

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS REGULAR BOARD MEETING MINUTES

April 19, 2017
(Approved May 17, 2017)

1. **Opening Ceremonies**

The Board of Directors convened in Open Session at 6:00 P.M. on April 19, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. Director Anderson was absent. President Famulener called the meeting to order.

Present were the following Directors and Staff:

President Famulener	Stephen Healy, Fire Chief
Director Barber	Gloriann Sasser, Admin Services Director
Director Jex	Grace Santos, District Clerk
Director Jorgens	

2. **Public Comment**

There was no comment from the public.

3. **Closed Session**

At 6:00 P.M., the Board adjourned into Closed Session.

4. **Reconvene the Meeting**

President Famulener reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 7:00 P.M. Present were the following Directors and Staff:

President Famulener	Stephen Healy, Fire Chief
Director Barber	Gloriann Sasser, Admin Services Director
Director Jex	Jerry Lee, Battalion Chief
Director Jorgens	Grace Santos, District Clerk

5. **Report of Closed Session Action**

There was no reportable action taken during Closed Session on items 3.1, 3.2, 3.3, and 3.4 Conference with Labor Negotiator.

President Famulener stated that the agenda would be taken out of order, beginning with Item 10.3 District Updates for March 2017.

10.3 **District Updates for March 2017**

Acting Fire Captain Brad Nygard gave a PowerPoint presentation on significant events during the last month. The presentation included information on incidents and public interactions, such as MOFD trench rescue experts assisting San Ramon Valley Fire Protection District with a trench rescue, Drone-41 provided search and aerial mapping assistance to the City of Lafayette, six more MOFD personnel trained on operating the Tiller truck, MOFD firefighters fundraising for Fill the Boot in mid-May, and an amazing story about Mr. Curtis Broome who suffered a cardiac arrest in 2012 and was given a second chance in life.

Chief Healy gave a brief PowerPoint presentation on the Canyon Road Bridge closure and updated the Board on the interim response procedures with Oakland Fire and Paramedics Plus. President Famulener thanked Chief Healy for the update.

Canyon Steinzig, Canyon Community Association President, thanked MOFD for considering the community and for the contingencies it put in place. They have many concerns and appreciate being kept in the loop with updates.

District Counsel John Bakker arrived at 7:36 p.m.

6. **Public Comment**

There was no comment from the public.

7. Consent Agenda

Director Barber asked to pull items 7.1 Meeting Minutes and 7.2 Monthly Incident Report to discuss separately.

Motion by Director Barber and seconded by Director Jorgens to approve and file items 7.3 Monthly Check/Voucher Register, 7.4 Monthly Financial Report, 7.5 Quarterly Balance Sheet, and 7.6 Approval of Payment to Contra Costa County Fire Protection District for Dispatching and Communications Services. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Famulener, Jex and Jorgens; Absent: Anderson).

Director Barber commented on an error in item 7.1 Meeting Minutes of March 15, 2017 – the fourth paragraph of section 4.1. It should be corrected to read “Motion by Director Anderson and seconded by Director Barber to approve the Comprehensive Annual Report for the Fiscal Year Ended June 20, 2015.”

Director Barber commented on item 7.2 Monthly Incident Report. The response time in Orinda for March, in the 90th percentile, is 9.03 minutes. He asked if the calls were skewing the data because of the sink hole on Miner Road, and if the Miner Road increased time is attributed to the repair or closure of Miner Road. Director Barber stated that he would like to have a continuing conversation about what MOFD can do to help move the response time on the 90th percentile down. He wants the public to know that it is something that the District is continually looking at and working on to try to get better response times.

Chief Healy stated that he has not analyzed the data for the last month but will find out and report back.

Motion by Director Barber and seconded by Director Jex to approve and file items 7.1 Meeting Minutes and 7.2 Monthly Incident Report. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Barber, Famulener, Jex and Jorgens; Absent: Anderson).

8. Regular Calendar

8.1 Station-43 Progress Update and Authorization to Amend Contract with Shaw Kawasaki Architects in the Amount of \$100K

Steve Stewart, Project Manager, gave an update on the Station-43 progress. Staff anticipates rain delay additions of 96 days since last fall. Several key items were addressed, which could have delayed construction and increased the overall cost of the project.

Mr. Stewart discussed the excavation of undocumented materials beneath the old fire station, surveying to validate station location and potential issues with creek encroachment, ongoing work with several regulatory agencies (approval expected in early May 2017), and the increased size of construction piers adjoining the creek.

Mr. Stewart presented the updated timeline, gave a report of construction and the project budget as of March 31, 2017, quality control, near-term actions, potential construction change orders and a valuing architectural services report.

Director Jorgens asked if the original geotechnical work was done properly and stated that the District is in the process of adding \$25K just in direct costs all because the geotechnical engineer did not do his work right in the first place. If it was not done properly, staff should ask the geotechnical engineer if he would pay for the change.

Mr. Stewart stated that he would ask the geotechnical engineer about the layout that he was given, the conditions of the hillside, and if he would be willing to pay for the change.

Mr. Stewart discussed the involvement of the California Fish and Wildlife with the project, who should have been involved earlier. The City of Orinda originally issued a notice of exemption but did not file it so that agencies could see what was there and take issue with it. The District should expect to hear from them by the first of May.

Director Jorgens stated that the contract made it clear that it was the architect's sole responsibility to get every permit that is required. They are now asking for money because of a delay that they caused. He asked if Mr. Stewart would communicate this with the architect.

Mr. Stewart stated that was a fair question that should be asked to the architect, however, he is the project manager for the construction of the project, not the District's representative to the architect.

Director Jorgens commented that it ought to be expected that as the Project Manager, Mr. Stewart should communicate with the architect for the District.

Chief Healy stated that he is responsible as the Fire Chief, and going forward, the architect should be brought to the Board meetings so that we can ask those questions of him. Staff or Mr. Stewart will make sure to have those conversations with the architect going forward.

Director Jorgens directed staff to make sure that the conversations happen and to bring the results back to the Board.

District Counsel Bakker stated that the role of the construction manager is to provide the expertise around construction, and if there are errors in the plan or mistakes made by the architect, Mr. Stewart could assist the District with that, bring it to the Chief's attention, and even be the representative of the District by bringing issues to the attention of the architect.

Mr. Stewart reported that when Fish and Game was asked to come out, their interest was to make sure that we would not disturb along the building line below the piers. We will build a walkway along the side of the building for us to access the crawlspace into under the building, which provides the ability to maintain the building after construction. Fish and Game is adamant about us not doing anything below the five-foot line that extends a foot and a half into the top of the creek.

Director Jorgens asked where the walkway would be and if Mr. Stewart plans to send the bill for that to the architect as well. This information has been known, the land and the creek has not changed. People just did not do their job early on.

Mr. Stewart commented on the near term action to increase A & E effort by \$100K. If you look at it in the macro sense, and the percentage of fees as of construction cost would be appropriate architectural fees. They fit within that realm of reasonableness. He checked with an architectural firm in Walnut Creek to see what costs of construction they were using and what their percentage of fees were for architectural items and it panned out.

Director Jorgens stated that when he saw their proposal for the fee, the big reason they had in their proposal was that the project would be extended by 25% at the time. The only reason for the delay is for rain, which means there is no extra architectural work going on. They want an extra \$100K for doing nothing. Everything discussed tonight regarding increased complexity was the architect's fault. He asked why the District would pay them to manage the mistakes that they made. They were responsible for the architectural errors, for not getting permits, for every aspect of the project. Director Jorgens stated that the only thing that has changed are things that they caused, and asked why would the District pay them for it.

Mr. Stewart reported on the water access. East Bay Municipal Utilities District (EBMUD) came out and did their calculations, which was not sufficient for the fire service. EBMUD suggested increasing the water service line in a portion of Orinda for \$750K. They also suggested adding storage under or above the pavement for \$100K. Fire Marshal Leonard determined that the hose allowance can be satisfied by engines. The fire hydrant flow to service sprinklers only need 250 gallons per minute. The cost for the meter is \$60K, but the District will receive \$20K in credit for the 5/8" inch meter we will not be using. The exact amount is \$39,584.00.

Director Jorgens stated he was surprised that the architects did not think about water access.

Mr. Stewart reported on some interior modifications that needed to be made, including an ADA compliant countertop.

Director Jorgens stated that the contract with the architect specifically states that they have to meet ADA requirement, including reviewing any changes in the code so that we meet the current ADA requirements. We should not have to pay \$3K to modify the countertop height because the architect didn't have the approval to design what he designed, even though it was in his contract.

Chief Healy stated that he would like to amend staff's recommendation and is no longer asking for \$100K.

President Famulener stated that the Board is deferring action on item 8.1 until a later meeting.

8.2 Station-43 Solar Power Budget Approval

The piping and conduit for solar panels were incorporated into the design of the new station and are already part of the scope of the construction bid, which was received on October 4, 2016.

On October 19, 2016, staff requested authorization to add solar power as part of the Station-43 construction project. Staff was directed to conduct further research and return to the Board at a later time with additional information.

Since then, Mr. Stewart solicited, received, and reviewed proposals.

The key feature of the RFP will be the financing options (lease v. own) and expected time for return on investment (approximately 7 years).

Director Jorgens asked what the District's rationale is for wanting to have solar.

Mr. Stewart stated that the PG&E bill will go from \$300 a month down to \$15 or \$20 a month. The cost of the system is \$28K and the savings generated per year from PG&E is roughly \$4K per year.

Director Jorgens stated that he noticed that the numbers in the summary were all under \$30K, but that is not what the proposal from Diablo Solar says. He asked where the number came from. Mr. Stewart stated that he would look into it.

Director Jex stated that one of the issues he has with solar is the technology. He looked for information on the providers with regards to ratings, and when looking at the top 10, none of these four appear. Part of the value is the ability to maintain the solar unit, have it serviced, the guarantees, and knowing if the company will be still in business after 10 years. He asked if now is the time to do it, and are these the right providers.

Director Jorgens commented on Sun Kiss Solar's ratings, that it is a sole proprietorship, they are located in Sacramento, they don't have a license to do business in Orinda, it is a one-man shop, and that the only number listed is the owner's cell phone. We would be relying on them for 20 years of service and they do not seem to be the right caliber of company that we want to deal with for a 20-year relationship. We want to go with the best if we're going to rely on them. He also stated that a 7+ year payback is not his definition of a good investment, and not something he would like to spend money on right now.

Mr. Stewart recommended Sun Kiss Solar because he knows their firm, has had experience with them and evaluated their warranty and workmanship.

Chief Healy commented that the guarantee is longer with Diablo Solar. He asked Mr. Stewart if there is any other reason, other than the difference in cost, considering the fact that the warranty is longer, that it would not be an option.

District Counsel Bakker stated that the warranties on the panels have to be considered as well.

Mr. Stewart stated that he would look into.

Director Jorgens stated that Diablo Solar's price is nowhere near \$30K and is inaccurate in the report. The proposal attachment says \$47K, and he called Diablo Solar and they confirmed.

President Famulener stated that the Board is not ready to act on this item. The Board directed staff to look at updated proposals, re-evaluate, and make a recommendation based on the re-evaluation.

Director Jex stated that he does not want to do solar at all, and it does not provide any tax benefits for the District.

Director Barber stated that he is undecided and does not see solar as something that adds to the safety or operational efficiency of the station. The Orinda School District recently put in solar panels at their schools. He suggested inquiring with them to find out if they leased theirs, and what company they used.

Chief Healy stated that he does not know a lot about solar. The reason that solar was added was because it seemed like the right thing to do. He has never engaged in a thoughtful conversation about whether it makes sense from a cost-perspective or the more philosophical arguments for doing it.

President Famulener stated that the Board will not act on this item. She directed Chief Healy to discuss the solar project with the architects and bring it back with the other item at a later meeting.

9. Committee Reports

9.1 Finance Committee (Directors Anderson and Barber)

The Committee did not meet.

9.2 Pension Review Ad Hoc Committee (Directors Barber and Jorgens)

They did not meet as a committee. Director Barber spent time trying to research the issues and still feels he has a lot more to understand before he is in a position to give a recommendation to the Board.

9.3 Financial Auditor Ad Hoc Committee (Directors Jex and Jorgens)

Director Jex reported that Request for Proposals went out, invitations were extended, and only one firm submitted a proposal. They interviewed the firm today and feel the Committee will make a recommendation to the Board at the next meeting.

9.4 Board of Directors and Fire Chief Roles & Responsibilities and Rules of Procedures Update Ad Hoc Committee (Directors Famulener and Jorgens)

Director Jorgens reported that he reached out to former MOFD Director John Wyro upon the recommendation of others. Mr. Wyro has not replied yet. President Famulener stated that they won't have anything to report until May or June.

10. Announcements

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

President Famulener reported that she attended the 2017 FDAC Annual Conference. She talked with other fire districts regarding how they run things, collected several samples and will have something to work on in a month or so.

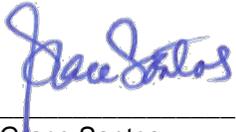
10.2 Questions and informational comments from Board members and Staff.

Director Barber asked Chief Healy if he could provide a draft over time that shows response times from Stations 43, 44 and 45. He is interested in response times in Orinda overall. His assumption is that the problem with response times is on the far end of the curve for the most distant parts of the District and is looking for an analysis of what is causing the differential in response times in Orinda, Moraga and Lafayette.

Director Jorgens stated that the Board and the Chief should make sure everyone is in agreement on what the Chief's spending authority is for this particular project. He commented on some items that the Chief signed off on, and would like to know what the Board's understanding of that situation is. He directed staff to put it on the agenda for next time. President Famulener stated that the item could be added along with the update with the architect. Chief Healy stated that he is flexible and open to whatever the majority of the Board wants to do in terms of his spending authority on the project.

11. Adjournment

At 9:00 P.M., President Famulener called for adjournment of the regular meeting.



Grace Santos
Secretary to the Board