

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, November 10, 2022

Via Teleconference

DRAFT

Special Meeting – 6:00 p.m.

Call to Order [TS 6:50]

President Sylvia Hacaj called the meeting to order at 6:02 p.m.

Roll Call [TS 7:05]

Director Chris Deppe, Vice-President Mike Logan, Director Eileen Nottoli, Director Rachelle Sherris-Watt, and President Sylvia Hacaj were present at roll call.

Staff present included Interim General Manager Anthony Constantouros, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Special Meeting Agenda and Public Comments [TS 7:21]

No public comment.

1. **Teleconference Meetings During State of Emergency.** [TS 8:58]

General Counsel Danforth highlighted the recommended action and highlighted new Brown Act amendments that take effect in January 2023.

- Motion by President Hacaj, seconded by Director Deppe, to adopt Resolution No. 2022-27 to continue holding remote meetings by teleconference, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Resolution No. 2022-27 – A Resolution of the Board of Directors of the Kensington Police Protection and Community Services District Making Findings and Determining a Need To Continue Holding Remote Meetings by Teleconference.

2. **Appoint Real Property Negotiator.** [TS 13:07]

General Counsel Danforth highlighted the recommended action to appoint a negotiator to negotiate the sale or lease of real property.

- Motion by President Hacaj, seconded by Director Deppe, to appoint Interim General Manager Tony Constantouros to negotiate for the sale or lease of the northern portion of parking lot on the east side of Arlington Avenue between Arlmont Drive and Kensington Road, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Adjournment to Closed Session [[TS 18:06](#)]

The Board adjourned to Closed Session at 6:14 p.m. for a conference with legal counsel on anticipated litigation and a conference with the real property negotiator.

Regular Meeting - 7:00 p.m.

Call to Order [[TS 1:30:25](#)]

President Sylvia Hacaj called the meeting to order at 7:26 p.m.

Announcement from Closed Session [[TS 1:30:32](#)]

President Hacaj reported that the Board adjourned at 6:55 p.m. and announced that the Board gave further direction to its negotiator.

Roll Call [[TS 1:30:42](#)]

Director Chris Deppe, Vice-President Mike Logan, Director Eileen Nottoli, Director Rachelle Sherris-Watt, and President Sylvia Hacaj were present.

Staff present included Interim General Manager Anthony Constantouros, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Public & Consent Calendar Comments [[TS 1:31:48](#)]

- Addressing the Board were the following persons: 1) Janice Kosel expressed appreciation for Director Sherris-Watt's service on the Board, and she thanked Director Logan for his community service and impact on the Board; 2) Catherine de Neergaard asked the Board to reconsider removing trees in Kensington Park; 3) Mabry Benson commented that new board members mislead community by spreading false claims and urged them to act for the good of the community; 4) A. Stevens Delk commented that the minutes should be corrected under Item 5 regarding the year of the audit discussed, and she asked about the financial reports; 5) John Price commented that public commenters should be gracious and thanked the Board for its service; 6) Pat Gillette thanked outgoing board members for their service and congratulated the new directors; 7) Allen Mayer asked about progress on relocation of the Police Department; and 8) David Spath thanked Director Sherris-Watt and Director Deppe for their work on the Board.

Consent Calendar [[TS 1:53:00](#)]

- Motion by President Hacaj, seconded by Director Deppe, to adopt the Minutes with the correction as noted in Item 5, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

1. Meeting Minutes for October 13, 2022.

Item 1 was pulled for a correction. Meeting minutes were approved as amended.

2. Financial Reports.

Interim General Manager Constantouros reported that Item 2 was pulled.

Discussion and Action

3. Protocols for In-person and/or Hybrid Meetings. [[TS 1:53:00](#)]

Director Sherris-Watt reviewed the suggested protocols, analysis and the fiscal impacts for running in-person or hybrid meetings. Board members asked questions and offered comments about sanitizing stations, masking, re-evaluating of the protocols, compliance, and enforcement of the protocols.

- Addressing the Board were the following persons: 1) Paul Dorroh thanked Directors Sherris-Watt, Deppe, and Logan for their service and suggested monthly evaluation of the protocols; 2) A. Stevens Delk questioned the comparative analysis used in the report; 3) David Spath supported the suggested protocols and recommended KPPCSD provide surgical masks to protect attendees; and 4) Pat Gillette suggested moving on with the meeting.

Following discussion, the Board agreed to schedule a session in 2023 to revisit the protocols once the new Board members and a new General Manager are in place.

[[TS 3:28:56](#)]

- Motion by Director Sherris-Watt, seconded by Director Logan, to adopt the protocols listed in staff report dated November 10th, Item 3, with the addition of adding hand sanitizer and asked the General Manager to direct staff to buy the supplies, prepare signage for in-person and/or hybrid meetings, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

4. Recommendations for Kensington Park Improvements [[TS 2:23:20](#)]

Director Eileen Nottoli presented a comprehensive list of proposed improvements to Kensington Park (i.e. bollard installation, repainting lines in the parking lot, repainting of basketball courts, replacement of broken benches, barbeque removal, securing electrical outlets, stair repair/replacement, adding a pickle ball court, a dog park, repairs to Building E, Community Center handles and locks, and a reservation systems for the tennis courts). Director Sherris-Watt noted that they were seeking direction on prioritizing the improvements.

- Addressing the Board were the following persons: 1) Catherine de Neegaard commented that the highest priority should be on building a police station, suggested getting bids for expensive items, and asked about the General Manager spending limit; 2) Andrew Reed commented that the General Manager should develop the priorities rather than board members; 3) Pat Gillette commented that this discussion is a waste of time and the Police Department relocation should be the priority; 4) Vida Dorroh commented that the authorizations for the items should be taken up by the new Board; 5) A. Stevens Delk commented that Bay View services the garbage and recycling cans at the park once a week, and the District should check with them before adding

new cans for food composting; 6) David Bergen commented that the Community Center ceiling lights need to be repaired and the rear door by the bathroom doesn't close properly; and 7) Stephanie (last name not given) commented that its unfair for residents to pay for using the tennis courts, and that the District should plant trees rather than remove trees.

The Board discussed the recommendations. There was consensus to give the General Manager direction to handle routine maintenance items through the General Manager's spending authority and allow the larger, more costly projects to be considered as part of the 2022-23 budget.

5. Possible Location of District Offices. [[TS 3:06:59](#)]

Interim General Manager Tony Constantouros reported on the recommended action to appoint a real estate negotiator to allow discussion with property owners to purchase or lease properties for the location of Police Department and administrative offices. President Hacaj pointed out that the District owns the property south of the Library, was listed in the staff report in error, and is not being considered.

- Addressing the Board were the following persons: 1) Meryl Natchez suggested that the new Board should approve this action; 2) Garen Corbett said that this should be handled by the new Board, and that the Public Safety Building should be given first consideration; 3) John Gaccione expressed preference for the Police Department in the Colusa Circle area and thanked Directors Sherris-Watt, Deppe, and Logan for their service; 4) Mabry Benson asked if this was relevant for both the administrative offices and the Police Department; and 5) Andrew Reed commented that this was not a proper proposal.
- Motion by Director Sherris-Watt, seconded by President Hacaj, to appoint the General Manager as negotiator for properties under consideration for possible locations and to focus on the first three locations with the exception of the one he doesn't need to negotiate for, striking 401 Colusa, and focusing on Kensington properties as a priority, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

6. Community Facility District [[TS 3:28:31](#)]

Interim General Manager Anthony Constantouros reported the purpose of this item is to present the concept and benefits of forming a Community Facility District. This would provide for additional revenue for park facilities and maintenance. Director Deppe commented that as a special district, KPPCSD has authority to levy a special tax for the park.

- Addressing the Board were the following persons: 1) Lisa Carrona supported gathering more information on this concept to support the underfunding of parks and other community needs; and 2) A. Stevens Delk commented on the history of raising special taxes and the history of park underfunding.
- Motion by President Hacaj, seconded by Director Sherris-Watt, to direct the General Manager to explore the Community Facility District concept by doing some research and possibly bringing in an expert and bring information back to the Board before the end of the fiscal year, carried

(5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

[\[TS 3:43:30\]](#)

- Motion by President Hacaj at 9:39 p.m., seconded by Director Sherris-Watt, to extend the meeting to 10:30 p.m., carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

7. **General Counsel Rate Increase.** [\[TS 3:44:04\]](#)

General Counsel Ann Danforth recused herself from the meeting. Interim General Manager Anthony Constantouros reviewed the recommended action to amend the contract for legal services.

- Motion by President Hacaj, seconded by Director Logan, to authorize the General Manager to execute an amendment to the contract for legal services with the Renne Public Law Group increasing the hourly rate for the General Counsel by \$25/hour to \$250/hour effective January 1, 2023, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

General Counsel Danforth returned to the meeting.

8. **KCC Contract.** [\[TS 3:49:56\]](#)

Interim General Manager Anthony Constantouros provided background on the contract negotiations. He noted that the contract that expires November 18, 2022; however, negotiations with KCC have not concluded. President Hacaj and Director Sherris-Watt provided a status update on the negotiations, and said they should be concluding soon. Following Board comments, it was suggested holding a special meeting on November 30th to wrap things up.

- Addressing the Board were the following persons: 1) Paul Dorroh asked about the urgency of this item, said the contract should be extended, and said this is an issue for the new Board; 2) Elaine Stelton asked why repairs cannot be made now; 3) David Bergen thanked the current Board and staff for their excellent work; 4) David Spath suggested extending the contract; and 5) Cassandra Duggan suggested extending the contract through the end of the year or January 15th and thanked the outgoing directors for their service.
- Motion by Director Sherris-Watt, seconded by Director Deppe, to extend the current contract to the KCC to December 7, 2022 and that we propose meeting before the end of November to approve an updated contract, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Comments & Reports

9. **Director Comments.** [\[TS 4:14:09\]](#)

- President Hacaj thanked Directors Mike Logan, Chris Deppe and Rachelle Sherris-Watt for all their work to improve the District.

- Director Nottoli thanked the three outgoing board members and said it was nice working with them. She read accolades about the work and impact of Director Sherris-Watt, Director Deppe, and Director Logan.
- Director Logan thanked all board members for their confidence in appointing him and electing him Vice-President. He said his time on the Board has been a unique experience, but only regrets not being able to meet the community in person. He thanked District staff for their help in the onboarding process. He wished the new board members the best of luck.
- Director Deppe thanked the board members, staff and the General Manager for their work. He said he is proud of what the Board accomplished during his 5-1/2 years. He also said the work was very rewarding and appreciated the community’s input and participation.
- Director Sherris-Watt read a list of accomplishments of the Board during her tenure. She congratulated the new board members, thanked the General Manager, Police Department, and staff. She also highlighted the contributions of numerous community members over the years. We will be dedicating Nielsen Park soon and it will be on the website.
- President Hacaj thanked Director Sherris-Watt, Director Deppe, and Director Logan for bringing their talents to the District. She said she looked forward to working on District issues with the new board members. She reported that on December 8th we will welcome new board members and it will include a 5:30 swearing in of new board members, with a 6:00 p.m. closed session, and the 7:00 p.m. regular meeting. She noted that the Board would reconvene a special meeting on November 30th.

10. General Manager’s Report. [TS 4:30:47]

Interim General Manager Constantouros reported that he had provided a written report along with the Auditors Report (for the fiscal year ending June 30, 2021) and it would be posted on the District’s website and distributed to the Board.

11. Board Correspondence.

- Filed with the Board was the KCC Recreation Office Report – October 2022.

Adjournment [TS 4:32:16]

President Hacaj adjourned the meeting at 10:28 p.m.

The next regular meeting is scheduled for January 12, 2023.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: December 8, 2022

Tony Constantouros, Interim General Manager

Sylvia Hacaj, President of the Board