

Meeting Minutes for 1/26/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, January 26, 2017, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Special Meeting (Open Session) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Amara Morrison
Eileen Nottoli, Vice President	Nick Beaucage
Sylvia Hacaj, Director	Jim Watt
Len Welsh, Director	Linda Spath
	Linda Lipscomb
	Paula Black
	Lisa Caronna
<u>Staff Members</u>	Ciara Wood
Rickey Hull, IGM/COP	Farhat Doud
Lynn Wolter, District Administrator	
<u>Press</u>	
Linnea Due	

President Sherris-Watt called the meeting to order at 6:02 P.M. President Sherris-Watt, Vice President Nottoli, Director Hacaj, Director Welsh, IGM/COP Hull, and District Administrator Wolter were present. Director Cordova participated in the Closed and Open Sessions by phone from Italy.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:04 P.M.

CLOSED SESSION

- a. Public employee employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1). Four items.
- b. Public employee employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(2). One item.
- c. Conference with Legal Counsel – anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to Government Code Section 54956.9(e). Two items.

The Board returned to Open Session at 7:37 P.M.

President Sherris-Watt took roll call. President Sherris-Watt, Vice President Nottoli, Director Hacaj, and Director Welsh were present. Director Cordova participated by phone from Italy.

President Sherris-Watt said there was nothing to report from the Closed Session.

PUBLIC COMMENTS

Jim Watt said the most important function of the Board was to provide the necessary services for which it had been constituted and to do so economically to keep the District on a strong financial footing. He said that the GM and the Board should look for ways to reduce costs and anticipate costs in the years ahead. He noted that it appeared that there would be a modest surplus for the second year in a row because of rising home prices and turnover. He said that the unassigned fund balance was probably \$1.3 million, that the Board should maintain a reserve of about \$800,000, and that this meant about \$500,000 of available funds. He said he was concerned that the District's unfunded liability with CalPERS had increased by about \$515,000 in the prior year and was expected to increase by another \$700,000 in the current year because CalPERS had failed to meet its target rate of return. He said the two-year total equaled the District's total reserves. He said that a new GASB rule required these unfunded liabilities to be reported on agencies' balance sheets. He added that CalPERS expected rate of return was unrealistic and this would translate into increased pension costs falling on the taxpayer. He said that, given the District's current police operations, the CalPERS costs would prevent the District from having a budget surplus for the foreseeable future. He noted that there were other pressing financial issues: rising medical costs, the Community Center retrofit, and relocation costs during work on the Public Safety Building. He said, given this, cost control would be paramount – part of the Policy Manual and part of a new GM job description. He said the taxpayers shouldn't be expected to pass another Measure G to "bail out the District."

BOARD COMMENTS

President Sherris-Watt reported that the deadline for applications to serve on KPPCSD committees had been extended to February 8th.

STAFF COMMENTS

None.

NEW BUSINESS

- 7a. Presentation by 2016 Park Buildings Committee and/or staff regarding Glass and Associates' proposal. The Board considered authorizing President Sherris-Watt to negotiate and execute on behalf of the Board a consultant services agreement with Glass and Associates for the provision of architectural services.

President Sherris-Watt reported that the Park Buildings Committee had been working since 2015 to determine what improvements needed to be made to the Community Center and that, on October 5, 2016, the Committee had reviewed presentations from five architectural firms interested in preparing drawings for improvements to the building – focusing on ADA and seismic issues. She said the Committee had made a unanimous decision to recommend Glass Associates. She introduced Committee member Paula Black.

Paula Black reported that the quality of the responses from the five architectural firms was a testament to the hard work of the Committee and President Sherris-Watt. Ms. Black said that the upgrades for the building were needed to meet Americans with Disability Act (ADA) requirements, to improve it seismically, and to ensure a functioning kitchen. She said that this work constituted the core of the work and that any aesthetic work would depend on whether the budget would allow it. Ms. Black reported that the Committee was looking for a larger team of architects because of the tight time

schedule, which was driven by meeting the Measure WW funding deadline. She said this would allow for others to take over for the principal if that person became unavailable. She said the Committee also had looked for teams that were familiar with the building; she noted that one of the Glass Associates' principals had worked in the building. She said the Committee had also considered pricing – the Committee wanted assurance that the architects had been realistic in their estimates. She noted that Glass Associates' proposal included a larger proportion of time than the other architects for supervising the construction and the contractor. She reported that the Committee also looked to ensure that the architects understood the complexities of the codes that would apply to the building – in part to ensure not inadvertently triggering things that would require further work. She said that Glass Associates had an excellent knowledge of this. Lastly, she said that the Committee had looked for a firm that would really listen to the community, while still bringing forth its own ideas and expertise, and that the Committee felt that Glass Associates would do the best job.

Director Welsh said the proposal from Glass Associates broke out the different costs but didn't break them out as much as he would have liked: He would like to see the estimated costs of each of the subcontractors. He noted that the third bullet on the second page discussed items that might be added, beyond the ADA and seismic work. He said estimates for those alternates had not been incorporated into the total estimate and asked if Ms. Black had a sense of what they might cost. With respect to the subcontracting, Ms. Black said the different architects had presented different breakdowns – some had provided great detail and others hadn't. But, she said that the Committee was confident the proposals covered the same information (the prices had been similar) and that the Committee could ask for further clarification. With respect to the three options (alternates), Ms. Black said the RFP had been structured to ask for a basic bid on the base work and then to present options, but not with estimates. She noted that the architects brought different ideas for the three options but that the Committee didn't want the architects to go to the effort of pricing them. Director Welsh asked if the alternates were realistic and suggested that, if there was a possibility of doing them, there should be estimates for them so that, if the budget permitted, they could be added more easily. President Sherris-Watt said that work was going to be needed on the west wall to make it seismically sound and that this could involve adding glass and possibly making it more indoor-outdoor. She said the restrooms would need to be gutted to get the space needed to meet ADA requirements – there could be extras that could be added to make them better. Director Welsh asked when the decision would be made about whether to proceed with an alternate.

Glass Associates' Farhat Doud came to the podium and introduced herself. She said that the three options would be considered from the start because they were integrated – things such as lighting, heating, and windows. She noted that any time a project exceeded \$125,000 it triggered ADA requirements and that pulling a permit would require the seismic work to be done. Director Welsh said the alternates weren't priced, and so he wondered how the Board could make a decision about them. He added that it would make it difficult for him to go forward without knowing all the information about potential cost. Ms. Doud responded that cost meant two things to her: construction budget (how much would it cost to build the project) and architects' fees to design the project. Director Welsh said he wanted to know both. Ms. Doud responded that the fees for the add-ons were built into the Glass Associates' proposal. Director Welsh said that wasn't what the contract said. President Sherris-Watt responded that this would be driven by degree; such as whether the west wall would have some glass added or would become all glass. She noted that the extent to which the add-ons would be completed would depend on community involvement.

Ciara Wood said she had served on the Park Buildings Committee. She said the discussion before the Board was whether to hire Glass Associates to design the project. Director Welsh responded that the proposed cost for this service was \$150,000. Ms. Doud explained that their fee included designs for the alternates. She said the base drawings would cover the basics the District would need to get the project permitted. She noted that additional cost would be incurred if the District elected to put in full doors instead of replacing the existing windows. Director Hacaj clarified that, in an instance such as this, there would be added construction cost but not added design fees. Ms. Doud explained that the contractors would price the add-ons as "alt-bids" but that Glass Associates' fee would include the add-ons. Director Welsh said he wanted to see that stated more clearly in the contract. Director Welsh

asked about timing – when would the Board need to make decisions about whether to add alternates. President Sherris-Watt said the completion date would be December 2018 so the District can recoup its Measure WW funds. She said that the community discussion and design process would occur during and that construction would begin between camp and the fall session. She said the Board likely would be presented with real numbers during the summer.

Director Cordova said she had worked for the Marin County Parks, so she knew parks and park planning. She commended the Committee and said that, while she appreciated Director Welsh's concerns, it would be difficult to price something that didn't yet exist. She noted that the Park Building Committee members were skilled and represented a cross-section of the community. She thanked the Committee and the architects.

Jim Watt said he had served on the Park Buildings Committee, too. He said that Glass Associates' first proposal had not included the price of bringing in a cost estimator and that this element had been added to the proposal. He said the Committee had first asked for bids to bring the building into ADA and seismic compliance. He said that the Committee then discovered it might have some additional money and that this could be used to pay for some additional upgrades – this drove the Committee's decision to put alternates into the proposal. He said that the cost estimator would look at the alternate schemes and provide an estimate of them before full drawings were prepared and that this would enable the District to look at the cost of the basics plus the potential of doing the add-ons. Mr. Watt said the proposal contained a schedule indicating the construction administrative phase would not exceed 20 weeks. He said he had a problem with this because, if the work exceeded five months, there would be an additional cost for Glass Associates proposal. He said there should be no limitation placed: Glass Associates should see the project through to its entirety. President Sherris-Watt responded that she and Ms. Doud had already discussed this: If the construction were to run longer, the firm would work that in because it wants to see the construction through. She added that, if there were to be a delay beyond the firm's control, things might change.

President Sherris-Watt said that what was being sought that evening was a resolution that she negotiate a contract, on behalf of the Board, with Glass Associates. She noted that schedule item 4 could be altered to reflect the length of construction.

Nick Beaucage said that he was a structural and civil engineer and that he was against signing the contract. He said he didn't like the way the project had been handled and "sold to the community" as seismic and ADA upgrades: It seemed obvious from the proposal that it was for a lot of additions as well, such as a new kitchen and re-doing the west wall. He said he didn't think the community had been asked what it wanted for the project. He noted that the project was now up to \$1million, with a \$150,000 fee, which he said was very steep, and that it appeared that each service being provided was being farmed out to a sub-consultant, which was strange. He said the firm also had its own structural sub-consultant for the structural engineering, who was not the engineer the District had used and asked how the Board intended to use the information for which it had already paid and which he said didn't seem to be complete. He said that he thought the community was looking for a simple design and that, from a structural engineering standpoint, the Community Center was a very simple building. He said he thought the seismic improvements were voluntary and not required. He said he'd been on the Park Buildings Committee for a few meetings and quit when he found out that the architect, whose advice the Committee had been taking, was not an architect. He concluded by reiterating that the contract shouldn't be signed. President Sherris-Watt responded that Mr. Beaucage had never been on the Parks Building Committee: Then-President Welsh had considered appointing him, but because he'd been an El Cerrito resident, he'd been ineligible. Mr. Beaucage responded that he was a Kensington resident. President Sherris-Watt said the work on the community center was intended to be simple, the reason for the ADA focus was to ensure accessibility to all and to ensure compliance in order to avoid legal liability, and the seismic work was intended to ensure no one would be crushed due to building failure during an earthquake. Specifically, she said the District wanted the building to meet the life-safety standards. Mr. Beaucage said the completed documents weren't for life safety; they were for immediate occupancy. President Sherris-Watt declined to debate the issue and said the Park Buildings Committee hadn't stipulated that the architect use the previous seismic engineer: The Committee wanted the

architects to use the people whose professional reputations they respected. Director Welsh said that he thought some of the points raised by Mr. Beaucage were potentially legitimate but that there was some time pressure now – the Board needed a pragmatic solution. He said that the Board would be relying on the architects’ professional judgment and that he thought the District did need to do something about the ADA requirements. He said the committee had made an honest effort. Mr. Beaucage noted that the Board should pay attention to clause 3 on page 21. President Sherris-Watt responded that what William Glass had explained was that his firm didn’t accept projects it couldn’t see through, from beginning to end, because it wanted to see projects completed as they believed they should be. Director Welsh responded that he thought Mr. Beaucage had raised a good point, and so he asked that President Sherris-Watt consult with the District’s legal counsel on the wording; he didn’t think the Board wanted to write itself out of every remedy it might have if something were to go wrong and there was some fault on the part of the architect. Director Welsh thanked Mr. Beaucage for raising the point.

Linda Spath said that she supported efforts to improve the safety and functionality of the Community Center but that she was concerned about the process. She said one concern was paying \$149,000 for architectural services for a construction project the community might not be able to afford. She thanked Mr. Glass for his forthright estimate of construction costs for essential improvements – addressing seismic, ADA, and energy code requirements. She noted that, at the December 8th KPPCSD meeting, he had estimated that construction costs would be \$850,000 - \$870,000 and that he had recommended a construction contingency. She asked how much KPPCSD money was currently available to cover estimated construction costs and what the plan was for making up the difference if available funds wouldn’t cover estimated costs. President Sherris-Watt responded that, when one saw the \$1 million estimate, one needed to understand that this amount was an outlier – the highest amount the District could afford. She noted that costs, based on the seismic engineering report estimate of \$350,000, the ADA estimate of \$180,000, plus 20% for soft costs would equal about \$650,000. She said she had hoped that contributions from the Kensington Community Council (KCC) and fundraising, over the coming two years, would allow the Board to fund additional improvements. She said the KPPCSD had approximately \$207,000 set aside, there were \$158,000 in Measure WW funds, and the District would be searching for other grants and for federal funds. She said the Committee would also be coming to the Board to ask for a “chunk of funds” from a future budget to help meet the costs. She noted that the Community Center was a capital asset that had suffered from lack of improvement and lack of monetary consideration for about 30 years. She said the District had three mandates: to provide solid waste service, police services, and community services – part of that was keeping the District’s capital assets in good working order. She noted that the KCC had already pledged a certain amount for improvements and that the Board was in discussion with that organization.

Lisa Caronna thanked the Board for moving the project forward because it was long overdue. She said that the \$650,000 amount just cited by President Sherris-Watt didn’t include the \$150,000 for the architects’ fees and that, together these amounts brought the total to \$800,000 – an amount close to the \$1 million construction cost mentioned. Ms. Caronna said that putting these amounts on a piece of paper would be very helpful to let people know what was included in the base amount and what the funding shortfall was going to be. Ms. Caronna said she wanted to comment on the proposal:

- The introduction described that the Community Center had been built to serve youth and that, over time, the usage had expanded to include things like yoga, painting classes, and private parties. She said she wanted to ensure that the architects understood that the building also was used as the primary public community building for everyone – for all the town hall meetings, the public safety meetings, etc.
- The budget stated that the \$1million would include all fees and permits – she wondered how much money the District actually had in the bank for completing the project. She asked if the District had \$650,000 “in the coffers,” and President Sherris-Watt responded in the affirmative.
- Things she didn’t see were community meetings or presentations, at any point, by the architects. She asked if this had been included in the process. She said that usually, near the end of the design phase, there was a public discussion to weigh pros and cons.
- For the day-to-day project management – she didn’t see any cost for that. She asked who would be doing it. She noted that, when the park restroom had been built, Jack Griffith, who had been very involved with that project, said it had been a huge time commitment to have

been present every day to monitor what was going on and the quality of the work. She said she hadn't seen that level of commitment in the proposal and wanted to know who would take care of that: If not the architects, then who on the staff would take on this responsibility?

- She asked who would be putting the project out to bid. She noted that she knew this had to come from the District, but she wanted to know who would be evaluating the bids and determining if the low bid, a requirement of public agencies to accept, came from a contractor competent to complete the work. She asked who would be looking at that part of the project.
- Ms. Caronna noted there was no civil engineer assigned to the work on the outside of the building – there had been discussion about grading work that would need to be done to the outside for things such as the parking stalls and storm drain issues. She asked if the architects would be doing this work.
- There were references in the proposal to the unknown with respect to the path of travel. She asked if research had been done on to determine what the path of travel would be – would it be from the sidewalk to the building. President Sherris-Watt responded that the District had been assured that the path of travel was not from the bus stop to the Community Center but that it likely would be a consideration for the stalls outside the building.

Linda Lipscomb asked if she had heard Jim Watt say that he anticipated having excess funds. She said that this marked the first time she had ever heard him say that. Ms. Lipscomb congratulated the Board for getting to the point of taking care of the seismic retrofit and ADA compliance. She said she, too, was concerned whether there were sufficient funds to complete the project. She said that, with Measure L, there had been a pretty resounding defeat for a bonding mechanism. She said she was concerned by President Sherris-Watt's statement that future budgets would be called upon to pay for the project. She said that this sounded like bonding or borrowing and that she would appreciate some explanation regarding the funding mechanism. President Sherris-Watt said she had always maintained that she would do everything in her power not to ask for a bond: She didn't see there was community will, and the past had shown it not to be an acceptable solution to funding the Community Center – at least at the level indicated by Measure L. President Sherris-Watt added that she would be asking for future funds to be directed toward the building and that she would be asking for future funds to maintain other capital assets owned by the District. She said that she would seek a lessening of other services to do this work and that she was looking at the budget and finding the balance. She said the District might not be procuring some things it had in the past, such as purchasing a new police car in the upcoming year, so that improvements could be made to the building's bathrooms or so that the kitchen could be renovated.

Director Welsh said that \$1 million was the estimated cost of the project but that the Board didn't know if that would be the cost because the construction would be put out to bid. He said the cost could turn out to be lower or higher than the estimated amount. He said that, if the cost turned out to be a lot less, perhaps Glass Associates would consider charging a little less because it's fee was a pretty hefty. He said he also wanted people to be mindful of the huge future cost of the Public Safety Building – whether renovated or demolished and rebuilt – which could be as much as \$10 million. He noted this would exclude the cost the KPPCSD might bear in having to find a home during the project. He said he hoped this would be considered when this project came back to the Board for a vote.

MOTION: Director Hacaj moved, and Vice President Nottoli seconded, to authorize Board President Sherris-Watt to negotiate a final contract with Glass Associates, with the amendments around the number of months for which the firm would provide services so this would be through the completion of the project – schedule item 4. President Welsh asked to amend the motion to include speaking with Judith Propp of PLG about District not being liable if something were to go wrong and there was some fault on the part of the architect, which he identified as a line on Page 21 of the Board Packet.

Motion passed: 4 – 0, with one abstention.

AYES: Nottoli, Welsh, Cordova, Hacaj NOES: ABSTAIN: Sherris-Watt ABSENT:

- 7b. The Board discussed and considered adopting Resolution 2017-04, authorizing the Interim General Manager/Chief of Police to negotiate with the City of El Cerrito to provide RMS and services of Records Management to the District. The report was provided by the Interim General Manager/ Chief of Police.

Vice President Nottoli reported that KPPCSD's contract with Richmond would expire on June 30, 2017 and that IGM/COP Hull had been investigating alternates. She said this was an ongoing investigation that IGM/COP Hull had been conducting since the fall. She reported he had met with the Sheriff's Department, which would be willing to provide dispatch but would not be willing to provide two other essential services: RMS, the service that goes along with dispatch records; and records management – services El Cerrito would be interested in providing. She noted that, at the prior Board meeting, the Board had passed a resolution authorizing IGM/COP Hull to negotiate with Albany, something else that's ongoing. She said it was important that officers in Kensington be in radio contact with an adjacent jurisdiction, which was the reason the two most attractive options were the Sheriff plus El Cerrito and Albany. She noted that Albany would be willing to provide all three services.

Director Welsh asked if "re-upping" with Richmond was no longer a possibility. Vice President Nottoli responded that it was possible, but the problem was that Kensington would not be on the same radio channel as El Cerrito or Albany. She reported that the problem with Richmond was that El Cerrito was not going to remain with Richmond. She added that IGM/COP Hull had made an inquiry to Berkeley, too.

IGM/COP Hull reported that he would also be speaking with the University of California Police Department. In response to a question, IGM/COP Hull said that this radio communication was different from the regional radio system, EBRCS. EBRCS would enable the Kensington PD to communicate with different agencies – both police and fire – in the event of an emergency. This system was the main radio channel.

Ciara Wood asked if RMS was records management services. President Sherris-Watt responded in the affirmative. IGM/COP Hull added that there were two types of records services: RMS, which was part of computer assisted dispatch (records created during a call to dispatch) and records services, which is a brick and mortar records service that has a clerk.

Director Cordova asked if including Albany would come with obstacles or additional costs because of crossing a county line. Vice President Nottoli responded that, with respect to crossing county lines, Albany had provided dispatch service for the KPPCSD for several years in the past. She noted that it wasn't clear why KPPCSD had switched from Albany to Richmond and that El Cerrito had been considering switching to Albany, too, but had made the decision to go with the Sheriff's Department. She added that the Albany Police Chief, Mike McQuiston, said crossing a county line didn't appear to be an issue.

Linda Lipscomb asked if dispatch and records management would be handled by two different entities. Vice President Nottoli responded that, if the District went with the Sheriff's Department, that department would not provide record management services; so this option would require that the District went to a separate entity for this. She reported that, if the District went with Albany, all needed service would be provided by that city. Ms. Lipscomb asked if there had been a cost analysis of the combined services for the different options. Vice President Nottoli responded that the resolution was aimed at trying to obtain that information and that, at the prior month's meeting, the Board had passed resolutions authorizing IGM/COP Hull to negotiate with the Sheriff and with the City of Albany. She said that the current resolution would authorize negotiations with El Cerrito. President Sherris-Watt said that a resolution for UC Berkeley hadn't been prepared yet and that IGM/COP Hull had led the process and worked with Vice President Nottoli during it. President Sherris-Watt said this was not a simple apples-to-apples comparison because of differences in software, the method of dispatch, the manner in which records were kept, etc. She said the District would be assembling a document showing the various elements to determine the cost for each agency.

Linnea Due asked if UC Berkeley would be able to provide all three services. Vice President Nottoli responded that this was not yet known and that the District didn't know if UC Berkeley or the City of Berkeley would be willing to offer the services

David Spath asked which systems could "talk" to one another and which were the most critical. IGM/COP Hull responded that the Kensington PD would still be able to communicate with El Cerrito or to monitor its radio traffic; it would be a matter of switching the radio to a different channel. He added that, if Kensington were to go with Albany, radio communication would be between Kensington and that city. Dr. Spath asked if UC Berkeley PD had its own radio frequency, and IGM/COP Hull responded in the affirmative.

MOITION: President Sherris-Watt moved, and Director Welsh seconded, to adopt Resolution 2017-04, allowing the Interim General Manager/Chief of Police, or his designee, to enter into negotiations with the City of El Cerrito for the provision of records management services and services of records department.

Motion passed: 5 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj NOES: ABSENT:

7c. President Sherris-Watt presented the 2017 Calendar for Board and District committee meetings and the Board considered approval of the 2017 Calendar.

President Sherris-Watt reported that the Board had compiled a calendar of meetings. But, she said this seemed to have been premature because the Board hadn't yet voted to approve a second Board meeting each month. She asked if this could appear in the following month's Consent Calendar. Amara Morrison responded that President Sherris-Watt could provide information only, with the caveat that, if the second reading was approved, the calendar would stand. President Sherris-Watt said the Finance Committee meeting would typically occur on the fourth Wednesday of every month, and the Park Buildings and Recreation Committee would be meeting the third Wednesday of every month.

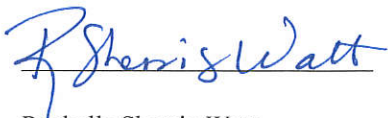
Linda Spath said the calendar was a good first step. She suggested a list of the meetings of all standing and Ad Hoc committees and posting this on the District's website. She suggested also including Fire District and the K-Groups, for a community calendar, which the Technology Committee could create as a visual reminder. She said it would be helpful if the District could post a description of every KPPCSD committee, along with the names of the committee members and their contact information. She also asked that all KPCSD committee meetings be recorded and that the recordings be posted on the District's website so that everyone could know what was going on. President Sherris-Watt responded that these were wonderful suggestions and that the Board should act on them. It was noted that the Outlook provided a calendar of community meetings, on a monthly basis, so perhaps the KPPCSD didn't need to provide one.

MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to adjourn.

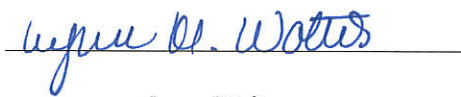
Motion passed: 5 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj NOES: ABSENT:

The meeting was adjourned at 9:01 P.M.



Rachelle Sherris-Watt
KPPCSD Board President



Lynn Wolter
District Administrator