



RESOLUTION NO. 2010-21

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH OR PROPERTY, WAIVING COMPETITIVE PROCUREMENT REQUIREMENTS, AND AUTHORIZING THE GENERAL SERVICES DIRECTOR TO CONTRACT FOR THE REROOF OF THE FRESNO ART MUSEUM.

WHEREAS, the City-owned Fresno Art Museum (FAM) is located in Radio Park at the southwest corner of First and Clinton Streets; and

WHEREAS, the FAM building contains significant pieces of art work, staff office areas and is open to the public; and

WHEREAS, the FAM building roof is approximately 40 years old and is leaking in numerous places; and

WHEREAS, the roof has deteriorated to the point that a full reroof of the building is necessary to protect the structure, contents, staff and the public; and

WHEREAS, the existing condition of the roof has allowed major leaks throughout the roof structure; and

WHEREAS, the leaks have caused electrical and fire hazards to exist in the building which pose a threat to staff and the public; and

WHEREAS, the leaks have also caused ceiling tiles and Gypboard to fall on employee desks, work surfaces, artwork, inside galleries and public aisle ways causing the threat of injury; and

WHEREAS, the glue-on ceiling tiles utilize asbestos containing adhesive and the underlying drywall contains asbestos taping compound which is exposed and peels when tiles fall from the ceiling potentially exposing staff and guests to asbestos; and

WHEREAS, mold growth due to continuous moisture in the ceiling tiles, fiberglass insulation and Gypboard is a very real potential health risk; and

WHEREAS, exposed fiberglass due to the falling ceiling tiles is a respiratory irritant that staff and guests are potentially exposed to; and

WHEREAS, due to the inherent risk of injury or illness to persons as a result of the preceding safety hazards created from the leaking roof, it is urgent that roof replacement work be completed as soon as possible; and

WHEREAS, it has been determined that the City's advertised competitive bidding requirements may delay the necessary work by as long as 12 -15 weeks; and

WHEREAS, a waiver of the City's competitive procurement requirements will reduce completion of the work from as long as 12 -15 weeks to an estimated installation time of 4 - 6 weeks; and

WHEREAS, Council recognizes the potential for harm to the public and staff of FAM due to prolonged exposure to electrical and fire hazards, falling ceiling tiles and Gypboard, exposure to asbestos containing materials as well as mold and respiratory irritants such as fiberglass, and desires to protect the public and staff from harm; and

WHEREAS, the City of Fresno Charter, Section 1208, and Article 5, Chapter 4 of the Fresno Municipal Code, provide for a waiver of advertised competitive bidding and

Adopted 02-04-10

Approved 02-05-10

Effective 02-05-10



procurement, respectively, when the purchase is of urgent necessity for the preservation of life, health or property; and

WHEREAS, staff has negotiated a price in the amount of \$241,000 with Graham Prewett, Inc., located in Fresno, California, for the installation of a new roof.

NOW IT THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that the foregoing facts constitute an urgent necessity for the preservation of life, health, or property and that competitive procurement procedures required by City of Fresno Charter Section 1208 and Article 5, Chapter 4 of the Fresno Municipal Code are hereby waived. The General Services

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Director is authorized to enter into and execute a contract with Graham Prewett, Inc., located in Fresno, California, for the installation of a new roof at the facility, described above, in the amount of \$241,000; subject to the approval as to form of the contract by the City Attorney's Office.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 4th day of February, 2010.

AYES : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: February 5, 2010

Mayor Approval/No Return: N/A, 2010

Mayor Veto: N/A, 2010

Council Override Vote: N/A, 2010

REBECCA E. KLISCH  
City Clerk

By Rebecca Klisch  
~~Deputy~~

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

By Nancy A. Algier Date 1-28-10  
Nancy A. Algier  
Senior Deputy



February 4, 2010

Council Adoption: 02/04/10  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN  
FROM: REBECCA E. KLISCH, CMC *Rek*  
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 2/04/10, Council adopted the attached Resolution No. 2010-21 entitled **Declaring urgent necessity re: roofing project for Fresno Art Museum**, Item No. **10:30 A.M.B**, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Xiong, Sterling, Westerlund  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before February 14, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

*Ashley Swearengin*  
Ashley Swearengin, Mayor

Date: 2/5/10

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :