



KENSINGTON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS SPECIAL MEETING MINUTES

DATE/TIME: June 29, 2022, 6:00PM

LOCATION: Zoom Teleconference

PRESENT: Directors: President Larry Nagel, Director Don Dommer, Secretary Janice Kosel, Director Julie Stein
Staff: GM Bill Hansell, Interim Fire Chief Jose Castrejon
Absent: Vice President Kevin Padian
Consultants: Rob Schmidt, Albert Reyes

1. CALL TO ORDER/ROLL CALL

President Larry Nagel called the meeting to order at 6:37 p.m. and confirmed the roll call.

2. PUBLIC COMMENT (00:01:20)

President Nagel stated he would take public comment with each agenda item.

3. NEW BUSINESS (00:01:28)

a. Schedule for the Public Safety Building Seismic Renovation Project and Presentation of Loan Process by Financial Advisors and Bond Counsel

GM Bill Hansell introduced the agenda item and presented the report as included in the packet. He introduced consultants Rob Schmidt and Albert Reyes and then reviewed the schedule. Rob Schmidt and Albert Reyes presented the report as included in the packet. GM Hansell noted that final bids for the project will be available on July 1, 2022.

Director Julie Stein joined the meeting at 7:01 p.m.

A member of the public asked about the spread between typical construction loans and the 10-year treasury rate. Rob Schmidt noted this varies over time. The same member of the public asked for clarification on the Cash Flows slide of the presentation and asked counsel to provide the board with sites to the California court cases that support the proposed Lease/Leaseback Structure so that they can be posted on the KFPD website for the public to view. GM Hansell provided clarification to the first point and President Nagel requested an email be sent to further discuss the second point with counsel. Another member of the public asked if there were any current legal challenges to the proposed structure. Counsel confirmed there was not. Another member of the public provided their overall opinion of this agenda item. Another member of the public inquired how the budget would be affected in the event of an earthquake that would necessitate additional repair costs outside of the existing loan payments. Another member of the public asked NHA to provide further detail about the assumptions made in the presented analysis, specifically property tax percentage expectations and any City of El Cerrito contract increases. Rob Schmidt provided this clarification.

There was no additional public comment.

b. Temporary Fire Station Schedule, Bid Results, & Project Award

GM Hansell introduced the agenda item and presented the report as included in the packet. He asked the board to recognize OBS Engineering as the apparent low bidder and direct the general manager to execute the contract to allow OBS to mobilize at the end of July 2022.

Secretary Janice Kosell asked who determined the appeal had no merit. GM Hansell confirmed he and Interim Fire Chief Jose Castrejon made this determination, noting that response times were acceptable. Interim Fire Chief Castrejon confirmed this. Secretary Kosell asked that this determination be reviewed by counsel. GM Hansell replied to this request. Director Stein posed several questions about the appeals and bid processes. GM Hansell replied to Director Stein's questions and concerns.

A member of the public provided their opinion on any agreement with the Unitarian Universalist Church of Berkeley to lease their parking lot for this purpose. Another member of the public provided their support for GM Hansell's work on this project.

Director Stein provided additional rationale for her vote on the motion. GM Hansell responded to Director Stein's comments.

There was no additional public comment.

MOTION: M/s Stein/there was no 2nd: Motion to table the approval of the project schedule and authorize the general manager to work with legal counsel in order to enter into contract with the lowest qualified bidder until the July 13, 2022 board meeting.	
VOTE: Ayes: None Nays: None Absent: None	
Motion failed for lack of a second	Video Time Stamped: 01:23:43

MOTION: M/s Dommer/Kosel: Motion to approve the project schedule and authorize the general manager to work with legal counsel in order to enter into contract with the lowest qualified bidder.	
VOTE: Ayes: Dommer, Kosel, Nagel Nays: Stein Absent: Padian	
Motion passed 4-1-1	Video Time Stamped: 01:24:06

c. Status Report on Sublet from KPPCSD for City of El Cerrito Modulars

GM Hansell introduced the agenda item and presented the report as included in the packet. He noted there was nothing definitive to report on this item, but did receive an updated draft lease on July 29, 2022, which was in accordance with the general terms. Director Nagel reported that the court clerk of the district emailed a revised agenda for the KPPCSD special board meeting to include an item on temporary district location.

Director Stein asked if KFPD pays the same dollar amount per square foot for the functional space as the KPPCSD. GM Hansell responded to Director Stein's comments. Director Stein went on to ask the board if it should seek legal counsel about their right to provide any subsidy/gift of public funds to the KPPCSD. GM Hansell confirmed he will inquire with GM Tony Constantouros about this.

A member of the public asked for clarification on President Nagel's vote in the agenda item 3b involving the Unitarian Church. President Nagel provided this clarification, noting there was no conflict of interest.

There was no additional public comment.

d. **Draft Debt Management Policy and Sample Resolution**

GM Hansell introduced the agenda item and presented the report as included in the packet. He noted that he forwarded the sample resolution to the KFPD attorney for review. Rob Schmidt and Albert Reyes provided further context on the agenda item. President Nagel confirmed the first reading of this policy will happen at the July 13, 2022 board meeting.

There was no public comment.

ADJOURNMENT: President Nagel adjourned the meeting at 8:19 p.m.

The next Board of Directors meeting will occur on July 13, 2022.

MINUTES PREPARED BY: Candace Eros Diaz and Mary Morris-Mayorga

These minutes were approved at the Board Meeting of the Kensington Fire Protection District on September 20, 2023.

Attest:

Secretary of the Board