

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

	<p><b>DISCUSSION OF ALLEGED TOWN COUNCIL CODE OF CONDUCT VIOLATION BY MR. GLICKMAN</b> Continued</p> <p><b>COUNCIL DISCUSSION</b></p>	<p><b>Mr. Bourgeois</b></p> <ul style="list-style-type: none"> <li>At the invitation of the Mayor, described a meeting on January 16, 2006, requested by <b>Mr. Glickman</b> at which time <b>Mr. Glickman</b> suggested that <b>Mr. Bourgeois</b> 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.</li> </ul> <p><b>Council questions Mr. Bourgeois.</b></p> <p><b>Mr. Glickman</b></p> <ul style="list-style-type: none"> <li>Described his prior efforts to mentor <b>Mr. Bourgeois</b>, who was interested in running for Council.</li> <li>Stated that he met with <b>Mr. Bourgeois</b> 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.</li> <li>Stated that he had suggested that <b>Mr. Bourgeois</b> speak at the Council meeting to the effect that he had not intended to insult the youth.</li> <li>Stated that he told <b>Mr. Bourgeois</b> that he would continue to support him in any event.</li> </ul>
<p>7:49 PM</p>	<p><b>DISCUSSION OF ALLEGED TOWN COUNCIL CONDUCT VIOLATION BY MR. GLICKMAN</b> Continued</p> <p><b>OPEN PUBLIC COMMENT</b></p>	<p><b>Mr. Hartigan</b></p> <ul style="list-style-type: none"> <li>Commented on <b>Mr. Glickman's</b> honesty.</li> </ul> <p><b>Mr. Davis</b></p> <ul style="list-style-type: none"> <li>Commented on ethics and supported <b>Mr. Bourgeois'</b> decision to come forward.</li> </ul> <p><b>Mr. Gascoigne</b></p> <ul style="list-style-type: none"> <li>Commented that he likes <b>Mr. Glickman's</b> style of working with the community.</li> </ul> <p><b>Mr. Kahler</b></p> <ul style="list-style-type: none"> <li>Commented on his respect for <b>Mr. Glickman.</b></li> </ul> <p><b>Mr. Tsang</b></p> <ul style="list-style-type: none"> <li>Commented that <b>Mr. Glickman</b> taught him about American politics.</li> </ul>

	<p><b>DISCUSSION OF ALLEGED TOWN COUNCIL CONDUCT VIOLATION BY MR. GLICKMAN</b></p> <p><b>PUBLIC COMMENT</b> Continued</p>	<p><b>Ms. Mellema</b></p> <ul style="list-style-type: none"><li>• Commented that she feels that <b>Mr. Glickman</b> respects the youth and their opinions.</li></ul> <p><b>Mr. Becker</b></p> <ul style="list-style-type: none"><li>• Commented on his friendship with <b>Mr. Glickman</b>.</li></ul> <p><b>Mrs. Becker</b></p> <ul style="list-style-type: none"><li>• Commented on her friendship with <b>Mr. Glickman</b>.</li></ul> <p><b>Mr. Kent</b></p> <ul style="list-style-type: none"><li>• Commented that <b>Mr. Bourgeois</b> has never had a political agenda and loves to serve in his community.</li></ul> <p><b>Mr. Kane</b></p> <ul style="list-style-type: none"><li>• Commented that <b>Mr. Bourgeois</b> was a mentor to him.</li><li>• Commented on his fair ethical practices.</li></ul> <p><b>Mr. Berwald</b></p> <ul style="list-style-type: none"><li>• Commented that he feels <b>Mr. Glickman</b> is an honest man, and respects his intelligence.</li></ul> <p><b>Mr. O'Donnell</b></p> <ul style="list-style-type: none"><li>• Would like to see the issue resolved tonight and move on with business.</li></ul> <p><b>Mr. Jensen</b></p> <ul style="list-style-type: none"><li>• Commented that he respected <b>Mr. Bourgeois</b> coming forward with the alleged violation.</li><li>• Commended Council for having a public hearing to discuss the issue.</li></ul> <p><b>Mrs. Talesfore</b></p> <ul style="list-style-type: none"><li>• Commented on supporting the public hearing process.</li><li>• Commented that <b>Mr. Bourgeois</b> is an honest and respectful man.</li></ul> <p><b>Ms. Ashton</b></p> <ul style="list-style-type: none"><li>• Commented on mentors and mentoring and felt that the issue was a misunderstanding.</li></ul> <p><b>Mrs. Quintana</b></p> <ul style="list-style-type: none"><li>• Commented on her respect for <b>Mr. Bourgeois</b>.</li></ul>
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8:40 PM	<b>CLOSED PUBLIC COMMENT</b>	
	<p><b>DISCUSSION OF ALLEGED TOWN COUNCIL CONDUCT VIOLATION BY MR. GLICKMAN</b></p> <p><b>COUNCIL DISCUSSION Continued</b></p>	<p><b>Mr. Bourgeois</b></p> <ul style="list-style-type: none"> <li>Described his motivation in revealing the incident, specifically with regard to ethics and his belief that <b>Mr. Glickman's</b> actions toward him were advocacy.</li> </ul> <p><b>Mr. Malaspina, Attorney for Mr. Glickman</b></p> <ul style="list-style-type: none"> <li>Questioned the propriety and necessity of this proceeding.</li> <li>Stated that the Code of Conduct provides that the Mayor shall counsel members of the Council regarding violations.</li> <li>Described <b>Mr. Glickman's</b> actions on January 16, 2006 as proper.</li> <li>Questioned <b>Mr. Bourgeois'</b> motives.</li> </ul> <p><b>Mr. Korb</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
9:10 PM	<b>MAYOR CALLED FOR A RECESS</b>	<b>Meeting resumed at 9:17 PM.</b>
9:17 PM	<b>COUNCIL DISCUSSION Continued</b>	<p><b>Mr. Korb</b></p> <ul style="list-style-type: none"> <li>Read potentially relevant sections of the Town Council Code of Conduct (Resolution 2004-059) including Sections VII, IX, and XI.</li> </ul>
9:24 PM	<b>COUNCIL DISCUSSION Continued</b>	<p><b>Council Discussion</b></p> <p><b>Mr. Glickman</b></p> <ul style="list-style-type: none"> <li>Clarification regarding the violations of the Brown Act.</li> </ul> <p><b>Mr. Korb</b></p> <ul style="list-style-type: none"> <li>Clarified due process and issues regarding first amendment rights.</li> </ul> <p><b>Mrs. McNutt</b></p> <ul style="list-style-type: none"> <li>Commented on the different duties and obligations required of a Council Member.</li> <li>Commented on ethical responsibilities as a Council Member.</li> <li>Commented regarding different opinions relating to advocacy.</li> </ul>

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

	<b>COUNCIL DISCUSSION Continued</b>	<b>Mr. Glickman</b> <ul style="list-style-type: none"> <li>Stated his view in opposition to the motion.</li> </ul>
10:14 PM	<b>MAYOR CALLED THE QUESTION</b>	<b>4/0 Mr. Glickman Abstained.</b>
10:15 PM	<b>COUNCIL DISCUSSION continued</b>	<b>Mrs. Spector</b> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Consensus to refer the Code of Conduct Policy to the Policy Committee for amendment, including the development of standards for disciplining members of Council.</b></p>
10:19 PM	<b>MEETING ADJOURNED</b>	

Submitted by:

ATTEST:

Jackie D. Rose, Deputy Clerk

MarLyn Rasmussen, Clerk Administrator