

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Location: Kensington Community Center, 59 Arlington Avenue, Kensington
March 14, 2019

President Nottoli opened the meeting at 7:40. Vice President Hacaj and Directors Deppe, Modavi, and Sherris-Watt were present. Tony Constantouros, General Manager, and Ann Danfoth, General Counsel were also present.

Public Comments on Items Not on the Agenda.

Catya de Neergaard spoke on her concern on treatment of women by a District employee and consultant. [Please see attached March 25, 2019 email from former Chief of Police and General Manager Barry Garfield in response.]

Mabry Benson spoke on the lack of quality police officers. Celica Concus spoke on her concern for the inappropriate behavior of an off-duty officer at a recent District meeting and his citizens arrest of the District General Manager. Phil Zimmerman spoke on his concern on contracting for some or all of police services.

Board and Staff Comments.

Interim Chief of Police Hull noted that he was working on an emergency evacuation plan in coordination with the El Cerrito Chief of Police and Fire Chief. He announced that a new officer would start on April 1, two other applicants are in background, and he is evaluating a potential third candidate.

General Manager Constantouros noted the two recent community meetings at which Matrix presented the findings of their Phase 1 (evaluating the current police department) and Phase 2 (options for full or partial contracting of police services) studies. The District will likely have options to discuss in April on recommendations to improve the department and possible contracting options. Mr Constantouros reported that the District has retained an investigator to investigate possible CLETS abuses by police. Mr. Constantouros reported that poison oak and non-native blackberries have been removed from the park. Former Interim Chief of Police and General Manager Kevin Hart stated that he had conducted a CLETS investigation which found no abuses while he was in office and he provided Mr. Constantouros with copies of public records related to Mr. Hart's investigation

Director Sherris-Watt noted the passing of Julie Moore who had been an active community supporter.

Consent Calendar

President Nottoli moved to adopt Resolution 2018-09 Authorizing the Adoption of the Updated Contra Costa County Operational Area Hazard Mitigation Plan. Director Sherris-Watt seconded the motion and the Board voted unanimously (5-0) to adopt the resolution. Resolution 2018-09 was passed 5-0.

The minutes of the February 1 meeting were pulled and will be put on a future agenda.

Old Business

Director Hacaj reported on the three lowest responsive bids for the Community Center renovations and discussed the hazard abatement needed for the base project (asbestos in roof and skin coat) and, if accepted, the alternate to replace the floor in the main room (asbestos in floor mastic). Bill Zenoni of Management Strategies reported on the funds and uses of monies for the Community Center renovations.

President Nottoli introduced the project to plant trees at the vacant lot at the corner of Arlington and Coventry. Five trees had recently been removed. Jack Griffith, a retired landscape architect, prepared plans to plant three 15-gallon live oak trees, install stakes and a protective cage around the trees, and install a temporary irrigation system. President Nottoli said the District received another bid of \$1,800 to plant trees and no irrigation company would bid on the project because they said the job was too small. President Nottoli moved, Director Modavi seconded, and the Board voted unanimously (5-0) to accept the proposal for \$5,250.

New Business

Public Garbage Containers. President Nottoli presented the bid to replace two public garbage containers on Colusa Avenue and three on Arlington Avenue and thanked Lisa Caronna for her diligent research. Ms. Caronna also found new tops for some of the concrete containers in the park which were missing tops. A. Stevens Delk asked for consideration of recycling containers and President Nottoli responded that the experience in some communities is that public recycling containers are often contaminated with garbage which leads to rejecting the entire recycling load for recycling. Director Modavi asked for consideration of micro recycling containers. Ms. Delk also provided information on tops that may fit better on the concrete containers. Director Sherris-Watt also suggested that General Manager Constantouros identify and order the most suitable tops for the park containers.

Motion to Purchase Five Public Garbage Containers. Director Sherris-Watt moved and Vice President Hacaj seconded a motion to approve the bid to replace the five public garbage containers. All directors voted in favor and the motion passed 5-0.

Nicolay Consulting on OPEB. Nicolay Consulting has proposed work needed for the Other Post Employment Benefit actuarial report for FY 2018-19 (\$5,000) and FY 2019-20 (\$2,800). General Manager Constantouros had previously approved the FY 2018-19 proposal and sought Board approval for FY 2019-20 proposal. President Nottoli moved, Director Sherris-Watt seconded, and the Board approved the work for FY2019-20 unanimously (5-0).

Transcript Service. Director Modavi was concerned about the new method to prepare minutes using a transcription service and preferred detailed narrative minutes. Director Sherris-Watt noted that the District is trying to strike a balance of efficient use of limited staff and director resources, cost, and meeting obligations. She further noted that this will be addressed in the draft Policy and Procedure Manual. Director Modavi disclosed his correspondence with the California Special District Association and the response which concluded that the current method was not prohibited.

Motion to Extend the Meeting. President Nottoli moved and Director Deppe seconded a motion to extend the meeting to 10:15. All directors voted in favor of the extension and the motion passed 5-0.

Proposition 68 Grants. Director Modavi presented District Administrator's report on possible grants under Proposition 68 for the vacant lot at Coventry and Arlington or the paths. President Nottoli said that Proposition 68 grants administered by the Department of Fish and Game were apparently limited to restoration of watersheds. Vice-President Hacaj said that the grants appeared to be limited to low income areas based on her research and talking to state agency representatives who either administer or are familiar with Proposition 68 grants. Director Modavi responded that the sponsors of a workshop he attended that it was explained that the criteria for loans was either low income or less than three acres of parkland per 1,000 residents. Vice President Hacaj also noted that there appeared to be a preference for multi-use projects and asked that he follow-up with those she had spoken with and also Cal/Trans which may have grants applicable to the paths.

President Nottoli moved and Vice-President Hacaj seconded a motion to table the discussion until the draft Police and Procedure Manual would be discussed. Directors Deppe, Hacaj, Nottoli, and Sherris-Watt voted in favor and Director Modavi opposed the motion; the motion passed four to one (4-1).

Annual CSDA Meeting. The 2019 CSDA Annual Meeting will be held in Anaheim. Vice President Hacaj said that the annual meeting provided valuable information and sessions to meet required ethics and harassment training. Vice President Hacaj noted that the monies for this conference were in the budget. In response to questions by Johanna Ferman and Linda Lipscomb, Director Hacaj noted that the conference was \$625 for early registration, \$180 per night for hotel rooms with additional charges for air fare.

Motion to Approve Attending the CSDA Annual Meeting. Vice President Hacaj moved and President Nottoli seconded to approve directors to attend the meeting. Directors Deppe, Hacaj, Nottoli, and Sherris-Watt voted in favor and Director Modavi voted against approving attendance. The motion passed 4-1.

Motion to Extend the Meeting to 10:30. President Nottoli moved and Director Sherris-Watt seconded a motion to extend the meeting to 10:30. All directors voted in favor of the motion and the motion passed 5-0.

Johanna Ferman asked that the Board engage in dialogue at meetings and have more community input on the Matrix report. She would like a more interactive forum. General Counsel Danforth replied that such a meeting could occur within the limitations of the Brown Act but action could not be taken at such a meeting because any item that would require action must be on an agenda. John Gaccione noted that if Kensington police had solved all of El Cerrito's crimes there should be no fear of El Cerrito. Meryl Natchez asked for a discussion on hiring a chief of police. Andy Gutierrez noted that there has been disharmony in Kensington for many years about the police, the current force is dysfunctional, and the ordinance is a poison pill to hinder improvements. He further noted that the General Manager hired a qualified consultant to evaluate policing options.

Motion to Extent the Meeting to 10:35. Director Sherris-Watt moved and Vice President Hacaj seconded a motion to extend the meeting to 10:35; all Directors voted in favor of the extension. The motion passed 5-0.

Steve Bates again asked for a community project manager for the Community Center renovations and spoke in support of Interim Chief of Police Hull and the police. Larry Nagel asked that representatives of the Kensington Fire Protection District address the KPPCSD at the March 28 meeting. Celia Concus asked what crimes had Kensington solved for El Cerrito.

Motion to Adjourn. Vice President Hacaj moved to adjourn the meeting and President Nottoli seconded the motion. The Board voted unanimously (5-0) to adjourn the meeting before 10:35.

Prepared by: Eileen Nottoli

Date approved by the Board: May 23, 2019

Tony Constantouros, General Manager

Eileen Nottoli, Board President