

Minutes of the Work Session of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec, at 6:00 P.M. on Tuesday, December 28, 2010.

The meeting was called to order by Mayor Harry Mendoza.

At such meeting, the following were present, constituting a quorum:

Mayor:	Harry Mendoza
Councilors:	John J. Azua Mike Enfield Allan Landavazo E. Bryan Wall
Also present:	R. David Pederson, City Manager & City Attorney

Presented to the Mayor and Councilors were the following discussion items:

1. Presentation by Presbyterian Medical Services – Genevieve Robran, Presbyterian Medical Services

Ms. Robran provided an overview of the functions and operations of Presbyterian Medical Services which has a medical clinic located at the Northside Neighborhood Center. She thanked the Mayor and Councilors for the City's assistance during a sewer backup that occurred this past summer.

Mayor Mendoza thanked Ms. Robran for her work and asked about the hours of operation of the clinic. Ms. Robran said the clinic has two family physicians on duty and is open Monday thru Friday, 8:00 A.M. to 5:00 P.M.

2. City Hall Roofing Project – Jack Harris, Jack M. Harris Architects, Inc., Ron Caviggia, Purchasing Director and R. David Pederson, City Manager/City Attorney

Mr. Caviggia and Mr. Harris provided a timeline of the roofing project and the events which led to the water damage throughout City Hall caused by numerous leaks due to the exposed and unsealed roof during the project. A copy of said timeline is attached hereto and made a part of these official Minutes. Mr. Caviggia said the contractor chose to tear-off the entire portion of the roof of the east side of the building as well as a second portion of the roof along with the flashing. He said the basic tenet of roofing calls for not opening more of the roof than what can be closed in the same day.

Councilor Enfield expressed his concerns with the contractor exposing the roof of City Hall before a rainstorm. He believes City staff should have not allowed the contractor to work on the roof during bad weather. Mr. Pederson said the only responsible party for

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the damage is the roofing contractor, based on the company's failure to perform under any reasonable standard. Councilor Enfield said City staff should have prevented the gross error by the contractor from occurring since the error was easily recognizable. Mr. Pederson said the roofing project is a simplistic job that does not require daily inspections as Mr. Harris, Project Manager, would inspect the site on a weekly basis. Mr. Pederson said it is unknown why an experienced contractor would strip all of the flashing and the entire roof all at one time. He said there have been no problems with a larger roofing project that is currently taking place at Red Rock Park under another contractor. The initial damage assessment was not as high as originally estimated based on the swift action taken by City employees to minimize the damage of the building, furniture and equipment. When it became clear that the contractor was not responding to the City's direction, Mr. Pederson said the City suspended work under the original contractor and hired the contractor from the Red Rock Park roofing project to seal the roof of City Hall. Councilor Enfield said when a potential disaster is about to unfold City representatives should rise up and stop the work from proceeding. Councilor Landavazo asked who is going to rise up since Mr. Harris cannot be at the site everyday. Mayor Mendoza asked Mr. Caviggia to explain the procedure of awarding a construction contract to a contractor. Mr. Caviggia said neither the City nor any engineering or architectural firm will take responsibility for the construction methods utilized by the contractor. Mr. Caviggia said if the City or the engineering/architectural firm starts directing the contractor during the construction process, the City and/or the engineering/architectural firm assumes the responsibility of the project. Mr. Caviggia provided an overview of the number of inspections that are required for different types of construction. Mr. Harris presented a diagram of the roofs of City Hall and provided a status report of all three roofs. Since the City suspended work under the original contractor on December 22, 2010, the City hired the roofing contractor from the Red Rock Park project to begin sealing the roof of City Hall. By noon on December 23, 2010, the second contractor had the roof of City Hall sealed watertight which will be sufficient until a permanent contractor is hired to install the roofs permanently. Mayor Mendoza asked why the Construction Industries Division inspected the roofs shortly after construction. Mr. Harris said he suspects the State Inspector was curious about the existing number of roofs at City Hall compared to the description of the work to be done that is listed on the building permit. Mr. Caviggia also said the original contractor claimed that the State Inspector ordered the contractor to take off the whole roof down to the deck. Mr. Caviggia said he suspects there may have been a misinterpretation of the directions given by the State Inspector to the contractor. Mr. Pederson said an independent insurance adjustor and roofing inspector arrived earlier today to evaluate the situation. The City also hired an engineering firm to conduct moisture testing to address concerns and factors that may void the manufacturer's warranty of the new roof. Mr. Pederson said the roofing project may have to begin from scratch with a new contractor in order to address issues with the manufacturer's warranty since a new contractor cannot guarantee the work of another contractor. The City suspended work

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on the project under the original contractor for ten days and will need to determine whether to terminate the contract. If the City terminates the contract, the City will need to notify the original contractor, the contractor's bonding company as well as other parties, including at least four insurance providers. Mr. Pederson said the City may undergo an emergency procurement in order to complete the roofing project for City Hall.

Councilor Landavazo questioned the amount of time involved to initiate the process for the roofing project. He said the Mayor and Councilors gave direction to City staff to proceed with the roofing projects either late last winter or early spring of this year. Mr. Caviggia said funds for the project were made available in early August of this year. Councilor Landavazo said there were funds available from the ¼ cent gross receipt tax increment approved two years ago which were to be used for infrastructure needs. Mr. Caviggia said from the procurement side of the process, he is not able to move forward with a project unless there is money in the fund for the project. Mr. Pederson said he has been working with City staff to determine and recollect the timeline involved for the roofing projects. During a review of the bid documents for the City Hall and bus depot roofing projects, Mr. Pederson said the contractor had a time frame established under the contract which was divided into four segments; three segments for the City Hall roofs and one for the bus depot roof to be done towards the conclusion of the contract. Mr. Pederson said it was odd that the contractor would be working at the bus depot when the contractor should be working at City Hall. Councilor Landavazo said he understands the expertise the contractors should have to work under any weather condition; however, he expressed his concerns with the amount of time it takes for City staff to execute the directives of the Council. Mayor Mendoza said the Council discussed various projects during the past two years and could not agree on the projects to proceed with until the beginning to the middle part of this year when the Council finally decided to proceed with the roofing projects. Councilor Landavazo said it still took a long time for staff to move forward with the roofing projects. Mayor Mendoza asked about the length of time required for the bidding process. Mr. Caviggia said City staff handled the bid process for the roofing projects in a rapid manner as it took roughly 60 days to award the bid. Councilor Wall recalled that the funds for the roofing projects were available this past spring and the matter was discussed once more sometime this past summer. Councilor Wall asked who will be responsible party for making the determination to scrap the work that has been done to the roof and to replace the roof from scratch. Mr. Harris said the decision to keep the existing work or to replace the work that has been completed will be based on the moisture density tests that were conducted earlier in the day and based on whether the City will be able to obtain a twenty-year warranty on the roof. Mr. Pederson said he would like to obtain the best product possible as it currently seems like the City will need to scrap to work that has already been done by the previous contractor and to start all over again with a new contractor. Mr. Pederson said the decision of how to proceed with the roofing

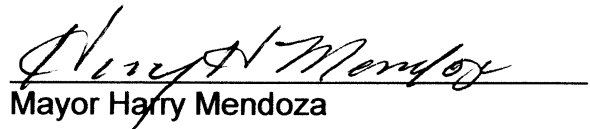
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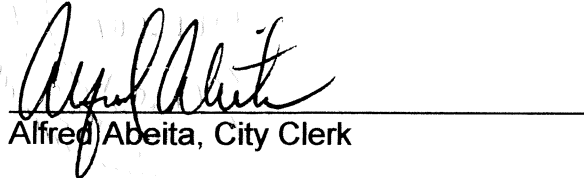
situation will be made based upon the information obtained from the roofing consultant and the insurance carriers. Although the computer system was not damaged during the roof leaks, Councilor Wall expressed his concerns with a lack of a computer backup and the telephone lines being down to the Fire and Police Departments. Mr. Pederson said he will review the City Council Meeting Minutes as well as his notes concerning the direction given to City staff on roofing projects and the timeframe for the funds to be available to the Purchasing Department in order to advertise the roofing projects for bid.

Due to time limitations, the Work Session adjourned.



Mayor Harry Mendoza

ATTEST:



Alfred Abeita, City Clerk

Approved 1/25/2011