

## **GIG HARBOR CITY COUNCIL SPECIAL MEETING OF DECEMBER 15, 2008**

**PRESENT:** Councilmembers Ekberg, Franich, Conan, Malich, Payne and Mayor Hunter. Councilmember Young came later in the meeting. Councilmember Kadzik was absent.

**CALL TO ORDER:** 4:00 p.m.

**PLEDGE OF ALLEGIANCE:**

**EXECUTIVE SESSION:** For the purpose of discussing potential litigation per RCW 42.30.110(1)(i) and Guild Negotiations per RCW 42.30.140(4)(a).

**MOTION:** Move to change the order of the agenda to have the Executive Session after New Business.  
Conan / Payne – unanimously approved.

### **NEW BUSINESS:**

1. Eddon Boat – Construction Contract Award. Steve Misiurak, City Engineer presented the background for the construction contract award. He reported that there were seven bids received. Rush Commercial Construction, Inc. was the lowest responsive bidder. Councilmember Malich asked for clarification on “responsive” in relation to the bidders. Mr. Misiurak explained that in order to be considered “responsive”, the bidder must have no bid irregularities on the proposal form, have the ability to perform the work, and have a favorable past history. Marcos McGraw, Project Manager explained that the grant funding source of \$980,000 is limited to construction and stated that the city addressed everything as best as possible, however there could be unforeseen costs. There is \$95,000 in the general fund to help with the construction of the restrooms. Councilmember Payne asked if the grant can take care of certain unknowns. Rob Karlinsey stated that the grant is limited and will not cover design and engineering costs; however any remaining grant money would be eligible for finishing the rooms upstairs, flooring, and window restoration around the entire building. Mayor Hunter explained that any eligible items that were not part of the bid and would need to come back as a change order. He further explained that the Engineer’s Estimate was \$700,000-\$900,000 and all seven bids came in under this estimate.

**MOTION:** Move to award the Eddon Boat Building Restoration Construction Bid Award to Rush Commercial Construction, Inc. in the not-to-exceed amount of \$564,973.00.  
Payne / Ekberg – unanimously approved.

2. Amendment to Legal Services Agreement – Morris Taraday. Rob Karlinsey, City Administrator explained that the City has ongoing litigation as referenced in Exhibit A of the contract amendment. The amendment will allow Morris Taraday to continue to provide legal services for these seven cases.

**MOTION:** Move to authorize the Mayor to sign the Amendment to the legal services agreement with Carol Morris of Morris and Taraday, P.C. Conan / Ekberg – unanimously approved.

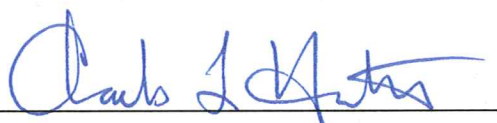
**MOTION:** Motion to adjourn to Executive Session at 4:15 p.m. for thirty-five minutes to discuss potential litigation per RCW 42.30.110(1)(i) and Guild Negotiations per RCW 42.30.140(4)(a). Franich / Malich – unanimously approved.

**MOTION:** Move to go back into regular session at 4:50 p.m. Conan / Payne – unanimously approved.

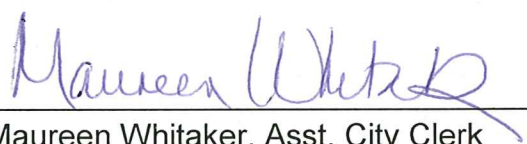
**ADJOURN:**

**MOTION:** Move to adjourn at 4:50 p.m. Ekberg / Conan – unanimously approved.

CD recorder utilized:  
Tracks 1001 – 1015.



Charles Hunter, Mayor



Maureen Whitaker, Asst. City Clerk