

From: Leslie Nielsen
Sent: Tuesday, April 15, 2025 11:33 PM
To: City Council
Subject: Item 3A and 3B Comments for 4/17

Capitola City Council,

Item 3A - **Provide Direction to Staff** on Municipal Code 8.72

There is only ONE direction - Direct staff to follow the municipal code, stop making staff recommendations that violate it, and stop having the city attorney say it's up to us to interpret when we pay her to guide us. PERIOD.

If City staff would like you to take action that contradicts the current unambiguous municipal code, tell staff to follow the code language and have it amended by a vote of the people before they spend any more time, money and resources promoting and recommending actions that violate the current and binding language.

This is not hard, and anything short of properly directing your staff to follow the code would be a clear indication of your bias to a cause that exceeds your ethical obligation to uphold your oath of office and truly represent the people of the City of Capitola that elected you.

Item 3B - Recommended Action - **Discuss and provide direction to staff** regarding the Park Avenue alignment for the Coastal Rail Trail.

Again, not hard. It doesn't matter what you think personally about the RTC project challenges and threatened risk to funding.

The staff report says until the City confirms its preferred alignment through Capitola, the County is unable to finalize the design scope with it's constituents or begin the next phase of work.

You have 3 choices;

1. Support Staff recommendation of Option A - Based on Item 3A - **a very bad idea**. If you think this will speed things up, think about the fallout from violating the municipal code.. it will wreak havoc on our City financially and culturally.
2. Discuss and DELAY action and give everyone more to do - spend more time, money and resources. This does NOT help the RTC finalize the scope design and manage the funding deadline.
3. **DENY realignment. Stick with the current plan**. The \$67M grant was awarded for Segment 10 and 11 only. It is an ACTIVE TRANSPORTATION GRANT awarded specifically in response to an application offering a full corridor solution ;

This project uses best practices to completely separate bicyclists and pedestrians from motor vehicle traffic by constructing a 12' wide multiuse path in the rail right of way.

The RTC cost overrun does NOT risk the entire Rail Trail project. It just makes the RTC's job of saving \$27M easier, and puts the financial burden of defending lawsuits, running recall elections etc. on the City of Capitola. Rod Tidmore himself said that if Capitola says NO, they would likely go forward with the coastal alignment. The County and Rail Trail advocates have navigated much tougher problems than a \$27M cost overrun. The threats of leaving Capitola out of the full scale project are just that .. threats.

They can put up "trail ends here" signs on both ends of Capitola and watch the entire vision of the project implode. I would be fine suggesting the CTC keep their grant money that is slated for just the Capitola section over misusing the largest ATP grant awarded in California history in a way that completely contradicts the basis for which it was awarded.

It feels fraudulent to ask for that amount of money to do A .. and then propose B to save \$27M.

We look like unsophisticated small town players being 'handled' by the County.

NOTE, the **current approved plan** for the Park Ave. section is in the corridor, with an approved EIR, and an agreement by the City to engage in a consolidated Coastal Development Permit (CDP) with the County to streamline the process of getting a CDP from the Coastal Commission. What could be faster if TIME is your agenda than staying the course?

The realignment would CHANGE THE SCOPE from the GRANT intent putting the funding at great risk, require a new EIR, and another attempt to get the City of Capitola to approve that EIR and initiate the required Coastal Development Permit. If getting a trail sooner than later matters, seems like staying the course is the best answer.

I would encourage you to be very thoughtful and swift in your decision making on Thursday. DENY the Park Ave. realignment.

Leslie Nielsen
Capitola resident