

DRAFT

Council Agency Meeting May 1, 2006

Item #

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**TOWN OF LOS GATOS, CALIFORNIA
TOWN COUNCIL
April 19, 2006/SPECIAL MEETING MINUTES**

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
	TOWN COUNCIL	The Town Council of the Town of Los Gatos met in the Council Chambers of the Town of Hall, 110 East Main Street, at 7:00 PM, April 19, 2006, in a Special Meeting .
7:00 PM	ROLL CALL	Present: Steve Glickman, Joe Pirzynski, Barbara Spector, Mike Wasserman, and Mayor/Chairman Diane McNutt. Absent: None
7:01 PM	PLEDGE OF ALLEGIENCE	The audience was invited to participate.
7:03 PM	OPEN VERBAL COMMUNICATION	Mr. Davis <ul style="list-style-type: none">• Commented regarding the action taken during the April 17, 2006 Town Council meeting relating to the auto dealership item.• Commented regarding the lack of sidewalks on Blossom Hill Road between Roberts Road and University Avenue.
7:06 PM	CLOSED VERBAL COMMUNICATION	
7:06 PM	COUNCIL MATTERS DISCUSSION OF ALLEGED TOWN COUNCIL CODE OF CONDUCT VIOLATION BY MR. GLICKMAN	COUNCIL MATTERS Whether Council Member Steve Glickman has violated one or more provisions of the Council Code of Conduct Policy (Resolution 2004-59) Mayor McNutt <ul style="list-style-type: none">• Requested Orry Korb, Town Attorney give an overview of the proceedings. Mr. Korb <ul style="list-style-type: none">• Described procedure for special meeting.

	<p>DISCUSSION OF ALLEGED TOWN COUNCIL CODE OF CONDUCT VIOLATION BY MR. GLICKMAN Continued</p> <p>COUNCIL DISCUSSION</p>	<p>Mr. Bourgeois</p> <ul style="list-style-type: none"> At the invitation of the Mayor, described a meeting on January 16, 2006, requested by Mr. Glickman at which time Mr. Glickman suggested that Mr. Bourgeois speak at the January 17, 2006 Town Council hearing on American Apparel land use issue, saying that he regretted his vote against American Apparel and now supports the application. <p>Council questions Mr. Bourgeois.</p> <p>Mr. Glickman</p> <ul style="list-style-type: none"> Described his prior efforts to mentor Mr. Bourgeois, who was interested in running for Council. Stated that he met with Mr. Bourgeois on January 16, 2006 for the purpose of informing him that the Planning Commission, in denying the American Apparel application, left some youth with the impression that the Commission had not treated them properly. Stated that he had suggested that Mr. Bourgeois speak at the Council meeting to the effect that he had not intended to insult the youth. Stated that he told Mr. Bourgeois that he would continue to support him in any event.
<p>7:49 PM</p>	<p>DISCUSSION OF ALLEGED TOWN COUNCIL CONDUCT VIOLATION BY MR. GLICKMAN Continued</p> <p>OPEN PUBLIC COMMENT</p>	<p>Public Comment</p> <ul style="list-style-type: none"> Mr. Hartigan Mr. Davis Mr. Gascoigne Mr. Kahler Mr. Tsang Ms. Mellema Mr. Becker Mrs. Becker Mr. Kent Mr. Kane Mr. Berwald Mr. O'Donnell Mr. Jensen Mrs. Talesfore Ms. Ashton Mrs. Quintana
<p>8:40 PM</p>	<p>CLOSED PUBLIC COMMENT</p>	

	<p>COUNCIL DISCUSSION Continued</p>	<p>Mr. Bourgeois</p> <ul style="list-style-type: none"> Described his motivation in revealing the incident, specifically with regard to ethics and his belief that Mr. Glickman's actions toward him were advocacy. <p>Mr. Malaspina, Attorney for Mr. Glickman</p> <ul style="list-style-type: none"> Questioned the propriety and necessity of this proceeding. Stated that the Code of Conduct provides that the Mayor shall counsel members of the Council regarding violations. Described Mr. Glickman's actions on January 16, 2006 as proper. Questioned Mr. Bourgeois' motives. <p>Mr. Korb</p> <ul style="list-style-type: none"> Stated that a possible violation of the Brown Act could result from the Mayor counseling a third Council Member on an issue already discussed with another Council Member.
<p>9:10 PM</p>	<p>MAYOR CALLED FOR A RECESS</p>	<p>Meeting resumed at 9:17 PM.</p>
<p>9:17 PM</p>	<p>COUNCIL DISCUSSION Continued</p>	<p>Mr. Korb</p> <ul style="list-style-type: none"> Read potentially relevant sections of the Town Council Code of Conduct (Resolution 2004-059) including Sections VII, IX, and XI.
<p>9:24 PM</p>	<p>COUNCIL DISCUSSION Continued</p>	<p>Council Discussion</p> <p>Mr. Glickman</p> <ul style="list-style-type: none"> Clarification regarding the violations of the Brown Act. <p>Mr. Korb</p> <ul style="list-style-type: none"> Clarified due process and issues regarding first amendment rights. <p>Mrs. McNutt</p> <ul style="list-style-type: none"> Commented on the different duties and obligations required of a Council Member. Commented on ethical responsibilities as a Council Member. Commented regarding different opinions relating to advocacy.

	<p>COUNCIL DISCUSSION Continued</p>	<p>Mrs. Spector</p> <ul style="list-style-type: none"> • Commented on quasi-legislative duties as a Council Member. • Commented on quasi-judicial duties as a Council Member. • Commented that she felt bringing the issue forward at a public meeting was the right thing to do. <p>Mr. Pirzynski</p> <ul style="list-style-type: none"> • Commented on why the Council restricted the issue to a public meeting. • Commented on the role of a mentor, and understanding a role as a mentor. • Commented on ethics in local government. <p>Motion by Mr. Wasserman to find that Mr. Glickman's conduct in discussion with Mr. Bourgeois on January 16, 2006 was inappropriate and a violation of the Council Code of Conduct. Seconded by Mrs. Spector.</p>
	<p>COUNCIL DISCUSSION Continued</p>	<p>Mr. Glickman</p> <ul style="list-style-type: none"> • Asked for clarification regarding the motion. • Asked what sections of the Code of Conduct that Council felt were in violation. <p>Mr. Wasserman</p> <ul style="list-style-type: none"> • Clarified for the motion that Policy Section VII was violated: <ol style="list-style-type: none"> a. Judgement of decisions should be reserved until all applicable information has been presented. • Clarified for the motion that Policy Section XI was violated: <ol style="list-style-type: none"> a. Council Members shall not reach decision of any agenda item prior to a scheduled public meeting. • Clarified for the motion that Policy Section IX was violated: <ol style="list-style-type: none"> a. Council Members should not feel they have the power or right to influence a board, commission, or committee member in any way. <p>Mr. Glickman</p> <ul style="list-style-type: none"> • Stated his view in opposition to the motion.

10:14 PM	MAYOR CALLED THE QUESTION	4/0 Mr. Glickman Abstained.
10:15 PM	COUNCIL DISCUSSION continued	<p>Mrs. Spector</p> <ul style="list-style-type: none"> • Would like Council to consider referring the Code of Conduct Policy to the Policy Committee for amendment, including the development of standards for disciplining members of Council. <p>Consensus to refer the Code of Conduct Policy to the Policy Committee for amendment, including the development of standards for disciplining members of Council.</p>
10:19 PM	MEETING ADJOURNED	

Submitted by:

ATTEST:

Jackie D. Rose, Deputy Clerk

MarLyn Rasmussen, Clerk Administrator