

Council Present:

Mike Anderson
Bob Hooker
Jean McKittrick
Jane Vincent

Jack Gradle
Bill McCoy
A.J. O'Connell

Staff Present:

Mark Shrives
Roberta Tharp
Layli Nichols
Roy Sprout
Shelley Humble
Steve Dobrinich
Ken Jones
Ross Williamson
Sgt. Doug Osborne

City Administrator
City Recorder
Finance Director
Public Works Director
Airport Manager
RARE Intern
City Attorney
City Attorney
LCSO

Council Absent: 0

Press: Creswell Chronicle – (3) – Helen Hollyer & Martha McReynolds, Jr. Victoria Deleon
KEZI News -

Audience: 74

The regular scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:00 PM and the pledge of allegiance given.

1. Presentations

A. Ken Nagao – City Hall 2nd Floor Project

Ken Nagao addressed the council and presented the 70 percent completion drawings of the City Hall 2nd floor project. Mr. Nagao said he has prepared shopping list options for the Council Chambers, conference room, restroom, computer and storage rooms. The tentative bid opening date is set for December 1, 2011.

B. Sgt. Doug Osborne - Lane County Sheriff Update

Sgt. Doug Osborne addressed the Council to announce that Lane County Sheriff's Office and the City of Creswell have joined in a partnership to participate in a DEA (Drug Enforcement Administration) National Drug Take-back event for prescription drugs. On October 29th from 10:00 a.m. to 2:00 p.m. residents can drop off expired or unwanted prescription drugs at the Chamber of Commerce office for disposal.

C. City Attorney Presentations

i. Ken Jones

Ken Jones addressed the council stating that tonight he is speaking as a presenter and not as the City Attorney. Mayor Hooker has expressed some concerns of a breakdown in governance amongst City Councilors. Mr. Jones said the key element to successful government is effective communication and a level of trust and over the past several months he has witnessed a breakdown of these elements amongst this Council. Mr. Jones said this includes City Council meetings as well as actions outside of Council meetings that are disrupting the City's actions. Creswell deserves a council that's effective and acts with integrity and by bringing items to the Council at the last minute without proper background materials or making accusations and innuendos without checking what the facts are, does not make effective council relations. Mr. Jones asked each councilor to think about what they are doing and the impact of those actions on the City's ability to conduct business. Mr. Jones continued by saying the actions of one Councilor has the potential to affect everyone; innuendos, posturing, name calling, an inability to listen to others and throwing stones all bring ineffective actions and you must have a balance of self control and self assurance. The required traits to achieve effectiveness are integrity, leadership and honesty.

Mr. Jones said when the Council is working on an item, everyone needs to work together, and votes should be based on listening and understanding the views of others, constructively confronting and discussing the differences and showing respect for others ideas. Mr. Jones suggested holding work sessions to conduct trainings that will allow the council to work toward becoming an effective council and explore how outside actions have impacts on the ability to work as an effective Council. Mr. Jones used the September 2011 meeting as an example; the meeting was heavily attended due to an incident involving a high school student three days

prior. Mr. Hooker began the meeting by announcing that the City would not be taking any action on this subject as it is an ongoing criminal investigation by the Lane County Sheriff's Department. Many people spoke during the Public Forum urging the Council to take action against racism and violence. Towards the end of the meeting a motion was made to direct staff to create a proclamation creating a Race Free Zone, which failed and the Mayor reiterated the fact he would support a nondiscrimination proclamation once the investigation was complete and the facts presented. Mr. Jones said he isn't sure why but the following evening, the School District held their board meeting where a statement was issued regarding the same incident and there was no one in the audience to hear it.

In working toward a solution to this problem it will take a common resolve to respect each other, the position of City Councilor, and your actions as a group in order to discuss issues and make informed decisions. The City Council as a legislative body should act efficiently, deliberate on process and gather information so the body does not make uninformed decisions that may lead to unintended consequences.

Mr. Jones passed out a list of various City contracts, resolutions, ordinances and proclamations approved by the Council that include clauses addressing civil rights and discrimination.

Mr. Jones said Governor John Kitzhaber by proclamation has declared October to be Civil Rights month and now that the investigation is well under way and facts have been presented he has prepared a nondiscrimination proclamation for the Council to consider which he read aloud.

Mike Anderson moved Bill McCoy seconded to amend the agenda by adding the proposed proclamation drafted by Attorney Ken Jones. Voted on and carried unanimously.

A.J. O'Connell moved Jane Vincent seconded to amend the proposed proclamation to include the words economic status, physical ability and/or capability on lines eleven (11), fourteen (14) and twenty-one (21). A brief discussion ensued regarding disability already existing in the wording of the proclamation. The motion carried with Councilors Anderson, McCoy, McKittrick, O'Connell, Vincent and Mayor Hooker voting in favor and Councilor Gradle voting in opposition.

Mike Anderson moved A. J. O'Connell seconded the City of Creswell accept the Nondiscrimination Proclamation presented by Ken Jones as amended. Voted on and carried unanimously.

Audience Disruption – 1st Warning – Mayor Hooker asked the audience to keep order.

ii. Ross Williamson – Council Rules

Resolution 2011-19, A Resolution Establishing Council Rules and Rescinding Resolution No. 2011-07, A Resolution Establishing Council Rules

City Attorney Ross Williamson addressed the council presenting Resolution 2011-19, a Resolution revising Sections 4 and 5 of the Council Rules in order to provide for a clear procedure for Council agendas and to ensure meetings are run efficiently and are used for a deliberative process and to show the public their time and participation in City business is valued and respected.

Mr. Williamson reviewed the proposed changes to the rules:

- Section 4.1 – Governs the process for Councilors to suggest agenda items
- Section 4.2 – Governs the format of meetings
- Sections 5.6 – Added to suggest a more efficient way to track public testimony – this process is currently used by the City of Eugene and Creswell School District

A discussion ensued about the process of changing the Council Rules and Mr. Williamson responded, this is the usual process and it is required by public meeting law to do so in an open meeting. Further comments were made regarding committees taking on some of the work load of individual Councilor proposals, and with the proposed changes to public forum it looks as though we are limiting the freedom of speech.

Audience Disruption, 2nd warning, – Mayor Hooker asked the audience to hold their comments as the next time he will ask the Deputy to clear the room.

Mr. Williamson said we are not infringing on individual's freedom of speech to say whatever they want; this process regulates the public forum. Discussion ensued regarding negotiation, debate and public forum before the three minute limit.

Audience Disruption – Mayor Hooker said this is the last and final warning or he will have the room cleared. The Audience Disruption continued and Mayor Hooker asked Sgt. Doug Osborne to clear the audience from the room and adjourned the meeting at 7:56 p.m. Sgt. Osborne was able to clear the room except for two people, who refused to leave. Mark Shrives followed the crowd out of the Council Chamber and explained the meeting will be reconvened in approximately ten minutes. The audience is invited back in as long as the Council Rules are followed and it is orderly. The Council Rules state there is no clapping, yelling etc., and they will need to be adhered to.

The meeting reconvened at 8:07 p.m.

Discussion continued with some of the councilor's stating they when they feel there is something that needs to be addressed and discussed they currently run it by the City Administrator first only to find out it is already in the process of being handled while other Councilors are not even sure what the process is to be placed on the agenda. Mr. Williamson advised the proposed rule change will provide a precise procedure; you fill out a request form, turn it into the City Administrator and it will be placed on the agenda for discussion at the next Council meeting where the Council will decide if they want to hear that particular item at the following meeting. More discussion ensued and it was reiterated that all request forms will be brought forward to the Council.

A.J. O'Connell moved Jane Vincent seconded Council postpone Resolution 2011-19 A Resolution Establishing Council Rules and Rescinding Resolution No. 2011-07, A Resolution Establishing Council Rules. The motion failed with Councilors O'Connell and Vincent voting in favor and Councilors Anderson, Gradle, McCoy, McKittrick and Mayor Hooker voting in opposition.

Bill McCoy moved Mike Anderson seconded to adopt Resolution 2011-19, A Resolution Establishing Council Rules with an Immediate Effective Date and Rescind Resolution 2011-07, A Resolution Establishing Council Rules. The motion carried with Councilors Anderson, Gradle, McCoy, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent opposing.

2. Correspondence

Mark Shrives asked to have Correspondence amended to include the Bronze Safety Award presented to the City of Creswell from the League of Oregon Cities & City County Insurance Services at the League of Oregon Cities Conference in September.

A.J. O'Connell moved Mike Anderson seconded the Council add the bronze safety award presented to the City of Creswell at the League of Oregon Cities Conference to correspondence. Voted on and carried unanimously.

Bill McCoy moved Jack Gradle seconded to accept the correspondence as amended. Voted on and carried unanimously.

3. Public Forum

This agenda item was moved to later in the meeting.

4. Consent Calendar

Jack Gradle moved Mike Anderson seconded to approve the Consent Calendar as presented. Voted on and carried unanimously.

5. Airport

No agenda items for the Airport.

6. Public Works

No agenda items for Public Works.

7. City Administration

A. Rural Tourism Marketing Agreement

Bill McCoy moved Mike Anderson seconded to approve the Rural Tourism and Marketing Agreement between the City of Creswell and Lane County and authorize the City Administrator to work with the Chamber of Commerce

on program development and also authorize the City Administrator to execute the finalized RTMP Agreement. Voted on and carried unanimously.

B. Pay Request – Nagao Pacific – City Hall 2nd Floor Project

Jean McKittrick moved Jack Gradle seconded that Council approve Invoice #11-136 from Nagao Pacific Architectural and Planning P.C. in the amount of \$16,167.50 for services on the City Hall 2nd Floor Project. The motion passed with Councilors Anderson, Gradle, McCoy, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent opposing.

8. Public forum

Bahati Ansari, residing at 3131 Leo Road SW, Albuquerque, New Mexico thanked the Council for passing a Nondiscrimination Proclamation.

Alan Bennett, business owner at 24 West Oregon Avenue, Creswell, asked the council to consider naming the new council chambers in City Hall after the late Mayor Eddie McCluskey.

Paulette Ansari, residing at 819 Silver Lane, Eugene, OR spoke in support of Johna Scott.

Kwanzaa Jimmy Vinje, residing at 1582 Beebe Lane, Eugene, OR spoke in support of Johna Scott.

Hassan Ansari, residing at 819 Silver Lane, Eugene, OR – spoke about emotions and in support of Johna Scott.

Rob Handy, County Commissioner, 125 East 8th Street, Eugene, OR thanked the council for passing a Nondiscrimination Proclamation. He also suggested that there are resources available in Lane County for assistance in helping with community reconciliation.

Urban Moore, 25 South Fifth Street, Creswell Oregon spoke about the fuel situation at the Airport.

Henry Levert, residing at 2036 South Shasta Loop, Eugene, OR commended the council for passing a Nondiscrimination Proclamation and spoke about respect.

Arbrillia Levert, residing at 2036 South Shasta Loop, Eugene OR applauded the council for passing a Nondiscrimination Proclamation and effective communication.

9. Clerk's Report

10. Comments from the Mayor, Councilors, and City Administrator

11. Upcoming Meetings

- A.** October 12, 2011 – Municipal Court
- B.** October 20, 2011 – Planning Commission
- C.** October 29, 2011 – National Drug Take Back Day
- D.** October 30, 2011 – Annual Chamber of Commerce Greet and Treat

12. Adjournment

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 8:48 PM.


Roberta J Tharp, City Recorder


Robert A. Hooker, Mayor