

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, April 7, 2022

Via Teleconference

Draft

Special Meeting

Call to Order [10:37]

President Sylvia Hacaj called the meeting to order at 7:10 p.m.

Roll Call [10:58]

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

Staff present included Interim General Manager Richard J. Benson, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Public Comment [18:49]

The following persons addressed the Board on the Closed Session meeting topics: 1) Sylvia Rosales-Fike spoke against the temporary relocation of the Police Department (PD) police; 2) David Fike commented on concerns about the proposed temporary relocation of the PD in El Cerrito and urged more community involvement; 3) Mark [last name not provided] commented on community concerns about negotiations to relocate the PD to El Cerrito, suggested bonuses/raises to police officers, opposed removing the kid's programs, and urged dual occupancy of the Public Safety Building (PSB); 4) Vida Dorroh asked about the timeframe for the temporary relocation of the PD to El Cerrito; 5) Paul Dorroh commented that the KPPCSD headquarters should be located within the District boundaries and not in El Cerrito; 6) Pat Gillette expressed concerns about moving the PD to El Cerrito; 7) Kevin Price suggested moving on to the next segment of the meeting; 8) Catherine DeNeegaard commented that the PD should remain in Kensington and encouraged return to in-person meetings; 9) Lynn Wolter asked why the Board is not considering moving the PD to the First Unitarian Church; and 10) Kevin Padian, Kensington Fire Protection District (KFPD) Board Member, supported the temporary relocation of the PD to El Cerrito and suggested the KPPCSD Board assure the public of the temporary nature of the move.

1. Architectural Consultant Services [13:40]

Interim General Manager Richard J. Benson presented an overview of the recommended action to approve contracting with Swatt Miers Architects to assess, review and prepare concept designs of Building E and the Annex Building in an amount not to exceed \$9,000.

Board members presented comments about the efforts to find other sites for the PD.

The following persons addressed the Board on the Special Meeting topic: 1) Sylvia Elsbury, Kensington Community Council (KCC), expressed concerns about housing the PD in the park and the lack of dialogue between the KCC and the community; 2) Stephanie [no last name given]

asked if imminent domain proceedings had been considered for temporary or permanent locations; 3) Catherine DeNeergaard commented that the architectural services contract was premature, suggested modular units for the PD, opposed relocating the PD in the park, and spoke on the value of KCC recreation programs; 4) Paul Dorroh commented on the disadvantages of meeting remotely; 5) Danielle Madugo voiced opposition to the architectural services contract and suggested continued evaluation of space for both agencies; 6) Katie Brohawn commented against relocating the PD in the park and on the timing of tonight's meeting during the school break; 7) Kevin Price commented that the PD should not be placed in the park; 8) Maureen Wetter commented that Building E and the Annex building were not a good place for the PD and suggested exploring other options; 9) Mark Constantin opposed relocating the PD to the park and supported the community programs for the kids; 10) Jenny [last name not provided] commented that it is premature to hire an architect, opposed relocating the PD to the park, and on holding the meeting during spring break; 11) Sylvia Rosales-Fike opposed relocating the PD to the park and the architectural services contract and suggested more community outreach; 12) Lisa Prange opposed relocating the PD to the park and to the architectural services contract, and urged more KCC involvement; 13) Sara Hundt opposed placing the PD into the park, supported the community programs, and suggested rethinking the proposal; 14) Derek Blevins commented that the architectural assessment should be postponed and expressed concerns about safety issues on Windsor; 15) Julie Ymashta opposed the architectural services contract and relocating the KCC; 16) Emily Jennings shared a youth perspective about the importance of the park to the community's youth and expressed opposition to placing the PD in the park; 17) Justin Sachs-Weintraub opposed the architectural services contract and suggested placing the PD in portables by the Library; 18) Kevin Padian, KFPD Board Member, supported the contract, commented that the PD were not evicted, and suggested options for Windsor; 19) Amy Draemel objected to housing the PD in the park and suggested reopening dialogue between the KPPCSD and the KFPD for a joint option; 20) Chris Robbins opposed housing the PD in the park and the architectural services contract and commented on the value of the after school programs; 21) Beverly James commented that the current buildings are not suitable for meeting the standards for a PD and suggested looking at other sites; 22) Farahj [no last name given] suggested the Board reconsider a different location for the PD; 23) David Fike commented that the Board should pause on the architectural services contract and provide more engagement with the KCC and the community; 24) Vida Dorroh opposed the architectural services contract; and 25) John Price opposed the architectural services contract and to housing the PD in the park.

Board members offered comments, responses to public comment, and suggestions to the Interim General Manager.

- Motion by President Hacaj, seconded by Director Deppe, to approve a contract with Swatt Miers Architects to assess, review and prepare concept designs of Building E and the Annex Building and a review of the parking lot as a potential site in an amount not to exceed \$10,000, carried (4-0) by the following roll call vote: AYES (Deppe, Logan, Nottoli, and Hacaj), NOES (none), ABSENT (Sherris-Watt).

Adjournment to Closed Session [\[1:57:23\]](#)

The Board adjourned to Closed Session to consider two items.

Announcement from Closed Session

President Hacaj announced that the Board gave direction to its lead negotiator on the issue of the Memorandum of Agreement for the police contract.

Adjournment

President Hacaj adjourned the meeting at 9:34 p.m.

The next regular meeting is scheduled for Thursday, April 14, 2022.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: May 12, 2022

Richard J. Benson, Interim General Manager

Sylvia Hacaj, President of the Board

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, April 14, 2022

Via Teleconference

Draft

Special Meeting

Call to Order [[TS 4:13](#)]

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

Roll Call [[TS 4:20](#)]

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

Staff present included Interim General Manager Richard J. Benson, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Public Comment [[TS 5:26](#)]

The following persons addressed the Board: 1) Paul Dorroh commented that Board no longer had authority to conduct teleconference meetings pursuant to the Brown Act.

Special Meeting Agenda Item Public Comments [[TS 8:32](#)]

1. **Teleconference Meetings During State of Emergency**

President Hacaj reviewed the recommended action to adopt a resolution determining that current circumstances continue to warrant holding meetings by teleconference. Board members provided their viewpoints on holding remote meetings.

The following persons addressed the Board: 1) Paul Dorroh commented that the Board was out of compliance for meeting remotely since the last resolution was adopted 35 days ago and urged the return to in-person meetings; 2) Garen Corbett expressed concerns about the proposal to terminate the 2016 and 2002 agreements with the Kensington Community Council (KCC); 3) Gail (last not given) urged the Board to return to in-person and hybrid meetings; 4) Danielle Madugo supported returning to a hybrid meeting model; and 5) Pat Gillette supported returning to a hybrid meeting model.

Board members commented on possible hybrid meeting options and authority for mandating masks.

- Motion by President Hacaj, seconded by Vice-President Logan, to adopt the resolution determining that current circumstances continue to warrant holding meetings by teleconference with instructions to staff to research possible hybrid options for the future, carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; (ABSENT) Nottoli.

Resolution No. 2022-04 – 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.

Public Comment (for Closed Session items). [[TS 31:26](#)]

The following person addressed the Board: 1) Pat Gillette encouraged the Board to consider local candidates for the new General Manager.

Adjournment to Closed Session [[TS 33:46](#)]

At 6:36 p.m. the Board adjourned to Closed Session to discuss three items.

Regular Meeting

Call to Order [[TS 1:23:47](#)]

President Sylvia Hacaj called the meeting to order at 7:23 p.m.

Announcement from Closed Session [[TS 1:23:51](#)]

President Hacaj announced that the Board gave direction to its labor negotiator and provided feedback regarding the General Manager recruitment. She also announced that the Board would return to Closed Session following the conclusion to the Regular Meeting.

Roll Call [[TS 1:24:30](#)]

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

Staff present included Interim General Manager Richard J. Benson, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Public Comment [[TS 1:24:49](#)]

The following persons addressed the Board: 1) Sylvia Elsbury, Kensington Community Council (KCC), asked the Board to move up their presentation on the agenda; 2) Danielle Madugo suggested using the architectural services contract to investigate building a joint Public Safety Building (PSB) on the two parcels by the Library rather than the looking at the buildings in in the park; 2) Garen Corbett commented on the need for more community engagement in the decision making process and suggested that the Board should consider all options for the Police Department (PD); 3) Sneha Patel expressed concern that the Board is considering the site currently hosting recreation programs and suggested reconvening viable options for a joint PSB option; 4) Vida Dorroh asked how many persons were on the teleconference meeting; 5) Luisa Valiela opposed to locating the PD in any of the buildings in the park and expressed concern about impacts to KCC programs; 6) Lauren Burns urged reconsideration of parcels outside of the park to relocate the PD and expressed concerns about impact to KCC programs; 7) Catherine DeNeergaard commented that the Board should consider the

downhill slope site by the Library for a PD building or a combined PSB, urged conducting earthquake fault analysis of for this area, and asked about discussions with the Arlington Community Church for potential property swaps; 8) Tejas Naerechania expressed skepticism about using Building E or the Annex for the PD and to consider impacts to the community; 9) Cassandra Duggan suggested conducting a poll of citizens ask to what they want and whether the two districts should be consolidated, and expressed opposition to using park space for the PD and moving park programs; 10) Charley Martin urged the Board should look for space outside of the park area; 11) Peter Bluhon commented on the original Park Committee Masterplan and said that a PD building in the park would be inconsistent with the plan; 12) Leigh Snyder commented that park is heart of community and opposes having the PD in the park; 13) Bill Hansel, Kensington Fire Protection District (KFPD) General Manager, encouraged the community to review the structural analyses that was part of their board packet and commented that the timeline and the costs for a new building would be considerable; and 14) Sylvia Rosales-Fike commented on the need for community engagement on projects and the impact on citizens.

Board members commented on the decision making process for the hillside building, the PSB options, and on the history of KFPD discussions regarding joint occupancy of the PSB.

Consent Calendar [\[TS 2:15:35\]](#)

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Consent Calendar Items 1-6, carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; (ABSENT) Nottoli.

1. Meeting Minutes for the Special and Regular Meetings of March 10, 2022.

Approved the meeting minutes.

2. February 2022 Financial Reports.

Received and accepted financial reports.

3. Amendment #3 to Bay View Refuse Agreement.

Approved the proposed amendment to the Franchise Agreement with Bay View Refuse and Recycling Services and authorized the Board president to sign.

4. Add and Delete Fiscal Support Positions.

Deleted the Accountant position, added an Account Clerk position to the comprehensive salary schedule, and approved the Account Clerk job description.

5. Dispatch Services.

Authorized the Police Chief and General Manager to enter into negotiations with the Contra Costa Sheriff's Department in pursuit of an agreement to provide dispatch and warrant services.

6. Computer Server.

Authorized the Interim General Manager to purchase a computer server in the amount of \$17,456.

Discussion and Action

7. Neilson Park Improvement Project [[TS 2:16:27](#)]

Interim General Manager Richard Benson presented the recommended action to approve the project by the Kensington Improvement Club (KIC) and authorize the work to commence subject to review of the contractor's indemnification by General Counsel.

The following persons addressed the Board: 1) A. Stevens Delk commented that KIC should be identified in the motion as the Kensington Improvement Club; 2) Sarah Gough, KIC Board member, thanked the community for rallying around the project and for their donations; and 3) Leigh Snyder asked about the crew that will be doing the work.

Mr. Benson recommended coordinating the addition of hand rails and side rails on the staircase as part of this project. There was a brief question and answer period about the enhancements and cost estimates.

- Motion by President Hacaj, seconded by Vice-President Logan, that the KPPCSD Board approve the project presented by the KIC and authorize the work to commence with an amount not to exceed \$8,200 for additions related to the stairs and the side rails and the hand rails and the previously authorized \$1,000 towards signage to be coordinated and approved by the KPPCSD Board subject to the indemnification requirements being met to the satisfaction of General Counsel, carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) Nottoli.

8. Presentation by Kensington Community Council (KCC) [[TS 2:28:48](#)]

KCC representative Sylvia Elsbury presented a report on the organization's history with the KPPCSD and the value of the recreation programs to the community. Ms. Elsbury expressed their concerns about KPPCSD moving the Kensington After School Enrichment Program (KASEP) programs out of the park, its impacts on the community, and the proposal to relocate the Police Department (PD) into the park. Ms. Elsbury invited the Board to visit Building E.

- The following persons addressed the Board: 1) Cathy Garza, Vice-President of KCC Board, encouraged the Board to visit the buildings to observe the activity during busy times; 2) Paul Dorroh congratulated Ms. Elsbury on the presentation and on the work that KCC has done in the community; 3) Danielle Madugo commented on the popularity of the KASEP classes; 4) Kevin Padian, KFPD Board Member, suggested that the Board find a way to be responsive to the KCC's invitation to visit the park buildings; 5) Leigh Snyder applauded Ms. Elsbury on the KCC presentation and urged the Board to communicate with KCC touring the buildings in the park; and 6) Rosie Morra commented that she enjoys the benefits of park and suggested pausing to have more dialogue with the community.

9. Compliance with AB 506, Child Abuse Reporting and Background Check

Director Rachelle Sherris-Watt presented background information on AB506 compliance requirements and potential impacts to the KPPCSD. General Counsel Danforth suggested that preparing an ordinance requiring all youth service organizations using District facilities to comply with AB 506 and for them to provide District with confirmation. Interim General Manager Benson said this requirement would become part of the facilities reservation form.

- The following persons addressed the Board: 1) Paul Dorroh commented that the KCC insurance coverage addresses all of the concerns and asked if the District had inquired about KCC's procedures; 2) Lisa Caronna asked about the KPPCSD's proposed outreach efforts to youth organizations who will be affected by the new ordinance requirements; and 3) Sylvia Elsbury commented that KCC staff already is in compliance with AB 506.
- Motion by Director Sherris-Watt, seconded by Director Deppe, to direct staff to prepare an ordinance for AB 506, carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) Nottoli.

10. Termination of Agreement with the Kensington Community Council [[TS 3:24:46](#)]

Interim General Manager Benson presented the recommended action to terminate the 2016 and 2002 agreements with the KCC effective July 1, 2022 and authorize the Board President to sign the letter. He noted that there is no intent of ending the relationship with KCC however, the agreement is unclear in several of responsibilities and the time has come to negotiate a new agreement.

- The following persons addressed the Board: 1) Paul Dorroh commented that an AB506 ordinance should be postponed and addressed as an amendment to the KCC contract; 2) Cathy Garza asked when the new contract will come forward for approval and what items will be amended; 3) Danielle Madugo urged the Board to guarantee the KCC space in the park buildings for the next decade and redirect efforts to work with the Fire Board to come up with a solution for joint occupancy on the hill slope site; 4) Steve Simirin expressed concern about timing of this proposal and urged handling changes as proposed amendments to the existing contract; and 5) Rosie Morra asked how contract termination is in the best interest of both parties.

There were comments from the Board about the reasons for a new contract versus making amendments to the existing contract.

- Motion by Director Sherris-Watt, seconded by Director Deppe, that we authorize the Board President to sign the letter notifying the KCC of termination of the 2016 and the 2002 agreement effective July 1, 2022, and authorize Interim General Manager Richard Benson and General Counsel Ann Danforth to begin negotiating a new contract for presentation to the Board before June 30, 2022, carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; and (ABSEBT) Nottoli.

11. Ordinance Mandating Organic Waste Disposal Reduction [[TS 3:41:55](#)]

Interim General Manager Benson introduced the recommended action to adopt a motion to read by title only, waive further reading, and enact Ordinance No. 2022-01 An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction. The proposed Ordinance was first introduced at the March 10, 2022 meeting.

- Motion by President Hacaj, seconded by Vice-President Logan, that the KPPCSD Board adopt a motion to read by title only and waive further reading of Ordinance No. 2022-01, carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) Nottoli.
- Motion by President Hacaj, seconded by Director Sherris-Watt, to enact Ordinance No. 2022-01 An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction, carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) Nottoli.

Ordinance No. 2022-01 - An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Mandating Organic Waste Disposal Reduction

Comments & Reports

12. Director Comments

- President Hacaj read a statement from Director Nottoli regarding hindrances to housing both districts in the PSB and continued efforts to explore various options.
- Director Deppe commented on the discussions with the KFPD to find a solution for housing both the KFPD and the KPPCSD in the PSB. However, he pointed out that KPPCSD had exhausted its alternatives and needed to move forward.
- President Hacaj commented that while she had hoped for a joint building, the KPPCSD needs to look to the future and balance all its needs.

13. General Manager Comments.

None.

14. Board Correspondence

- KCC Report (April 1, 2022)
- At 9:54 p.m., President Hacaj made a motion, seconded by Director Sherris-Watt, to extend the meeting to 10:30 p.m., carried (4-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) Nottoli.

At 9:56 p.m. the Board adjourned to Closed Session.

Announcement from Closed Session

President Hacaj announced that the Board adjourned Closed Session at 10:30 p.m. and gave further direction to its lead negotiator.

Adjournment

President Hacaj adjourned the meeting at 10:30 p.m.

The next regular meeting is scheduled for Thursday, May 12, 2022.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: May 12, 2022

Richard J. Benson, Interim General Manager

Sylvia Hacaj, President of the Board