

# Moraga-Orinda Fire Protection District



## BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

March 2, 2016

(Approved March 16, 2016)

### 1. **Opening Ceremonies**

The Board of Directors convened in Open Session at 6:00 P.M. on March 2, 2016 in the Moraga Town Council Chamber, 335 Rheem Blvd, Moraga, California. President Anderson was absent and Director Famulener participated via teleconference. Vice President Weil called the meeting to order.

Present were the following Directors and Staff:

Director Barber	Director Weil
Director Evans	Stephen Healy, Fire Chief
Director Famulener	Grace Santos, District Clerk

### 2. **Public Comment**

Jonathan Goodwin, resident of Canyon, stated that six months ago he informed the board about the issues with the Station 45 posterior parking. Mr. Goodwin stated that up until seven years ago, the District had a policy of no parking or storage under the station. He added that, according to the Fire Chief, the building is out of compliance with the County for parking and that the Board was never informed of this, nor was it included in the last facilities report. He feels that staff has known about the problem, taken steps to avoid damage to people and property by having the policy, but has not told anyone about it. Chief Healy stated that this is the first he has heard of the problem and will look into it.

### 3. **Consent Agenda**

Motion by Director Barber and seconded by Director Evans to receive and file Items 3.2 – Monthly Incident Report and 3.4 – Monthly Check/Voucher Register. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Evans, Famulener and Weil; Absent: Anderson).

Jonathan Goodwin, Canyon resident, asked to pull Item 3.1 – Meeting Minutes from the Consent Agenda and discuss separately. Mr. Goodwin accused Chief Healy of purposely sabotaging the State Responsibility Area (SRA) Grant application and stated that it was a very deliberate act. Mr. Goodwin asked the Board to include the substance of what he said into the minutes.

Motion by Director Evans and seconded by Director Barber to receive and file Item 3.1 – Meeting Minutes with the addition in item 6 of Public Comment to include that Jonathan Goodwin accused staff of purposely sabotaging the SRA Grant application. Director Weil directed staff to include Mr. Goodwin's prepared statement in the minutes as an attachment. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Evans, Famulener and Weil; Absent: Anderson).

Director Barber asked to pull Item 3.3 – Monthly Financial Reports from the Consent Agenda and discuss separately. Director Barber stated that he would like to have a conversation with Administrative Services Director Sasser about how the budgeted projections could be so close to actual for property tax revenues. He would also like to discuss forecasts of future revenues with ASD Sasser.

Motion by Director Barber and seconded by Director Evans to receive and file Item 3.3 – Monthly Financial Reports. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Evans, Famulener and Weil; Absent: Anderson).

### 4. **Regular Calendar**

#### 4.1 **Second Reading of Ordinance 16-01, An Ordinance of the Moraga-Orinda Fire Protection District Setting Forth Purchasing and Contracting Procedures and Authorities**

At the February 3, 2016 Board meeting, the Board introduced and waived the first reading of Ordinance 16-01 – An Ordinance Setting Forth Purchasing and Contracting Procedures and Authorities. In addition, the Board scheduled a second reading of the Ordinance for the March 2, 2016 Board meeting.

In December 2015, the District needed to make an emergency repair to pipes at Station-45. In the case of an emergency, the current Purchasing Ordinance requires a Board meeting with all five members in attendance in order to authorize the repair of a public facility. During this process, the Board directed staff to research possible changes to the Purchasing Ordinance to give the fire chief authority to repair District facilities in an emergency without requiring the Board to meet. Staff worked with legal counsel to identify alternatives.

The proposed Ordinance 16-01 would implement the following changes:

- Section 4 – Clarifies the requirements for special and incidental services
- Section 5.1.1 – In the case of an emergency, the District Board delegates authority to the Fire Chief up to \$100,000 to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids. The proposed change also would require the Fire Chief to report information about the emergency action to the Board at its next meeting. Currently only the Board has authority in the case of an emergency.
- Section 6 – For Public Projects of \$100,000 or more, the District Board of Directors shall be the only Purchasing and Contracting Authority. This will increase the purchasing authority delegated to the Fire Chief. Currently public projects of \$10,000 or more must be approved by the Board.

There was a brief discussion by the Board and staff.

Motion by Director Barber and seconded by Director Evans to waive the second reading and adopt Ordinance 16-01, An Ordinance of the Moraga-Orinda Fire Protection District Setting Forth Purchasing and Contracting Procedures and Authorities. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Evans, Famulener and Weil; Absent: Anderson).

#### **4.2 1035 Lorinda Lane**

In July 2013, the District purchased land and a single family home located at 1035 Lorinda Lane in Lafayette, CA. The land was purchased as a potential site to build a joint fire station with Contra Costa County Fire Protection District (Station 46.) Subsequently, this program was discontinued. As a result, the District no longer has a use for the Lafayette property.

District Policy requires Board approval for the disposal of capital assets with an original purchase price of \$5,000 or more. The following capital asset has been determined to be surplus:

- Property and single family home located at 1035 Lorinda Lane, Lafayette, CA

Currently the District is renting the house to tenants. The tenants were given appropriate notice to vacate by March 28, 2016. The District can then stage the property and place the property on the market in spring 2016.

The District has been working with Coldwell Banker to manage the property. Coldwell Banker will sell the property for a commission of 5.5% of the purchase price.

Director Famulener asked who Larry and Elena Hood were, and if the District should send the contract for a realtor out to bid. Chief Healy stated that Larry and Elena Hood are with Coldwell Banker, and were the ones who helped the District purchase the property at 1035 Lorinda Lane. Chief Healy discussed the matter with District Counsel and asked if it was permissible to use them again for the sale of the property. Under the sole-source guidelines that staff uses, and because of the expertise of Larry and Elena Hood with the purchase of the property, it would be appropriate to use them again to assist in the sale.

Director Evans stated that he was involved in the decision to purchase the 1035 Lorinda Lane property and to use Larry and Elena Hood at the time. Director Evans was comfortable and satisfied with their work back then, and feels comfortable working with them again. Director Barber stated that he was also comfortable working with them.

Director Weil disclosed that over ten years ago, he represented Larry Hood's company but that there is currently no legal conflict. Director Weil has not represented Larry or Elena Hood since then and plans to vote on the matter.

Director Evans asked staff if there was anything else that needed to be done because of the way that the District holds the property with Lafayette. Mr. Hood stated that the title report shows that the Moraga-Orinda Fire District is the sole owner of the property. Director Evans directed staff to check with legal counsel regarding the Joint Powers Agreement.

Motion by Director Barber and seconded by Director Evans to declare 1035 Lorinda Lane, Lafayette, CA surplus property. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Evans, Famulener and Weil; Absent: Anderson).

Motion by Director Evans and seconded by Director Barber to authorize sale of 1035 Lorinda Lane, Lafayette, CA. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Evans, Famulener and Weil; Absent: Anderson).

Motion by Director Evans and seconded by Director Barber to authorize Listing Agreement with Coldwell Banker to sell 1035 Lorinda Lane, Lafayette, CA. Said motion carried a 3-0 roll-call vote (Ayes: Barber, Evans and Famulener; Absent: Anderson; Abstain: Weil).

Director Evans asked if it would be appropriate to have a closed session before or after offers were made. Chief Healy stated that he will do his best to get as much for the property as possible, and if he needs direction, he will reach out to the Board President. It is a matter of how involved the Board would like to be on the business side of the transaction.

Director Evans recommend having a brief closed session to discuss what some of the Board's expectations are for the sale of the property. Director Weil directed staff to consult with legal counsel whether the Brown Act exemption for negotiations extends to that topic in closed session. Director Weil stated that he would like to have the brokers available to answer questions from the Board.

#### **4.3 Station 43 Project Update**

In October of 2015, staff projected a cost range of \$3.74 to \$4.14 Million for the reconstruction of Station-43. This range included all known "hard" and "soft" costs. Staff was authorized to activate Phases-1 and 2 of the project following a Capital Projects Fund Budget increase in the amount of \$219,000.

In November of 2015, the board authorized staff to contract with Brandis Tallman, LLC to issue a direct placement lease agreement in the amount of \$4 Million for a 20-year term to finance the Station-43 reconstruction. That contract has been executed and work continued with planned funding in May 2016.

In January of 2016, staff tentatively agreed to terms with the St. Stephen's Church as the site for a temporary fire station (43). A proposed written agreement has been sent to the Church Vestry with approval anticipated. Staff will advise once a signed agreement has been executed. The total projected cost of the temporary fire station, including civil engineering, permits, rent, building purchase, disassembly, transport, set-up, communications, utilities, site construction costs, a canopy for apparatus, and storage units for turnouts is projected to be \$200,000. All of these costs are included in the \$4.495 Million project cost.

On February 26, 2016, staff received updated hard cost estimates for station construction of \$3,317,441 and soft cost estimates of \$1,178,500 for a total of \$4,495,941.

Director Barber disclosed that he serves on the Vestry for St. Stephens Church and will not take part in discussions when the matter is brought before them. Director Barber would also like to recuse himself if any discussions involving matters with St. Stephens Church arises at District Board meetings. Chief Healy asked that the Board separate any discussions about the construction of Station 43 from any discussion related to St. Stephens Church. The agreement with the church was not discussed during the meeting.

Alan Kawasaki, Architect for the Station 43 Project, answered questions from the Board.

Motion by Director Evans and seconded by Director Barber to authorize activation of Phases 3 and 4 of the project. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Evans, Famulener and Weil; Absent: Anderson).

**5. Committee Reports**

**5.1 Finance Committee (*Directors Barber & Weil*)**

There was nothing to report.

**6. Announcements**

**6.1 Brief information only reports related to meetings attended by a Director at District expense**

(Government Code Section 53232.3(d))

There was nothing to report.

**6.2 Questions and informational comments from Board members and Staff**

Director Weil inquired about the Council Chamber meeting room arrangements. District Clerk Santos informed the Board that the District booked the Council Chamber for all regular meetings except for those in October, November and December. During those months, the meetings will take place in the Moraga Library Community Room. District Clerk Santos reported that only water is allowed in the Council Chamber – no food or other drinks. Staff will include an item on the next agenda so that the Board can discuss a permanent location for future meetings. The Board asked staff to find an alternate location for the next meeting on March 16, 2016.

Chief Healy noted for the record that Director Famulener participated via teleconference because she just had major surgery.

**6.3 District Updates for January 2016**

Jonathan Goodwin, Canyon residents, encouraged staff to institute an annual clearance program. Mr. Goodwin inquired about the new Fire Prevention Software. District Clerk Santos explained that it is a new software used for construction permits and inspections, compliance and operational permits and inspections, and the exterior hazard abatement program.

**7. Adjournment**

At 8:30 P.M., Vice President Weil called for adjournment of the regular meeting.



Grace Santos  
Secretary to the Board