

Meeting Minutes for 7/27/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, July 27, 2017, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Jeff Sloan, Renne Sloan Sakai
Eileen Nottoli, Vice President	Paul Dorroh
Len Welsh, Director	Anthony Knight
Sylvia Hacaj, Director	Vida Dorroh
	Linda Lipscomb
	Karl Kruger
<u>Staff Members</u>	Gail Feldman
Anthony Constantouros, General Manager	Peter Liddell
Rickey Hull, Interim Chief of Police	Andrew Gutierrez
Lynn Wolter, District Administrator	Farhat Doud
	Bill Glass
<u>Press</u>	Jim Watt
	Kevin Fitzsimmons
	David Bergen
	Simon Brafman

President Sherris-Watt called the meeting to order at 6:33 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, GM Constantouros, ICOP Hull, and District Administrator Wolter were present. President Sherris-Watt noted there was an absence on the Board.

President Sherris-Watt announced that Item 2a. had been removed from the agenda and that the Board would consider only Item 2b.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:34 P.M.

CLOSED SESSION

- 2b. Public Performance evaluation: Title, General Manager. Government Code Section 54957.

The Board returned to Open Session at 7:45 P.M.

President Sherris-Watt took roll call. She, Vice President Nottoli, Director Welsh, and Director Hacaj were present. President Sherris-Watt announced that there was a vacancy for the fifth Director position.

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

PUBLIC COMMENTS

Paul Dorroh said that it had been almost a year since one of the officers had been placed on paid administrative leave and that this struck him as a long time for this status to continue without resolution. He said he believed this was costing the District about \$100,000 a year, plus benefits: accrued vacation and sick time that might have to be cashed out and retirement obligations. He urged the Board to bring the matter to a conclusion as promptly as possible.

Mr. Dorroh noted that, at its July 13th meeting, ICOP Hull had given a status report on the process of transferring dispatch and records management functions to Albany. He said he hoped a further update would be provided. He noted that, at the last update, there had been some question about the fiber optic versus VPN and that there had been an indication that the transfer of records was not as simple as inserting a thumb drive in one computer and then sticking it into another one. He asked how this process was going and if staff could provide an update.

Anthony Knight said that he'd attended the Fire Board meeting the prior night and that, at that meeting, the Fire Board had discussed the KFPD-KPPCSD Public Safety Building lease agreement. He said that one of the allegations made by the Fire Board was that it couldn't overlook the KPPCSD's obligation to pay for its occupancy of the building. He noted that the Fire Board also cited a legal opinion, made some time ago, that said it would be a gift of public funds, from one agency to the other, if this obligation were to be overlooked. He said he remembered that, about four years earlier, the KPPCSD had requested a legal opinion on this matter and had been informed that this did not constitute a gift of public funds. He asked if this legal opinion was on file. Director Welsh responded that the Board had been requested to find out whether a lease, for an amount less than market value, would be a gift of public funds and that the answer had been, "no." Director Welsh explained that the opinion had cited the funding and expenditure mandates of the Fire District and that one of the things noted had been that the police department's use of the building actually promoted fire service – there's close cooperation between the firefighters and the police officers. He said he believed that the two districts could fund both the Public Safety Building and the Community Center. Director Welsh noted that the legal opinion had indicated that, with respect to the lease, it would not be a gift of public funds if the rent were \$1.00 per year.

Mr. Knight asked what staff reporting was, now that a GM had been hired – specifically he wanted to know if the ICOP reported to the GM and the GM reported to the Board. President Sherris-Watt responded in the affirmative. Mr. Knight asked if this included the ability to hire and fire the COP. GM Constantouros responded that he supervised all staff and that this included hiring and firing.

Vida Dorroh said that she, too, had attended the Fire Board meeting and that one of the Fire Directors had explained that he had voted for the lease because he felt it would be illegal to make a gift of public funds to the KPPCSD. She said the Fire District used the Community Center for its meetings and asked if the KPPCSD was making a gift of public funds by letting the Fire District use the Community Center free of charge. She noted that, if it worked one way, it should work the other way. President Sherris-Watt responded that the KPPCSD made use of the Community Center free of charge to all K-Groups. She said such groups included KMAC, the Kensington Education Fund, the Kensington Public Safety Council, etc. Ms. Dorroh responded that these were all volunteer groups and said she was talking about the other District, which was charging the KPPCSD rent, and asked why the KPPCSD wouldn't do the same. Director Welsh responded that this point had been well taken and asked how the citizens of Kensington could be making a gift to themselves.

Ms. Dorroh also noted that the KPPCSD was in charge of waste management and that the KPPCSD was paying for utilities for the Public Safety Building. She asked if the Fire District would be contributing

toward the waste management costs. Director Welsh responded that the KPPCSD was stuck because it needed the space and that the question was one that should be posed to the Fire Board. Ms. Dorroh said that she and many others had tried to influence the Fire Board's decision but that their comments had fallen on deaf ears.

Linda Lipscomb said it was not a gift of public funds because it was not a gift without a public purpose. She said there was a bigger issue – the continuing argument about various amounts of money, which was happening because there were two districts that weren't acting as one community. She said Kensington needed to move into the 21st century and become a single community and act as though it had one revenue stream and a set of expenditures for public safety and recreation. She noted that the young people who were moving in and paying high prices deserved nothing less than a comprehensive governmental system. She said she appealed, again, for the \$1.00 lease because Kensington taxpayers were on both sides of the equation.

Karl Kruger said that he was disgusted with the lease, that the KPPCSD Directors had done a poor job in handling it, and that the Fire Board had been greedy. He said that, at the prior meeting, he'd also asked the Directors to give him an answer on something, but they hadn't done so – they'd ignored it: He said they should have responded.

Gail Feldman said that she'd attended the Fire Board's regularly scheduled meeting two weeks earlier to address that Board about the lease but had not had a chance to address the KPPCSD Board about it because she'd been out of town. She said that, given the situation in Kensington, asking the KPPCSD to pay rent in amount greater than \$1.00 per year didn't make sense: In the current Fire District budget, revenue would exceed expenses by over \$800,000. She said that she understood that the KFPD had facility issues to address, but that, at this time, it didn't have a project and wouldn't know the cost until it did. She said that, at the same time, the KPPCSD, which was in a deficit budget, would be pulling money out of reserves to pay for its Community Center project. She said this was one tax-paying community and that taxpayers might end up having to pay more in taxes because the KPPCSD didn't have enough money for operations, while the Fire Board had excess revenue plus over \$5 million in reserves. She said this was the reason for going to the Fire Board and saying that, although they have a right to ask their tenants to pay rent, doing so would put the KPPCSD and the community in a bad position. She concluded by saying there could be a benefit from pooling the community's dollars.

Peter Liddell announced that the Kensington Public Safety Council (KPSC) had recently learned that the County had a Hazard Mitigation Plan that needed to be updated every five years and that all cities and special districts contributed towards it. He noted that the KPSC would be helping in this endeavor. He said that the County had hired consultants to help with this project and that a version of the report would be on the District's website soon. He encouraged Kensington residents to take a look at it and said that, as it was further developed, there would be a chance for community input.

Paul Dorroh said that one of the reasons the Fire Board Directors had given for approving the \$35,000 lease was that the KPPCSD Board had already voted unanimously to approve it – so it was a done deal.

Andrew Gutierrez noted that the next election was already in progress: There were signs on the street that said to make Kensington's police independent. He said people were "hung up" on a fairly small amount. He said the cost of the police mismanagement of the past had cost the community roughly a couple of hundred thousand dollars per year. At the same time, he said the disunity in the police department continued. He said to have negotiations for a small amount of money should go forward. He said that, to use this to divert attention from the real issues – the police dysfunction, how much it was costing, and how inefficient it was. He asked if it wasn't too independent. He said the closed meetings had to do with these kinds of issues. He also noted the large sums of money spent by previous Boards and said this had been irresponsible. He said \$35,000 was a reasonable amount and that the real issue was what the community should be doing about police services. He asked why it would be good to combine the Fire District and the KPPCSD when one had been functioning well and the other hadn't.

BOARD COMMENTS

President Sherris-Watt announced that the Board's next meeting would be August 10th and that the District was accepting applications for the vacancy on the Board. She said that the applications would be due by 3:00 P.M. on August 7th and that the appointment process would occur on August 14th.

STAFF COMMENTS

ICOP Hull responded to the questions asked about the dispatch transition: status of the fiber optic cable and the VPN and pulling that data from Richmond. ICOP Hull said the fiber optic cable project was just about complete; once the switch was installed, the RMS program would be installed on the workstations inside the department. He said that, once this was done, the department would have access to information it currently didn't. He said that the department was no longer going through the Contra Costa County switch and that once the fiber optic cable project was complete, the department would transition to the Alameda County switch, through the Albany Police Department.

With respect to pulling data from Richmond, ICOP Hull said this had been a somewhat anticipated issue but had been an unanticipated cost. He said that the cost to complete this would be \$25,600, which would negate the \$26,000 in savings he'd been able to negotiate for the first year of the Albany contract. He reported that scripts were currently being written for the San Pablo Police Department and that Kensington was behind San Pablo in obtaining its data. He said he anticipated having Kensington data pulled and in its possession by the beginning of November. He said he'd anticipated that, going into this process, it would be five or six months down the line before the data conversion took place. He reiterated that the only surprising aspect of this was the associated bill and that he'd had no way to foresee it. Director Hacaj said that the reason Albany had given Kensington a discount was because it had anticipated that there would be unanticipated costs.

CONSENT CALENDAR

President Sherris-Watt asked if anyone wanted to pull anything from the Consent Calendar. In the absence of any requests, she made the following motion:

MOTION: President Sherris-Watt moved, and Director Welsh seconded, to approve the Consent Calendar.

Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj

NOES:

ABSENT:

7. The Board reviewed the first phase design concepts of the Community Center renovation to address seismic upgrade, ADA compliance, and improved energy efficiency. The presentation was made by Glass Associates.

Director Hacaj introduced the item by welcoming Glass Associates. She reported that, beginning in 2015, President Sherris-Watt had chaired the Park Buildings Committee, which began to examine the needs for the building and learned that needed seismic work would trigger the Americans with Disabilities Act (ADA) and energy efficiency requirements. Director Hacaj reported that the 18-month process, led by President Sherris-Watt, had culminated in the Committee unanimously selecting Glass Associates. She said Glass would be presenting some conceptual designs. She noted that these were not design drawings – they were concepts to address needed solutions.

Bill Glass introduced himself as a principal with Glass Associates and reported that, to begin the process, members of his firm had met with various community groups and members of the Board to learn how people used the building and what their expectations were and then had assembled a program

based on this. He noted that the underlying purpose of the work was seismic rehabilitation. He said that there were three aspects and that the seismic work would trigger the other two elements.

- Seismic
- Energy
- Accessibility

He reported that, in addition, there was a wish list of things people would like to have to facilitate the use of the building. He said these would be structured as bid alternates, which would be addressed if the basic work came in under the \$750,000 construction budget. He said he had concerns that the three main aspects could be completed for the budgeted amount.

Mr. Glass introduced his associate, Farhat Doud, who is also a Kensington resident. He reported that she would make the slide presentation. Ms. Doud thanked the Board for the opportunity to show the progress that had been made. She said that, as part of the pre-design process, consultants had come to evaluate the building and Glass Associates had met with various K-groups and spoke with local architects Bart Jones and Deborah Lane.

Ms. Doud gave a brief history of the Community Center: It had been constructed in 1955; and a 1988 renovation had added space, upgraded several elements, and achieved some seismic and energy improvements.

Ms. Doud provided a PowerPoint presentation to highlight relevant information. She reiterated that the size and cost of the needed seismic work would trigger the ADA requirements and energy compliance. She reported that the front wall was cantilevered but had no lateral support and that the roof lacked sufficient shear resistance. She also noted that the building needed to be insulated.

Ms. Doud continued her PowerPoint presentation, which showed various options that could address the building's and the community's needs. She noted that, because the front wall was south-facing, glazing could be added that would be beneficial from an energy efficiency standpoint and that, if opened up for this purpose, a steel beam could be added to provide needed seismic strength. She reported that the roof would need to be tied into the walls and that the building would need to be re-roofed to add shear-ply to accomplish additional needed seismic upgrades. She noted that re-roofing would also provide the opportunity to add needed insulation. In describing the walls, Ms. Doud explained that the cinderblock walls were mortar-less: There wasn't concrete and rebar in every cell.

With respect to ADA, Ms. Doud said the path of travel would be the biggest issue with which to deal: From the parking space, there would have to be a path of travel to the front door through the main egress of the building; and everything inside the building would have to comply with ADA. She noted that this would include people in wheelchairs and those who were visually impaired. She cited the amount of uneven ground between the parking lot and the front door as something that would need a lot of re-grading and re-paving to achieve the proper slope and cross-slope. She said there also would need to be the proper amount of signage at the front door and hardware to ensure automatic door opening and closing. She noted that, because of the slope, it was unlikely that more than one compliant parking space could be installed. Bill Glass noted that all the entrances would have to be accessible.

Ms. Doud reported that the bathrooms and the kitchen would also have to be ADA compliant. She said the bathrooms were close to compliance but would need new stalls and new fixtures, and a few things would have to be moved. In the kitchen, she said the counters would need to be lowered from 36 to 34 inches, new cabinets would be needed, and she suggested installing a pullout table.

As far as the energy component is concerned, Ms. Doud reported that the roof wasn't insulated, and the heating, windows, and lighting didn't comply with current code. She said that ventilation and LED lighting would be considered and that new energy efficient windows would be installed. She also suggested installing a trellis along the front wall to offset the energy gain.

Ms. Doud reported that Glass Associates had met with a number of groups that used the Community Center, as well as the custodian, and had received a lot of good feedback about things they'd like to see: Among the needs cited was more storage and better lighting. She showed a slide that proposed storage on either side of the fireplace and another one that showed the front wall opened up with glass (for which there were many options) to provide better flow from the inside to the outside, as well as more light. Ms. Doud said that some had suggested that there be some sort of separation between the side rooms and the main room: she showed a slide with a freestanding partition just outside the doors of the side rooms. She noted that the addition of a trellis along the front of the building would also better define the front door and that the addition of coverings for the skylights to help modulate the light.

Simon Brafman asked if Glass Associates had looked into solar panels. Mr. Glass responded that the tall trees surrounding the building would diminish the effect of solar panels and that the building responded well already, from an energy standpoint. He said the community could always do solar, but it might not provide good payback.

Jim Watt said he assumed that Glass Associates' engineer had concluded that the Community Center could not be brought up to an essential services standard. Mr. Glass responded that the work to accomplish this standard would be significant. He said that the code required that the Community Center meet the life safety standard, which meant that, in the event of a catastrophic earthquake, people would get out of the building alive, but the building might not be useable. By contrast, he said a police or fire station or hospital would have to function after a major event.

With respect to the structural upgrade, Mr. Watt asked what the brace along the front wall would look like. Mr. Glass responded that this would be a beam from one end to the other to carry the vertical load. He said there also would need to be foundation work to provide needed support. Ms. Doud added that there would be beams between every other window.

Mr. Watt asked why the uphill area wouldn't be excavated to make room for another accessible parking space. Ms. Doud responded that this was because the space would have to have level access to the entrances and that, to build such a space would require a lot of excavating. Mr. Watt asked how access to the kitchen door would be accomplished, given its narrow passageway. Ms. Doud responded that the area was actually wide enough.

Anthony Knight asked for more information about the status of the front wall, citing that it was a driving factor in the need to seismically upgrade the building. Mr. Glass responded that the blocks were 24 inches long, nominally 8 inches wide, and nominally 8 inches tall and that, at the joints, the blocks were shaped like the letter "W." He noted that the two center cells of each block were not filled with concrete and that only the cell at each joint was filled with concrete and rebar. Mr. Knight asked how much risk the wall would pose in the event of a major earthquake. Mr. Glass responded that, although the wall wouldn't collapse in a Loma Prieta-sized event, we hadn't had the "big one," and the Hayward Fault was close to the Community Center. Mr. Glass reiterated that the front wall was cantilevered and wasn't braced and that this was why it was subject to failure. He also said the front wall didn't meet current code.

Gail Feldman asked if Glass Associates had done any analysis of what the cost would be to replace the front wall with another wall, as opposed to a glazed wall. Ms. Doud responded that, because of the wall's construction, it would need to be removed and replaced. She said that, once the needed bracing was in place, either a glazed wall or a wall similar to the existing one could be installed. Ms. Feldman said that, because of the cost, she had thought the community would receive options that would have taken cost into consideration. Ms. Doud responded that options for the front wall were up for discussion and would be determined once costs were known. Mr. Glass interjected that, if the front wall were to be kept, it would need to be buttressed and Director Hacaj noted that, if the front wall were to be glazed, it would provide passive solar benefits.

With respect to the kitchen, Ms. Feldman asked why the cabinets would need to be replaced. Mr. Glass responded that this was because the counters would have to be lowered to meet ADA requirements and that this would drive the need for new, lower cabinets.

Ms. Feldman asked if the heaters would be replaced. Mr. Glass responded that the heaters don't meet current code.

David Bergen asked if it would be cheaper to tear the Community Center down and to re-build it "from scratch." Mr. Glass responded that, if the District were to do this for the defined use, it could not do so for less than the cost of the proposed renovation work.

Kevin Fitzsimmons asked if gender-neutral bathrooms had been considered. Mr. Glass responded that, if the community wanted to go the gender-inclusive bathrooms route, Glass Associates would design for this. President Sherris-Watt added that the Park Buildings Committee had looked at a gender-neutral bathroom, it was an idea she had liked, but that architects on the Committee had determined it would be very expensive, especially in terms of having to change plumbing.

Andrew Gutierrez asked if the existing flooring would remain and whether there would be improved equipment for PowerPoint presentations. Ms. Doud responded that these would probably be on the wish list, but that some of the floor would need to be replaced in Room 3 and in the kitchen because of its condition. With respect to changing the floor in other rooms, Mr. Glass said Glass Associates was concerned that three basic elements were already over the budgeted amount.

In response to a question about the kitchen counters, Ms. Doud responded that, because the kitchen would not be a commercial one, the counters likely would be plastic laminate.

Director Hacaj thanked Bill Glass, Farhat Doud, and their colleague for presenting their design and asked that the presentation be posted on the District's website.

President Sherris-Watt introduced Jeff Sloan, an attorney with Renne, Sloan, Sakai (PLG), and explained that he was filling in for the District's legal counsel, Anne Danforth, who was on vacation.

8. The Board discussed and determined the process for an appointment on August 14, 2017 of a Director to fill the current vacancy.

Vice President Nottoli introduced the item and said the proposed procedure was the same one that had been used when there had been prior Board vacancies. She reported that applications would be due by 3:00 P.M. on August 7th and that there would be a meeting on August 14th, which would begin at 7:30 P.M. She reported that, following public comments, each candidate would give a two-minute opening statement and would then answer some suggested questions, four of which were provided. She said that, after the Board had finished its process, the public could make comments regarding the candidates to the Board, and then the candidates would make two-minute closing statements. She said this would be followed by Board deliberation and an appointment, following a motion and a second.

Simon Brafman asked if the Board would make a decision on August 14th and if the vote would be made in public. President Sherris-Watt answered both questions in the affirmative.

MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to accept the Board member report and conclude this would be the process for the appointment of a Director on August 14th.

Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj

NOES:

ABSENT:

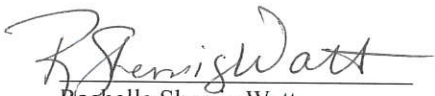
MOTION: President Sherris Watt moved to adjourn the meeting.
Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj

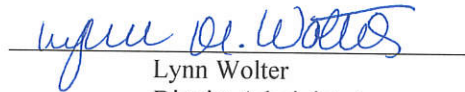
NOES:

ABSENT:

The meeting was adjourned at 9:32 P.M.



Rachelle Sherris-Watt
KPPCSD Board President



Lynn Wolter
District Administrator