

Wyatt, Rosie

From: Westman, Nels (nels@bestwestman.com)
Sent: Tuesday, April 15, 2025 6:14 PM
To: City Council
Subject: April 17 Agenda Item 3 A

Dear City Council,

Now that years of blatant violations of CMC 8.72 (Measure L) have been exposed by careful research and Public Record Requests I am asking myself at what point did the City go off the tracks of legality and who is responsible. Certainly in the early years after 2018 there wasn't much activity regarding diverting the trail off the corridor so the City appears to have followed the law.

And then the RTC came sniffing around. My earliest recollection of when I suspected something was changing was when I attended a Meet and Greet for the ill-fated campaign of Kristen Brown for Second District Supervisor. I don't remember her exact words but it was something along the lines of "8.72 is bad law and we are going to ignore it." Wrong on both counts. As Chair of the RTC and as Mayor of Capitola Brown quickly became the face of the RTC plan to divert the Trail off the Corridor at 47th on to City streets and through Capitola Village with strong support from arguably the then strongest Councilwoman, Yvette Brooks. Subsequently the RTC rushed through their decision to further divert the Trail up on to Park Ave. away from the rails. Public pushback quickly exposed multiple violations of CMC 8.72 to public scrutiny. Concurrently City Manager, Jamie Goldstein (aided by a tortured legal opinion from the City Attorney and subsequently debunked by numerous attorneys well versed in municipal law) also decided that 8.72 was bad law and to ignore it, making the City Manager, the Public Works Director and City Staff complicit in breaking City law. How the finger pointing will turn out in the end is unknown. Undeniably, common sense would say that all parties involved were familiar with 8.72 so the direction to ignore it unquestionably had to come from the City Council, specifically Councilmembers Brown, Brooks and Pedersen. Capitols should feel legitimately betrayed by this behavior.

The current Council must repudiate this choice to ignore and violate CMC 8.72 and state their commitment to obey the laws of the City of Capitola. In order not to complicate the City's legal problems they should vote accordingly

Nels Westman
Riverview Terrace