

**September 30, 2019  
Special Session  
City of Gaston**

**Present:** Mayor David **Meeker**, Council President Bill **Martin**, Mario **DePiero**, and Andrew **Sewall**, Sarah **Branch**, Suzy **Carver**, and Don **Richter**. Others present are represented on the sign-up sheet (attached)

**Absent:** None

**Staff Present:** City Attorney Ruben **Cleaveland**, City Recorder Wenonah **Blanchette** and Public Works Director Andy **Worley**.

- I. Mayor David **Meeker** called the special meeting to order at 6:30 PM.
- II. **ROLL CALL:** City Recorder **Blanchette** conducted the roll call for the record with:  
Councilor Mario **DePiero**: present  
Councilor Andy **Sewall**: present  
Councilor Bill **Martin**: present  
Mayor David **Meeker**: present  
Councilor Sarah **Branch**: present  
Councilor Suzy **Carver**: present  
Councilor Don **Richter**: present
- III. **Discussion /Decision for Planning and Engineering Services:** City Attorney Ruben **Cleaveland** advised the Council of two concerns one being conflict of interest. There are two kinds of conflicts of interest, one “potential” conflict of interest and an “actual” conflict of interest. A potential conflict of interest is something that could have a benefit to a direct member of an appointed officials’ household. This means you can participate in the discussion and vote but must declare it as an “potential” conflict for the record. If you have an actual conflict meaning it would have an impact on a member of your household, you would have to declare the conflict as an “actual” conflict, recuse yourself from discussion and recuse yourself from voting on the matter. The second item of concern are emails that are circulated to all City Councilors. If it’s an information-only email that is okay, however if there are responses back and forth between City Councilors that can create a public meeting. Also, a concern is one individual who is not a Councilor emailing Councilors back and forth amongst Council members; that one person can become the “hub” of a spoked-wheel and create a meeting called a serial meeting. Again, it was advised not to reply to those kinds of email.

Attorney **Cleaveland** addressed the Council regarding City engineering services with AKS Engineering not stating based on their letter last week, did not want to enter into contract negotiations for planning and engineering services at this time. Councilor **DePiero** clarified for Attorney **Cleaveland** that during the meeting held on the 25<sup>th</sup> of September AKS Engineering rescinded that statement and would discuss the matter with AKS. Councilor **Branch** stated that the Council motioned to keep them as the interim for planning and engineers until Council decides what to do on the matter. Attorney **Cleaveland** informed Council they need to make the determination on planning services, either staying with AKS in the interim or stay with them in the long haul. Discussion held with AKS representative John **Christiansen** stating they spoke internally with AKS and are willing to provide interim services and agreeable to the condition in the contract regarding attorney fees. Projects AKS are currently working on and will provide services on the interim basis are Cottonwood Street and Gaston Heights. AKS does not wish to provide planning or engineering services on a permanent basis moving forward. Cottonwood projected engineering cost is \$47,000 and AKS has billed 35,000. Gaston Heights projected engineering. Motion made by Councilor **Branch** and seconded by Councilor **Sewall** to keep AKS as the City planner up to and including a full six-month window for Cottonwood and Gaston Heights projects. Councilor **Carver** recused herself from discussion and vote being her spouse works for AKS. Councilor **Richter** declared a potential conflict

being he has worked with AKS in the past and potentially in the future. Motion passed with aye votes heard from: **DePiero, Sewall, Martin, Branch, and Richter**. Nay: **Meeker**. Abstain: **Carver**.

Councilor **Branch** stated the Council needed to decide on engineering services with AKS declaring they are willing to provide services for a six-month period on the projects for Cottonwood and Gaston Heights. Councilor **DePiero** motioned to continue engineering services with AKS Engineering for six-months as interim engineer of Gaston Heights project and Cottonwood project. Motion seconded by Councilor **Sewall**. Motion carried. Vote: Aye: **DePiero, Sewall, Branch, and Richter**. Nay: **Meeker** and **Martin**. Abstain: **Carver**.

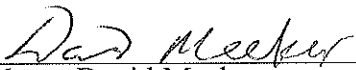
Discussion amongst the Council was had designating Councilor **Branch** to negotiate contract rates for the interim engineering services provided by AKS Engineering not to exceed six-months.


City Attorney **Cleaveland** led discussion for permanent engineering services with Council deciding to move forward with the next engineers in line with the current RFQ process. Motion to move forward with Tetra Tech for long range engineering services was made by Councilor **DePiero** with second heard by Councilor **Martin**. Public Works Director **Worley** was designated to contact Tetra Tech for engineering services and Councilor **Sewall** was designated to negotiate rates for engineering services. Vote: Aye: **DePiero, Sewall, Martin, Meeker, Branch, Carver, and Richter**. Nay: None.

Planning services can be done informally long as costs do not exceed \$150,000. City Attorney **Cleaveland** informed Council they may follow a formal RFP process or an informal process for planning services for the duration of the contract with Council by consensus designating Public Works Director **Worley** to solicit three proposals following the informal process noting services will not exceed \$150,000 per the contract.

Mayor Meeker called for a two-minute recess at 7:10PM.

- IV. **EXECUTIVE SESSION ORS 192.660(2)(h):** To Consult with Counsel Concerning Legal Rights and Duties of a Public Body with Regard to Current Litigation or Litigation Likely to be Filed. Mayor **Meeker** called this Executive session to order at 7:12PM; closing the special session at this time.
- V. Mayor **Meeker** reconvened the special session at 8:02PM closing the executive session at this time.
- VI. **ADJOURNMENT:** Councilor **DePiero** motioned to adjourn the meeting at 8:03PM with second heard by Councilor **Martin**. Motion carried unanimously.

  
\_\_\_\_\_  
Mayor David Meeker

Attest:   
\_\_\_\_\_  
City Recorder Wenonah Blanchette