

## **GIG HARBOR CITY COUNCIL SPECIAL MEETING**

**December 1, 2008 – 6:00 p.m.**

**PRESENT:** Councilmembers Ekberg, Young, Franich, Conan, Malich, Payne, Kadzik and Mayor Hunter.

**CALL TO ORDER:** 6:01 p.m.

**PLEDGE OF ALLEGIANCE:**

**NEW BUSINESS:**

1. Public Hearing to Consider City Attorney / Legal Counsel Proposals.  
Mayor Hunter gave an overview of the process to review the sixteen Requests for Proposals received for attorney services to narrow the choice to six who were interviewed. This resulted in three firms who were invited back for a second interview process.

The public hearing was opened at 6:05 p.m. No one came forward to speak and so the public hearing closed.

**MOTION:** Move to authorize the Mayor to negotiate a contract with Ogden Murphy Wallace, LLC for legal services.  
**Young / Franich –**

Councilmember Young commented that Ogden Murphy Wallace provides legal services for a number of cities with an approach towards local government and decades of municipal experience. In addition, the city has a history with the firm.

Councilmember Franich said that he didn't participate in the interview process, but agreed with the level of experience that Ogden Murphy Wallace possesses. He mentioned that he was unhappy with several decisions made by Mr. Kenyon when he served as the city's Hearing Examiner and that McGavick and Graves looks interesting, but they don't have the same level of experience as Ogden Murphy Wallace.

Councilmember Ekberg agreed with Councilmember Young. He said that in looking for specialized municipal experience, the city would be well-served by either Kenyon Disend or Ogden Murphy Wallace. The city has past experience with OMW and that is what has influenced his decision.

Councilmember Kadzik said that he was unable to participate in the interviews but was interested in what the other Councilmembers had to say.

Councilmember Conan said that Ogden Murphy Wallace wasn't his first choice because the lead attorney isn't as experienced as some of the others. He said

that all three firms would provide good attorney service. He mentioned the Kenyon / Hearing Examiner connection, stressing that Mr. Kenyon would not be the city's attorney. He said that he would prefer one of the other two firms over OMW.

Councilmember Young mentioned the distance issue with OMW and asked staff to keep a close eye on expenses and to use technology to close the gap.

Councilmember Conan said that he too likes the use of video conferencing, but added that having someone in the room is helpful; it may take some time to transition to video.

Councilmember Payne said that we couldn't go wrong with any one of the three firms. He said that McGavick Graves may not have the level of municipal experience and that he was attracted to the video conferencing option offered by OMW. He commented that during the interviews he found himself listening more to Scott Snyder than to Ms. Belbeck, which was a concern. He said that Ms. Kerslake (Kenyon Disend) best served what he was looking for in a firm and that he like the synergy between the team at McGavick Graves. He said that Ms. Kerslake would be his choice, but he would be fine with any one of the firms.

Councilmember Malich said he got to sit in on a couple of the interviews, but missed the one with McGavick Graves. He said that the most logical and practical matters besides cost are location and access to an attorney. He said that he would turn to McGavick Graves as the first choice with OMW as the second.

Councilmember Payne mentioned another point that Ms. Forbes passes by Gig Harbor on her way to work and that Ms. Kerslake lives right across the bridge. This may allow them to be in a better position to be invested in our community.

Councilmember Kadzik said that per their proposals, his first choice would be with McGavick Graves and second would be Kenyon Disend. He discounted any past history with Mr. Kenyon, adding that he likes the idea of having an attorney close by. He said he was impressed with staff's recommendation for Ms. Kerslake as that is where the interface occurs, and so he would lean towards this choice.

Councilmember Conan said that Councilmember Kadzik makes a good point about the staff recommendation.

**RESTATED MOTION:** Move to authorize the Mayor to negotiate a contract with Ogden Murphy Wallace, LLC for legal services.

**Young / Franich** – roll call vote:

Ekberg – yes; Young – yes; Franich – yes; Conan – no; Malich – yes; Payne – no; and Kadzik – no. The motion carries four to three in favor.

2. Addendum to Agreement for Legal Services / Ogden Murphy Wallace.  
Rob Karlinsey presented this addendum that would allow Scott Snyder to provide legal services generally performed by a City Attorney until the transition of a new firm in 2009.

**MOTION:** Move to authorize the Mayor to sign the Addendum to Agreement with Ogden Murphy Wallace, PLLC for Legal Services in 2008.  
**Payne / Kadzik** – unanimously approved.

**EXECUTIVE SESSION:** To discuss pending and potential litigation per RCW 42.30.110(1)(i); property acquisition per RCW 42.20.110(1)(b) and guild negotiations per RCW 42.30.140(4)(a).

**MOTION:** Move to adjourn to Executive Session at 6:27 p.m. for approximately one hour and fifteen minutes to discuss pending and potential litigation per RCW 42.30.110(1)(i); property acquisition per RCW 42.20.110(1)(b) and guild negotiations per RCW 42.30.140(4)(a).  
**Franich / Conan** – unanimously approved.

**MOTION:** Move to return to regular session at 7:42 p.m.  
**Kadzik / Conan** – unanimously approved.

**MOTION:** Move to return to Executive Session for another forty-five minutes.  
**Kadzik / Conan** – unanimously approved.

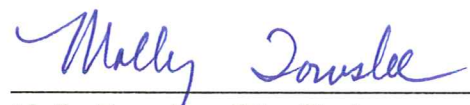
**MOTION:** Move to return to regular session at 8:30 p.m.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:30 p.m.  
**Kadzik / Conan** – unanimously approved.

CD recorder utilized:  
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Charles Hunter, Mayor

  
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Molly Towslee, City Clerk