

# Kensington Police Protection and Community Services District Board of Directors

59 Arlington Avenue, Kensington California

## Minutes for Regular Meeting

Thursday, October 25 2018

### Call to Order/Roll Call 6:30 pm.

**KPPCSD Board:** Director Deppe; Director Hacaj; Vice President, Eileen Nottoli; Board President Sherris-Watt; Director Welsh

**Staff:** General Manager, Tony Constantouros; Interim Chief of Police, Rickey Hull; General Counsel, Ann Danforth

**Transcription:** GoTranscript, <https://gotranscript.com/>

### Closed Session:

- a. CONFERENCE WTH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to §§ 54956.9(a), (d)(2) and (e)(1) of the California Government Code
- b. CONFERENCE WTH LEGAL COUNSEL – ANTICIPATED LITIGATION: Initiation of litigation pursuant to § 54956.9 54956.9(a), and (b)(4) of the California Government Code
- c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: General Manager
- d. CONFERENCE WITH LABOR NEGOTIATORS: Agency representative: General Manager Anthony Constantouros Employee organization: Kensington Police Officers Association

The Board reported out that they had given direction to their labor negotiators.

### Call to Order/Roll Call 7:30 pm.

### Public Comments:

**Cyrus Modavi:** Wanted the Hazard Mitigation Plan agendized.

[He was informed it was going to be on the November 15, 2018, KPPCSD Agenda.]

**Karl Kruger:** Spoke about a website that seemed to have a connection to the District due to the domain name including Kensington, California.

**General Counsel:** Asked for a copy of the material and/or domain information so that she could determine if the Board needed to take action.

**Jim Watt:** Had sent a letter to the Board and General Manager requesting that a decision on whether to reduce the current unfunded liability which we pay out over 30 years down to 15 years be placed on the next agenda.

[He was informed it was going to be on the November 1, 2018, Finance Committee Agenda.]

**Kevin Padian:** Was concerned that the public knew very little about the Fire Demonstration Garden. He felt that the current KFPD Board was not transparent. He stated that 36,000 square feet of Kensington Park was to be used for this garden using a allegedly Fire Wise plants which was changed from "fire safe". He said is a biologist who had done research in fire ecology and that he was qualified to talk about this subject.

**President Sherris-Watt:** Pointed out that he was currently running for election for a seat on the Kensington Fire Protection District Board and that the *Kensington Update*, the newsletter of the KPPCSD had an article about the garden in September 2018. [The project has been in the works since 2015.]

**Kevin Padian** said the current plan for this project is ignorant of the principles of fire ecology and fire management and that it would be far wiser to leave the few strands of grass that are out there on that plot than to populate it with dense pretty flowers that will burn with a greater biomass when a large conflagration comes through. The demonstration garden actually demonstrates that it will increase the fuel load in this area and that is a danger to the parks. He is concerned by our complicity in it.

He asked the KPPCSD to put brakes on this vanity project and not enter into any negotiations until and unless the Fire Board comes through with complete plans that show the public, if they can, that the planned garden is scientifically sound and has a public education value.

### **Consent Calendar**

Minutes from the May 24, 2018, meeting.

Minutes from the August 2, 2018, meeting.

Minutes from the August 9, 2018, meeting.

Minutes from the September 13, 2018, meeting.

**President Sherris-Watt** made a motion to approve the consent calendar.

**Vice President Nottoli** seconded the motion.

**The Consent Calendar passed 5-0.**

## **New Business**

### **8a. Measure FF: Presentation by East Bay Regional Park District**

**Carol Johnston**, Assistant General Manager at the East Bay Regional Park District came to speak regarding the initiative that is now called Measure FF. FF is placed on the November ballot in eleven communities. The measure is about extending an existing partial tax that we are already paying at \$12 per year. That particular partial tax was called Measure CC. It was enacted by a vote of the people of the people in 2004. It is set to expire in 2020.

The Measure FF initiative on in 2018 so that when 2020 rolls around, there won't be a gap in resources. Measure FF that will go to pay for parks and projects in and around this area. Some of those park area projects will include fire prevention and fuels management planning, including a fuel break area.

They continue to maintain approximately three thousand acres of forested area, about a thousand acres has been managed and thinned.

Other categories that Measure FF will continue to support include habitat restoration projects in a variety of parks, shoreline restoration and protection from sea level rise, as well as decaying infrastructure replacement in parks such as Tilden and Wildcat. The reason that Measure FF is in nine cities and two unincorporated areas is that they are the most widely used and they suffer from increased maintenance-related issues.

If approved on November 6th, the \$12 a month tax will simply continue for an additional 20 years.

They just recently produced a publication and distributed approximately 244,000 copies. It talks about wildfire season in the East Bay and the partnership with the Hills Emergency Forum and all of the ways that the agency is affiliated with the Hills Emergency Forum in protecting neighborhoods.

She introduced Lieutenant Dave Phillips from the East Bay Regional Park Police.

**Linda Lipscomb** asked if there ever been consideration of a clear-cut on the border which is the interface between the parkland and inhabited areas? In other words, if determined that 50 feet is appropriate you just take all the trees out just for that 50 feet. Like a road.

**Carol Johnston** said the Park District is not about clear-cutting. Clear-cutting is not in the best interest for suppression and/or biodiversity of the flora and fauna. The way that they maintain the 30,000 acres - the ridge from Oakland hills all the way to El Sobrante ridge, is by very specific and coordinated planning and through a wildlife management plan.

The removal of some eucalyptus is involved in the thinning program but we don't take all of our eucalyptus. Their practices have been reviewed and put together by a mountain of experts who have been involved in fire suppression for years, as well as the academics who research climate change and have recommended their plan.

**Anthony Knight** said that this had concerned him for some time. His idea is that the School Trail ought to be made into a proper fire break that a fire engine could navigate. Grizzly Peak was originally extended in that direction - it was all graded. A small four-wheel drive vehicle could already navigate back through that area, with two exceptions, and those are washouts where culverts and road building is needed.

He spoke about this with Fire Chief Maples and said he responded that, "East Bay Park District isn't really a promoter of those kinds of ideas. What their focus is habitat maintenance." Mr. Knight thinks that balance needs to be re-balanced and what bothers him is that the East Bay Parks District has their own Fire Department, so they have their own agenda on how they think fire suppression ought to work, and it isn't seeing eye to eye with the El Cerrito Fire Chiefs. He said it may sound like he's on a high horse about Measure FF, but I'm really not it's about the School Trail.

**Carol Johnston** said on their website there is a web link to provide feedback. In addition to that, they have regular board meetings, twice a month. The community can also participate in the Hills Emergency Forum.

**Kevin Padian** was extremely dismayed by the presentation. He does support Measure FF, but he had a conversation with Keith Giles, who just retired as Dean of the Forestry School at Berkeley. His expertise is exactly this subject. He just gave a lecture out of San Francisco last week and everything was said he disagrees with as a fire researcher. Mr. Padian wanted to know who are the academic researchers and affiliations that provide East Bay Regional Parks with support for their policy?

**Carol Johnston** directed him to their Wildland Management Plan, on their website, under the Fire Department section.

**Kevin Padian** told her that the plants they are trying to protect in Tilden Park are not native, but all invasive, principal of which is the Eucalyptus. There is no conservation reason why to protect these plants. He stated that he only thing that saved that fire from burning the town of Sonoma was that people took their Caterpillars and their payloaders and they cut fire breaks.

## **8b. Public Safety Building Lease**

**General Manager:** The current Lease for the Public Safety Building is set to expire the end of this calendar year and there is a proposal to renew the Lease for an 18-month period which will end on June 30th, 2020. There is a small increase of 3.2% in this new lease, which raises the monthly rent from \$2,955 to \$3,050. This is presented for the Board's consideration and approval.

**David Spath** felt it would be important for every local resident to understand the basis of the amount that they're charging. There's a discussion that occurred back in 2017 at the Fire Board, this was essentially out of a maintenance agreement and it was the cost of maintaining that building and sharing with the police district which is reasonable. However, if you look at the

bond shifts of the fire districts their maintenance costs were about \$4000. Secondly, he would suggest or argue that commercial rents, varying commercial rents is really not appropriate, because commercial rents are not only toward maintenance but also there's a profit value involved so they're incomparable.

**Karl Kruger** very much agreed with what David Spath said and objected to paying rent on a building that we own.

To **Anthony Knight**'s knowledge the Fire Board had not presented a careful analysis of maintenance costs. They haven't defined what a maintenance cost is as opposed to an improvement cost, as opposed to market value for all the states He felt patronized [by the Board President smiling at him], as it feels like the Board is ignoring the public. He says this is a very unpopular issue.

**Sylvia Elsbury** said the last agreement was apparently a private negotiation between the two Board presidents, police and fire.

Rachelle very prudently did the research into what Mark agreed is, although I do agree with David that Mark agreed is not really relevant here. I think he made a really good case for that. Anyway, Rochelle led was \$26,000 she thought that the police board should pay, this is in 2017, and the Fire Board president just randomly I guess proposed \$60,000. She was not comfortable with the way it had been negotiated.

**President Sherris-Watt** wanted to clarify that in 2017, her bid of \$26,000 was based on pricing for modular facilities for the police department. The return bid of \$60,000 was based on what commercial rent would be. While she understood that commercial space is not entirely equitable, there are not any government buildings, other than the Public Safety Building, in Kensington.

**Director Welsh** felt that it was like we had a split personality and he thought that the Boards should be working together on much bigger items like flagging the Community Center within the scope of our respective mandates in our respective authority.

He thought we're not thinking enough about how the two districts can serve one community and not be sparing with each other over what to charge each other for this cost or that. He felt we have much more important things to do than quibbling over \$36,000 a year in rent.

**Director Hacaj** had been part of many government as well as non-profit and public-sector private-sector organizations where costs are allocated by departments, by divisions, by branches and felt it's important to know what the true cost of providing service.

**Mabry Benson** thought the KPPCSD ought to have some obligation to at least pay something towards the ongoing yearly cost of running the building.

**President Sherris-Watt** made a motion to approve the Public Safety Building Lease.

**Vice President Nottoli** seconded the motion.

**Ayes – Deppe, Hacaj, Nottoli, Sherris-Watt**

**No - Welsh**

**The motion passed 4-1.**

**8c. Amendment to Building E Contract**

**President Sherris-Watt made a motion to authorize an amendment to the Building E contract allowing KCC to use the building during evening time for the duration of the renovation of the Kensington Community Center.**

**Director Welsh seconded the motion.**

**The motion passed 5-0.**

**8d. Tree removal in the park**

**Vice President Nottoli** met with about six or seven different tree removal companies. There are a couple of trees on the south side of the park, there's a Monterrey pine and it's in pretty bad shape and slinging over the adjacent property. Also, there's unfortunately about six to ten redwoods that apparently have damaged roots as a result of some drainage work that was done and some are dead, others are dying and they'll need to be removed.

We also have a fairly large patch of poison oak as it turns out in the park and the size is estimated to be about an acre. Poison oak is going dormant right now so the next opportunity to bring in the goats is next July and we will see to that.

**8e. Authorize General Manager to negotiate and execute an extension of the contract with Interim Chief of Police Rickey Hull for a period up to one year subject to the discretion of the General Manager**

**President Sherris-Watt made a motion to authorize the General Manager to negotiate and execute an extension of the contract of the interim chief of police.**

**Vice President Nottoli seconded the motion.**

**The motion passed 5-0.**

**8f. Cancellation of regular meetings on November 8. (There is no second meeting in November)**

**President Sherris-Watt made a motion to cancel the November 8, 2018, meeting.**

**Vice President Nottoli seconded the motion.**

**The motion passed 5-0.**

**President Sherris-Watt made a motion to adjourn.**

**Director Deppe seconded the motion.**

**The motion passed 5-0.**

**The meeting ended at 8:32 pm.**