



## KENSINGTON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS MEETING MINUTES

**DATE/TIME:** July 13, 2022, 7:00PM

**LOCATION:** Zoom Teleconference

**PRESENT:** Directors: President Larry Nagel, Director Don Dommer, Secretary Janice Kosel, Vice President Kevin Padian  
Staff: GM Bill Hansell, Fire Marshall Battalion Chief Chase Beckman, Interim Fire Chief Jose Castrejon  
Consultants: EPC Coordinator Johnny Valenzuela  
Absent: Director Julie Stein

### 1. CALL TO ORDER/ROLL CALL

President Larry Nagel called the meeting to order at 7:03 p.m. and confirmed the roll call.

### 2. PUBLIC COMMENT (00:02:08)

A member of the public commented on their understanding of the Brown Act and noted potential issues of noncompliance. Another member of the public representing Save Kensington's Future commented on the collection of 816 Kensington voter signatures who support having KFPD and KPPCSD in a single building and recommended the board not approve a contract that would allow only the KFPD to occupy the Public Safety Building. Another member of the public commented on their desire for the board to hold a public meeting regarding the status of the Public Safety Building.

There was no additional public comment.

### 3. ADOPTION OF CONSENT ITEMS (00:13:00)

President Nagel proposed to approve all consent items on the agenda with a single motion. The board removed item 3a to be approved at a later date.

- a. **Approval of Minutes** of the Board of Directors regular meetings of: 04/13/2022, 04/28/2022, and 05/07/2022
- b. **Acceptance of Incident Activity Report** June 2022
- c. **Approval of Monthly Transmittal** 07/13/2022
- d. **Approval of Monthly Financial Reports** 06/30/2022
- e. **Adoption of Resolution 2022-14 Re-Authorizing Remote Meetings**

There was no public comment.

**MOTION:** M/s Padian/Dommer: Motion to approve consent items 3b-3e.

<b>VOTE:</b> Ayes: Dommer, Nagel, Padian Nays: None Absent: Kosel, Stein	
Motion passed 3-0-2	<b>Video Time Stamped: 00:15:35</b>

**4. OLD BUSINESS (00:15:54)**

There was no old business.

**5. NEW BUSINESS (00:16:00)**

**a. Fire Hazard Abatement Hearing on the Designation of Properties Containing Fire Hazards and Adoption of Resolution 2022-15**

President Nagel opened the public hearing and asked for any objections. There were no public objections.

Fire Marshall Battalion Chief Chase Beckman presented the report as included in the packet. He noted that inspections took place between April 18-21, 2022, which was three (3) weeks earlier than in previous years. He also noted that 53 noncompliance letters were sent to residents, two (2) of which remain noncompliant.

There was no public comment. President Nagel closed the public hearing and terminated public testimony.

President Nagel commended the KFPD on these efforts.

<b>MOTION:</b> M/s Padian/Dommer: Motion to adopt Resolution 2022-15 Declaring that Weeds, Rubbish, Litter or other Flammable Material on Designated Private Properties Constitutes a Public Nuisance and Providing for Notice that the Fire Chief or Designee Shall Abate Such Public Nuisance Conditions if not Abated by the Property Owner.	
<b>VOTE:</b> Ayes: Dommer, Nagel, Padian Nays: None Absent: Kosel, Stein	
Motion passed 3-0-2	<b>Video Time Stamped: 00:23:06</b>

**b. Adoption of Resolution 2022-16 Approving Site Lease and Lease Agreement**

GM Bill Hansell introduced the item and consultants Rob Schmidt, Rick Brandis, Stephanie Downs and KFPD bond attorney Albert Reyes who presented the report as included in the packet.

A member of the public asked when the loan payments would begin, if there was a line item in the budget for these payments, and if there would be a tax increase to Kensington residents as a result of the loan. Rob Schmidt and GM Hansell responded to these questions. Another member of the public asked if the KFPD intends to sell the land where the Public Safety building stands and whether it would get the property back at a cost at

the end of the lease term. Albert Reyes and Stephanie Downs responded to these questions. Another member of the public commented that the agenda item is an attempt to avoid voter approval and requested to table this item until the board votes on item 5c. Another member of the public expressed their concerns about the NHA financial spreadsheet. Another member of the public asked 1) if the loan could be terminated at an earlier date if the remaining balance was paid in full 2) for clarification on the surplus noted in the presentation. Rob Schmidt and GM Hansell responded to these questions. Another member of the public recommended a public meeting to go into detail about NHA's assessment and its assumptions. Another member of the public asked 1) for further clarification about the date of the first loan payment 2) how interest rates might change if construction plans were adjusted. Rob Schmidt and GM Hansell responded to these questions. Another member of the public asked about 1) the precise terms of the lease 2) the obligations of a construction timeline 3) whether approving the lease and financing allowed time to consider and evaluate the bids or whether the approval of the construction bid was required before approving the financing. Albert Reyes responded to these questions.

There was no additional public comment.

<b>MOTION:</b> M/s Padian/Dommer: Motion to adopt Resolution 2022-16 Approving Site Lease and Lease Agreement in order to provide funds for the financing of the acquisition, construction and installation of certain improvements to real property of the District consisting of the design, engineering, demolition, and reconstruction of the Kensington Fire Protection District Public Safety Building.	
<b>VOTE:</b> Ayes: Dommer, Nagel, Padian Nays: None Absent: Kosel, Stein	
Motion passed 3-0-2	<b>Video Time Stamped: 01:16:24</b>

**c. Kensington Public Safety Building Seismic Renovation Bid Results & Project Award**

GM Hansell presented the report as included in the packet. He recommended that CWS Construction Group Inc. be recognized as the low bidder and begin negotiating the contract. Vice President Kevin Padian asked if the board was required by law to accept the lowest bid. GM Hansell confirmed that KFPD has the option to reject the lowest or all bid(s).

A member of the public commented on their preference for Directors Kosel and Stein's votes to be included on this agenda item. Another member of the public suggested an alternative timeline for approving this motion based on their industry experience. GM Hansell responded to this concern. Another member of the public urged the board not to approve the agenda item and asked the board to let residents know how the current plans can be adapted to reflect voter concerns. GM Hansell responded to this concern. A member of the public read a letter on behalf of Save Kensington's Future. The president of Local 1230 representing the City of El Cerrito firefighters commented that they were in favor of this motion. Several members of the public stated they were in opposition to this motion and several members of the public stated they were in favor of this motion. GM Hansell read several public comments that were submitted in writing prior to the meeting. Director Padian commended the residents of Kensington who have carefully reviewed the supporting documentation and provided their suggestions and feedback. Director Dommer

and President Nagel responded to the various public comments.

There was no additional public comment.

<b>MOTION:</b> M/s Dommer/Padian: Motion to approve the project and authorize staff to enter into contract for work to the lowest qualified bidder, CWS Construction Group Inc.
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<b>VOTE:</b>
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Ayes: Dommer, Nagel, Padian
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Nays: None
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Absent: Kosel, Stein
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Motion passed 3-0-2
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Video Time Stamped: 02:22:45
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**d. Resolution 2022-17 Adopting Policy 1190 Debt Management – First Reading**

GM Hansell introduced the item and consultants Rob Schmidt and Albert Reyes who presented the report as included in the packet.

A member of the public commented on the amount of authorized debt limit and asked 1) if the 5% limit of operational appropriations override the 2% Kensington property assessment value limit in all cases 2) if it is possible that a future board could obtain a portion of the 2% into their debt portfolio, which would allow up to \$30M to be borrowed? GM Hansell and Rob Schmidt responded to these questions. Another member of the public asked if the community supports a district policy that would allow it to take on up to \$30M of debt and expressed their opposition to this policy if this were the case.

There was no additional public comment.

**e. Lease Agreement with Unitarian Universalist Church of Berkeley for Use of a Parking Lot on Craft Avenue, Identified as APN 505-302-017, for a Temporary Fire Station Pending Conditional-Use Approval**

President Nagel recused himself from this agenda item, which resulted in a loss of quorum. Therefore this item was tabled to the next board meeting. GM Hansell recommended that a special meeting be held to discuss and take action on this item prior to August 1, 2023 and agreed to poll the board to establish a date.

This item was taken out of order upon Secretary Janice Kosel's arrival to the meeting at 02:48:38. President Nagel recused himself and left the meeting at 02:49:38. GM Hansell presented the report as included in the packet.

A member of the public asked for clarification about Secretary Kosel's participation in this discussion and vote. GM Hansell and Director Padian provided this clarification.

There was no additional public comment or board discussion.

<b>MOTION:</b> M/s Padian/Dommer: Motion to approve a lease agreement with the Unitarian Universalist Church of Berkeley for a parking lot to install a temporary fire station and garage shelter during the period in which the District's Station 65 is constructed (a period of approximately 24 months, including the temporary station preparation time and end-of-lease parking lot restoration) and to approve staff to execute the lease pending approval of
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the Conditional Use Permit by the City of El Cerrito, and with approval as to form by the District Counsel.

**VOTE:**

Ayes: Dommer, Kosel, Padian

Nays: None

Absent: Stein

Abstain: Nagel

Motion passed 3-0-1-1

**Video Time Stamped: 02:55:18**

**6. FIRE CHIEF'S REPORT (02:36:21)**

Interim Fire Chief Castrejon presented the report as included in the packet. He reviewed the activity incident report, COVID mandates, and gave fire season and staffing updates.

There was no public comment or board discussion.

**MOTION:** M/s Padian/Nagel: Motion to extend the meeting to 10:15 p.m.

**VOTE:**

Ayes: Dommer, Nagel, Padian

Nays: None

Absent: Kosel, Stein

Motion passed 3-0-2

**Video Time Stamped: 02:44:35**

**7. EMERGENCY PREPAREDNESS COORDINATOR'S REPORT (02:44:55)**

EPC Coordinator Johnny Valenzuela presented the report as included in the packet. He provided updates on Kensington National Night Out and other upcoming events.

Secretary Janice Kosel joined the meeting at 02:48:38.

There was no public comment or board discussion.

**8. GENERAL MANAGER'S REPORT (02:56:15)**

GM Hansell presented the report as included in the packet. He provided updates on GM timesheets, the Proposal for a Joint Public Meeting with the KPPCSD Board, and hybrid board meeting options. Director Padian stated he would like to explore other meeting option solutions; President Nagel suggested following the lead of the KPPCSD meeting solution decision.

GM Hansell read the remainder of a written public comment pertaining to agenda item 5c that was submitted prior to the meeting.

There was no additional public comment.

**9. COMMITTEE REPORTS (03:06:31)**

**a. Emergency Preparedness Committee Meeting**

Director Padian presented the report as included in the packet. He noted that discussion at

the last meeting revolved around the effects of the general manager's report that reflected KFPD's financial advisor's assessment that district funds were in jeopardy, which may necessitate the need for budget cuts, including line items for the elimination of hazardous plants and acquiring an emergency warning system. The committee chose not to make any immediate decisions and noted its desire to preserve EPC Coordinator Valenzuela's work. Director Padian suggested that residents who may have difficulty evacuating Kensington during a fire event consider pre-evacuating if a Diablo Valley wind event occurs.

**10. OUTSIDE AGENCIES REPORTS (03:09:37)**

**a. Contra Costa Special Districts Association**

President Nagel presented the report on behalf of Director Stein as included in the packet. He noted a CSDA Board of Director vote was cast for Ryan Clausnitzer.

**11. ADJOURNMENT:** President Stein adjourned the meeting at 10:14 p.m.

The next Board of Directors meeting will occur on September 14, 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 October 18, 2023.

Attest:

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Secretary of the Board