

**MINUTES OF THE TOWN COUNCIL/PARKING  
AUTHORITY/REDEVELOPMENT AGENCY  
MARCH 2, 2009**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, March 2, 2009 at 7:00 P.M.

**TOWN COUNCIL/PARKING AUTHORITY/REDEVELOPMENT AGENCY**

**ROLL CALL**

**Present:** Mayor Mike Wasserman, Vice Mayor Diane McNutt, Council Member Joe Pirzynski, Council Member Steve Rice, and Council Member Barbara Spector.

**Absent:** None.

**PLEDGE OF ALLEGIANCE/COMMENDATION - LOS GATOS MORNING ROTARY**

The Los Gatos Morning Rotary sang "God Bless America" and led the Pledge of Allegiance. The audience was invited to participate.

Mayor Mike Wasserman presented the Los Gatos Morning Rotary with a commendation for their contributions to the community. Los Gatos Rotary President, Dan Lawson, thanked the Mayor and Council for the recognition and invited the community to attend a Rotary Club meeting to learn more about the organization.

**CLOSED SESSION REPORT**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**(Government Code Section 54956.9[a])**

**Naymark et al. vs San Jose et al.**

Mr. Korb stated that all Council Members were present and voted unanimously to authorize an appeal on that matter.

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**(Government Code Section 54956.8)**

**Property: APN 424.31.055**

**Negotiator: Greg Larson, Town Manager Under negotiation: Price and terms**

Mr. Korb stated that direction was given and no action was taken.

## **PRESENTATIONS**

### **Proclamation - March for Meals Month**

- **Mayor Mike Wasserman** presented **Regina Falkner**, Director of Community Services with a proclamation for the Meals on Wheels program which serves less fortunate seniors in the community.
- **Ms. Falkner** accepted the proclamation on behalf of Los Gatos Seniors who benefit from the Meals on Wheels program.

### **Introduction/Presentation - Listowel Delegation**

- **Mayor Mike Wasserman** presented the "Key to the Town" to **Mayoress Maria Gorman** and **Jimmy Deenihan** who were visiting on behalf of the Town's sister city Listowel, Ireland.
- **Mayoress Gorman** and **Mr. Deenihan** thanked the Council for the proclamation and the Town for the relationship it has sustained for many years with Listowel.
- **Mayoress Gorman** and **Mr. Deenihan** presented **Mayor Mike Wasserman** and the **Council Members, Greg Larson, Town Manager, and Pamela Jacobs, Assistant Town Manager** with gifts on behalf of the Town of Listowel.

## **COUNCIL/TOWN MANAGER REPORTS**

### **Council Matters**

There were no Council Matters for this meeting.

### **Manager Matters**

#### **Mr. Larson, Town Manager**

- Commented on the Parent Project which is being coordinated by Santa Clara County and Los Gatos Saratoga Recreation Department and will be led by the Los Gatos-Monte Sereno Police Department.
- Commented on the closure of Town Plaza Park beginning March 9, 2009 through April 30, 2009. The project will include storm drain turf improvements.

## **TOWN COUNCIL**

### **CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

1. **Accept Investment Report for January 2009.**
2. **PPW Job No. 09-01 Civic Center HVAC Upgrades Project 821-2103 Adopt resolution approving plans and specifications for the HVAC System Renovation and authorize staff to advertise the project for bid. RESOLUTION 2009- 016**

Consent Items – Continued

3. **PPW Job No. 04-68 Roberts Road Bridge Reconstruction Project. Adopt resolution authorizing Town Manager to execute an amendment to the professional services agreement with Biggs Cardosa Associates, Incorporated to provide design services for the reconstruction of Roberts Road Bridge in the amount not to exceed \$181,800. RESOLUTION 2009-017**
4. **PPW Job No. 08-15 Highland/Jackson Culvert Reconstruction Project 461-816-0404. Adopt resolution accepting the work of Casey Construction Company and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator. RESOLUTION 2009-018**
5. **Adopt resolution authorizing the Town Manager to execute an agreement with the County of Santa Clara relating to the goals and objectives of the County Regional Public and Internal Notification System. RESOLUTION 2009-019**

**TOWN COUNCIL/REDEVELOPMENT AGENCY**

6. **Approve Study Session and Council/Agency minutes of February 17, 2009.**

**Mr. Davis** pulled Consent Item #6.

**Mayor Mike Wasserman** stated that pulled Consent Item #6 would be heard prior to the vote to approve Consent Items.

**PULLED CONSENT ITEM**

6. **Approve Study Session and Council/Agency minutes of February 17, 2009.**

**Mr. Davis**

- Stated that his comments in the minutes of February 2, 2009 relating to interpretations from the Town Attorney and Community Development Director for the Linda Avenue/Ross Creek project were not accurately reflected.

## Consent Items – Continued

**MOTION:**                **Motion by Council Member Joe Pirzynski to approve Consent Items #1-6.  
Seconded by Council Member Barbara Spector.**

**Council Member Steve Rice** recused himself from Consent Item #4 due to the location of his residence.

**VOTE:**                **Consent Items #1-3 and #5-7 carried unanimously.  
Consent Item #4 carried 4/0. Council Member Steve Rice  
recused himself from Consent Item #4 due to the  
location of his residence.**

## VERBAL COMMUNICATIONS

### **Mr. Davis**

- Stated that he feels that **Mayor Mike Wasserman's** comments were not "brief" during the Public Comments portion of the February 2, 2009 Town Council meeting and that the Mayor violated the Brown Act.
- Commented that Attachment 4 of the Redevelopment Agency Plan speaks about limited funding for community facilities and buildings.

**Mr. Davis** received his first warning for disrupting the meeting.

### **Mr. Korb, Town Attorney**

- Stated that in his opinion the comment made by **Mayor Mike Wasserman** was brief and did not violate the Brown Act.
- Clarified the Redevelopment Plan does provide for the construction and development of public facilities including libraries.

## TOWN COUNCIL

### OTHER BUSINESS

7. Approve the Arts Commission recommendation regarding the future oversight of Music in the Park concert series and authorize staff to commence contract negotiations with Los Gatos Music & Arts for Music in the Park coordination.

Staff report made by **Regina Falkner**, Director of Community Services.

## Other Business Item #7 – Continued

### **Council Comments**

- Commented that the continuation of Music in the Park, the scope of advertising and the size of the event should be addressed as part of the contract negotiations.
- Questioned if there have been discussions on the process to replace the future vacancies of Los Gatos Music and Arts board members.
- Commented that the Town would want to resume responsibility for Music in the Park if needed in the future.
- Commented that this arrangement would, in effect, license the Music in the Park program.

### **Mr. Knowles**

- Clarified that the board is very strong with 22 members made up of people who are committed to the Town which will ensure that these programs continue.
- Commented on the competency of the members which allows them to effectively volunteer in multiple programs.
- Commented that the Arts Commissioners believe that Music in the Park is in jeopardy if this contract does not happen.
- Clarified that there will not be a scenario where this will turn into a "for profit" program.
- Clarified that this contract will not change anything from the concert-goers perspective.

### **Open and Closed Public Comment**

### **Council Discussion**

- Commented in support of the Music in the Park program being administered through a non-profit.

### **MOTION:**

**Motion by Council Member Barbara Spector** to approve the Arts Commission recommendation regarding the future oversight of Music in the Park concert series and authorize staff to commence contract negotiations with Los Gatos Music & Arts for Music in the Park coordination.

**Seconded by Council Member Joe Pirzynski.**

Other Business Item #7 – Continued

**Council Discussion**

- Suggested the Town and community encourage acknowledgement to the Arts Commissioners in 2009 for their final year of volunteering to promote Music in the Park.
- Would like to see a follow-up report after negotiations to ensure a quality program.

**VOTE:**                    **Motion passed unanimously.**

**ADJOURNMENT**

Attest:

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Jackie D. Rose, Clerk Administrator