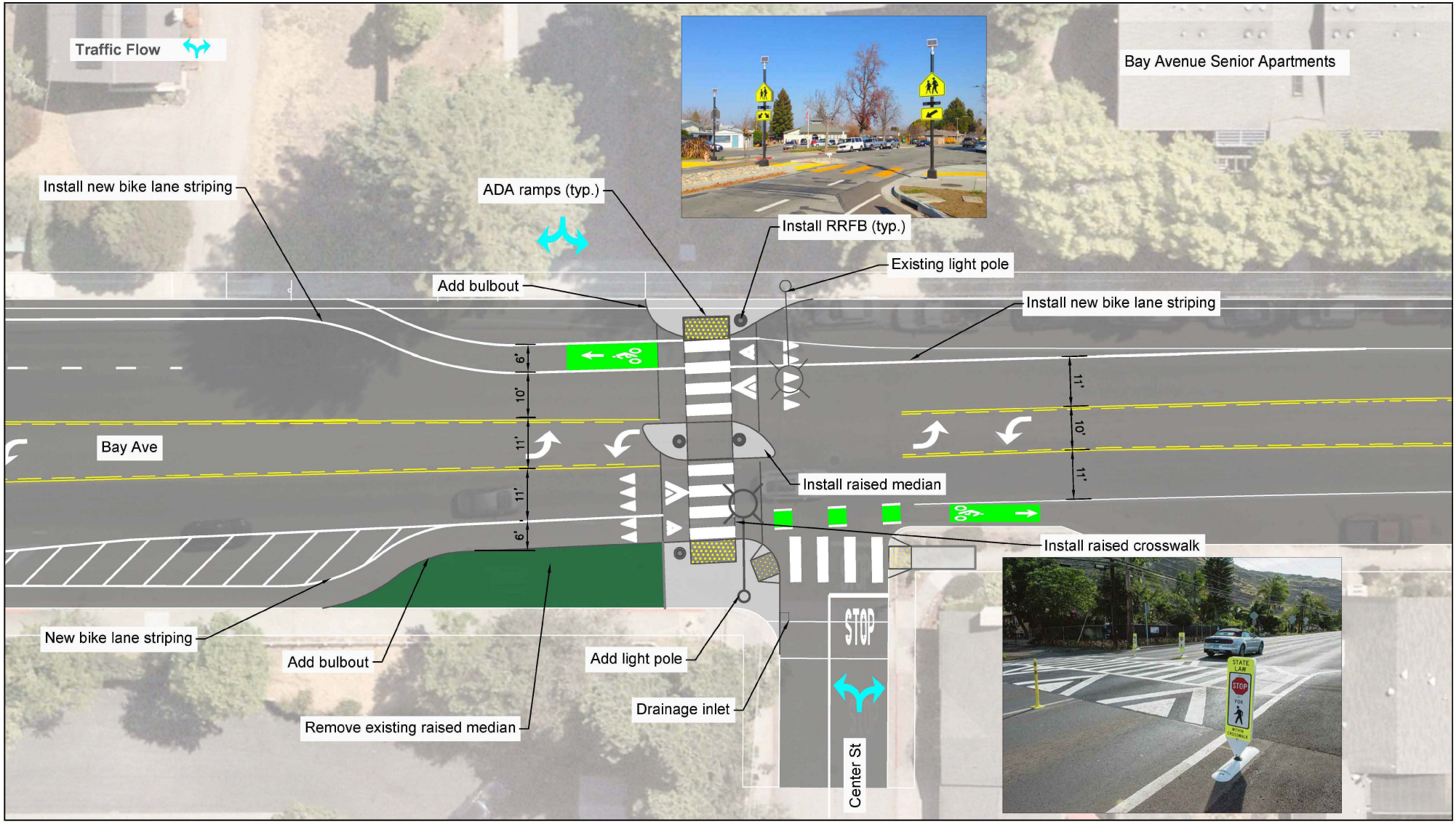
097763143 SEPTEMBER 2025

BAY AVE & HILL ST IMPROVEM


Crossroads Center
Hill St
STOP
Keep existing quick-build implementations on Hill St (typ.)
Dairy Queen
Existing light pole
Add bike lane striping
Add receiving lane
Add through/right-turn lane
Realign bike lanes and add green bike striping
Bay Ave
ONLY
STOP
STOP
Keep existing crosswalks (typ.)
Add through/right-turn lane
5'
10'
11'
16'
11'
10'
5'
Add receiving lane
Realign bike lanes and add green bike striping
Add light pole
Keep existing quick-build implementations at Shopping Center
Peet's Coffee
Nob Hill Foods


Bay Ave
Edward Jones - Financial Advisor: Ryan D Bennett

Bay Avenue and Hill Street
Long-Term Development Process
Option 3 – Restoration + New Crossing



Kimley»Horn

GRAPHIC SCALE IN FEET
0 10 20 40

CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION

BAY AVE & CENTER ST PEDESTRIAN CROS

097763143 SEPTEMBER 2025

CITY OF CAPITOLA

Bay Avenue and Hill Street

Fiscal Impact

Option	Estimated Cost
Option 1 – No Changes	$0
Option 2 – Restore Prior Configuration	~$50,000 – $70,000
Option 3 – Restoration + New Crossing	~$150,000 – $200,000

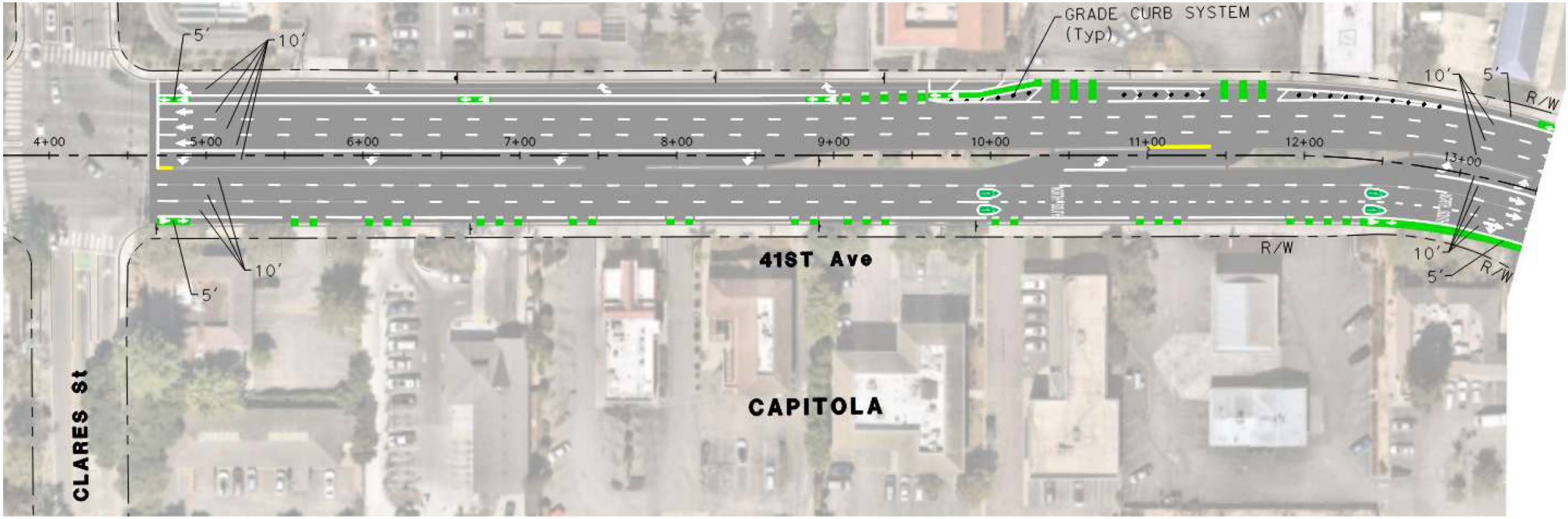
- Modifications could be funded by adjusting the scope of the **41st Avenue Pavement Rehabilitation and Multimodal Improvements** Project
  - Improvements in Caltrans ROW only
  - Defer improvements from Clares Street to Gross Road
- Revised scope and funding details would return to Council for project approval

Bay Avenue and Hill Street Long-Term Development Process

Funds from 41st Multi-modal Project

Bay Avenue and Hill Street Long-Term Development Process
Funds from 41st Multi-modal Project

Bay Avenue and Hill Street Long-Term Development Process
Funds from 41st Multi-modal Project



Bay Avenue and Hill Street

Recommended Action

Receive an update on the Bay Avenue and Hill Street intersection and provide direction regarding next steps.

Option	Description	Estimated Cost
Option 1 – No Changes	Maintain current Quick-Build configuration	$0
Option 2 – Restore Prior Configuration	Restore lanes while retaining and enhancing safety features	~$50,000–$70,000
Option 3 – Restoration + New Crossing	Restore lanes; add raised crosswalk, RRFBs, median, and bulb-outs at Center Street; remove free right turn	~$150,000–$200,000

Crossroads Loop
Hill St
Bay Ave
Driveway
Driveway

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: City Manager

Subject: Code of Conduct Complaint

Recommended Action: Determine whether the complaint filed by Kevin Maquire against Council Member Orbach on June 12, 2025, should be added to a future agenda for further discussion and determination, or dismissed for the reasons stated in Administrative Policy I-42.

Background: On June 12, 2025, Kevin Maquire submitted a Code of Conduct complaint against Councilmember Orbach. The complaint is included as Attachment 1. On September 11th, Council Member Westman requested a public meeting regarding the Code of Conduct complaint.

The City offered to fund mediation between the two parties. Staff engaged the Conflict Resolution Center to mediate.

Discussion: City Council adopted Administrative Policy I-42 (Attachment 2) on September 10, 2020. That Policy outlines a procedure to consider complaints.

Section 8.4.3(a) of the Code of Conduct provides that, on September 25th, the City Council should "determine whether the complaint should be dismissed for the reasons stated in section (b)(i)[1], below, or added to a future agenda for further discussion and determination."

Should the City Council determine the complaint should be added to a future agenda, Staff requests Council identify a preferred meeting date.

Fiscal Impact: No funds have been expended to date. Staff estimates mediation costs, should any be incurred, will be less than $750.

Attachments:

1. Code of Conduct Complaint
2. Administrative Policy I-42
3. Public Comment Received Prior to Agenda Publication

Report Prepared By: Rosie Wyatt, Deputy City Clerk

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

[1] Section (b)(i) states: "Where the Council determines that no violation occurred or that only a trivial violation occurred, or that the complaint does not have merit for any other reason, the Council may dismiss the complaint."

Wyatt, Rosie

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Thursday, June 12, 2025 7:57 PM
To: Clarke, Joe; Gerry Jensen; Melinda Orbach; Margaux Morgan; Gautho, Julia; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Cc: City Clerk; City Council; City Attorney
Subject: Formal Complaint Against Councilmember Melinda Orbach

Follow Up Flag: Follow up
Flag Status: Flagged

Formal Complaint Against Councilmember Melinda Orbach
Submitted by: **Kevin Maguire**
Resident of Capitola, CA
Date: 6.12.2025

Subject: Formal Complaint – Violation of Capitola City Council Code of Conduct by Councilmember Melinda Orbach

To the Mayor, City Council, City Attorney, and City Manager:

My name is Kevin Maguire, and I am a lifelong Capitola resident. My family has called this city home since 1966. My grandfather (Adamo D'Ambrosio) , a veteran of both World Wars, was an active civic participant — attending council and planning commission meetings and contributing to responsible land use through the Young Conservationists. I proudly continue that tradition through ongoing civic engagement and advocacy for transparency and respect in public service.

I am submitting this formal complaint regarding the conduct of Councilmember Melinda Orbach during the April 17, 2025, City Council meeting. During that meeting, Councilmember Orbach used her position on the dais to publicly accuse me — by name — of harassment and threatening behavior. These accusations were made without any prior communication with me, without evidence, and without any due process. They were broadcast to the community, recorded in the city's official meeting archive, and made in the context of a public meeting, where power dynamics are not equal.

This is not the first instance where Councilmember Orbach has misused the dais — repeatedly using public time and her platform to respond to personal criticism and online commentary, rather than focusing on city business or respectful civic discourse.

Violations of the Code of Conduct

Councilmember Orbach's comments directly violated key provisions of the **Capitola City Council Code of Conduct**, including:

- **Section 5.4 – Council Conduct with the Public**

  > "Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of members of the public."

- **Section 6.1.2 – Avoiding Impropriety and the Appearance of Impropriety**

  > "Members should not engage in behavior that could be perceived as retaliatory, dismissive, or personally biased."

Councilmembers are also expected to be courteous and responsive to public communications. To that end, I recently submitted a **Public Records Act (PRA) request** to audit Councilmember Orbach's constituent communication activity over the past six months, seeking to understand her patterns of responsiveness and public engagement.

Attempts at Resolution

Since the April 17 meeting, I have made **multiple efforts to resolve this matter respectfully**, including:

- Direct emails to Councilmember Orbach, with CC Mayor Clarke and Cheif Ryan.
- Conversations with Mayor Clarke and Chief Ryan
- A public invitation for dialogue and reconciliation

None of these efforts have received a response from Councilmember Orbach. That silence speaks volumes — and contradicts the expectation that public officials remain accessible, accountable, and civil.

As a result of Councilmember Orbach's public accusations, I have experienced ongoing harassment, felt discouraged from participating in public discourse, and suffered emotional impacts — including anxiety, embarrassment, disrupted sleep, and a hesitancy to engage in civic spaces where I've long felt purpose and belonging.

Requested Council Actions

In accordance with the City's Code of Conduct and in the interest of restoring public trust, I respectfully request the Council consider the following:

1. A formal **Resolution of Censure** for Councilmember Orbach.
2. Consideration of removing Councilmember Orbach from **committee assignments or ceremonial roles** until accountability is demonstrated.
3. A recommendation that she undergo **ethics, civility, or conflict-resolution training**.
4. Formal discussion on how Council plans to uphold the Code of Conduct in future cases of alleged misuse of the dais.

Preserving Additional Options

While I remain hopeful that the Council will act appropriately and that Councilmember Orbach will offer a public apology, I must also state clearly:

> If this issue remains unaddressed, I reserve the right to explore additional remedies, including filing formal administrative complaints and/or seeking legal guidance regarding defamation or related harm.

I do not raise this lightly. My goal is not escalation — it is integrity, accountability, and a healthier civic environment for everyone in Capitola.

As previously stated, I have sent three kind, respectful, gentle emails extending an olive branch to try to resolve this with no response by Councilmember Orbach. That is not how you restore public trust or serve the public.

Closing

I believe in this city, and in the ability of its leaders to model the values they ask of others: civility, transparency, and respect. This moment is an opportunity to reaffirm those values — and to demonstrate that no one, regardless of title, is above the standards we have agreed to uphold.

There has also been comments from councilmembers to review the Code of Conduct, and hold our councilmembers accountable. Now is the time to put that into action.

Thank you for your time and your consideration of this complaint.

Sincerely,
Kevin Maguire
kmaguire831@gmail.com
Capitola Resident

ADMINISTRATIVE POLICY

Number: I-42
Issued: September 10, 2020
Jurisdiction: City Council

CITY COUNCIL AND COMMISSIONER CODE OF CONDUCT

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1.0 Preamble

The Capitola City Council declares that citizens of the City of Capitola are entitled to have fair, open, ethical, efficient and accountable local government and that City officials should continually strive to earn the public's confidence. Toward that end, these Protocols establish higher standards of conduct for members of the City Council and members of City boards and commissions (collectively "Members") than are currently required under the laws of the State of California.

The Members pledge to hold themselves and other Members responsible for observing the standards set forth in these Protocols, and to enforce these Protocols when necessary to preserve the integrity of City government.

2.0 Core Values

Responsibility

- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I will keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit
- I will avoid and discourage conduct which is divisive or harmful to the best interests of Capitola
- I make decisions based on the merits of an issue, including research and facts.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

Integrity

- I am honest with my fellow City officials, City staff, members of the community, and others.
- I promote equity and non-discrimination in public agency decision-making.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.
- I do not accept gifts, services or other special considerations for personal benefit because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my actions as a City Official

Respect/Value others

- I recognize the worth and dignity of individual members and appreciate their individual talents, perspectives and contributions; value in others.
- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.

- I help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential.
- I understand that I am one of five members of the City Council and will work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff.

Accountability

- I am prepared to make decisions when necessary for the public's best interests, whether those decisions are popular or not.
- I do not make promises on behalf of the City without concurrence from the City Council at a duly noticed public meeting.
- I take responsibility for my actions, even when it is uncomfortable to do so.
- I do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

3.0 Setting a Higher Standard within the Existing Framework

By adopting these Protocols, the Council intends to supplement and not to supersede California's existing legal framework applicable to local governments. Similarly, the Council intends that these Protocols will not merely restate existing legal obligations but will establish a higher standard of conduct for Members in the governance of the City. Members are referred to Appendix "A" (***Legal Framework & Resources***) for pertinent resources. Members are expected to be familiar with and to seek guidance about the applicability of the legal framework.

4.0 Transparency in decision making.

Transparency in decision making is of the utmost importance in maintaining ethical, representative local governance. Toward that end, Members will adhere to the following standards:

4.1 Public Meetings.

Members will hold public meetings in accordance with the Ralph M. Brown Act (the "Brown Act"). Members will seek guidance from the City Attorney as to the Brown Act requirements and will apply those provisions conservatively in favor of the public's right to participate in public decisions.

4.2 Council Communications & Serial Meetings.

Members will not engage in "serial meetings" with colleagues – a discussion of City issues among a majority of Councilmembers or Commissioners either collectively (i.e. all meeting together) or in a sequence (A talks to B who talks to C). Members

will not use other persons as intermediaries to accomplish a serial meeting or to circumvent the Ralph M. Brown Act.

4.3 Closed Session Discussions.

As part of a properly agendized meeting, Members may only hold sessions closed to the public, pursuant to the advice of the City Attorney, in accordance with the commonly accepted interpretation of Brown Act requirements. Discussions held in closed session are to be directly limited to the matter at hand. Such discussions, along with materials reviewed, are confidential and shall not be disclosed except as the City Attorney may advise.

4.4 Closed Session Materials.

Confidential materials provided in preparation for and during closed sessions must be returned to the City Attorney at the conclusion of the closed session.

5.0 Fairness of Process

Members will comply with the meeting and hearing procedures set forth by these protocols, the Brown Act, and Rosenberg's Rules of Order. Additionally, in order to cultivate an environment of fairness and to encourage public confidence in City decisions, Members will adhere to the following standards of conduct:

5.1 Decisions on the Merits.

Members will base their decisions on the facts and merits of each matter, not upon personal or other biases, and will strive to make decisions that are in the best interests of the community as a whole.

5.2 Disclose Information.

Prior to any deliberations on a project or matter at a public meeting, Members shall publicly disclose information about the matter that they have obtained from sources, not presented in the staff report (e.g. their own site visit, from the public, from the applicant, etc.), which may influence their decision or that of Members.

Remain neutral on quasi-judicial hearings. A quasi-judicial hearing occurs when;

a) a hearing is held to apply a rule or standard to an individual person, project or circumstance;

b) it involves the taking of evidence;

c) it results in the rendering or a written decision issued by the hearing officer or tribunal (including adoption of findings); and

d) the written decision is based on the facts and arguments submitted at the hearing.

Elected and appointed officials are obligated to remain neutral and unbiased regarding quasi-judicial matters prior to their vote on the matter.

5.3 Consider All Sides.

Members should consider the various viewpoints related to a project or matter and afford project applicants and interested persons an adequate opportunity to comment upon a project or matter before action is taken.

5.4 Decorum.

To ensure the fairness and integrity of the deliberative process, the presiding officer should preserve decorum and conduct meetings in an orderly manner. Members should remain attentive of the business at hand and conduct themselves in a manner that is civil, polite and respectful. Members should refrain from unnecessarily interrupting speakers and not engage in abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City staff and/or the public.

5.5 Attentiveness.

Members should remain attentive at meetings. Members should not make or receive phone calls, text messages or e-mails from the dais. Members should place cellphones and other communication devices in “off” or “silent” mode. Members should refrain from side-bar conversations with other Members while at the dais.

6.0 Ethical Decision Making

Members should observe the highest standards of ethical conduct in dealing with the community and carrying out their official duties. In every action and decision, Members should avoid even the appearance of impropriety and apply the guidelines for “Making Ethical Decisions” provided below:

6.1 Avoiding the Appearance of Impropriety.

6.1.1 Make Ethical Decisions. Members are referred to Appendix “B” (*Guidelines for Making Ethical Decisions*) for the process Members are encouraged to utilize in making City related decisions.

6.1.2 You May Need to Refrain from Participating**.** Conflict-of-interest issues are complex. Some situations are not “legal” conflicts of interest but may nevertheless pose the “appearance of impropriety” to the public. If a Member believes they have a conflict, the Member should contact the City

Attorney or FPPC for advice as soon as possible. The Member should not participate in any matter in which they have a conflict.

6.1.3 Get Help. To assist in making a decision not to participate, Members should consult the guidelines for Making Ethical Decisions (below), the City Attorney or the FPPC helpline, and/or their constituents.

6.2 Ethical Principles to Follow.

6.2.1 **Avoid Personal Interests.**

Members are prohibited from using their official positions to influence decisions in which they have a personal financial interest, are members of an interested organization, or have a personal relationship that would be affected.

6.2.2 **No Personal Gain.**

Members shall not take advantage of, or use, public property and equipment, public services, confidential public information, public resources, or other opportunities afforded by their office, for personal gain.

6.2.3 **City Stationery.**

City letterhead or stationery or other City resources may not be used by Members to promote personal interests.

6.2.4 **Appearing before Council.**

Members shall not appear before the City Council or other City board or commission representing any private interest or community group. Members are permitted to speak as a member of the public on any matter related solely to the Council Member's personal interest but may not participate in the matter as a Member.

6.2.5 **Gifts.**

Members will refrain from accepting gifts, favors or promises of future benefits that might compromise their independence, or the appearance that they are independent and unbiased.

7.0 Efficiency and Accountability

The City of Capitola operates under a council-manager form of government under which the Council's role is to provide legislative direction, set City policy and monitor its implementation. The City Manager serves as the City's administrative head and is

responsible for directing the day-to-day operations of the City and for administering all City business.

7.1 Members Should Not Interfere with Operations.

Implementing this Rule:

a) City Manager is responsible for City Personnel Members will not interfere with the appointment, evaluation, discipline, or removal by the City Manager of any Department Head or employee of the City.

(i) *Exception – City Attorney*. The City Attorney is hired, appointed, evaluated, and removed directly by the Council.

b) Orders and Direction to Employees. Only the City Manager or applicable Department Head may give orders and direction to City employees. Members may not direct the work or actions of City employees. (CMC Section 2.08.090)

(i) *Requests for Information*. All Members should direct requests for information, research, or reports to the City Manager or applicable Department Head. If there is a legal question it should be directed to the City Attorney. Questions regarding elections and disclosure statements may be addressed to the City Clerk.

(ii) *Responses*. Substantive responses to Member's information inquiries will be provided to all Members of the legislative body (e.g. a response to a request by a Councilmember will be provided to all Councilmembers).

(iii) *Notifications*. Where the City Manager or Department Head provides general facts or information about the City, a program, or a City event to one Member, the information should be provided to all Members of the legislative body.

c) Staff Liaisons to City Commissions / Committees and Outside Agencies. Members serving as the City's representative to a City Commission or Committee or to an outside agency may interact directly with the City employee assigned to that effort by the City Manager.

d) Operations and Service Levels. Criticisms of City operations and service levels may be made only to the City Manager and not to City employees or Department Heads, unless first cleared through the City Manager or expressed in general during a regular Council, board or commission meeting.

e) Political Solicitation & Activities. Members will not solicit political support from City employees (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.). Members will not engage in political activities at City Hall or other City facilities. This provision is not intended to impair the free exercise of federal and state constitutional and statutory rights by City employees.

7.2 Interaction of Members.

7.2.1 **Positions of Mayor and Chairperson.**

a) Honorary Presiding Officer. The positions of Mayor and Mayor Pro Tempore on the City Council and the positions of chairperson and vice chairperson on City boards and commissions are generally considered honorary and ceremonial, but also serve an important procedural role as the presiding officer at meetings of their body. Persons appointed to those positions by a majority of their council, board or commission serve at the pleasure of their appointing body.

b) Maintain Order, Decorum & Procedure. The Mayor and chairperson are responsible for maintaining order and decorum of their body's meetings and enforcing these policies where necessary. They are responsible for the order of business at meetings, the efficient flow of business during meetings, and for preserving the right of the public to be heard in an orderly fashion.

c) Ceremonial Head. The Mayor is the ceremonial head of the City and signs all proclamations, officiates at all City functions, and welcomes visiting dignitaries.

d) Spokesperson. The Mayor is the official spokesperson for the City and has the primary responsibility for communications with the press and public on official City business, with the exception of a state of emergency. During a state of emergency, the Director of Emergency Services may serve as the primary contact for the public, other governing officials and the press. The Mayor will work on press releases and statements to the press with the City Manager and will report the majority position adopted by the Council, and not his or her personal opinion on matters.

7.2.2 **At Public Meetings**

a) Follow Rules of Order, Decorum and Procedure. Members should adhere to the rules of order, decorum and procedure for the conduct of public meetings adopted by the City Council from time to time. Abiding by these rules will maintain civility and the orderly conduct of business.

b) Keep Conduct Professional. Members should conduct themselves in an orderly, professional, and business-like manner to ensure that the business of the City shall be attended to efficiently and thoroughly.

c) Keep Comments On-Topic. Public meetings are to attend to and resolve City business. Members should avoid being overly repetitious and should endeavor to limit their comments to the subject matter at hand. Members are encouraged to fully express their views and to explore the views of others, but Members should also be mindful of avoiding lengthy or unproductive debates.

d) Ask Questions in Advance. When preparing for public meetings, Members are encouraged to provide their questions far enough in advance to the City Manager or City employee responsible for the meeting so that meaningful information and responses can be shared at the meeting.

7.2.3 **Relations with Fellow Members**

a) Civility. Members should always practice civility. By doing so, Members help the City to fulfill its potential by putting the common good ahead of personal rivalries or irritations. Civility is best fostered by a collective commitment to following established rules of procedure.

b) Different Points of View. Members should exercise tolerance for the different opinions, perspectives, and points of view of their colleagues and recognize their right to express these views on matters of City business within the established rules of decorum and order of business.

c) Managing Conflict. Members should manage disagreement with civility and professionalism and not allow disagreement to turn into open conflict or hostility. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City employees and/or members of the public.

7.2.4 **Public Communication and Appearance**

a) Personal versus City Positions. It is an important part of each Member's responsibility to communicate with the public. In communications regarding City business, it is important to distinguish a Member's personal views and opinions and the adopted City position. When appearing before another governmental agency or organization, the Member should clearly set forth the City's official position, and then may express their own position.

(i) *Expressing Dissent*. Each Member has a right under the First Amendment to express their views and opinions, even if contrary to the official position of the City. However, Members should express their dissenting views with tact and civility.

b) Use of Official Titles. Members may use their official title only when conducting official City business, for informational purposes, or as an indication of background and expertise, after having carefully considered whether they are exceeding or appearing to exceed their authority.

c) Response to Public Communication. Members are encouraged to respond promptly to letters, telephone calls, electronic communication, and other communications received from member of the Public who have requested a response. Members are not required to respond to commercial solicitations or to anonymous, obnoxious or harassing communications.

8.0 Enforcement

8.1 Member Responsibility.

Upon assuming office each Member shall sign a statement affirming that they have received and reviewed these Protocols. Each Member is responsible for adhering to these Protocols as well as the laws that comprise the basic legal framework for local government.

8.2 Council Authority.

The City Council has authority, but not the legal obligation, to monitor each Member's adherence to these Protocols and to take corrective action for violations, as provided below.

8.2.1 **Training and Education.**

The City Council may sponsor or require periodic training opportunities for Members to become more familiar with the Protocols and the legal framework (See Appendix "A").

8.2.2 **Councilmembers.**

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section 8.4.3, a majority of the Councilmembers may remove a Councilmember from all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

8.3 Violation of Oath of Office.

8.3.1 **Oath of Office.**

All Members take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. In addition, Members commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

8.4 Violation of Protocols.

8.4.1 **Complaint.**

Where any Board or Commission Member, Councilmember, City employee, or resident of the City believes that a Member has violated these Protocols or their Oath of Office, they may file a written complaint with the City Clerk who will then provide it to the City Manager and City Attorney. The complaint shall be considered confidential until the City Attorney has determined the appropriate next action.

8.4.2 **Investigation.**

Within thirty (30) days of receipt of a Complaint as provided in Section 7.4.1., the City Manager and City Attorney shall review the complaint. If, in the City Attorney's determination, the complaint alleges a violation of law, the City Attorney shall determine appropriate next steps.

For example, a complaint alleging theft of public funds or bribery, or a complaint from a purported whistle-blower (pursuant to California Labor Code Section 1102.5) may be forwarded to the Office of the District Attorney. Complaints alleging other violations of the law may be forwarded to the City's risk-management pool for a determination. The City Attorney shall have the authority to retain an outside investigator to investigate complaints from employees alleging violations of the Fair Employment and Housing Act.

All complaints, including complaints alleging violations of these protocols and any other City policy or procedure, at the appropriate point in the process as determined by the City Attorney shall be forwarded to the City Council for consideration in open session. The City Council may order an investigation.

8.4.3 **Enforcement.**

The City Council may use any of the following to respond to any and all violations of these protocols: (i) a warning (ii) a written reprimand; or (iii) censure. In addition, the City Council shall have the authority to remove

Board or Commission Members from office as a remedy for violations. (CMC 2.12.020 for Planning Commissioners).

The City Council, Boards and Commissions shall use the following procedure to consider complaints forwarded by the City Attorney:

a) *Receipt of Complaint.* Upon receipt of the complaint, the Council will hold a public meeting at which it will determine whether the complaint should be dismissed for the reasons stated in section b)(i), below, or added to a future agenda for further discussion and determination. if the complaint is added to a future agenda, the subject Member shall have the opportunity to address the allegations in the complaint at the future meeting.

b) *Determination*. The Council shall make a determination on the allegations in the complaint based on the following:

(i) *Dismissal*. Where the Council determines that no violation occurred or that only a trivial violation occurred, or that the complaint does not have merit for any other reason, the Council may dismiss the complaint.

(ii) *Reprimand*. The Council may adopt a verbal or written statement reprimanding the subject Member for their conduct. The subject Member may file a rebuttal to the Reprimand with the City Clerk which will become a matter of public record.

(iii) *Censure*. Where the Council, based on the Report, any statement from the subject Member, and other evidence accepted at a public hearing of the matter, determines that there is substantial evidence that the Member has materially violated one or more provisions of these Protocols, and that such violation(s) impugn the integrity or dignity of the City or that such violations are egregious or chronic in nature, then the Council may adopt a resolution censuring the subject member by condemning their actions, removing the Member from all appointive positions representing the City in front of other governments and agencies, demoting them if they hold a position of mayor, mayor pro tempore, chairman or vice chairman, stating that the violations shall cease, and demanding corrective actions. The subject Member may file a rebuttal to the Censure with the City Clerk which will become a matter of public record.

c) *Commissioner and Board Member Removal from Office*.

(i) Planning Commissioner - Notwithstanding any of the provisions in this Section 9.0, the City Council may remove a

Planning Commissioner by following procedure in CMC Section 2.12.020. Nothing in these Protocols affects or diminishes such power nor vests Planning Commissioners with any additional rights, including, without limitation, rights of procedural due procession.

(ii) Other Commissioners and Board Members - Notwithstanding any of the provisions in this Section 9.0, the City Council may remove any commissioner or board member appointed by the City Council. Nothing in these Protocols affects or diminishes such power nor vests such commissioners or board members with any additional rights, including, without limitation.

APPENDIX A – LEGAL FRAMEWORK & RESOURCES

1.0 Legal Framework

Law or Regulations	Citation
California Laws	
California Constitutions *General City Authority*	Article XI §§ 2, 5, 7, & 11.
Ralph M. Brown Act *Open Meeting Laws*	Government Code §§ 54950 *et seq*.
California Public Records Act *Public Records Disclosure*	Government Code §§ 6250 *et seq*.
California Political Reform Act *Conflicts, Disclosures & Campaigns*	Government Code §§ 81000 *et seq*.
FPPC Regulations *Conflicts, Disclosures & Campaigns*	2 Cal. Code Regs. §§ 18109 *et seq*.
Legally Required Participation	*2 Cal. Code Regs. §18708*
California Anti-Self Dealing Law *Self Interest in Contracts*	Government Code §§ 1090 et seq.,
California Incompatibility of Office Law *Holding Two Public Offices*	Government Code § 1126 & § 1099
City of Capitola Documents	
City's Charter	
City Municipal Code	
City Council Rules of Order and Protocols	
Reimbursement Policy	
Social Media Policy	
Handbook	
Anti-Harassment and Ethics Training	

2.0 Online Resources

Resource	Web Address
State of California *Portal to State Websites*	www.ca.gov/index.asp
Official Cal Legislative Information *California Bills & Codes Online*	www.leginfo.gov
Cal. Fair Political Practice Commission *Conflict of Interest Info*	www.ca.fppc
Cal. Attorney General *See AG Opinions*	www.ag.ca.gov
Cal. Senate *Bill Information Online*	www.senate.ca.gov
Cal. Secretary of State *Election Information*	www.sos.ca.gov
League of California Cities *Municipal resources*	www.cacities.org
Institute for Local Government *Municipal resources*	www.ca-ilg.org
Cal. Joint Powers Insurance Authority *Risk Management & Training*	www.cjpia.gov
Marrkula Institute for Applied Ethics *Ethical Decision Making*	www.scu.edu/ethics/practicing/decision
Institute for Local Self Government *Government Ethics*	www.ilsg.org

APPENDIX B – GUIDELINES FOR MAKING ETHICAL DECISIONS

[Please visit the Markkula Center for Applied Ethics at the University of Santa Clara]

How to Make an Ethical Decision. When presented with an opportunity to participate in making a decision for the City, the City Official should:

A. Recognize whether an ethical issue is involved.

1. Will the decision result in damage or injury to people?
2. Is there a clear good or bad result?
3. Is the result compelled under the law or does it hinge on budgetary, efficiency, or other community concerns?
4. Ethical decisions are often not the easiest decision nor the most popular.

B. Get the facts.

1. Read the staff report and get questions answered by the City Manager in advance.
2. Are there alternatives that would lead to better or worse results?
3. What are the viewpoints of the stakeholders? Are some more important than others?
4. Are there any unanticipated consequences?

C. Evaluate alternative actions. Which option will:

1. Produce the most good and do the least harm? (See the Markkula Center's Utility Test.)
   a. Identify the *alternative actions* that are *possible* and the persons and groups (the stakeholders) *who will be affected* by these actions.
   b. For each of the most promising alternatives, determine the *benefits and costs* to each person or group affected.
   c. Select the action in the current situation that *produces the greatest benefits over costs for all* affected.
   d. Ask *what would happen if* the action were a *policy for all similar situations*.
2. Best respect the rights of all who have a stake? (See The Markkula Center's Rights Test.)

a. *Identify the right* being upheld or violated.

b. Explain why it *deserves the status* of a right.

c. Ask whether that *right conflicts with the rights* of others.

3. Treat people equally or proportionately? (See The Markkula Center's Justice Test.)

   a. What is the *distribution of benefits and burdens*? Is the distribution *fair*?

   b. If disagreement persists over which outcome is fair, select a *fair process* to decide the issue.

4. Best serve the community as a whole. (See The Markkula Center's Common Good Test.)

   a. *Identify* what parts of the *common good* are involved.

   b. Explain obligations to *promote or protect* the common good.

   c. Discern whether the proposed action *conflicts with* an obligation to promote or protect the *common good*.

5. Lead the City Official to act as the sort of person or official as they want to be? (See The Markkula Center's Virtue Test.)

   a. Will the action help to *make you the kind of person you want to be*?

   b. Will the action fit the City's reputation or vision of what it would like to be?

   c. Will the action maintain the right balance between *excellence and success* for the City?

D. Make a decision and test it.

1. Which approach best suits the situation and arrives at the *most ethical decision*?

2. Which option is likely to be *most respected* by the Member's colleagues and constituents?

E. Act and reflect on the outcome.

1. How can the decision be *implemented* to *best reflect the intention and reasons* for the decision?

2. What was the end result of the decision and what feedback has the City Official received?

APPENDIX C – Receipt of Code of Conduct

I affirm that I have read and that I understand, accept and support the City of Capitola City Council and Commissioner Code of Conduct

_____

Board, Commission, Committee Position

_____

(Print Name)

_____

Signature

_____

Date

Outlook

MELINDA

From Rebecca Garcia <rebecca95076@gmail.com>
Date Wed 9/17/2025 8:08 AM
To City Council <citycouncil@ci.capitola.ca.us>

1 attachment (8 KB)
Melinda 2.docx;

Please share the attached letter with all the Council Members before your council meeting on September 25th. Thank you.

Rebecca J. García

September 17, 2025

Dear Council Members,

I write this letter in support of Melinda Orback in the Code of Conduct Violation made against her. Freedom of speech and freedom of assembly are giving to us in the First Amendment in our Constitution. However those freedoms are given only when there is no cause of harm to others. It appears that Mr. Maguire who has accused Melinda of a violation of the Code was showing harm to her and her family.

Because of the First Amendment Mr. Maguire had a right to make negative comments about Melinda on social media and online. He was able to threaten a recall campaign against her. He also issued threats of litigation and made ultimatums. He has a right to do all those. However, when he went into Melinda's neighborhood and starting asking neighbors where she lived that is cause for harm and his freedom of assembly is no longer a right.

Melinda's comments at the City Council on April 17, 2025 was her freedom of speech in attempt to protect herself and her family. She viewed Mr. Maguire's assembly in her neighborhood as one of threat and intimidation. She wanted to set boundaries to his behavior against her. That is her right to wanting to protect herself and her family.

I was on the Watsonville City Council for eight years and one year as Mayor. I am very familiar with the acceptable conduct of city council members. Melinda's comments at the City Council meeting was acceptable conduct. Furthermore, Melinda's attempt to have mediation through the Conflict Resolution Center illustrates that she is committed to respect and collaboration. I encourage you to do the right thing and vote no on the Code Violation.

Respectfully,
Rebecca J. García
Former City Council and Mayor of Watsonville

Outlook

Support for Councilmember Melinda Orbach

From suzi merriam <suzi.merriam@gmail.com>
Date Tue 9/16/2025 5:30 PM
To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a baseless complaint to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, but her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. She has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center, and she continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks—she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of online vitriol, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue. The level of divisiveness and personal attacks that have pervaded our society is incredibly disheartening, and I am disappointed that this Council would choose to attempt to admonish a woman for speaking out after being personally targeted by a member of the public. This is the reason we don't see more young people running for political positions. Who would want to run for Council when the clear message is that they will be attacked personally if they have views that differ from the majority.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation. To punish Councilmember Orbach for demanding civility is to send the message that harassment works. That is not the Capitola I believe in, and I stand firmly with her. Do better.

Respectfully,

Suzi Merriam

318 Cabrillo Ave
Santa Cruz, CA 95065
831-239-6707
Suzi.merriam@gmail.com

Gautho, Julia

From: Cea Kelley <cs.book.kelley@gmail.com>
Sent: Wednesday, September 17, 2025 8:06 PM
To: City Council
Subject: Public Comment – Dismissing the Code of Conduct Claim

Dear Mayor and Members of the Capitola City Council,

As a public servant myself, I understand the high standard we are held to. With that standard should also come recognition that public service is demanding, emotional, and often carried out under extraordinary pressure. Mistakes will happen, but when they are made sincerely and with dignity, they should be met with understanding, not punishment.

Councilmember Orbach's comments were made in good faith, in an effort to draw boundaries against threatening behavior. She has acknowledged her error in naming an individual and has taken proactive steps toward resolution through mediation. These are not the actions of someone who disregards the code of conduct, but of someone trying to balance duty, safety, and the very real pressures of intimidation.

Fear and harassment can push any of us to speak more directly than intended. What matters is whether we respond with integrity, and Councilmember Orbach has done exactly that. Moving forward with this complaint risks validating intimidation as a political tactic, which would silence diverse and younger voices. The very voices Capitola needs most.

I urge you to dismiss this claim and stand firmly for respectful discourse, fairness, and the safety of our public officials.

Sincerely,
Carolyn Kelley

Gautho, Julia

From: James Weller <jweller@cruzio.com>
Sent: Thursday, September 18, 2025 1:54 PM
To: City Council
Cc: Westman, Susan; Clarke, Joe; Margaux Morgan; Gerry Jensen; Melinda Orbach
Subject: In the matter of Kevin Maguire's complaint about Melnda Orbach

Follow Up Flag: Follow up
Flag Status: Flagged

Honorable City Council members:

Regarding the code of conduct complaint filed by Kevin Maguire against councilmember Melinda Orbach, it must be recognized that Mr. Maguire's role in local political discourse this year has been anything but decorous.

He's been a bully, mean, vindictive, and threatening. There have been several angry men of his ilk operating in the local public arena recently, spewing their negativity in public.

If I had been in Ms. Orbach's position, having been stalked in her neighborhood by Mr. Maguire, who was asking her neighbors in a hostile manner where she lived, I would have obtained a permanent restraining order against him for abusive harassment and made the proceeding very public. Ms. Orbach showed admirable restraint and tolerance by not having done so.

Instead, she admonished him during a public hearing in a temperate manner that cannot reasonably be seen as a breach of decorum. If you had been in her position, would you have stayed mum about it?

I ask you, Ms. Orbach's fellow city council members, to show her the respect she deserves. It would be inappropriate to agendaize a discussion of Mr. Maguire's complaint at a public meeting.

Don't take Mr. Maguire's bait in his unworthy appeal for a City Council resolution of censure, targeting her in a further act of harassment. I implore you to ignore his unworthy claims.

Sincerely,

Jim Weller

1970 46th Avenue

Capitola

Gautho, Julia

From: louis Cannarozzi <[redacted]>
Sent: Thursday, September 18, 2025 6:39 PM
To: City Council
Subject: Regarding Councilmember Orbach

Dear Capitola City Council,

I write today with deep disappointment that the Council has allowed a complaint of this nature to rise to the level of a public agenda item. To place Councilmember Melinda Orbach on trial for speaking openly about her perceived harassment and intimidation is not only absurd—it is an insult to every resident who expects their leaders to stand up for civil discourse, safety, and respect.

It appears that Councilmember Orbach has already acknowledged that naming an individual was a mistake she will not repeat, and her comments on April 17 were rooted in truth, transparency, and a mother's instinct to protect her family. In the political climate that we are all witnessing, a part of, or victim to, one must have the right to establish clear boundaries without fear of reprisal.

To de-escalate, provide clarity, and to listen, Melinda has demonstrated integrity by offering mediation multiple times through the Conflict Resolution Center. She continues to show restraint in the face of relentless personal attacks. Instead of rewarding good-faith efforts at resolution, this Council is legitimizing harassment by agendizing a code of conduct complaint that has no merit.

The facts are clear: Councilmember Orbach described perceived threatening behaviors accurately. She did not engage in name-calling, slander, or personal attacks – she simply set boundaries that any public servant has the right to establish. For that, she has been met with months of attacks on her character and motives online, threats of litigation, and political intimidation. Capitola residents should not have to watch their representatives be silenced or driven out by those who would rather bully than engage in dialogue.

I urge you to dismiss this claim outright on September 25. Capitola needs leaders who protect truth and principle, not those who bow to intimidation.To punish Councilmember Orbach for demanding civility is to send the message that harassment works.

Respectfully,
Louis Cannarozzi
[redacted]

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: Public Works Department

Subject: Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan

Recommended Action: Provide direction to staff.

Background: On August 28, 2025, staff presented a report on the Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan. The staff recommendation included adopting a resolution authorizing the City Manager to execute the Caltrans grant agreement, approving a professional services agreement with Ecology Action, and amending the FY 2025–26 budget to reflect the grant funding.

After discussion and public comment, the City Council took action to adopt the resolution. On September 11, 2025, Mayor Clarke requested the item be placed on the September 25, 2025, agenda for additional Council consideration.

This report re-attaches the original September 11 staff report, supporting exhibits, the signed resolution, and the meeting minutes to provide full context for Council's continued discussion.

Attachments:

1. August 28th City Council Meeting – Item 9D
    a. https://mccmeetings.blob.core.usgovcloudapi.net/capitolaca-pubu/MEET-Packet-ee547a1a23ae4058956d8b1908259e62.pdf
2. Resolution No. 4449 and 4450
3. August 28 City Council Minutes– Item 9D

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

Docusign Envelope ID: BC4813E1-B55C-4CEA-8D92-36A04BEC28AF

RESOLUTION NO. 4449

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A PLANNING GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE CAPITOLA ACTIVE TRANSPORTATION PLAN

WHEREAS, the City of Capitola is eligible to receive State funding for transportation planning through the California Department of Transportation (Caltrans); and

WHEREAS, the City of Capitola applied for and was conditionally awarded $450,000 through Caltrans' Sustainable Transportation Planning Grant Program, funded by Senate Bill 1 (SB 1 – The Road Repair and Accountability Act of 2017), for the Capitola Active Transportation Plan; and

WHEREAS, a Restricted Grant Agreement must be executed with Caltrans before such funds can be reimbursed to the City through the grant program; and

WHEREAS, the City Council desires to delegate authority to execute the grant agreement and any amendments thereto to the City Manager or their designee to ensure timely acceptance and administration of the grant.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Capitola, State of California, as follows:

1. The City Council hereby authorizes the City Manager, or designee, to execute all Restricted Grant Agreements and any amendments thereto with the California Department of Transportation for the Capitola Active Transportation Plan, and to make any non substantive revisions as approved by the City Attorney and take all necessary action to effectuate receipt of the grant funds.
2. The City Council authorizes the City Manager, or designee, to make necessary budget amendments to execute the Capitola Active Transportation Plan.

I HEREBY CERTIFY that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 28th day of August, 2025, by the following vote:

AYES: **ORBACH, MORGAN, CLARKE**
NOES: **JENSEN, WESTMAN**
ABSENT: **NONE**
ABSTAIN: **NONE**

Signed by:
9FBD331E9DE54D5...
Joe Clarke, Mayor

ATTEST: Signed by: Julia Gautho
15632E1B516D4A0...
Julia Gautho, City Clerk

Docusign Envelope ID: BC4813E1-B55C-4CEA-8D92-36A04BEC28AF

RESOLUTION NO. 4450

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE 2025-26 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT PROGRAM BUDGET

WHEREAS, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025 through June 30, 2026; and

WHEREAS, since the adoption of the budget the City has been awarded a grant in the amount of $450,000 from the California Department of Transportation for the Capitola Active Transportation Plan; and

WHEREAS, it is necessary to amend the Fiscal Year 2025-26 Adopted Budget to accept the grant revenue and appropriate the funds for the project; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2025-26 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

BE IT FURTHER RESOLVED that the Administrative Services Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 28th day of August 2025, by the following vote:

AYES:	**ORBACH, MORGAN, CLARKE**
NOES:	**JENSEN, WESTMAN**
ABSENT:	**NONE**
ABSTAIN:	**NONE**

Signed by:
9FBD331E9DE54D5...
Joe Clarke, Mayor

ATTEST: Signed by: Julia Gautho
15632E1B516D4A9...
Julia Gautho, City Clerk

Docusign Envelope ID: BC4813E1-B55C-4CEA-8D92-36A04BEC28AF

Budget Adjustment Request

Date
08/18/2025

Requesting Department *
Public Works

Type of Adjustment
- ○ Administrative
- ◉ Council

Item #

Council Date
August 28, 2025

Council Approval

Revenues

Account Number	Account Description	Increase/Decrease
1200-00-00-000-3320.200	State Grants - Operating	$450,000.00

Total Revenues
$450,000.00

Expenditures

Account Number	Account Description	Increase/Decrease
1200-00-00-000-4305.900	CS-Contracts General	$450,000.00

Total Expenditures
$450,000.00

Net Impact
$0.00

Purpose
To establish grant revenue & expenditure budget for the California Department of Transportation Capitola Active Transportation Plan.

Department Head Approval
Jessica Kahn

Docusign Envelope ID: BC4813E1-B55C-4CEA-8D92-36A04BEC28AF

Finance Director Approval

Jim Malberg

City Manager Approval

Jamie Goldstein

Docusign Envelope ID: 3162C62C-FB9E-4549-AC78-5BB7BE3A5015

City of Capitola
City Council Meeting Minutes
Thursday, August 28, 2025 – 4:00 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 – 3 PM

i. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code § 54956.8)
Property: A portion of the easterly terminus of Escalona Drive, spanning approximately 60 feet wide, bounded by 620 El Salto Drive (APN 036-143-31) to the west and bounded by 722 Escalona Drive (APN 036-141-28) to the east.
City Negotiator: Jamie Goldstein, City Manager
Under Negotiation: Price and Terms of Payment

ii. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4)
Three Cases

iii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)
1) Carlos R. Lopez
Claim against the City of Capitola

Regular Meeting of the Capitola City Council – 4 PM

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 4:00 PM. In attendance: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke.

2. Additions and Deletions to the Agenda – *None*

3. Presentations – *None*

4. Report on Closed Session – *The City Council met and discussed three items on the Closed Session agenda. The City Council authorized staff to join other public agencies in opioid settlement agreements with Purdue/Sackler and Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus. No other reportable action was taken.*

5. Additional Materials

A. *Item 8D – One email received after publication of the agenda packet.*

B. *Item 9A – Seventeen emails received after publication of the agenda packet & one staff memorandum with an updated ordinance.*

C. *Item 9B – Staff memorandum with an updated attachment and one email received after publication of the agenda packet.*

D. *Item 9C – Four emails received after publication of the agenda packet.*

Docusign Envelope ID: 3162C62C-FB9E-4549-AC78-5BB7BE3A5015

E. *Item 9D – One email received after publication of the agenda packet.*

B. *Item 9E – Staff memorandum with updated attachments & two emails received after publication of the agenda packet.*

C. *Item 9F – One email received after publication of the agenda packet.*

6. Oral Communications by Members of the Public

- *Debra Sheehan*
- *James Ewan Whitman*
- *Goran Klepic*
- *Linda Smith*
- *Tom Parker*
- *Allen Cable*
- *Suki Ramos, United Way*
- *Dan Haifley*
- *Dana Wagner*
- *Speaker*
- *Speaker*
- *Woodworm Party Store*

7. Staff / City Council Comments

- *Council Member Westman provided an update on her attendance at a recent Area Agency on Aging Advisory Council meeting; Council Member Westman requested that the Chamber of Commerce make a presentation to the Council; requested a special meeting on a Saturday to highlight projects and current events in the City.*
- *Vice Mayor Morgan seconded Council Member Westman's request for an agenda item and reminded the public to be patient with upcoming road closures and special events.*
- *Council Member Jensen provided an update on his attendance at a recent RTC meeting; discussed the Council ad-hoc committee's efforts to communicate questions/concerns to the RTC; discussed efforts to address concerns about street closures; thanked the Community Services and Recreation Department for their programming this summer; supported Council Member Westman's request for a Saturday Special Meeting; requested an update from staff on public comments submitted on the Depot Hill Path; and requested that the BIA non-profit group and Visit Santa Cruz also attend the Council presentation that Council Member Westman requested.*
- *City Manager Goldstein provided a brief update on the Depot Hill Path and confirmed that staff is working to complete emergency repairs.*
- *Council Member Orbach provided an update on her attendance at a recent METRO meeting.*
- *Mayor Clarke acknowledged a complaint received and requested an agenda item on September 11th to discuss the Bay Avenue/Hill Street intersection.*

8. Consent Items

A. City Council Meeting Minutes
Recommended Action: Approve minutes from the regular meeting on July 24, 2025.

B. Liability Claim
Recommended Action: Deny a liability claim from Carlos R. Lopez.

C. California Highway Patrol Cannabis Tax Fund Grant

Docusign Envelope ID: 3162C62C-FB9E-4549-AC78-5BB7BE3A5015

Recommended Action: Adopt a resolution accepting a California Highway Patrol Cannabis Tax Fund Grant in the amount of $21,600 and amending the FY 2025-26 General Fund operating budget to increase revenues and expenditures by $21,600. ***(Resolution No. 4446)***

D. ADA Self-Evaluation and Transition Plan
Recommended Action: Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan, dated January 6, 2025. ***(Pulled from the Consent Calendar by Council Member Jensen)***

E. Coastal Development Permit Decision Appeal
Recommended Action: Set October 9, 2025, at 6:00 PM as the hearing date and time for the appeal of the Planning Commission's decision to approve Application # 25-0056.

F. Afterschool Scholarship & Equity Swim Donation
Recommended Action: Accept a donation of $20,000 for Afterschool Rec Club scholarships and $16,000 for the Equity Swim Program from the Soquel Union Elementary School District and authorize the City Manager, or his designee, to sign the Memorandum of Understanding.

G. Seven-Year Extension of Library Financing Authority Joint Powers Agreement
Recommended Action: Approve the fifth Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority, and authorize the City Manager to sign the amendment.

H. Bandstand Weathervane Public Art Project
Recommended Action: Approve the Art & Cultural Commission's recommendation to allocate $10,000 from the Public Art Fund for the Bandstand Weathervane Project, with $5,000 for an engineer to develop technical specifications and $5,000 for an artist contract.

I. Establishment of Santa Cruz Mountains Wine Improvement District
Recommended Action: Adopt a resolution granting consent to the County of Santa Cruz to establish the Santa Cruz Mountains Wine Improvement District (SCMWID) and include the City of Capitola in the SCMWID. ***(Resolution No. 4447)***

J. Community Center Patio Improvements Contract Award
Recommended Action: 1) Authorize the City Manager to execute the construction contract for the Community Center Patio Improvements Project with SSB Contracting, Inc. in the amount of $1,055,000; and 2) Authorize the Public Works Department to issue notices to proceed upon final contract execution. ***(Pulled from the Consent Calendar by Council Member Jensen)***

K. Managed IT Services Contract Amendment
Recommended Action: Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Exceedio for managed information technology services in the amount of $62,450, for a total annual contract value of $147,000 for three years.

L. Coastal Rail Trail Segments 10 & 11
Recommended Action: No action is requested at this time.

Council Member Jensen pulled Items 8D and 8J for discussion and requested clarification about Item 8I.

Motion to approve Consent Items 8A – 8C, 8E-8I, 8K-8L: Council Member Westman
Second: Council Member Jensen
Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke

9. General Government / Public Hearings

Docusign Envelope ID: 3162C62C-FB9E-4549-AC78-5BB7BE3A5015

A. First Reading of an Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters
Recommended Action: Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of cigarettes and cigars with filters (i.e., "partially inconsumable" tobacco products).

Public Works Director Kahn presented the staff report.

Public Comment:

- ***James Whitman***
- ***Kirk Dechico***
- ***Neal Savage***
- ***Tyler Fox***
- ***Shelly Dang***
- ***Felix Blanco***
- ***Dan***
- ***Jimmy***
- ***Christian Shaw***
- ***Dan Haifley***
- ***Laurie Egan***
- ***Jaime Rojas***
- ***Elizabeth Graham***
- ***Alessandra Minasco***
- ***Mark Burress***
- ***Jack Ward***
- ***Florees***
- ***Tracey Weiss***
- ***Trish Panella***
- ***George Linard***
- ***Sean Burns***
- ***Taylor Lane***
- ***Katie Thompson***
- ***Tessa Sanders***
- ***Sam Ruple***
- ***Speaker***
- ***Steven Duclaw***
- ***Tara Leonard***
- ***Delores***
- ***Amber Jones***
- ***Speaker***
- ***Randy Wong***
- ***Ted Burke***

The Council thanked the public for their comments

Motion to introduce Ordinance No. 1068 as amended by staff: Vice Mayor Morgan
Second: Council Member Orbach
Motion amended to include no enforcement before July 2027: Council Member Westman
Amendment Accepted: Council Member Orbach
Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke

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The Council took a recess at 6:06 PM and reconvened at 6:21 PM.

B. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26
Recommended Action: 1) Conduct the duly noticed public hearing; 2) Adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget; and 3) Authorize the City Manager to execute a contract with the CVWBIA nonprofit in an amount not to exceed $90,000.

Finance Director Malberg presented the staff report.

Public Comment:

- ***Anthony Guajardo***
- ***Carin Hanna***

Motion to adopt Resolution No. 4448 and authorize the City Manager to execute a contract with the CVWBIA nonprofit, subject to approval by the City Attorney: Council Member Westman
Second: Council Member Jensen
Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke

C. 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; 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.

Economic and Community Development Director Herlihy presented the staff report.

Public Comment:

- ***Linda Smith***
- ***Janine Roeth***
- ***Speaker***

The City Council discussed engaging with property owners on the Capitola Mall site and requesting a project proposal.

Motion to continue this item to September 11, 2025; form a Council subcommittee composed of two Council Members to engage with property owners at the Capitola Mall; and return to provide an update to the Council on September 11th: Council Member Westman
Second: Council Member Orbach
Motion amended to appoint Council Members Orbach and Westman to the subcommittee: Mayor Clarke
Amendment Accepted: Council Member Westman
Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke

D. Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan
Recommended Action: 1) Adopt a resolution authorizing the City Manager to enter into a grant agreement with the California Department of Transportation (Caltrans) for the Capitola Active Transportation Plan; 2) Authorize the City Manager to execute a professional services

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agreement with Ecology Action, the City's co-applicant for the project, in the amount of $305,000; and, 3) Adopt a resolution amending the FY 2025-26 budget to accept the grant revenue and appropriate funds for the project.

Public Works Director Kahn presented the staff report.

Public Comment:

- ***Linda Smith***
- ***Speaker***

The Council discussed how this project aligns with staff's workload and the City's greater transportation planning efforts.

Motion to adopt Resolution No. 4449, authorize the City Manager to execute the agreement, and adopt Resolution No. 4450: Council Member Orbach
Second: Council Member Morgan
Voting Yea: Council Members Orbach, Vice Mayor Morgan, and Mayor Clarke
Voting Nay: Council Members Jensen, Westman

E. Cliff Drive Resiliency Project and Local Coastal Program Update
Recommended Action: Receive an update on the Cliff Drive Resiliency Project and the associated Local Coastal Program (LCP) amendments and provide direction to staff as needed.

Public Works Director Kahn presented the staff report.

Public Comment:

- ***Speaker***
- ***Linda Smith***

The Council discussed how the City has partnered with property owners in the vicinity of this project and expressed appreciation for the bike lanes. The Council expressed an interest in reviewing the long-term plans for the phased approach to this project.

The City Council took a recess from 8:16 to 8:18 PM.

F. Park at Rispin Mansion Project Update
Recommended Action: Provide direction to staff regarding the materials and design for the additional hardscaping approved in May 2025 and the approach to landscaping in areas of the Park at Rispin Mansion outside the current construction scope.

Public Works Director Kahn presented the staff report.

Public Comment:

- ***Gayle Ortiz***
- ***Speaker***

Council expressed a preference for using historic pavers to complete the hardscaping; developing future opportunities for a donation-based paver program; expressed an interest in developing a partnership with private group(s) to support ongoing maintenance of the landscaping.

The Council provided direction to staff to proceed with a community paver program for dedication; use the existing historic bricks for the landing at the Park; requested staff reach out to community groups who have expressed interest and develop an RFP to develop/outline a community venture with fundraising opportunities.

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G. Amend Fiscal Year 2025-26 City Fee Schedule
Recommended Action: Adopt a resolution amending the fee schedule for Fiscal Year (FY) 2025-26.

Finance Director Malberg presented the staff report.

Public Comment: None

Motion to adopt Resolution No. 4451: Vice Mayor Morgan
Second: Council Member Orbach
Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke

8. Consent Items – Pulled for Discussion

D. ADA Self-Evaluation and Transition Plan
Recommended Action: Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan, dated January 6, 2025. ***(Pulled from the Consent Calendar by Council Member Jensen)***

Public Works Director Kahn provided a staff report.

Public Comment: None

Motion to adopt the City's ADA Self-Evaluation and Transition Plan, dated January 6, 2025: Council Member Westman
Second: Council Member Orbach
Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke

J. Community Center Patio Improvements Contract Award
Recommended Action: 1) Authorize the City Manager to execute the construction contract for the Community Center Patio Improvements Project with SSB Contracting, Inc. in the amount of $1,055,000; and 2) Authorize the Public Works Department to issue notices to proceed upon final contract execution. ***(Pulled from the Consent Calendar by Council Member Jensen)***

Public Works Director Kahn provided a staff report.

Public Comment: None

Motion to authorize the City Manager to execute the construction contract with SSB Contracting, Inc. and authorize the Public Works Department to issue a notice to proceed: Council Member Orbach
Second: Vice Mayor Morgan
Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke

10. Adjournment - *The meeting adjourned at 9:05 PM. The next regularly scheduled City Council meeting is on September 11, 2025, at 6:00 PM.*

Signed by:
9FBD33TE9DE54D5...

Joe Clarke, Mayor

ATTEST:

Signed by:
Rosie Wyatt
AEDCBA218EC44C8...

Rosie Wyatt, Deputy City Clerk

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Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: Public Works Department

Subject: Capitola Community Center Renovation - Quarterly Progress Report

Recommended Action: Receive a quarterly progress report on the Capitola Community Center Renovation Project.

Background: The Capitola Community Center Renovation Project was initiated to modernize and expand the usability of the City's primary community facility. The Community Center, a 5,792-square-foot, single-story building originally constructed in 1985, has served as a hub for community meetings, recreation programs, and public events for nearly four decades.

The project ensures compliance with the Long-Term Use Agreement (LTUA) between the City of Capitola and the Soquel Union Elementary School District while bringing the building up to modern standards of safety, accessibility, energy efficiency, and community resilience.

Over the past year, the City secured funding through a combination of local allocations, state and federal grants, and CDBG awards. Design work was completed in 2024, followed by site preparation in early 2025. The contract was awarded to SSB Construction on January 30, 2025, and construction has since progressed steadily.

Discussion:

Construction Progress: This past quarter has seen visible progress on both the building and site work. Inside, drywall installation is well underway, with taping and finishing in progress. HVAC systems are being fitted out, and electrical rough-in work is complete, including new service panels to support modern building loads.

On the exterior, roofing improvements are moving forward, with insulation and membranes already in place and standing seam roofing scheduled for installation in late September and October. Sitework and storm drain improvements have begun, and preparation for the Patio Project—including demolition and grading—is underway. The patio work, funded separately through a CDBG award, will add new outdoor gathering and program space, including a fossil wall and retaining walls scheduled for construction in October.

Overall, the building is beginning to take shape that will better serve recreation programming, public events, and community emergency needs.

Schedule Status: As of September 1, the renovation is approximately 42% complete. Critical items include completing drywall and roofing in fall 2025, storefront and window installation in winter, and interior finishes in early 2026. The project remains on track for substantial completion in April 2026.

Change Orders: To date, change orders have been approved in several categories, with additional items under review. A detailed log is provided in Attachment 3. The following is a summary of change orders.

- Regulatory & Safety: Includes mold remediation identified during demolition.
- Utility Coordination: Covers electrical service adjustments, such as switchgear clearance corrections, and pending PG&E offsite work.
- Owner-Directed Additions: A new generator has been identified as a potential owner-directed addition to ensure the facility can operate during power outages and support emergency shelter use. Staff will defer bringing this item forward for decision until other related project bids are complete and overall contingency needs are better understood.

- Discovery/Coordination Adjustments: Includes field discoveries and trade coordination items, such as plumbing scope changes, air supply register adjustments, truss reinforcement, and mechanical/electrical integration refinements.
- Minor/Other Repairs & Finishes: Includes small-scale items such as wood repairs, ceiling framing adjustments, trash enclosure drain fixes, and other finish corrections.

As of September 12, 2025, approved change orders total approximately $180,000 (about 4% of the construction contract). Pending change orders amount to roughly $122,000, which, when formalized, would bring total change order costs to about $302,000. These costs remain within the project's contingency allowance. At this stage of construction, the majority of demolition and discovery work is complete, so staff anticipates fewer unforeseen changes moving forward.

Risks and Upcoming Focus: The most significant risks moving forward relate to PG&E coordination, which may extend into early 2026, as well as seasonal weather impacts that could affect exterior patio and concrete work. Delivery of long-lead materials, such as switchgear, storefront components, and HVAC units, must also be closely tracked to avoid delays.

Generator: A new generator has been identified as a potential addition to the project. The Community Center previously had a smaller generator, but with the conversion from two-phase to three-phase service to support modern HVAC equipment, the existing unit is no longer compatible.

The estimated cost of a new generator is approximately $128,000. If included, this would bring total change order costs to about $430,000, leaving approximately $47,000 in contingency.

Given the number of pending bids on related projects, staff recommends deferring a decision on generator installation until those results are known and the City has a clearer understanding of available contingency funding. Staff will return to Council at a later date with a recommendation.

Other Projects on Jade Street Site:

- Community Center Patio Improvements: These improvements will be completed under a separate contract with SSB Construction, funded through a CDBG award. Patio demolition is complete, with retaining wall and fossil wall work scheduled for October. Few change orders are anticipated.
- Jade Street Park Restroom Renovation: This project is currently out to bid, with a public bid opening scheduled for October 14, 2025, at 11:00 AM. Construction is expected to take three months, with an estimated budget of $500,000 (including contingencies).
- Treasure Cove Playground: The project was advertised on July 21, 2025, and bids were opened on August 21, 2025. Four bids were received and evaluated. Staff is recommending award of the playground construction contract during the September 25, 2025, City Council meeting. The total project budget (with contingencies) is estimated at $2,340,000.

Fiscal Impact: The project budget includes contingency funding to address unforeseen conditions and scope adjustments. To date, cumulative change orders remain within the authorized budget allocation. The fiscal impacts of a new generator are not included in the totals above and will be presented to Council for consideration at a later date.

Attachments:

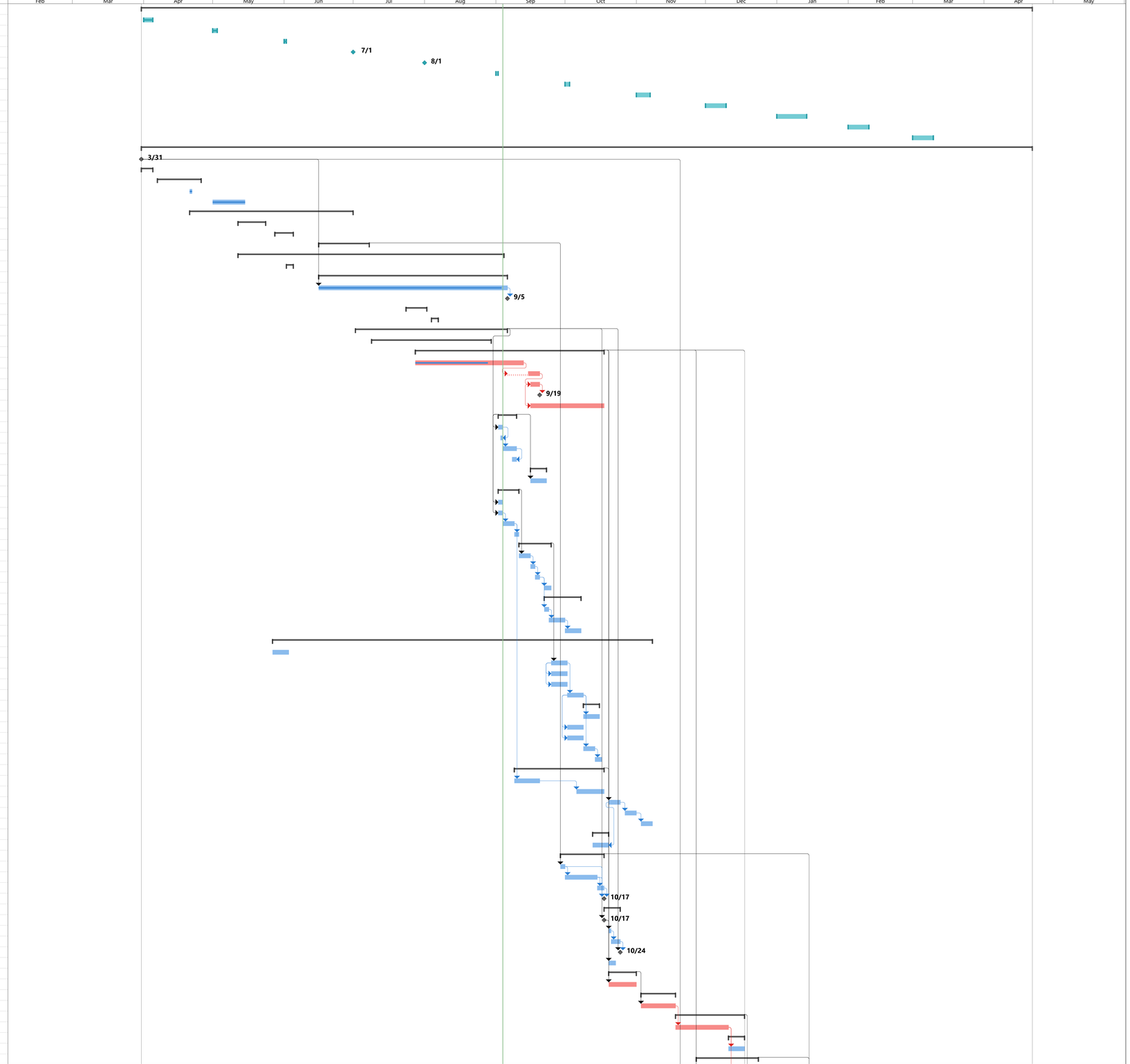
1. Project Schedule (as of August 25, 2025)
2. Change Order Log (through September 12, 2025)
3. Progress Photos

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

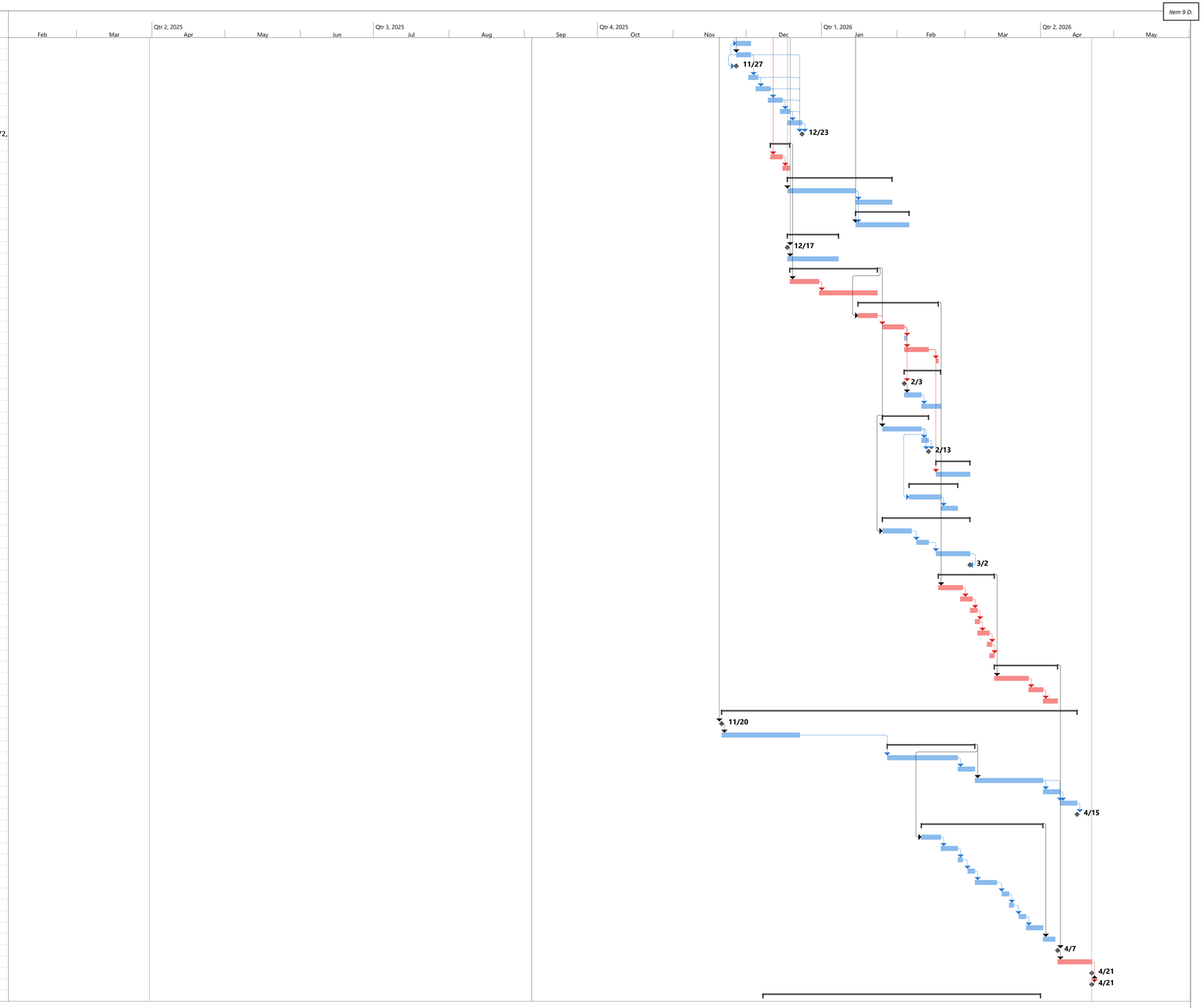
ID	Task Mode	Task Name	Duration	% Complet	Start	Finish	Predecessors
1		**NOAA Historical Adverse Weather Days**	**263 days**	**41%**	**Mon 3/31/25**	**Tue 4/21/26**	
2		April (4 Days)	4 days	100%	Tue 4/1/25	Fri 4/4/25	
3		May (2 Days)	2 days	100%	Thu 5/1/25	Fri 5/2/25	
4		June (1 Day)	1 day	100%	Sun 6/1/25	Sun 6/1/25	
5		July (0 Days)	0 days	100%	Tue 7/1/25	Tue 7/1/25	
6		August (0 Days)	0 days	100%	Fri 8/1/25	Fri 8/1/25	
7		September (1 Day)	1 day	0%	Mon 9/1/25	Mon 9/1/25	
8		October (2 Days)	2 days	0%	Wed 10/1/25	Thu 10/2/25	
9		November (5 Days)	5 days	0%	Sat 11/1/25	Thu 11/6/25	
10		December (7 Days)	7 days	0%	Mon 12/1/25	Tue 12/9/25	
11		January (8 Days)	8 days	0%	Thu 1/1/26	Tue 1/13/26	
12		February (7 Days)	7 days	0%	Sun 2/1/26	Mon 2/9/26	
13		March (7 Days)	7 days	0%	Sun 3/1/26	Mon 3/9/26	
14		**Overall Contract Duration**	**263 days**	**42%**	**Mon 3/31/25**	**Tue 4/21/26**	
15		Notice to Proceed	0 days	0%	Mon 3/31/25	Mon 3/31/25	
16		**Mobilization (SOV #1)**	**5 days**	**100%**	**Mon 3/31/25**	**Fri 4/4/25**	
29		**Selective Demolition (SOV #2)**	**15 days**	**100%**	**Mon 4/7/25**	**Fri 4/25/25**	
35		**Remove POD**	**1 day**	100%	Mon 4/21/25	Mon 4/21/25	33FS-2 days
36		**Site Demolition (SOV #5)**	10 days	100%	Thu 5/1/25	Wed 5/14/25	39
37		**Framing & Roof Tear Off (SOV #3)**	**50 days**	**100%**	**Mon 4/21/25**	**Mon 6/30/25**	
56		**Exterior Underground (SOV #6)**	**10 days**	**100%**	**Mon 5/12/25**	**Fri 5/23/25**	
59		**Exterior Painting #1 (SOV #4)**	**6 days**	**100%**	**Wed 5/28/25**	**Wed 6/4/25**	
61		**Exterior Insulation (SOV #7)**	**14 days**	**100%**	**Mon 6/16/25**	**Mon 7/7/25**	
66		**Rough Electrical (SOV #10)**	**79.5 days**	**100%**	**Mon 5/12/25**	**Thu 9/4/25**	
75		**Community Rooms Pour Back (SOV #9 Partial)**	**3 days**	**100%**	**Mon 6/2/25**	**Wed 6/4/25**	
80		**Rough Plumbing (SOV #8)**	**57 days**	**95%**	**Mon 6/16/25**	**Fri 9/5/25**	
81		Rough Plumbing Tasks	57 days	95%	Mon 6/16/25	Fri 9/5/25	15FS+60 days
82		**Rough Plumbing Inspection (Including Gas Line Test)**	0 days	0%	Fri 9/5/25	Fri 9/5/25	81
83		**Roof Waterproofing**	**7 days**	**100%**	**Thu 7/24/25**	**Fri 8/1/25**	
88		**Hallway/Kitchen Pour Back (SOV #9 Partial)**	**3 days**	**100%**	**Mon 8/4/25**	**Wed 8/6/25**	
93		**Rough Mechanical (SOV #11)**	**45 days**	**100%**	**Wed 7/2/25**	**Fri 9/5/25**	
95		**Interior Insulation**	**38 days**	**100%**	**Wed 7/9/25**	**Fri 8/29/25**	
101		**Drywall (SOV #17)**	**59 days**	**35%**	**Mon 7/28/25**	**Fri 10/17/25**	
102		Hang Drywall	34 days	68%	Mon 7/28/25	Fri 9/12/25	97
103		**Drywall Nailing Inspection**	5 days	0%	Fri 9/5/25	Fri 9/19/25	102
104		***Gypsum Board In Place Mockups***	4 days	0%	Tue 9/16/25	Fri 9/19/25	103FS-4 days
105		On Site Mockup Approval	0 days	0%	Fri 9/19/25	Fri 9/19/25	104
106		Top/Tape/Texture	24 days	0%	Tue 9/16/25	Fri 10/17/25	104SS
107		**TPO Roofing (SOV #19)**	**6 days**	**0%**	**Tue 9/2/25**	**Tue 9/9/25**	
108		Insulation/Tapered	2 days	0%	Tue 9/2/25	Wed 9/3/25	93FS-4 days
109		Rock Cover Board	1 day	0%	Wed 9/3/25	Wed 9/3/25	108FF
110		TPO Single Ply	4 days	0%	Thu 9/4/25	Tue 9/9/25	109
111		Install Roof Hatch	2 days	0%	Mon 9/8/25	Tue 9/9/25	110FF
112		**Sun Tunnels**	**5 days**	**0%**	**Tue 9/16/25**	**Mon 9/22/25**	
113		Sun Tunnels Install	5 days	0%	Tue 9/16/25	Mon 9/22/25	107FS+4 days
114		**Patio Project - Sitework Demolition**	**7 days**	**0%**	**Tue 9/2/25**	**Wed 9/10/25**	
115		Tree Removal	2 days	0%	Tue 9/2/25	Wed 9/3/25	107SS
116		Remove Sidewalks	2 days	0%	Tue 9/2/25	Wed 9/3/25	107SS
117		Remove Retaining Walls	3 days	0%	Thu 9/4/25	Mon 9/8/25	116
118		Soil Off Haul	2 days	0%	Tue 9/9/25	Wed 9/10/25	117
119		**Patio Project - Grading/Base/Underground**	**10 days**	**0%**	**Thu 9/11/25**	**Wed 9/24/25**	
120		Storm Drain Modifications/Sleeves	3 days	0%	Thu 9/11/25	Mon 9/15/25	114
121		Downspout Tie-Ins	2 days	0%	Tue 9/16/25	Wed 9/17/25	120
122		Grade at landings/Walkways	2 days	0%	Thu 9/18/25	Fri 9/19/25	121
123		Install base at landings/Walkways	3 days	0%	Mon 9/22/25	Wed 9/24/25	122
124		**Patio Project - Irrigation/Landscaping**	**12 days**	**0%**	**Mon 9/22/25**	**Tue 10/7/25**	
125		Install sleeves at walkways	2 days	0%	Mon 9/22/25	Tue 9/23/25	122
126		Place Boulders	5 days	0%	Wed 9/24/25	Tue 9/30/25	125
127		Install Wharf Pile	5 days	0%	Wed 10/1/25	Tue 10/7/25	126
128		**Sitework Concrete (SOV #12 & Patio Project)**	**116 days**	**0%**	**Tue 5/27/25**	**Fri 11/7/25**	
129		Concrete Curb	5 days	0%	Tue 5/27/25	Mon 6/2/25	58
130		South Landing Retaining Walls/Footings	5 days	0%	Thu 9/25/25	Wed 10/1/25	119
131		East Landing Retaining Walls/Footings	5 days	0%	Thu 9/25/25	Wed 10/1/25	130SS
132		North Entry Retaining Walls/Footings	5 days	0%	Thu 9/25/25	Wed 10/1/25	130SS
133		Sidewalks/Curbs	5 days	0%	Thu 10/2/25	Wed 10/8/25	130
134		**Asphalt (SOV #14)**	**5 days**	**0%**	**Thu 10/9/25**	**Wed 10/15/25**	
135		Asphalt Paving	5 days	0%	Thu 10/9/25	Wed 10/15/25	133
136		Equipment Pads	5 days	0%	Thu 10/2/25	Wed 10/8/25	133SS
137		Monument Sign	5 days	0%	Thu 10/2/25	Wed 10/8/25	133SS
138		South/East stamped landings	3 days	0%	Thu 10/9/25	Mon 10/13/25	133
139		North landing Wave Concrete	3 days	0%	Tue 10/14/25	Thu 10/16/25	138
140		**Patio Project - Fossil Wall**	**29 days**	**0%**	**Tue 9/9/25**	**Fri 10/17/25**	
141		Mockups/Layout/Footing	9 days	0%	Tue 9/9/25	Fri 9/19/25	117
142		Fossil Wall	10 days	0%	Mon 10/6/25	Fri 10/17/25	141FS+10 days
143		West Landing Retaining/Seat Walls/Curbs	5 days	0%	Mon 10/20/25	Fri 10/24/25	140
144		West Landing Sidewalk stage, ramp, sidewalk	5 days	0%	Mon 10/27/25	Fri 10/31/25	143
145		West Landing Stamped/Wave Concrete	5 days	0%	Mon 11/3/25	Fri 11/7/25	144
146		**Cement Plastering Columns/Walls (SOV #15)**	**5 days**	**0%**	**Mon 10/13/25**	**Mon 10/20/25**	
147		Exterior Plaster Repair	5 days	0%	Mon 10/13/25	Mon 10/20/25	143SF
148		**Standing Seam Roofing (SOV #18)**	**15 days**	**0%**	**Mon 9/29/25**	**Fri 10/17/25**	
149		Flashings	2 days	0%	Mon 9/29/25	Tue 9/30/25	61FS+58 days
150		AEP Panels	10 days	0%	Wed 10/1/25	Tue 10/14/25	149
151		Gutter/Downspouts	3 days	0%	Wed 10/15/25	Fri 10/17/25	150
152		**Roofing Inspection**	0 days	0%	Fri 10/17/25	Fri 10/17/25	149,150,151
153		**Attic HVAC Unit**	**5 days**	**0%**	**Fri 10/17/25**	**Fri 10/24/25**	
154		Unit Delivery	0 days	0%	Fri 10/17/25	Fri 10/17/25	93FS+30 days
155		Pick and Place	1 day	0%	Mon 10/20/25	Mon 10/20/25	154
156		Make Connections	4 days	0%	Tue 10/21/25	Fri 10/24/25	155
157		**Rough Mechanical Inspection**	0 days	0%	Fri 10/24/25	Fri 10/24/25	156,93
158		Acoustical Hangers	3 days	0%	Mon 10/20/25	Wed 10/22/25	101
159		**Door Frames (SOV #13)**	**10 days**	**0%**	**Mon 10/20/25**	**Fri 10/31/25**	
160		Hollow Metal Frames	10 days	0%	Mon 10/20/25	Fri 10/31/25	101
161		**Doors Install (SOV #22)**	**10 days**	**0%**	**Mon 11/3/25**	**Mon 11/17/25**	
162		Wood Doors	10 days	0%	Mon 11/3/25	Mon 11/17/25	159
163		**Interior Paint (SOV #23)**	**20 days**	**0%**	**Tue 11/18/25**	**Wed 12/17/25**	
164		Interior Walls/Ceilings/Doors	15 days	0%	Tue 11/18/25	Wed 12/10/25	162
165		**Kitchen Wall Coating**	**5 days**	**0%**	**Thu 12/11/25**	**Wed 12/17/25**	
166		High Performance Coatings Kitchen	5 days	0%	Thu 12/11/25	Wed 12/17/25	164
167		**Storefront (SOV #20)**	**19 days**	**0%**	**Thu 11/27/25**	**Tue 12/23/25**	



Project: Overall Project Schedul
Date: Thu 9/4/25

Task | Milestone | Project Summary | Inactive Milestone | Manual Task | Manual Summary Rollup | Start-only | External Tasks | Deadline | Critical Split | Manual Progress
Split | Summary | Inactive Task | Inactive Summary | Duration-only | Manual Summary | Finish-only | External Milestone | Critical | Progress

ID	Task Mode	Task Name	Duration	% Complet	Start	Finish	Predecessors
168		*Storefront Mock Up*	4 days	0%	Thu 11/27/25	Tue 12/2/25	169SS
169		S3 Storefront (No Doors)	4 days	0%	Thu 11/27/25	Tue 12/2/25	101FS+25 days
170		*Storefront Pre-Installation Conference*	0 days	0%	Thu 11/27/25	Thu 11/27/25	169SS
171		S5 Storefront (No Doors)	4 days	0%	Tue 12/2/25	Fri 12/5/25	169FS-1 day
172		S1 Storefront (Double Door)	4 days	0%	Fri 12/5/25	Wed 12/10/25	171FS-1 day
173		S2 Storefront (Double Door)	4 days	0%	Wed 12/10/25	Mon 12/15/25	172FS-1 day
174		S4 Storefront (Double Door)	4 days	0%	Mon 12/15/25	Thu 12/18/25	173FS-1 day
175		S6 Storefront (Double Door)	4 days	0%	Thu 12/18/25	Tue 12/23/25	174FS-1 day
176		**Window/Door Inspection**	0 days	0%	Tue 12/23/25	Tue 12/23/25	175,169,171,172,
177		**Casework/Tops (SOV #24)**	**6 days**	**0%**	**Thu 12/11/25**	**Thu 12/18/25**	
178		Reception Desk	3 days	0%	Thu 12/11/25	Mon 12/15/25	164
179		Solid Surface Top	3 days	0%	Tue 12/16/25	Thu 12/18/25	178
180		**Aluminum Windows (SOV #16)**	**25 days**	**0%**	**Thu 12/18/25**	**Thu 1/29/26**	
181		Windows Install	15 days	0%	Thu 12/18/25	Wed 1/14/26	101FS+40 days
182		Window Actuators	10 days	0%	Thu 1/15/26	Thu 1/29/26	181
183		**Siding (SOV #21)**	**15 days**	**0%**	**Thu 1/15/26**	**Thu 2/5/26**	
184		Nichiha Siding	15 days	0%	Thu 1/15/26	Thu 2/5/26	148,167,181
185		**Door Hardware (SOV #25)**	**10 days**	**0%**	**Wed 12/17/25**	**Wed 1/7/26**	
186		*Keying Conference*	0 days	0%	Wed 12/17/25	Wed 12/17/25	163
187		Hardware	10 days	0%	Thu 12/18/25	Wed 1/7/26	186
188		**Tile & Waterproofing (SOV #26)**	**20 days**	**0%**	**Fri 12/19/25**	**Fri 1/23/26**	
189		Waterproofing	5 days	0%	Fri 12/19/25	Tue 12/30/25	177
190		Tile Install	15 days	0%	Wed 12/31/25	Fri 1/23/26	189
191		**Flooring (SOV #27)**	**21 days**	**0%**	**Fri 1/16/26**	**Tue 2/17/26**	
192		Refinish Wood Flooring	5 days	0%	Fri 1/16/26	Fri 1/23/26	188FS-5 days
193		Epoxy Flooring	7 days	0%	Mon 1/26/26	Tue 2/3/26	192
194		6"Wall Base	1 day	0%	Wed 2/4/26	Wed 2/4/26	193
195		Marmoleum Install	8 days	0%	Wed 2/4/26	Fri 2/13/26	193
196		4"Wall Base	1 day	0%	Tue 2/17/26	Tue 2/17/26	195
197		**Kitchen Equipment (SOV #28)**	**10 days**	**0%**	**Tue 2/3/26**	**Wed 2/18/26**	
198		Equipment Delivery	0 days	0%	Tue 2/3/26	Tue 2/3/26	193
199		Equipment Placement	5 days	0%	Wed 2/4/26	Tue 2/10/26	198
200		Ansul Upgrade	5 days	0%	Wed 2/11/26	Wed 2/18/26	199
201		**Finish Plumbing (SOV #29)**	**15 days**	**0%**	**Mon 1/26/26**	**Fri 2/13/26**	
202		Finish Plumbing& Fixtures	12 days	0%	Mon 1/26/26	Tue 2/10/26	188
203		Plumbing Controls/Testing	3 days	0%	Wed 2/11/26	Fri 2/13/26	202
204		**Plumbing Final Inspection (With Gas Final)**	0 days	0%	Fri 2/13/26	Fri 2/13/26	202,203
205		**Operable Wall (SOV #30)**	**10 days**	**0%**	**Tue 2/17/26**	**Mon 3/2/26**	
206		Operable Wall Installation	10 days	0%	Tue 2/17/26	Mon 3/2/26	195
207		**Bathroom Partitions/Accessories (SOV #31)**	**13 days**	**0%**	**Fri 2/6/26**	**Wed 2/25/26**	
208		Partitions Install	8 days	0%	Fri 2/6/26	Wed 2/18/26	202FS-3 days
209		Accessories Install	5 days	0%	Thu 2/19/26	Wed 2/25/26	208
210		**Finish Mechanical (SOV #33)**	**25 days**	**0%**	**Mon 1/26/26**	**Mon 3/2/26**	
211		Finish Mechanical Tasks	10 days	0%	Mon 1/26/26	Fri 2/6/26	201SS
212		Controls	5 days	0%	Mon 2/9/26	Fri 2/13/26	211
213		Balancing	10 days	0%	Tue 2/17/26	Mon 3/2/26	212
214		**Mechanical Final Inspection**	0 days	0%	Mon 3/2/26	Mon 3/2/26	213FF
215		**Interior Finish Carpentry (SOV #34)**	**17 days**	**0%**	**Wed 2/18/26**	**Thu 3/12/26**	
216		Wainscot	8 days	0%	Wed 2/18/26	Fri 2/27/26	191
217		Wharf Wood Finishing	3 days	0%	Fri 2/27/26	Tue 3/3/26	216FS-1 day
218		Wharf Wall Paneling	3 days	0%	Tue 3/3/26	Thu 3/5/26	217FS-1 day
219		Reception Desk Paneling	2 days	0%	Thu 3/5/26	Fri 3/6/26	218FS-1 day
220		Wood Wall Paneling	3 days	0%	Fri 3/6/26	Tue 3/10/26	219FS-1 day
221		Corner Guards	2 days	0%	Tue 3/10/26	Wed 3/11/26	220FS-1 day
222		Interior Signage	2 days	0%	Wed 3/11/26	Thu 3/12/26	221FS-1 day
223		**Acoustics (SOV #36)**	**18 days**	**0%**	**Fri 3/13/26**	**Tue 4/7/26**	
224		Ceiling Baffles	10 days	0%	Fri 3/13/26	Thu 3/26/26	215
225		Ceiling Stretch Fabric	4 days	0%	Fri 3/27/26	Wed 4/1/26	224
226		Wall Panels	4 days	0%	Thu 4/2/26	Tue 4/7/26	225
227		**Finish Electrical (SOV #32)**	**95 days**	**0%**	**Thu 11/20/25**	**Wed 4/15/26**	
228		Main Switchgear Delivery	0 days	0%	Thu 11/20/25	Thu 11/20/25	15FS+164 days
229		Triad Switchgear Install/QAQC	20 days	0%	Fri 11/21/25	Mon 12/22/25	228
230		**PGE Scope**	**25 days**	**0%**	**Wed 1/28/26**	**Wed 3/4/26**	
231		Waiting Period	20 days	0%	Wed 1/28/26	Wed 2/25/26	229FS+20 days
232		Transformer, Conduit/Wire to transformer	5 days	0%	Thu 2/26/26	Wed 3/4/26	231
233		Finish Electrical Tasks	20 days	0%	Thu 3/5/26	Wed 4/1/26	230
234		AV Equipment	5 days	0%	Thu 4/2/26	Wed 4/8/26	233
235		Testing	5 days	0%	Thu 4/9/26	Wed 4/15/26	233,234
236		**Electrical Final Inspection**	0 days	0%	Wed 4/15/26	Wed 4/15/26	235
237		**Landscaping (SOV #35 & Patio Project)**	**35 days**	**0%**	**Wed 2/11/26**	**Wed 4/1/26**	
238		Fountain	5 days	0%	Wed 2/11/26	Wed 2/18/26	230FS-15 days
239		Irrigation	5 days	0%	Thu 2/19/26	Wed 2/25/26	238
240		Gravel Bases	2 days	0%	Thu 2/26/26	Fri 2/27/26	239
241		Top Soil	3 days	0%	Mon 3/2/26	Wed 3/4/26	240
242		Planting	7 days	0%	Thu 3/5/26	Fri 3/13/26	241
243		Mulch	3 days	0%	Mon 3/16/26	Wed 3/18/26	242
244		Bike Rack	2 days	0%	Thu 3/19/26	Fri 3/20/26	243
245		Wood Benches	3 days	0%	Mon 3/23/26	Wed 3/25/26	244
246		Landscaping Repairs	5 days	0%	Thu 3/26/26	Wed 4/1/26	245
247		Striping	3 days	0%	Thu 4/2/26	Mon 4/6/26	237
248		Punch List Walk	0 days	0%	Tue 4/7/26	Tue 4/7/26	223
249		Punch List Tasks	10 days	0%	Wed 4/8/26	Tue 4/21/26	248
250		**Substantial Completion**	0 days	0%	Tue 4/21/26	Tue 4/21/26	251
251		**Building Final Inspection**	0 days	0%	Tue 4/21/26	Tue 4/21/26	249
252		*Closeout Procedures*	**75 days**	**0%**	**Mon 12/8/25**	**Wed 4/1/26**	



Project: Overall Project Schedul
Date: Thu 9/4/25

Task | Milestone | Project Summary | Inactive Milestone | Manual Task | Manual Summary Rollup | Start-only | External Tasks | Deadline | Critical Split | Manual Progress
Split | Summary | Inactive Task | Inactive Summary | Duration-only | Manual Summary | Finish-only | External Milestone | Critical | Progress

District / Owner City of Capitola
Project Name: Community Center Renovation Project

Change Order Request (COR) Log
Updated: 9/12/2025

Contract Value	**$**	**4,726,000.00**	
Contingency (Allowance)	$	477,000.00	
Total Contract Value	**$**	**5,203,000.00**	
Total Approved COs	$	180,088.07	
Total Pending COs	$	249,624.09	
Exposure Subtotal	**$**	**429,712.16**	*8%* *Percentage of Contract*
Remaining Contin/Allow	**$**	**47,287.84**	*10%* *Percentage Remaining*

Date	Description	Expenditure	Status	Approved	Pending
5/29/2025	Meeting Room Ceilings	$ 724.50	Approved	$ 724.50	$ -
5/29/2025	Interior Siding Replacement Product	$ 4,250.32	Approved	$ 4,250.32	$ -
5/29/2025	Plumbing Submittal Scope Changes	$ 4,309.68	Approved	$ 4,309.68	$ -
5/29/2025	Lighting Locations and Controls	$ 5,340.00	Approved	$ 5,340.00	$ -
5/29/2025	CMU Wall Wood Repairs	$ 6,267.50	Approved	$ 6,267.50	$ -
5/29/2025	Plumbing Scope Changes Discovery	$ 7,607.50	Approved	$ 7,607.50	$ -
5/29/2025	Operable Wall Mounting Details	$ 7,727.00	Approved	$ 7,727.00	$ -
5/29/2025	Hallway ceiling Framing	$ 9,059.00	Approved	$ 9,059.00	$ -
5/29/2025	Additional Door Placements	$ 10,425.80	Approved	$ 10,425.80	$ -
5/29/2025	Post Placement at Existing Steel beams	$ 12,393.55	Approved	$ 12,393.55	$ -
5/29/2025	Roof Deck Build up	$ 12,999.23	Approved	$ 12,999.23	$ -
5/29/2025	Exterior Sheathing Wood Rot	$ 18,906.09	Approved	$ 18,906.09	$ -
5/29/2025	Mold Remediation	$ 24,246.67	Approved	$ 24,246.67	$ -
6/12/2025	Structural Engineer Truss Reinforcement	$ 1,334.00	Approved	$ 1,334.00	$ -
6/12/2025	Operable Wall Support	$ 3,128.00	Approved	$ 3,128.00	$ -
6/12/2025	Bathroom Accessory Clashes	$ 9,061.09	Approved	$ 9,061.09	$ -
6/12/2025	Switchgear clearance issues	$ 14,087.50	Approved	$ 14,087.50	$ -
8/19/2025	Refrigerator Water Valve at Capping	$ 528.11	Approved	$ 528.11	$ -
8/19/2025	Furred Wall at Electrical Room	$ 724.50	Approved	$ 724.50	$ -
8/19/2025	Damaged Trash Enclosure Drain Vent	$ 1,000.00	Approved	$ 1,000.00	$ -
8/19/2025	Damaged Vent Above Kitchen Hood	$ 1,000.00	Approved	$ 1,000.00	$ -
8/19/2025	Leaking Sink Valves	$ 1,000.00	Approved	$ 1,000.00	$ -
8/19/2025	Urinal Waste Height Rough-In	$ 2,383.30	Approved	$ 2,383.30	$ -
8/19/2025	Stainless Steel Replacement in Kitchen	$ 4,784.00	Approved	$ 4,784.00	$ -
8/19/2025	Alarm, Ansul, And Hood Controls Integration/Wiring	$ 7,854.55	Approved	$ 7,854.55	$ -
8/19/2025	Air Supply Register Changes	$ 8,946.18	Approved	8,946.18	$ -
6/12/2025	Add generator scope ($159,741.00-original bid)	$ 127,863.00	Pending	$ -	$ 127,863.00
8/19/2025	Conduit/Gas Lines demo in Mechanical Well (ROM)	$ 500.00	Pending	$ -	$ 500.00
8/19/2025	Access Panel at Mechanical Well #3 n(ROM)	$ 2,000.00	Pending	$ -	$ 2,000.00
8/19/2025	Gas Line Modifications at Kitchen (ROM)	$ 2,000.00	Pending	$ -	$ 2,000.00
8/19/2025	Flashing Detail at Landings Confirmation (ROM)	$ 2,200.00	Pending	$ -	$ 2,200.00
8/19/2025	Wharf Wood Alternate Materials	$ 4,500.00	Pending	$ -	$ 4,500.00
8/19/2025	Kitchen Exhaust Fan Curb Height (ROM)	$ 9,061.09	Pending	$ -	$ 9,061.09
8/19/2025	Old Castle Perk Alternate (ROM)	$ 10,000.00	Pending	$ -	$ 10,000.00
8/19/2025	Kitchen Makeup Air Unit Replacement (ROM)	$ 11,500.00	Pending	$ -	$ 11,500.00
8/19/2025	PGE Off Site Scope of Work (ROM)	$ 80,000.00	Pending	$ -	$ 80,000.00
TOTALS		**$ 429,712.16**		**$ 180,088.07**	**$ 249,624.09**

Change Order Categories
Regulatory & Safety
Utility Coordination (PG&E/Electrical/Mechanical)
Discovery/Coordination Adjustments
Generator

Exhibit 1: Kitchen Interior Demolition & Ceiling Work

Exposed framing, insulation, and partial drywall installation with ceiling electrical rough-ins.

Exhibit 2: Roof Demolition and Temporary Covering

Crew working on roof structure, black sheathing in place for weather protection.

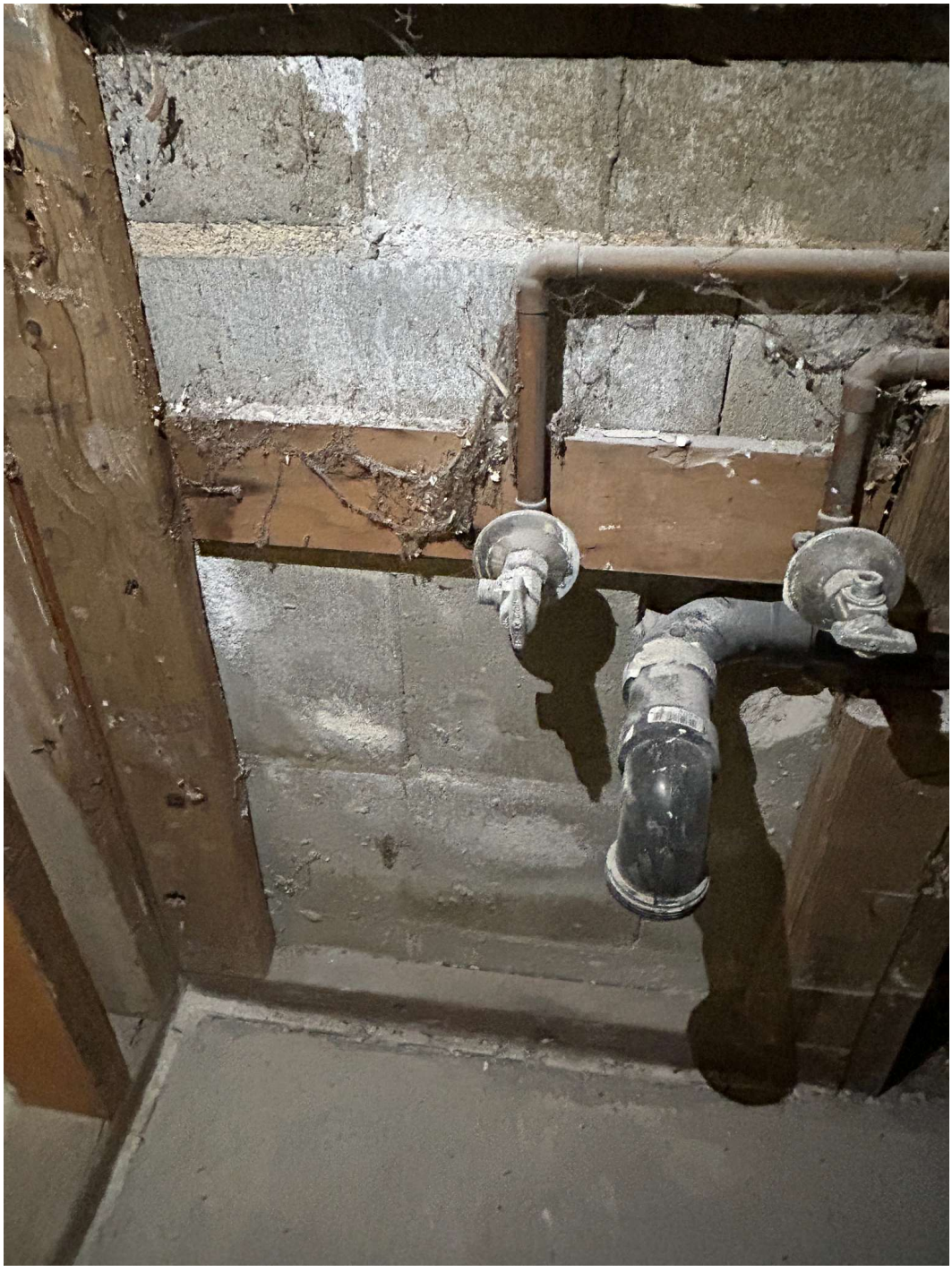
Exhibit 3: Structural Beam and Column Reinforcement

Close-up of new beams and steel brackets installed on concrete support columns.

Exhibit 4: Roof Sheathing Installation

Multiple workers fastening new roof sheathing in place.

Exhibit 5: Plumbing Rough-In



Exposed plumbing pipes at restroom wall during rough-in stage.

Exhibit 6: Covered Outdoor Area Progress

Painted roof soffit and posts; site grading visible in foreground.

Exhibit 7: Sidewalk Trenching

Crews trenching along sidewalk for underground utilities.

Exhibit 8: Interior Framing

Interior stud framing walls in progress with open ceiling.

Exhibit 9: Interior Concrete Patch

New concrete patch inside building covering utility trench.

Exhibit 10: Entrance Concrete Work

Heavy equipment and crews performing grading and concrete work at building entrance.

Exhibit 11: Exterior Waterproofing

View of new waterproofing along the exterior wall, with wood ceiling soffit above.

Exhibit 12: EV Charger Trenching

Long trench cut through asphalt for conduit installation, extending approximately 300 feet.

Exhibit 13: Main Room Drywall Installation

Interior drywall installed in large main room; steel beams and electrical rough-in visible.

Exhibit 14: Concrete Work – Excavation and Foundation

Excavation and demolition at the building entry; equipment breaking up existing concrete.

Capitola Community Center Renovation Quarterly Progress Report

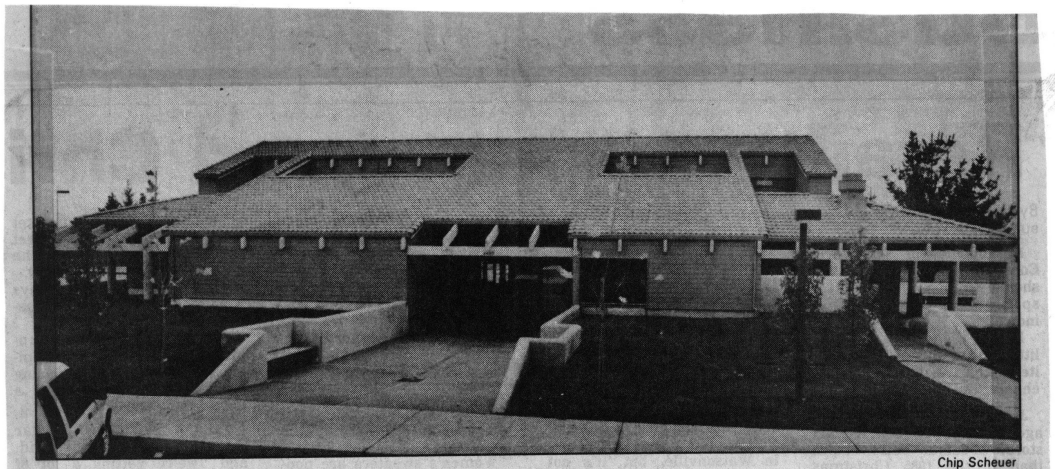
City Council

September 25, 2025

Community Center Progress Report

Background

- Constructed in 1985
- 5,792 sq. ft. single-story
- Hub for meetings, recreation, and public events
- Project ensures:
  - Long-Term Use Agreement compliance
  - Modern safety, accessibility, energy efficiency
  - Community resilience and emergency readiness



Chip Scheuer

Jade Street Park's newest feature is its multi-use community center.

Capitola community center dedicated

By JENNIFER KOSS
STAFF WRITER

Community spirit was the watchword at last night's dedication ceremonies for Capitola's new Jade Street Park community center.

It was the ideas, thoughts and spirit of the community that made the 6,000 square-foot center possible, Capitola Mayor Bob Bucher said.

He thanked the long list of groups and individuals who turned the years-long dream into reality, from the Capitola Senior Nutrition program to the Capitola Host Lions Club.

"And last but not least, we have the man who made the whole thing work: Steve Burrell."

Burrell is Capitola's city manager who organized financing for the $500,000 center.

Bucher also thanked architect Doug Messini; the contractor, Granite Construction Co.; Barclay Brown of the Brown Bulb Ranch; the Capitola Chamber of Commerce; the Capitola Begonia Festival Association; the Soquel Elementary School District and many others, including the Edgewater Club and Restaurant, which catered food for last night's ceremonies.

As a result of all their hard work, he said, "We have something that's going to be here for a long time. We have something we can enjoy for a long time."

It all began with Capitola/Soquel Community Activities, the local recreation department organized under a joint powers agreement between the city of Capitola and the Soquel school district.

"Along with it came the idea for the gymnasium," Bucher said, referring to the gym opened last spring at New Brighton Middle School.

The gym was built by Capitola in reciprocation for use of the school district's land for the center.

"We're using their facility, they're using our facility," Bucher said.

Located at 47th Avenue and Jade Street, the center is available for a wide variety of uses. Opened in September, it's now the home base for the nutrition and recreation programs.

It can be divided into three rooms, one with a hardwood floor and two with carpeting, and includes a kitchen.

Community Center Progress Report

Background

- Funding sources: local funds, state & federal grants
- Design completed: 2024
- Site prep: early 2025
- Contract awarded: SSB Construction, Jan 30, 2025

Community Center Progress Report

Construction Progress Interior

- Drywall installation underway, taping & finishing in progress
- Electrical rough-in complete with new service panels
- HVAC systems being fitted out

Community Center Progress Report

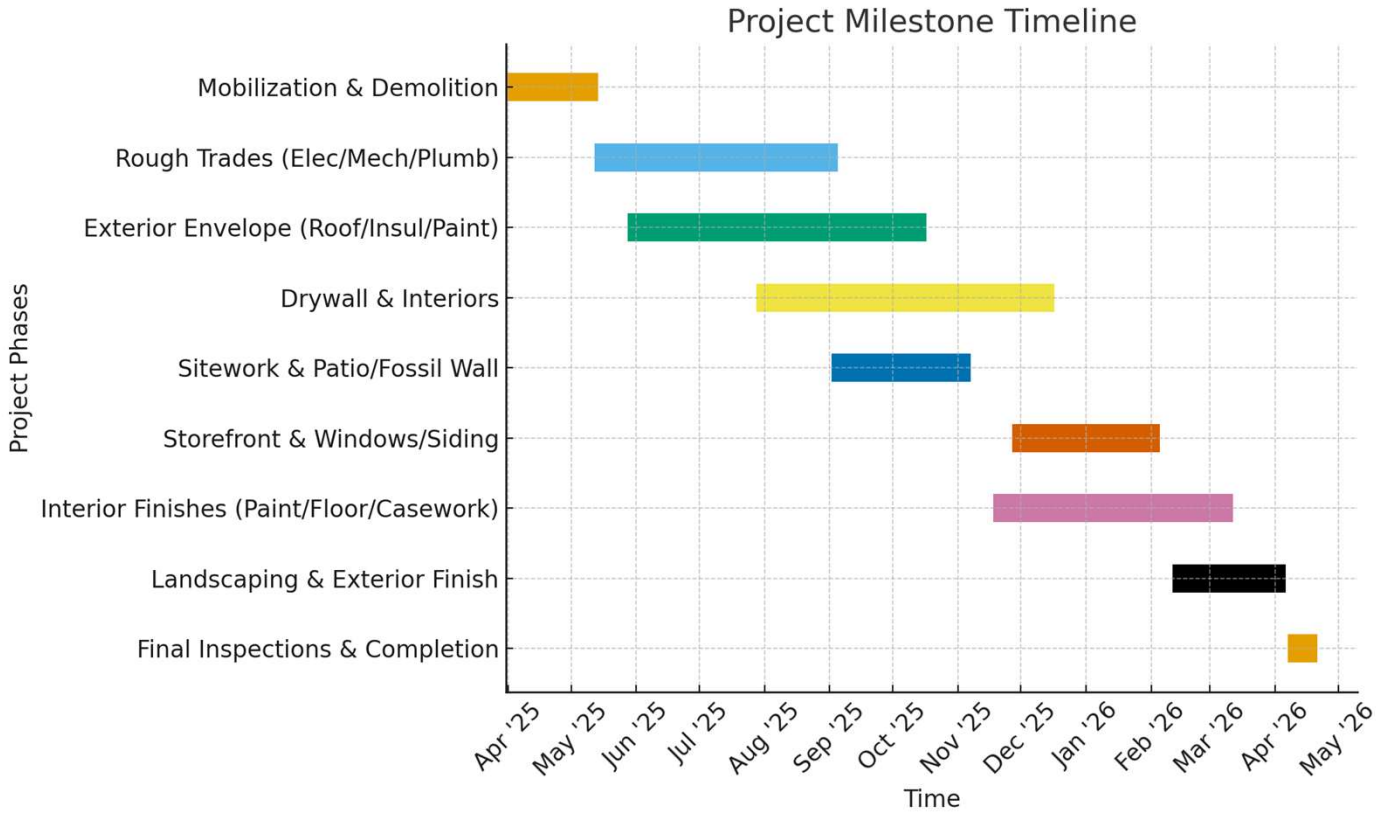
Construction Progress (Exterior & Sitework)

- Roofing: insulation & membranes installed; standing seam roofing this fall
- Storm drain improvements underway
- Patio demolition & grading complete; fossil wall & retaining walls in October

Community Center Progress Report

Project Schedule

- 42% complete as of Sept 1
- Key milestones:
  - Drywall & roofing – Fall 25
  - Storefront & windows – Winter 25/26
  - Interior finishes – Early 26
- Substantial completion: April 2026



Community Center Progress Report

Change Orders/Fiscal Impact

- **Approved to date:** ~$180,000 (4% of contract)
- **Pending:** ~$122,000 → Total ~$302,000
- Categories:
  - Regulatory & Safety (e.g., mold remediation)
  - Utility coordination (PG&E adjustments)
  - Discovery/coordination items (plumbing, trusses, mechanical)
  - Minor/other repairs
- Within contingency allowance

Community Center Progress Report

Change Orders - Generator

- Existing generator incompatible with new three-phase service
- New generator cost: ~$128,000
- If added: total COs ~$430,000 → ~$47,000 contingency remaining
- Staff recommends deferring decision until related bids are complete

Community Center Progress Report

Risks & Upcoming Focus

- **Risks:**
  - PG&E coordination (may extend into 2026)
  - Weather impacts on patio/concrete
  - Long-lead materials (switchgear, storefront, HVAC)
- **Next focus:** stay on track with roofing, drywall, and patio construction

Other Jade Street Site Projects

Community Center Patio Improvements

- Separate CDBG-funded contract with SSB
- Retaining wall & fossil wall work in October

Jade Street Park Restroom Renovation

- Bids opens October 14, 2025
- 3-month construction: ~$500,000 budget

Treasure Cove Playground

- Bids received August 21, 2025
- Budget: ~$2.34M

Next Steps

- Renovation on schedule for April 2026 completion
- Patio & playground projects advancing in parallel
- Staff will continue to monitor COs, risks, and PG&E coordination

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: Public Works Department

Subject: Award of Construction Contract for Treasure Cove Playground Project

Recommended Action: Adopt a resolution awarding the construction contract for the Treasure Cove Playground Project to SSB Construction, Inc. in the amount of $2,446,238, authorizing the City Manager to execute the construction contract, and authorizing the Public Works Department to issue a notice to proceed upon final contract execution.

Background: In June 2025, the City Council approved construction plans for the Treasure Cove Playground, Jade Street Park public restroom renovation, and Community Center patio improvements, and authorized staff to advertise the projects for competitive bids. Funding for these improvements is supported by local funds, community fundraising led by County Park Friends, and the City's recently awarded $3.2 million Community Development Block Grant (CDBG) allocation, which fully funds the playground, restroom, and patio scopes.

The Treasure Cove Playground will replace the existing 1999-era playground, which no longer meets current accessibility standards, with a universally accessible, ocean-themed play space designed with extensive public input.

These improvements build upon the ongoing Community Center Renovation Project, currently under construction by SSB Contracting, Inc., and will complete the City's commitment under the Long-Term Use Agreement (LTUA) with the Soquel Union Elementary School District for substantial upgrades at Jade Street Park.

Discussion: The Treasure Cove Playground Project was advertised for construction bids on July 21, 2025. A mandatory pre-bid conference and site walk were held on August 5, 2025, and bids were opened on August 21, 2025. The City received four bids, listed below.

Bidder	Bid Amount	Responsiveness Status
S&H Construction	$2,168,600	Non-Responsive
Galeb Paving	$2,285,000	Non-Responsive
SSB Construction	$2,446,238	Lowest Responsive & Responsible
CWS Construction	$2,785,000	Responsive & Responsible

To be considered for the project, a bid must meet the qualifications outlined within the Notice Inviting Bids and comply with the requirements of the bid documents (responsive). For a bid to be considered responsible, a bidder must show that they are capable of performing the work. Upon review, two of the four bids were determined to be non-responsive. S&H Construction submitted several required CDBG forms that were incomplete or unsigned, and Galeb Paving provided post-bid documentation that did not match subcontractor information submitted at bid time. Because these deficiencies involve mandatory CDBG compliance, both bids were determined to be non-responsive.

The lowest responsive and responsible bidder is SSB Construction, Inc. in the amount of $2,446,238. While this bid is higher than the amount budgeted for the playground project, staff will review all three Jade Street Park projects (playground, patio, and restroom) collectively to ensure the overall site can be delivered within the existing funding allocations.

The Jade Street Park Restroom Renovation Project is currently out to bid, with bid opening scheduled for October 14, 2025, at 11 AM. Staff anticipates returning to Council in late October or early November with a recommendation for award of the restroom contract, along with any proposed adjustments to the other site projects necessary to remain within the combined project budget.

Construction for all projects is anticipated to begin in fall 2025, following execution of contract documents and coordination between SSB Contracting, Inc. and the firms awarded the playground and restroom work. Construction will be sequenced to minimize conflicts with ongoing work and maintain public access. Substantial completion is expected by summer 2026.

Fiscal Impact: The four projects at the Jade Street site are funded by a combination of local General Fund allocations, County Park Friends fundraising, and 2025 CDBG funds. Funding sources are summarized below.

Jade Street Park Improvements – Project-Level Budget Detail

Category	Amount	Funding Source(s)
Community Center		
Pre-Project Modifications	$34,000	General Fund
BLRA Design	$580,000	General Fund
Cummings Construction Management (Pre-CDBG)	$300,000	General Fund
PG&E Service Upgrade	$45,000	General Fund
SSB Construction, Inc. Contract	$4,726,000	CNRA ($1,000,000), CDBG 2024 ($3,365,000), General Fund ($361,000)
Construction Contingency	$477,000	General Fund
Playground		
Verde Design	$194,000	General Fund
Verde Construction Support	$99,000	General Fund
Construction	$2,446,500	CPF Fundraising ($965,000), CDBG 2025 ($1,375,000)
Restroom		
BLRA Design and Construction Support	$58,000	General Fund
Construction (with Contingencies)	**$500,000**	**CDBG 2025** **Not yet awarded**
Patio		
BLRA Design and Construction Support	$70,000	General Fund
SSB Construction, Inc. Contract	$1,055,000	CDBG 2025
Construction Management		
Cummings Construction Management (New Phase)	$242,000	CDBG 2025
Total	**$10,826,500**	

Jade Street Park Improvements – Overall Budget Summary

Funding Source	Revenue	Expenditure
General Fund – Community Center	$1,800,000	$1,797,000
CNRA Grant – Community Center	$1,000,000	$1,000,000
General Fund – Playground	$475,000	$421,000
CPF Fundraising – Playground	$965,000	$965,000
CDBG 2024 (Community Center)	$3,365,000	$3,365,000
CDBG 2025 (Playground, Restroom, Patio)	$3,200,000	$3,172,000
Total	**$10,805,000**	**$10,826,500**

Environmental Determination: The projects are categorically excluded under the National Environmental Policy Act (NEPA) pursuant to 24 CFR 58.35(a) and exempt under the California Environmental Quality Act (CEQA) Section 15301 for existing facilities. The improvements will remain in the same use and will not result in significant environmental impacts.

Attachments:

1. Resolution
2. Draft Construction Contract – Treasure Cove Playground

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AWARDING THE TREASURE COVE PLAYGROUND PROJECT CONSTRUCTION CONTRACT AND AUTHORIZING THE CITY MANAGER TO EXCUTE THE CONSTRUCTION CONTRACT

WHEREAS, in June 2025, the City Council approved plans and specifications for the Treasure Cove Playground Project, a component of the Jade Street Park improvements, and directed staff to solicit bids for construction; and

WHEREAS, the City of Capitola published and distributed a Notice Inviting Bids on July 21, 2025, in accordance with Capitola Municipal Code Section 3.16.095 (Public Projects – Formal Bid Procedures); and

WHEREAS, four bids were received on August 21, 2025, following a mandatory pre-bid conference and site walk held on August 5, 2025; and

WHEREAS, two bids were deemed non-responsive due to deficiencies in mandatory Community Development Block Grant (CDBG) compliance, and SSB Construction, Inc. was determined to be the lowest responsive and responsible bidder with a bid amount of $2,446,238; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola, California, does hereby award the Treasure Cove Playground Project construction contract to the lowest responsive and responsible bidder, SSB Construction, Inc., in the amount of $2,446,238.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to execute the construction contract on behalf of the City and authorizes the Public Works Department to issue the Notice to Proceed upon final contract execution.

I HEREBY CERTIFY that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 25th day of September, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Joe Clarke, Mayor

ATTEST:

_____
Julia Gautho, City Clerk

DOCUMENT 00 5200

AGREEMENT

THIS AGREEMENT, dated this 25th day of September, 2025, by and between **SSB Contracting, Inc**. whose place of business is located at **1161 Terven Avenue, Salinas, CA** (**Contractor**), and **CITY OF CAPITOLA**, a political subdivision of the State of California (Owner), acting under and by virtue of the authority vested in Owner by the laws of the State of California.

TREASURE COVE AT JADE STREET PARK

at 4400 Jade Street, Capitola, CA 95010

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, Contractor and Owner agree as follows:

ARTICLE 1 SCOPE OF WORK OF THE CONTRACT

1.01 Work of the Contract

A. Contractor shall complete all Work specified in the Contract Documents, in accordance with the Specifications, Drawings, and all other terms and conditions of the Contract Documents (**Work**).

1.02 Price for Completion of the Work

A. Owner shall pay Contractor the following Contract Sum of Two million four hundred forty-six thousand two hundred thirty-eight dollars ($2,446,238.00) for completion of Work in accordance with Contract Documents as set forth in Contractor's Bid, attached hereto.

B. The Contract Sum includes all allowances (if any).

C. The Contract Sum is all inclusive and includes all Work; all federal, state, and local taxes on materials and equipment, and labor furnished by Contractor, its subcontractors, subconsultants, architects, engineers, and" vendors or otherwise arising out of Contractor's performance of the Work, including any increases in any such taxes during the term of this Agreement; and any duties, fees, and royalties imposed with respect to any materials and equipment, labor or services. The taxes covered hereby include (but are not limited' to) occupational, sales, use, excise, unemployment, FICA, and income taxes, customs, duties, and any and all other taxes on any item or service that is part of the Work, whether such taxes are normally included in the price of such item or service or are normally stated separately. Notwithstanding the foregoing, each party shall bear such state or local inventory, real property, personal property or fixtures taxes as may be properly assessed against it by applicable taxing authorities.

COMMENCEMENT AND COMPLETION OF WORK

1.03 Commencement of Work

A. Contractor shall commence Work on the date established in the Notice to Proceed.

B. Owner reserves the right to modify or alter the Commencement Date.

1.04 Completion of Work

A. Contractor shall achieve Substantial Completion of the entire Work within **180 Calendar Days** from the Commencement Date.

B. Contractor shall achieve Final Completion of the entire Work within **210 Calendar Days** from the Commencement Date.

ARTICLE 2 PROJECT REPRESENTATIVES

2.01 Owner's Project Manager

A. Owner has designated the Public Works Director as its Project Manager to act as Owner's Representative in all matters relating to the Contract Documents. If Project Manager is an employee of Owner, Project Manager is the beneficiary of all Contractor obligations to Owner including, without limitation, all releases and indemnities.

B. Project Manager shall have final authority over all matters pertaining to the Contract Documents and shall have sole authority to modify the Contract Documents on behalf of Owner, to accept work, and to make decisions or actions binding on Owner, and shall have sole signature authority on behalf of Owner.

C. Owner may assign all or part of the Project Manager's rights, responsibilities and duties to a Construction Manager, or other Owner Representative.

2.02 Contractor's Project Manager and Other Key Personnel

A. Contractor has designated **[**_____**]** as its Project Manager to act as Contractor's Representative in all matters relating to the Contract Documents.

B. Contractor has designated the following other Key Personnel for the Project:

Name	Position
_____	_____
_____	_____
_____	_____

ARTICLE 3 LIQUIDATED DAMAGES FOR DELAY IN COMPLETION OF WORK

3.01 Liquidated Damage Amounts

A. As liquidated damages for delay Contractor shall pay Owner Five Thousand dollars ($5,000.00) for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.

B. As liquidated damages for delay Contractor shall pay Owner Two Thousand Five Hundred dollars ($2,500.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

3.02 Scope of Liquidated Damages

A. Measures of liquidated damages shall apply cumulatively.

B. Limitations and stipulations regarding liquidated damages are set forth in Document 00 7200 (General Conditions).

ARTICLE 4 CONTRACT DOCUMENTS

4.01 Contract Documents consist of the following documents, including all changes, Addenda, and Modifications thereto:

Document 00 5100	Notice of Award
Document 00 5200	Agreement
Document 00 5500	Notice to Proceed
Document 00 6113.13	Construction Performance Bond
Document 00 6113.16	Construction Labor and Material Payment Bond
Document 00 6290	Escrow Agreement for Security Deposits
Document 00 6325	Substitution Request Form
Document 00 6530	Release of Claims
Document 00 6536	Guaranty
Document 00 7200	General Conditions

Document 00 7301	Supplemental General Conditions
Document 00 7316	Supplemental Conditions – Insurance and Indemnification
Document 00 7320	COVID Requirements
Document 00 7324	In-Use Off-Road Diesel-Fueled Fleets Regulation
Document 00 7380	Apprenticeship Program
Document 00 9113	Addenda 1-4
Specifications	Divisions 1 through 33

4.02 There are no Contract Documents other than those listed above. The Contract Documents may only be amended, modified or supplemented as provided in Document 00 7200 (General Conditions).

ARTICLE 5 MISCELLANEOUS

5.01 Terms and abbreviations used in this Agreement are defined in Document 00 7200 (General Conditions) and Section 01 4200 (References and Definitions) and will have the meaning indicated therein.

5.02 Contractor and Owner understand and agree that in no instance are the persons signing this Agreement for or on behalf of Owner or acting as an employee, agent, or representative of Owner, liable on this Agreement or any of the Contract Documents, or upon any warranty of authority, or otherwise. Contractor and Owner further understand and agree that liability of Owner is limited and confined to such liability as authorized or imposed by the Contract Documents or applicable law.

5.03 Pursuant to Labor Code Section 1771(a), Contractor represents that it and all of its Subcontractors are currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. Contractor covenants that any additional or substitute Subcontractors will be similarly registered and qualified.

5.04 In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. § 15) or under the Cartwright Act (Chapter 2 (commencing with § 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time Owner tenders final payment to Contractor, without further acknowledgment by the parties.

5.05 Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations and are deemed included in the Contract Documents, and shall be made available to any interested party on request. Pursuant to Labor Code Sections 1860 and 1861, in accordance with Labor Code Section 3700, every contractor will be required to secure the payment of compensation to Contractor's employees. Contractor represents that it is aware of the provisions of Labor Code Section 3700 that require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work of the Contract Documents.

5.06 This Agreement and the Contract Documents shall be deemed to have been entered into in the City of Capitola, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder shall be in the Superior Court for the County of Santa Cruz, California.

IN WITNESS WHEREOF the parties have executed this Agreement in quadruplicate the day and year first above written.

CITY OF CAPITOLA: **CONTRACTOR:**

By: _____
City Manager

Name: _____

By: _____
(Signature)

Its: _____
Title (If Corporation: Chairman, President or Vice President)

ATTEST:

By: _____
(Signature)

By: _____
City Clerk

Its: _____
Title (If Corporation: Chairman, President or Vice President)

1099 INFORMATION:

Contractor Taxpayer I.D. No.: _____

APPROVED AS TO FORM:

By: _____
City Attorney

END OF DOCUMENT

Capitola City Council

Agenda Report

Meeting: September 25, 2025

From: City Manager Department

Subject: City Council Request for a Special Meeting

Recommended Action: Identify potential dates, structure, and topics for the proposed meeting.

Background: On August 28, 2025, City Council Member Westman requested an all-day special meeting to be held on a Saturday to discuss ongoing and pending City projects in Capitola. Council Members Morgan and Jensen voiced support for Council Member Westman's request for a Saturday meeting.

Following the Council's request, staff attempted to find a suitable Saturday before the end of 2025 to hold an all-day Special Meeting. Due to preplanned City special events, holidays, and prior commitments, staff was not able to find an available Saturday to hold the requested meeting.

Staff has prepared a calendar of existing meeting dates (Attachment 1). Due to the Thanksgiving Holiday, there is currently a Regular Council Meeting scheduled for November 20, just one week after the regularly scheduled November 13 meeting. Due to the back-to-back nature of these meetings, the second November meeting could potentially be repurposed; with an agenda to discuss the topics desired for the Special Meeting.

The next regularly scheduled high-level project overview, financial outlook, and strategic plan check-in will be in February or March, in preparation for drafting the fiscal year 2026-27 budget.

On March 6, 2024, staff presented a comprehensive overview of ongoing and pending projects as a part of the FY 2024-25 budget developments. A link to the agenda materials is included as Attachment 2. If, at the requested Special Meeting, the Council wishes to discuss ongoing and pending projects, that meeting could serve as a template for the meeting's structure.

Discussion: Staff seeks direction on potential dates, structure, and topics for the requested meeting.

Depending on the proposed topics and amount of background materials needed, staff recommends a two- to three-week lead time for meeting preparation.

Fiscal Impact: For meetings held in the City Council Chambers, costs associated with noticing and broadcasting a Special Meeting are estimated at $1,300, not inclusive of any potential employee costs. Costs to record and/or broadcast the meeting from an off-site location are higher.

Attachments:

1. Calendar of currently scheduled City meetings
2. https://mccmeetings.blob.core.usgovcloudapi.net/capitolaca-pubu/MEET-Packet-ebb71da1a2ba4eec9e4d90a216bfcff7.pdf

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	JAN. 1		

KEY

- City Council Meeting
- Planning Commission Meeting
- City Advisory Body Meeting
- Holiday/Special Event
- Past/Weekends

Neighbors, Concerned Citizens of Capitola – STAND UP NOW!

- **CMC 8.72** is the Law - Capitola voters passed it to keep the trail in the rail corridor. - If the City Council violates this law, **they violate their oath of office**. Save Park Avenue, Keep it City Property!
- **Keep the Trail on the Rail –** Protect City Property – RTC purchased the Rail Corridor for a trail.
- **SAFETY Above All Else –** They want to remove our Bike lanes on Park Ave. and combine that with our sidewalk into one path! Image Kids on E-bikes riding at you at 20 MPH, in a shared 12-foot space! That is irresponsible and dangerous! We have separate Bike/Sidewalk already Leave it alone
- **Protect and Preserve the Monarch Butterfly – Park Ave Realignment** tree study hasn't been done and will affect this endanged species.
- Save the **Historic Trestle** - don't let it be sacrificed. It can't hold a Train but it can support People!
- Don't let us lose our land, parking, **or local control** to outsider pressure.

Scan the QR Code to join the Contact list and get more information. – We need to Unite!!

Email us at ConcernedCitizensOfCapitola@gmail.com or Call/Text 831-222-0179

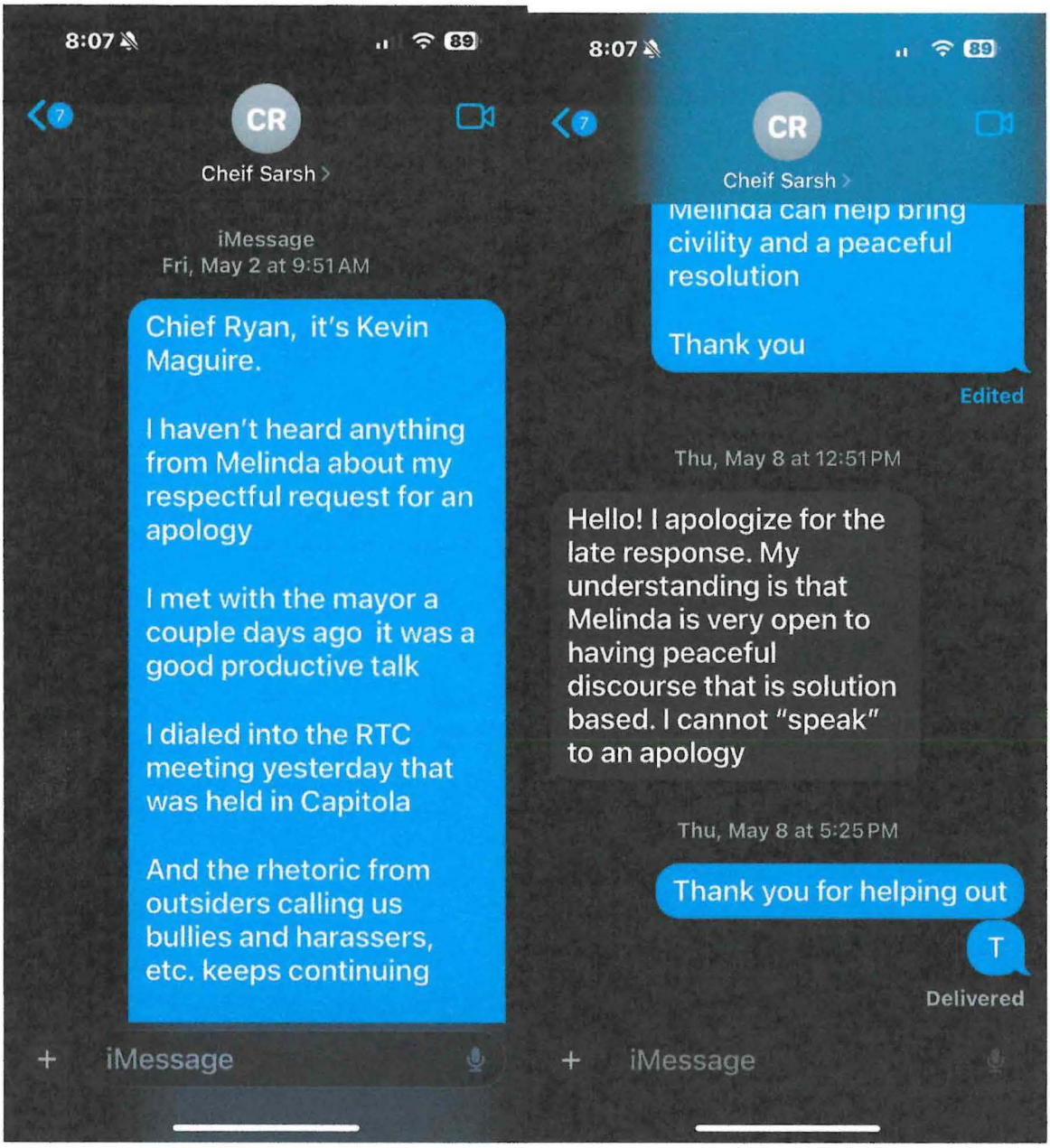
"A group of Capitola residents who are concerned about preserving the past, enjoying the present, and enhancing the future".

RECEIVED
SEP 25 2025
CITY OF CAPITOLA
CITY CLERK'S OFFICE

Concerned Citizen of Capitola

CCoC

Concerned Citizens of Capitola



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SEP 25 2025
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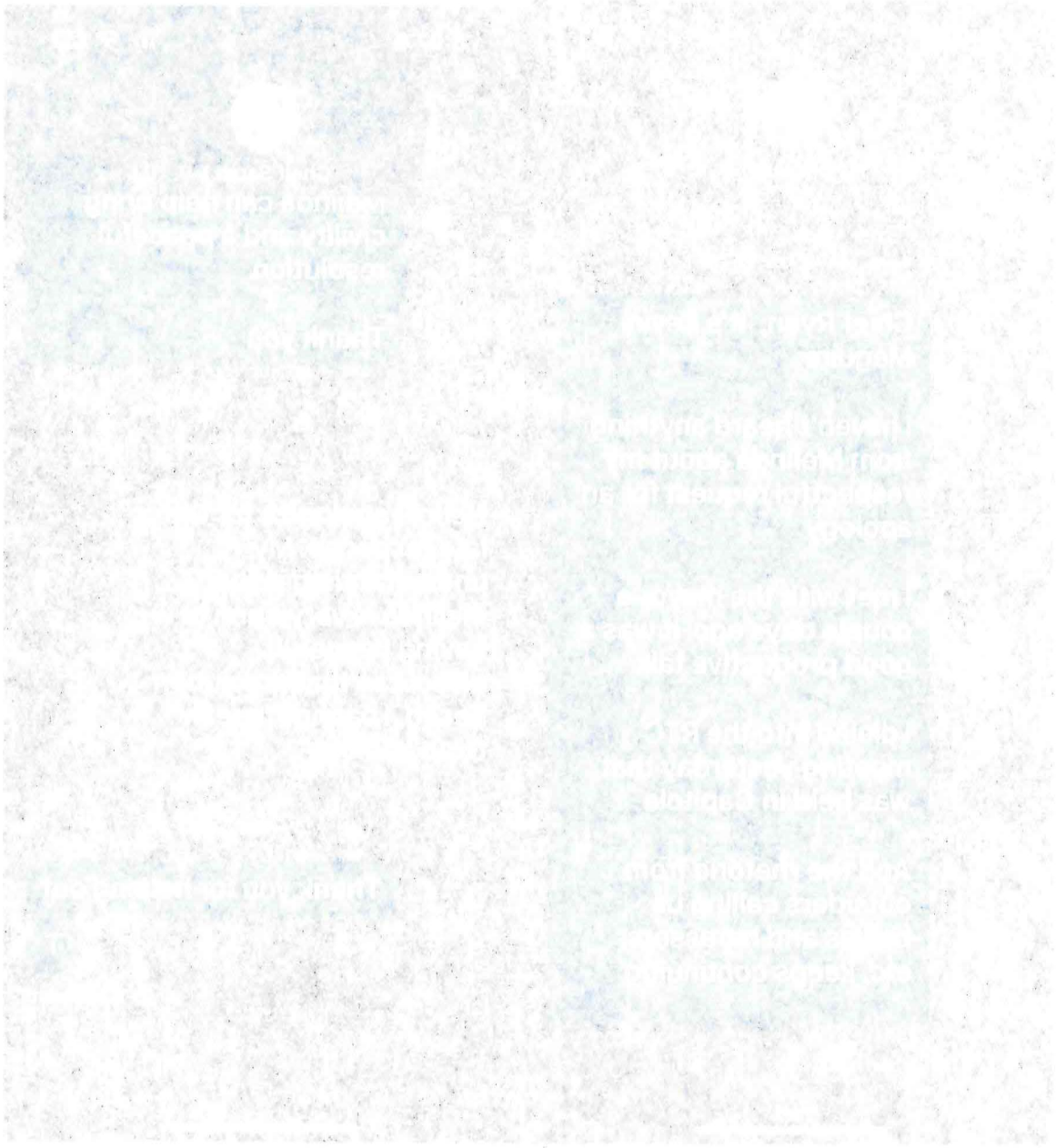

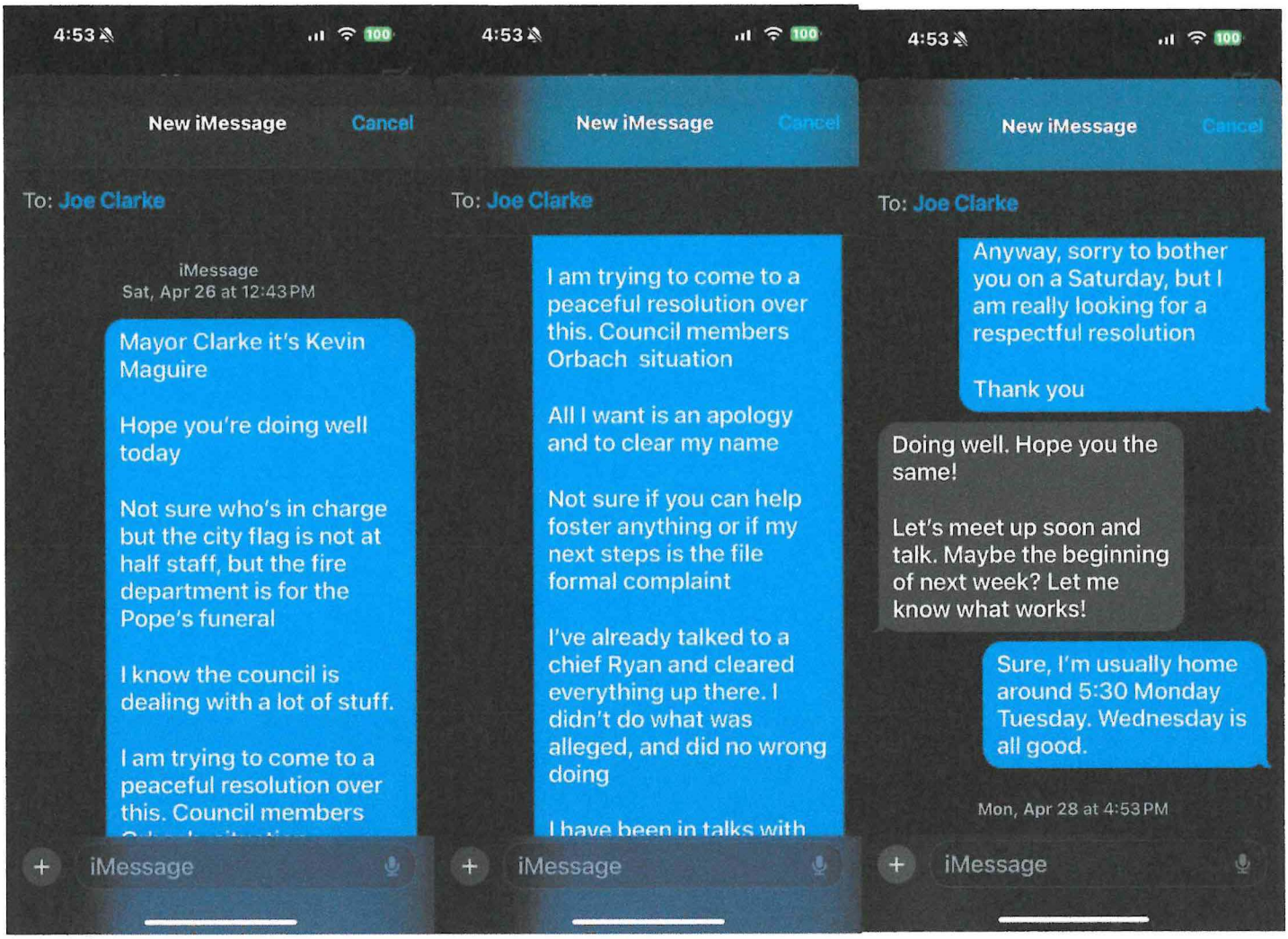
4:53
New iMessage
Cancel
To: Joe Clarke
iMessage
Sat, Apr 26 at 12:43 PM
Mayor Clarke it's Kevin Maguire
Hope you're doing well today
Not sure who's in charge but the city flag is not at half staff, but the fire department is for the Pope's funeral
I know the council is dealing with a lot of stuff.
I am trying to come to a peaceful resolution over this. Council members
iMessage
4:53
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To: Joe Clarke
I am trying to come to a peaceful resolution over this. Council members Orbach situation
All I want is an apology and to clear my name
Not sure if you can help foster anything or if my next steps is the file formal complaint
I've already talked to a chief Ryan and cleared everything up there. I didn't do what was alleged, and did no wrong doing
I have been in talks with
iMessage
4:53
New iMessage
Cancel
To: Joe Clarke
Anyway, sorry to bother you on a Saturday, but I am really looking for a respectful resolution
Thank you
Doing well. Hope you the same!
Let's meet up soon and talk. Maybe the beginning of next week? Let me know what works!
Sure, I'm usually home around 5:30 Monday Tuesday. Wednesday is all good.
Mon, Apr 28 at 4:53 PM
iMessage

Code of Conduct Violations – Timeline of Facts

This packet contains screenshots and documentation entered into the public record showing my good-faith efforts to resolve the harm caused by Councilmember Orbach's public remarks from the dais on April 17 and June 26, 2025.

These documents show a consistent pattern: **no complaints, no police reports, no investigation** — yet public accusations were made and repeated as fact.

Relevant Code of Conduct Sections Violated (Administrative Policy I-42)

- **§5.1 – Decisions on the Merits**
  Members must act on facts and evidence, not feelings or bias.
- **§5.3 – Consider All Sides**
  Members must allow fair engagement and due process before declaring guilt.
- **§5.4 – Decorum**
  Members must refrain from abusive conduct, personal charges, or verbal attacks.
- **§6.1.2 – Avoiding Impropriety**
  Members must not engage in retaliatory, biased, or dismissive behavior.
- **§7.2.2 – Professional Conduct in Meetings**
  Members must keep meetings focused on City business, not personal attacks.
- **§7.2.4 – Public Communication**
  Members must express dissent with tact and civility.
- **§8.3.1 – Oath of Office**
  Members must report any alleged threats or crimes through proper legal channels, not use the dais for accusations.

Each page contains **FACTS documented in real time**:

- April–May 2025: Calls, texts, and meetings with Chief Ryan and Mayor Clarke requesting resolution and civility.
- June 2025: My formal complaint filing; Councilmember Orbach's email about CRC mediation, followed by her doubling down that evening.
- July 2025: My good-faith email responses; her curt replies rejecting accountability.
- August–September 2025: Continued harm from orchestrated support letters repeating "perceived harassment" without evidence.

Closing

This is not about politics. It is about truth, accountability, and protecting Capitola residents from slander and misuse of the dais. **These FACTS must be weighed against feelings and narratives.**

Gmail

Kevin Maguire <kmaguire831@gmail.com>

9 B Code of Conduct - FACTS

3 messages

Kevin Maguire <kmaguire831@gmail.com> Wed, Sep 24, 2025 at 5:45 PM
To: City Clerk <cityclerk@ci.capitola.ca.us>, citycouncil@ci.capitola.ca.us, "Clarke, Joe" <jclarke@ci.capitola.ca.us>, "Westman, Susan" <SWestman@ci.capitola.ca.us>, "gjensen@ci.capitola.ca.us" <GJensen@ci.capitola.ca.us>, mmorgan@ci.capitola.ca.us, Melinda Orbach <MOrbach@ci.capitola.ca.us>
Cc: "Zutler, Samantha W." <szutler@bwslaw.com>

Dear [City Clerk/Mayor/City Attorney],

Please enter the attached documentation into the public record for consideration at the September 25, 2025 Council meeting regarding my Code of Conduct complaint against Councilmember Orbach.

The attached timeline and supporting communications are provided to demonstrate my good-faith efforts, beginning in April, to seek a civil resolution through appropriate channels. These are contemporaneous records that show the steps I took and the responses I received.

My intent in submitting this material is not to expand the scope of the complaint, but to ensure the Council has an accurate factual record as it considers this matter.

Thank you for your time and for including this in the official record.

Respectfully

Kevin Maguire

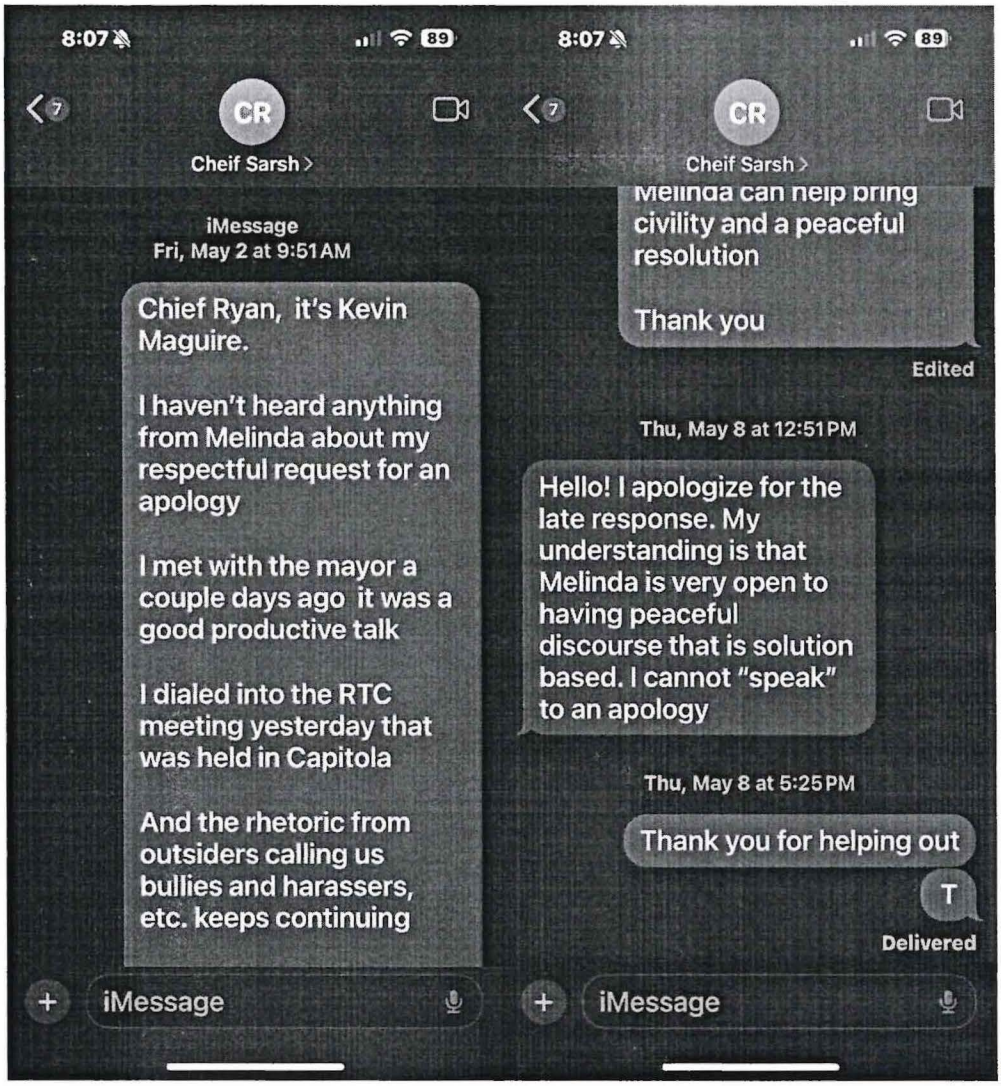
TIMELINE OF GOOD-FAITH OUTREACH & DOCUMENTED FACTS

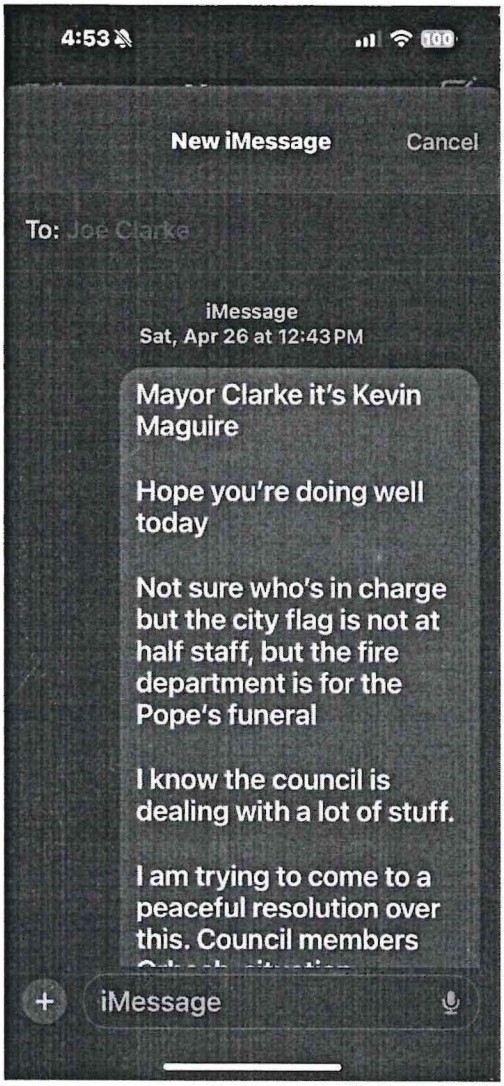
4.23.25 – voicemail exchange with Chief Ryan requesting assistance with resolution. Followed up with a Phone call.
4.23.25 (8:04 PM) – Emailed entire Council asking for an apology and resolution.
4.26.25 – Text exchange with Mayor Clarke requesting assistance regarding resolution (followed by phone calls).
4.28.25 – Met with Mayor Clarke for over an hour to discuss paths to civility.
5.02.25 – Texted Chief Ryan reiterating request for peaceful resolution and apology.
5.29.25 – Follow-up outreach to Councilmember Orbach, Chief Ryan, and Mayor Clarke again seeking resolution.
6.12.25 (7:57 PM) – Filed formal Code of Conduct complaint against Councilmember Orbach.
6.26.25 (4:23 PM) – First email from Councilmember Orbach in over two months, mentioning CRC mediation.
7.16.25 (10:20 AM) – I responded after returning from travel.
7.16.25 (4:18 PM) – Councilmember Orbach replied with a brief 13-word response to my detailed question about how mediation could address the harm.
7.16.25 (4:26 PM) – I clarified: open to mediation, but stressed the need for sincerity and acknowledgment of the real impact of her remarks as part of any resolution.
7.31.25 (10:51 AM) – Orbach: *"You do not start mediation with a set of conditions. That is not how mediation works. If you would like to move forward with mediation, let me know. This is my third and final offer."*
7.31.25 (8:44 PM) – My reply: *"Yes, mediation is a voluntary process… to be honest about the real impact of your public remarks and the need for that harm to be acknowledged at some point in the process, not necessarily at the outset, but as part of any genuine resolution."*
8.01.25 (2:01 PM) – Orbach replied: 7-word response *"Staff from the CRC will reach out."*

Key Clarifications

- Orbach's "three offers" were **not three distinct offers**. It was **one ongoing conversation**, in which I consistently affirmed openness to mediation while emphasizing the need for sincerity.

- CRC has since reviewed the matter and **recommended against mediation**, confirming this is not a "misunderstanding" but a case of public harm that belongs with the Council.

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I have been in talks with
iMessage

in:sent @ci.capitola.ca.us

59 of many

Request for Apology and Resolution

From ME

Kevin Maguire <kmaguire831@gmail.com>
to jclarke, MOrbach, Alexander, Julia, Jamie, Gerry, rmorgan, Sarah,

Wed, Apr 23, 8:04 PM

Kevin Maguire
Capitola, CA 95010
Kmaguire831@gmail.com
4/23/2025

To:
Mayor and Members of the **Capitola** City Council
Chief Sarah Ryan, **Capitola** Police Department

Subject: Request for Apology and Resolution

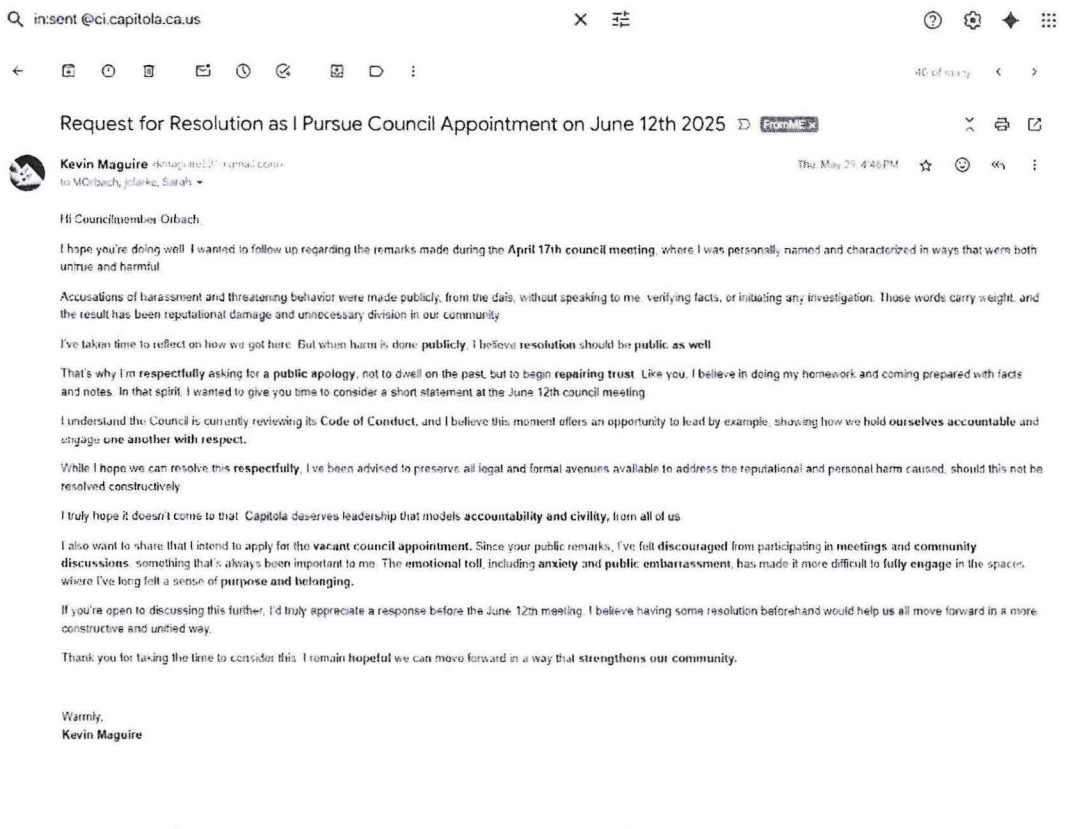
Dear Council Members,

I'm writing to express concern over recent public remarks made by Council Member Orbach that named me and mischaracterized my actions. I believe these comments were unfair and created unnecessary tension.

Out of respect for the community and the importance of civility in public discourse, I respectfully request a public apology so we can move forward constructively.

Thank you for your time and consideration.

Sincerely,
Kevin Maguire



in:sent @ci.capitola.ca.us

Request for Resolution as I Pursue Council Appointment on June 12th 2025 FromME

Kevin Maguire <kmaguire83@gmail.com>
to MOrbach, jclarke, Sarah

Thu, May 29, 4:46 PM

Hi Councilmember Orbach,

I hope you're doing well. I wanted to follow up regarding the remarks made during the **April 17th council meeting**, where I was personally named and characterized in ways that were both untrue and harmful.

Accusations of harassment and threatening behavior were made publicly, from the dais, without speaking to me, verifying facts, or initiating any investigation. Those words carry weight, and the result has been reputational damage and unnecessary division in our community.

I've taken time to reflect on how we got here. But when harm is done **publicly**, I believe **resolution** should be **public as well**.

That's why I'm **respectfully** asking for **a public apology**, not to dwell on the past, but to begin **repairing trust**. Like you, I believe in doing my homework and coming prepared with facts and notes. In that spirit, I wanted to give you time to consider a short statement at the June 12th council meeting.

I understand the Council is currently reviewing its **Code of Conduct**, and I believe this moment offers an opportunity to lead by example, showing how we **hold ourselves accountable** and engage **one another with respect.**

While I hope we can resolve this **respectfully**, I've been advised to preserve all legal and formal avenues available to address the reputational and personal harm caused, should this not be resolved constructively.

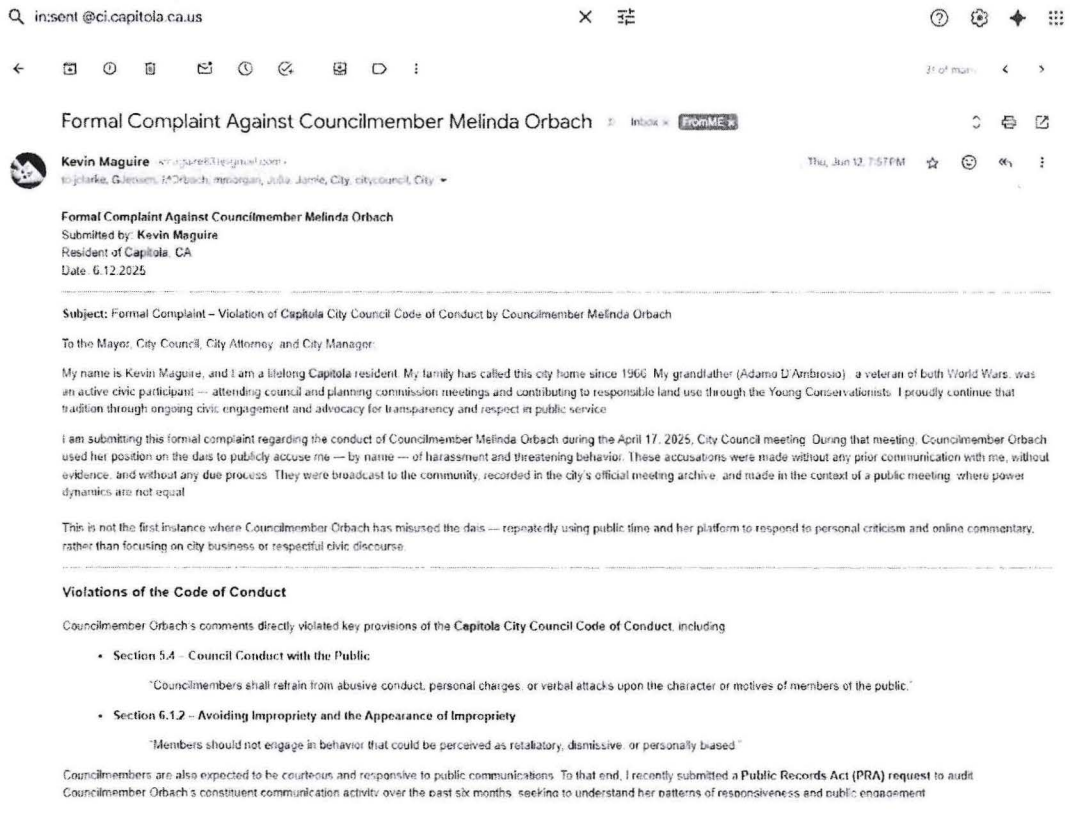
I truly hope it doesn't come to that. Capitola deserves leadership that models **accountability and civility,** from all of us.

I also want to share that I intend to apply for the **vacant council appointment.** Since your public remarks, I've felt **discouraged** from participating in **meetings** and **community discussions**, something that's always been important to me. The **emotional toll**, including **anxiety** and **public embarrassment**, has made it more difficult to **fully engage** in the spaces where I've long felt a sense of **purpose and belonging.**

If you're open to discussing this further, I'd truly appreciate a response before the June 12th meeting. I believe having some resolution beforehand would help us all move forward in a more constructive and unified way.

Thank you for taking the time to consider this. I remain **hopeful** we can move forward in a way that **strengthens our community.**

Warmly,
Kevin Maguire



in:sent @ci.capitola.ca.us

Formal Complaint Against Councilmember Melinda Orbach Inbox FromME

Kevin Maguire <kmaguire83@gmail.com>
to jclarke, GJensen, MOrbach, mmorgan, Julia, Jamie, City, citycouncil, City

Thu, Jun 12, 7:57 PM

Formal Complaint Against Councilmember Melinda Orbach
Submitted by: **Kevin Maguire**
Resident of Capitola, CA
Date: 6.12.2025

Subject: Formal Complaint – Violation of Capitola City Council Code of Conduct by Councilmember Melinda Orbach

To the Mayor, City Council, City Attorney, and City Manager:

My name is Kevin Maguire, and I am a lifelong Capitola resident. My family has called this city home since 1966. My grandfather (Adamo D'Ambrosio), a veteran of both World Wars, was an active civic participant — attending council and planning commission meetings and contributing to responsible land use through the Young Conservationists. I proudly continue that tradition through ongoing civic engagement and advocacy for transparency and respect in public service.

I am submitting this formal complaint regarding the conduct of Councilmember Melinda Orbach during the April 17, 2025, City Council meeting. During that meeting, Councilmember Orbach used her position on the dais to publicly accuse me — by name — of harassment and threatening behavior. These accusations were made without any prior communication with me, without evidence, and without any due process. They were broadcast to the community, recorded in the city's official meeting archive, and made in the context of a public meeting, where power dynamics are not equal.

This is not the first instance where Councilmember Orbach has misused the dais — repeatedly using public time and her platform to respond to personal criticism and online commentary, rather than focusing on city business or respectful civic discourse.

Violations of the Code of Conduct

Councilmember Orbach's comments directly violated key provisions of the **Capitola City Council Code of Conduct**, including:

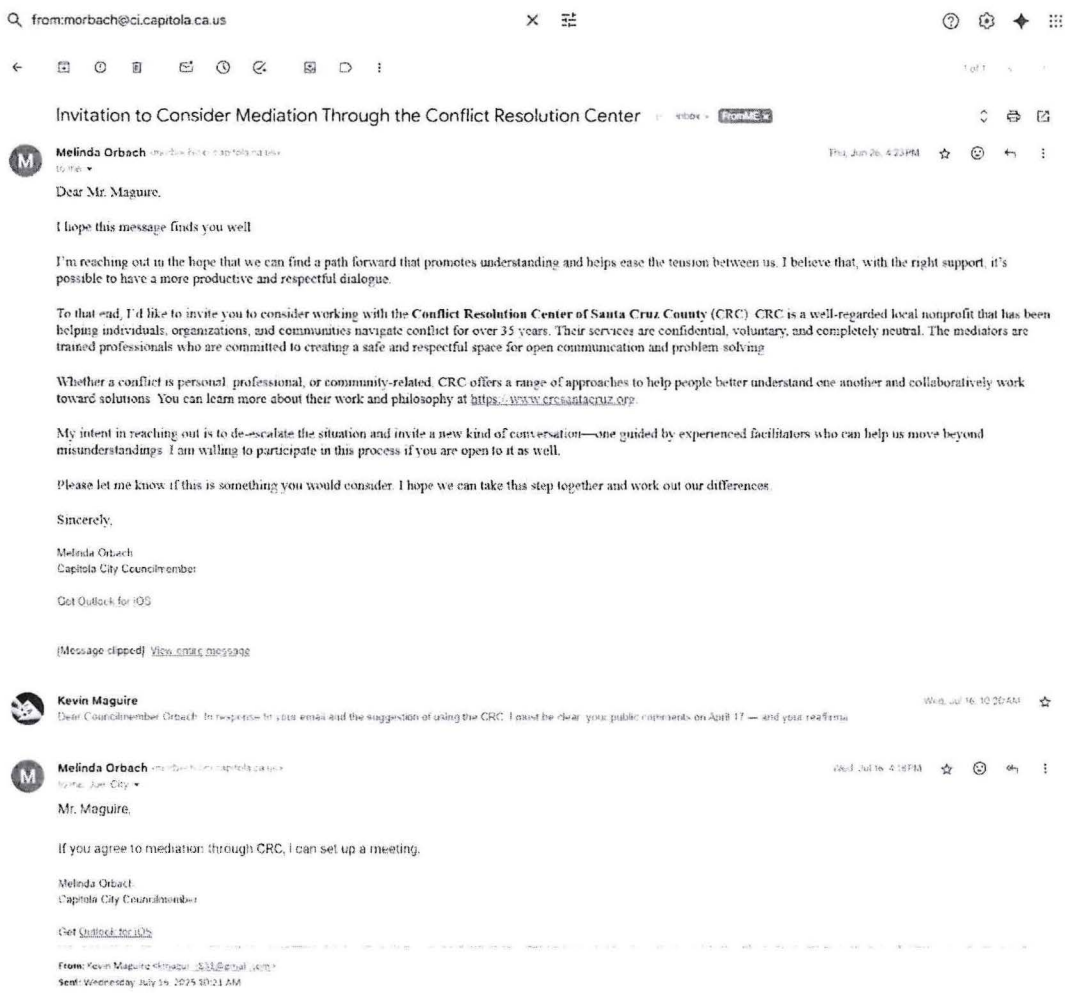
- **Section 5.4 – Council Conduct with the Public**

  "Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of members of the public."

- **Section 6.1.2 – Avoiding Impropriety and the Appearance of Impropriety**

  "Members should not engage in behavior that could be perceived as retaliatory, dismissive, or personally biased."

Councilmembers are also expected to be courteous and responsive to public communications. To that end, I recently submitted a **Public Records Act (PRA) request** to audit Councilmember Orbach's constituent communication activity over the past six months, seeking to understand her patterns of responsiveness and public engagement.



from:morbach@ci.capitola.ca.us

Invitation to Consider Mediation Through the Conflict Resolution Center

Melinda Orbach Thu, Jun 26, 4:23 PM

to me

Dear Mr. Maguire,

I hope this message finds you well.

I'm reaching out in the hope that we can find a path forward that promotes understanding and helps ease the tension between us. I believe that, with the right support, it's possible to have a more productive and respectful dialogue.

To that end, I'd like to invite you to consider working with the **Conflict Resolution Center of Santa Cruz County** (CRC). CRC is a well-regarded local nonprofit that has been helping individuals, organizations, and communities navigate conflict for over 35 years. Their services are confidential, voluntary, and completely neutral. The mediators are trained professionals who are committed to creating a safe and respectful space for open communication and problem-solving.

Whether a conflict is personal, professional, or community-related, CRC offers a range of approaches to help people better understand one another and collaboratively work toward solutions. You can learn more about their work and philosophy at https://www.crcsantacruz.org.

My intent in reaching out is to de-escalate the situation and invite a new kind of conversation—one guided by experienced facilitators who can help us move beyond misunderstandings. I am willing to participate in this process if you are open to it as well.

Please let me know if this is something you would consider. I hope we can take this step together and work out our differences.

Sincerely,

Melinda Orbach
Capitola City Councilmember

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[Message clipped] View entire message

Kevin Maguire Wed, Jul 16, 10:20 AM

Dear Councilmember Orbach: In response to your email and the suggestion of using the CRC, I assist be clear: your public comments on April 17 — and your reaffirma

Melinda Orbach Wed, Jul 16, 4:18 PM

to me, Jun, City

Mr. Maguire,

If you agree to mediation through CRC, I can set up a meeting.

Melinda Orbach
Capitola City Councilmember

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From: Kevin Maguire <kmaguir...33@gmail.com>
Sent: Wednesday, July 16, 2025 10:21 AM

from:morbach@ci.capitola.ca.us

[Message clipped] View entire message

Kevin Maguire to jclarke, City, Mo

Wed, Jul 16, 10:20 AM

Dear Councilmember Orbach,

In response to your email and the suggestion of using the CRC:

I must be clear: your public comments on April 17 — and your reaffirmation of those claims on June 26 — caused real and lasting harm. You named me directly, made serious accusations of threatening behavior, and did so from the dais without investigation, evidence, or any communication with me. These remarks were not made in a vacuum — they've since been repeated online, resulting in reputational damage, harassment, and emotional distress.

To this day, no factual basis has been presented to support your claims, and your public insistence that you "did not mischaracterize" me only deepens the harm. For the record, I was participating in peaceful civic engagement alongside Chris Amsden — a respected member of the community — who is willing to corroborate exactly what occurred. There was nothing threatening, inappropriate, or harassing about our actions. We didn't wander the neighborhood asking people to tell us where you live, we were canvassing, sharing flyers to raise awareness.

I've previously attempted to address this matter respectfully and through local channels, including outreach to **Mayor Clarke and Chief Ryan**, both of whom offered to help mediate. Those offers were not accepted by you. That has left me with few options.

I also want to raise a sincere question: **what exactly does the Conflict Resolution Center offer** that couldn't already have been achieved through a direct, facilitated conversation with the Mayor or Chief of Police — two respected, neutral leaders who are rooted in this community and who extended trusted offers to help? A 30-minute meeting could have cleared the air. Their involvement would have allowed us to speak plainly, understand one another, and deescalate things organically. Instead, those offers were rejected, and the conflict escalated.

The core issue here wasn't disagreement — it was **your public mischaracterization and accusation**, made without due diligence. So I ask in good faith: if local, immediate resolution wasn't an option then, why is CRC the solution now? Chief Ryan is highly trained in conflict resolution, as well as our Mayor's background in law enforcement.

While I remain open to a constructive dialogue, I believe that **a public mischaracterization by an elected official warrants public remediation**. Mediation through CRC could potentially help, but only if both parties are willing to enter the process with:

- A shared understanding that feelings are not facts
- A willingness to acknowledge the impact of one's actions and, where appropriate, accept responsibility
- A genuine effort to rebuild trust through clear communication and accountability
- A recognition that **public harm requires a public apology** —verbally from the dias, to correct the public record and restore integrity.
    - Example: "At a previous council meeting, I made comments that named Kevin Maguire and described events based on how I felt at the time. In hindsight, I recognize that I spoke without first verifying those claims or having any direct communication with him. I understand now that my words caused harm — and for that, I sincerely apologize. I hope this statement helps begin the process of restoring trust, and I remain committed to more respectful, evidence-based communication moving forward." (I give cocent to use my name in a public apology - KM)

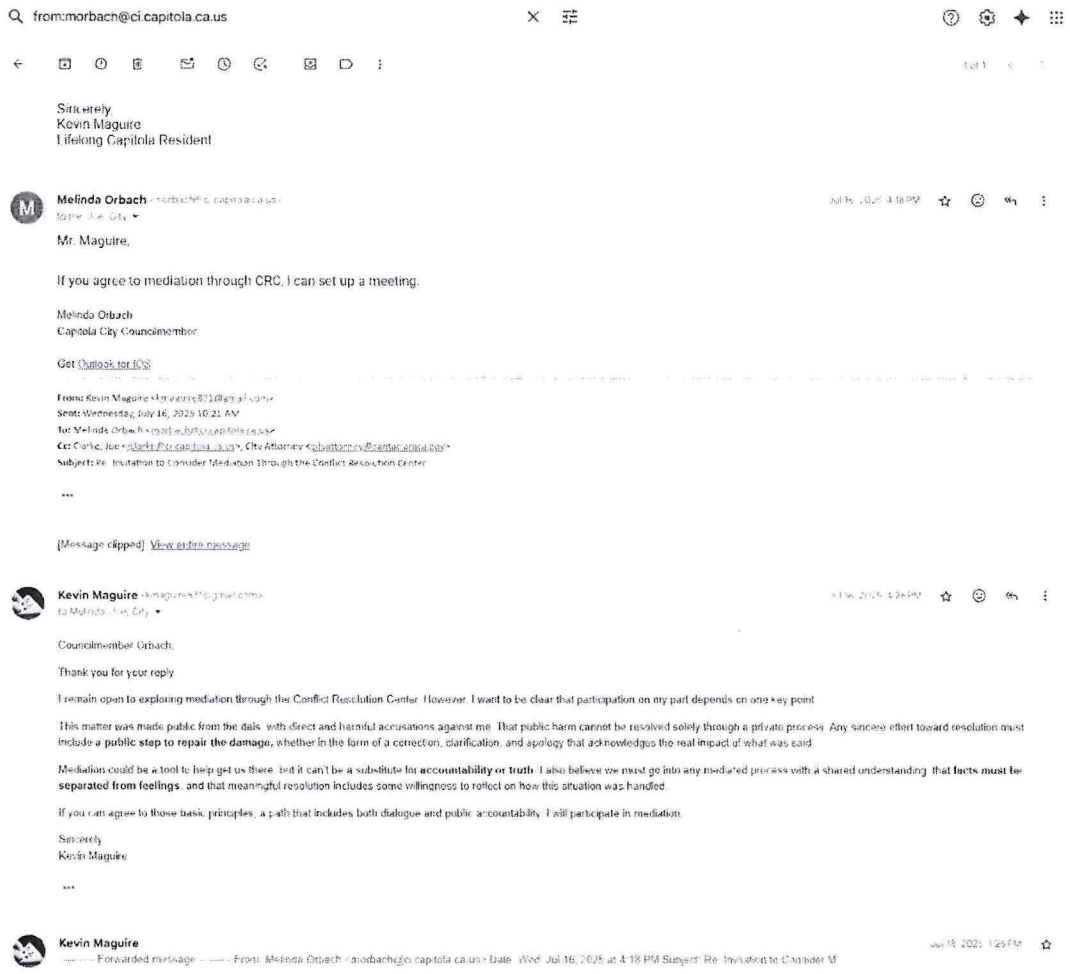
I will take time to learn more about CRC's process. If it aligns with the values above, and you are genuinely committed to accountability, I would consider participating. Do you have a contact there, or started the process already? Is there a cost to this? Who will bear those costs?

But let me be equally clear: **this matter is not about a misunderstanding — it is about public harm**. And resolution must reflect that truth.

Sincerely,
Kevin Maguire
Lifelong Capitola Resident

Melinda Orbach to jclarke, City, Mo

Wed, Jul 16, 4:18 PM



from:morbach@ci.capitola.ca.us

Sincerely,
Kevin Maguire
Lifelong Capitola Resident

Melinda Orbach <morbach@ci.capitola.ca.us>
to Kevin, Jamie, City

Mr. Maguire,

If you agree to mediation through CRC, I can set up a meeting.

Melinda Orbach
Capitola City Councilmember

Get Outlook for iOS

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, July 16, 2025 10:21 AM
To: Melinda Orbach <morbach@ci.capitola.ca.us>
Cc: Clarke, Joe <jclarke@ci.capitola.ca.us>; City Attorney <cityattorney@santacruzca.gov>
Subject: Re: Invitation to Consider Mediation through the Conflict Resolution Center

...

[Message clipped] View entire message

Kevin Maguire <kmaguire831@gmail.com>
to Melinda, Jamie, City

Councilmember Orbach,

Thank you for your reply.

I remain open to exploring mediation through the Conflict Resolution Center. However, I want to be clear that participation on my part depends on one key point.

This matter was made public from the dais, with direct and harmful accusations against me. That public harm cannot be resolved solely through a private process. Any sincere effort toward resolution must include **a public step to repair the damage**, whether in the form of a correction, clarification, and apology that acknowledges the real impact of what was said.

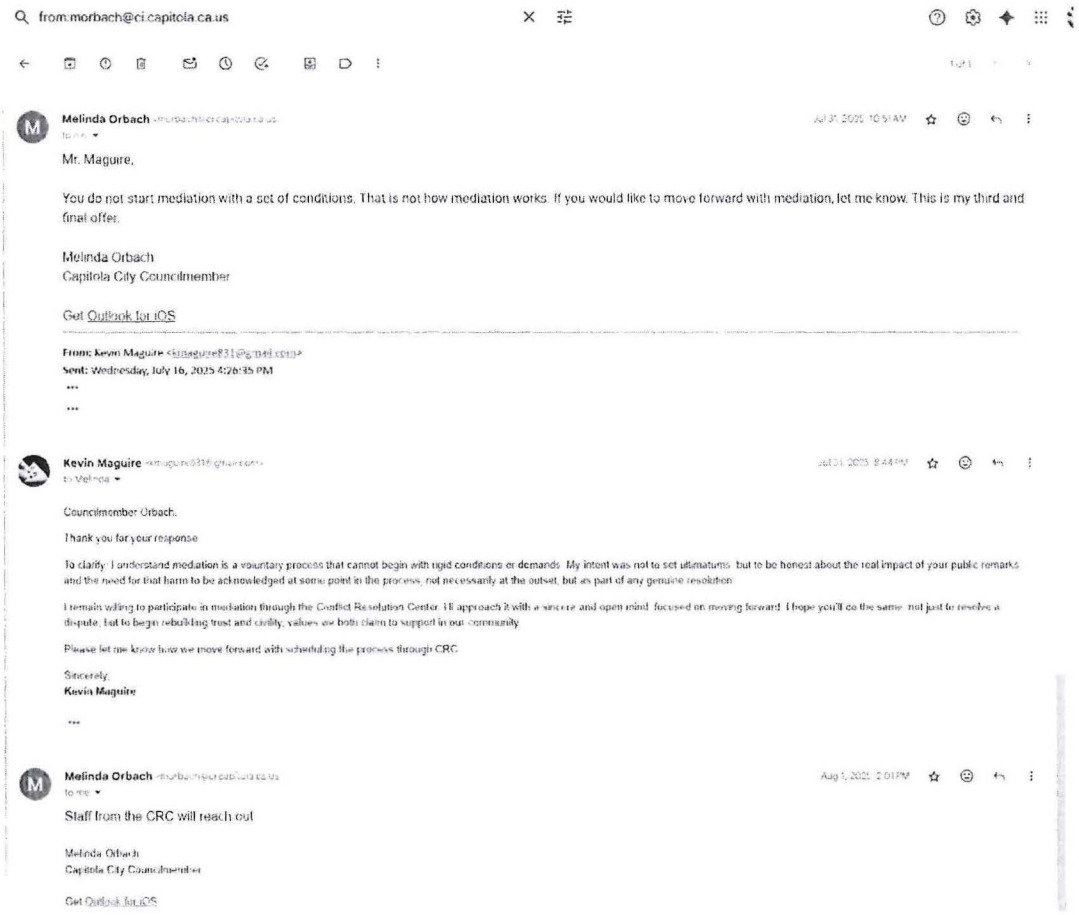
Mediation could be a tool to help get us there, but it can't be a substitute for **accountability or truth**. I also believe we must go into any mediated process with a shared understanding that **facts must be separated from feelings**, and that meaningful resolution includes some willingness to reflect on how this situation was handled.

If you can agree to those basic principles, a path that includes both dialogue and public accountability, I will participate in mediation.

Sincerely,
Kevin Maguire

...

Kevin Maguire
---------- Forwarded message ---------- From: Melinda Orbach <morbach@ci.capitola.ca.us> Date: Wed, Jul 16, 2025 at 4:18 PM Subject: Re: Invitation to Consider M



from:morbach@ci.capitola.ca.us

Melinda Orbach <morbach@ci.capitola.ca.us> Jul 31, 2025, 10:51 AM
to me

Mr. Maguire,

You do not start mediation with a set of conditions. That is not how mediation works. If you would like to move forward with mediation, let me know. This is my third and final offer.

Melinda Orbach
Capitola City Councilmember

Get Outlook for iOS

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, July 16, 2025 4:26:35 PM
...
...

Kevin Maguire <kmaguire831@gmail.com> Jul 31, 2025, 8:44 PM
to Melinda

Councilmember Orbach,

Thank you for your response.

To clarify: I understand mediation is a voluntary process that cannot begin with rigid conditions or demands. My intent was not to set ultimatums, but to be honest about the real impact of your public remarks and the need for that harm to be acknowledged at some point in the process, not necessarily at the outset, but as part of any genuine resolution.

I remain willing to participate in mediation through the Conflict Resolution Center. I'll approach it with a sincere and open mind, focused on moving forward. I hope you'll do the same, not just to resolve a dispute, but to begin rebuilding trust and civility, values we both claim to support in our community.

Please let me know how we move forward with scheduling the process through CRC.

Sincerely,
Kevin Maguire

...

Melinda Orbach <morbach@ci.capitola.ca.us> Aug 1, 2025, 2:01 PM
to me

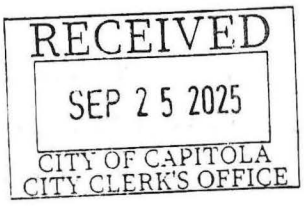
Staff from the CRC will reach out

Melinda Orbach
Capitola City Councilmember

Get Outlook for iOS

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, September 24, 2025 5:45 PM
To: City Clerk <cityclerk@ci.capitola.ca.us>; City Council <citycouncil@ci.capitola.ca.us>; Clarke, Joe <jclarke@ci.capitola.ca.us>; Westman, Susan <swestman@ci.capitola.ca.us>; Gerry Jensen <gjensen@ci.capitola.ca.us>; Margaux Morgan <mmorgan@ci.capitola.ca.us>; Melinda Orbach <morbach@ci.capitola.ca.us>
Cc: Samantha Zutler <SZutler@bwslaw.com>
Subject: 9 B Code of Conduct - FACTS

9/25/25



Capitola City Council

420 Capitola Ave.

Capitola, CA 95010

citycouncil@ci.capitola.ca.us

Subject: Support for Councilmember Orbach

I am writing to express my strong support for Councilmember Orbach and to urge any dismissal of a code of conduct complaint against them. It is vital that our community and leadership recognize this action for what it was: a defense against intimidation, harassment and a perceived threat, not a personal attack.

While public officials are often expected to endure aggressive and often intimidating behavior, Councilmember Orbach called the behavior into the open. The response to the harassment they endured is not a reflection of their character or their work, it was an attempt to stop the perceived threat and set boundaries, just as we teach children to call out bullying.

The harm caused by harassment extends beyond the individuals involved. A councilmember's experience of harassment can create a climate of fear that not only harms the councilmember but impacts the entire community and the democratic process. Repairing this harm is a collective effort.

It is important for our community and its leaders to strive for respectful communication and to seek constructive ways to address disagreements. Councilmember Orbach's actions in apologizing and offering to participate in mediation shows accountability and demonstrates a willingness to engage in such a process.

Councilmember Orbach needs your support right now.

We should support our elected leaders when they stand up to intimidation, rather than penalize them, and instead ensure a restorative process moving forward, provide greater assistance to new officials to build trusted support systems that center their reasons for serving their community. Strengthening ways to foster civility between the public and public officials helps create a culture where abusive behavior is not tolerated.

By taking these steps, you can turn a negative incident into a powerful opportunity for positive growth, promoting a respectful and inclusive environment for all residents of Capitola. I urge you to take this matter seriously.

Respectfully,

Sonja Brunner

Outlook

Orbach Code of Conduct Dismissal

From Nadene Thorne <nadenetd@yahoo.com>
Date Thu 9/25/2025 11:36 PM
To City Council <citycouncil@ci.capitola.ca.us>

City Council,
I watched the September 25th meeting on zoom, and while I appreciate your unwillingness to extend discussions of the admittedly vague council code of conduct responsibilities as they pertain to Melinda Orbach's actions, I was perturbed by the direction of the public commentary.
Certainly the public should be allowed to weigh in on matters before the council, but in this case Ms. Orbach had aggressively recruited a far-ranging support network speaking on her behalf, all of whom purported to know the facts and to have made a judgment.
Since this was merely public comment, there was no opportunity for facts to be brought in or questions to be asked. It appears Orbach won the dismissal by virtue of the weight of public comment, and the council's unwillingness to pursue the matter, now percolating for 5 months.
The result was distressingly unfair to Kevin Maguire who had no chance to defend himself, and may feel, with good reason it appears to me, that he has been bullied and slighted by this treatment in the face of Orbach's full-court press against him.
Capitola is a small town, and I'm not sure that attempting to put a lid on this matter is the right solution. In my experience, bullies continue to bully until they're stopped.
I hope there is more that the city council will pursue to more fairly balance the public - and the individual's - right to speak out with the necessity for bringing facts and evidence to protect that public, and the council itself. It seems to me that the result of this process this evening, however well-intentioned the council may be, has been deeply unfair to Mr. Maguire.
Nadene Thorne
Santa Cruz