

**MINUTES OF THE JULY 10, 2019 MEETING OF THE BOARD OF DIRECTORS  
OF THE KENSINGTON FIRE PROTECTION DISTRICT**

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**PRESENT:**     Directors:     Don Dommer, Janice Kosel, Larry Nagel, Kevin Padian and Julie Stein  
                  Staff:             Chief Michael Pigoni and Manager Brenda Navellier

**CALL TO ORDER:**

President Stein called the meeting to order at 7:00 p.m and called roll. Director Kosel was excused from the meeting and Director Padian was unable to attend. Fire Chief Pigoni and Manager Navellier were present.

**APPROVAL OF CONSENT ITEMS:**

President Stein called for the approval of the consent calendar (items 3, 4 & 5), consisting of approval of the June 2019 incident activity report, approval of the monthly transmittal #1, and approval of the May/June 2019 financial reports. Director Nagel made a motion to approve Consent Calendar items 3, 4 & 5. Director Dommer seconded the motion. The motion passed unanimously.

AYES:            Dommer, Nagel, Stein  
NOES:           None  
ABSENT:         Kosel, Padian  
ABSTAIN:       None

**ORAL COMMUNICATIONS:**

None.

**PUBLIC HEARING:**

President Stein announced that an updated list of properties in violation was issued this afternoon that is considerably shorter than the list included in the agenda packet. Stein asked if there was anyone in the audience having an objection to the designation of their property as containing fire hazards? The owner of 275 Colgate objected to his property's designation. He read what he was cited for and stated he had no weeds. He has met with Captain Carrion at his property, disagrees with the designation and brought pictures to the meeting. Chief Pigoni said another meeting could be set up at the property for clarification. President Stein called for the staff report and recommendation. Fire Marshal David Gibson stated there has been devastating fire seasons during the last two years. This is the District's annual process to go through the community, assess fire hazards and notify property owners. It is staff's goal to have all property owners voluntarily comply. The process is part of the government code and the goal is to eliminate hazards and make Kensington more fire safety. The process will continue throughout the summer and into the fall. Fire Prevention Officer Damien Carrion gave an overview of the fire hazard abatement program. The entire community of Kensington is in a Very High Fire Hazard Severity Zone. According to CalFire's study from earlier this year, Kensington is the 27<sup>th</sup> most dangerous place to live in California due to wildfire conditions. Carrion originally sent letters to nearly 300 properties in the community. There are still 92 properties that are non-compliant. Carrion clarified that he is looking at properties from the street unless neighbors have invited him onto their property to view hazards.

Kay Blonz said she applauds the efforts but feels that residents may present themselves differently on the front yard than in the backyard and the department is only inspecting ½ of Kensington. Blonz said she has complained about a neighbor for two years but no results have happened. Gibson explained that by law, during this process, the department cannot go onto someone's private property. They must stay on the public way or be invited onto the property. Blonz said she and others have spent thousands of dollars maintaining their properties but there are neighbors who don't care and have decades of build-up. Gibson said the abatement process will have zero tolerance—communities are burning down in California. A resident asked about the process. Carrion gave an overview of the timing. The goal is to have everything mitigated in September. The initial notices gave residents about 30 days to clear fire hazards. If there are concerns about neighbors' yards beyond the timing of this process, a resident should notify the fire department of their concern. Blonz asked what the Fire Board could do to assist elderly residents with fire hazards, particularly those on Purdue and near the interface. Is it possible to bring in a community chipper or arborist or something? Carrion and Nagel referred to DFSC community grants. Karl Kruger asked about the deadlines which Carrion answered. Carrion does work with the PG&E, EBMUD, EBRPD, WCCUSD and the City of El Cerrito regarding their properties. He worked with EBRPD to help coordinate the

shaded fuel break. The owners of 275 Colgate asked if someone else can come to their property to assess it. Carrion explained that his meeting with the owners was interrupted and they did not finish their conversation. Carrion again explained the process and timeline for those properties that are still on the abatement list. Gibson said a second letter will be mailed tomorrow to the properties that are declared as a nuisance tonight. Gibson will inspect 275 Colgate personally.

Director Dommer asked why the list of properties was so large this year. Gibson said that the department took a harder look at the properties and there was record rain last winter resulting in lots of growth. Blonz complained about the standards and that they are confusing and misguided. Carrion said when you see a fire that has destroyed hundreds of homes they all started as small fires and worked their way up. Gibson added that the fire code is written to eliminate ladder fuels, not to clear cut. Next year there is a possibility that certain species may be prohibited such as junipers. It is not currently on the DFSC list. If that happens there will be lots of public outreach. Marin County has taken a very aggressive approach to eliminating certain flammable vegetation. President Stein closed the public hearing and asked for Board comments.

Stein thanked Carrion and Gibson for their time and efforts with this process. Nagel thanked B/C Gibson in particular for the presentations he has given about readying homes for fire safety. There are 5,000 people in Kensington and those programs have reached maybe 500. The Emergency Preparedness Committee is trying to organize neighborhoods into Firewise communities. Nagel explained the guidelines for Firewise communities. It is disappointing to put on fantastic programs and not have much attendance but the District will continue to run programs and send out newsletters. Nagel said Kensington residents have received substantial grants through DFSC. KFPD matches Kensington resident donations to DFSC. KFPD has grants for replacing juniper with more fire safe vegetation. Dommer noted that getting rid of debris is a big problem. Nagel said that could be considered in the future. Stein read the Resolution title that is being considered at this time. Director Dommer made a motion to accept Resolution 19-05. Director Nagel seconded the motion.

AYES:	Dommer, Nagel, Stein
NOES:	None
ABSENT:	Kosel, Padian
ABSTAIN:	None

#### **FIRE CHIEF'S REPORT:**

Chief Pigoni reviewed his written report. Of the 26 calls in the community last month, there was a small vegetation fire off Canon Drive. It was kept to a 10' x 10' area. It was the second fire in that area with the first being in Tilden Park. There was an arsonist worry but there have been no subsequent calls. The Emergency Operations Plan is now 60% complete and was forwarded to the Board members. None of the annexes, including the Kensington community, have been incorporated yet. Regarding the Board's role in the event of a disaster, all Board members need to take ICS 100 and 700 training. In the event of an emergency, the Board would need to first declare a state of emergency. The County then takes the next steps and notifies the State. Pigoni used the recent Ridgecrest earthquake as an example. The fire department through the contract will initiate the emergency plans to mitigate any issues whether its fire, water main breaks, building collapse, etc. The Board's role is during recovery. The fire department needs to get back to normal operations since those will also continue during an emergency. The Board will need to pass resolutions to get funding for an emergency and may need to help in support functions. The Board would convene at the fire station unless it is not able to be occupied. The government code allows for the Board members to appoint a replacement that will only go into effect during an emergency if that Board member is killed or incapacitated. The Board can consider this in the future but the ICS training needs to be completed now.

The department received a State Homeland Security Grant for rescue equipment in the amount of \$14,508. Rope rescue equipment will be purchased with that grant. KFPD's new engine is still on track to be delivered at the end of the calendar year.

Kay Blonz asked how the fire department has responded to PG&E's possible shutdowns? Pigoni explained that the fire station has back-up generators and batteries. The generators can run about three days and the department has the ability to refill them. Pigoni said that EBMUD will now be placing generators at their service tanks over the next month and they will remain until rains begin. They have also cleared brush all around their tanks.

Director Nagel asked if staff could post the 60% EOP plan on the website. President Stein thanked Pigoni for giving instruction on what the Board needs to accomplish. Stein suggested the process be turned into a District SOP. Stein and Navellier will follow-up.

**PRESIDENT'S REPORT:**

Stein reported that she attended a Special District Leadership Foundation conference sponsored by SDRMA earlier in the week. Items related to governance, human resources, and communications with the public and press were covered. Finances were covered at the conference earlier today. Stein attended the first two days, Padian attended the first day and Chief Pignoni completed the entire course. Stein felt the conference was informative, useful and valuable for networking. Kay Blonz suggested that KFPD arrange for and pay for additional yard waste clean-up during certain times of the year. Stein said the Board could come back to that during the Emergency Preparedness Committee report.

**NEW BUSINESS:**

The Board Will Consider Whether to Pursue the Existing Public Safety Building Plan that was included in the May 2019 Board Packet: Stein said the District is gaining traction on adopting a structured approach to the public safety building and the Board asked the Building Committee to put together a decision plan and outline the necessary steps. The Building Committee put together a two-prong plan that the District originally intended to pursue in parallel. The first approach was to renovate the existing public safety building and the second was to consider a new public safety building in the park. The goal of both is to ensure that Kensington has a building that meets essential services standards and provides a safe working environment that is up to proper building code. Director Dommer said the District has backed away from the park site because of too many challenges and the idea never gained traction. Dommer is disappointed because the community could have built a new building that would have lasted 50 years instead of remodeling the current one for another 10-20 years. KFPD hired an architect a few years ago for an initial study and will now have them do more work. The Board is considering acting on adopting the existing building renovation idea only. Stein gave an overview of the document that was included in the packet. The first item that needs Board approval is the updating of the structural engineering analysis. The second item (#3) is that a possibility of undertaking this update is that all or part of the KPPCSD's existing space may be consumed as part of the renovation and bringing the building up to code. Next item that requires Board approval will be to undertake preliminary interior design and engineering services. Also a joint community meeting was proposed with KPPCSD but that was at the time that both of the two-prong plan approaches were being considered. Nagel added that the District is pursuing firming up the plans for the public safety building. Dommer said they are also closing the door on the park site. Stein clarified that the Existing Public Safety Building plan referred to on the agenda is the title on the first half of the document included in the packet (Plan A). The other half is New Public Safety Building Located in the Park (Plan B). The District is focusing on Plan A. This document was included in the May Board packet and is being republished for reference. Director Nagel made motion that the Board pursue renovation and repair of the existing public safety building. Director Dommer seconded the motion.

Kay Blonz asked why the District decided not to build in the park? Dommer said there has been no partnership KPPCSD in 2-1/2 years and it does not appear to be in their direction to pursue it. Nagel added that he thinks one would have had to be in attendance at the last KPPCSD meeting and heard the people that spoke. A small group of people can make a project impossible through objections and lawsuits. In the meantime, KFPD needs a new fire house. Dommer said a new building cannot be built on the existing site because of the earthquake fault being 50 feet away. It can only be remodeled. There are functional problems and ADA violations. The District will do the best it can but it will probably need some of KPPCSD's space. Stein said a public forum has been scheduled for October. A commitment to exploring this option is also a commitment to explaining to the public what can or cannot be done with the existing building. The District does not have all the answers at this time. Fire operations are the District's first priority. A second priority would be to try to accommodate the police officers. The District also has to evaluate its state of emergency preparedness and where it could locate temporarily during a remodel. Also, are there any legal limitations? The only way a project in the park would happen is if there is a wave of public demand. Dommer said people have suggested other sites but a fire station needs to be near the center of town and gave examples of outlying EBMUD properties and Ace Hardware. He said a professional study would be done on all of those sites and the park for response times.

Mabry Benson asked why a full report of available properties has not been included in the Board packets? Nagel said that the former Chief looked at every available site. Dommer said a report will be done. Benson said that needs to be promoted by the Board for the residents who keep bringing up alternate sites. The police board also brought up that question. Just talking about it at a Board meeting isn't good enough. Dommer and Stein said a report will be done an objective third party professional. Stein said there are additional costs if the District has to purchase a property. Benson asked if the Board had seriously discussed public condemnation of either of the adjacent homes to the Public Safety Building. She asked where the analysis report is for that. Dommer said neither neighbor wishes to sell and that condemning their properties would be extremely unpopular with the public. Eileen Nottoli said resident Jean Durham mapped the park and did find a fault below the tennis courts. Dommer said KFPD

got a proposal to complete a geotech study at the park site for \$65,000 but wasn't going to spend the money because of the problems trying to get things done together with KPPCSD. Nottoli said there are many hurdles with the park to which the Board agreed. Benson asked how much KFPD offered the neighbors for their properties? Nagel pointed out that there is no negotiating offer if they are going to be condemned. Dommer noted that the District can't build a new building on the site anyway even with neighboring properties because of the earthquake faults.

Jim Watt said first the District needs to determine whether they can continue to exist in a 5,500 s.f. building. It may not be possible with the extra services that KPPCSD wants to add. He will be concerned if KFPD says it needs to whole building. The fire station on Marin is only 3,000 s.f. and responds to 1,600 calls per year. There is no reason why KFPD needs to be that big. If it does need to be that big, why wouldn't KFPD consider acquiring an adjacent property? Watt said that KFPD did not trench for its seismic study and it only found a fault in one spot. Dommer said the fault is 40 feet below the surface, below the back retaining wall so it is extremely difficult to get to. He gave further explanation and said the fault is found on some geological maps. Watt said he has never found a property owner that won't sell. Again, purchase a neighboring property and build a building there while staying in the current building. Dommer repeated again that a new building with a new use cannot be built on those sites. It might be able to go through a zoning change but not a new building. Watt said if KFPD determines they need to whole building, they are absolutely creating the necessity that Kensington will have to go to El Cerrito for police services. Watt does not believe the community will ever agree to put a public safety building in the park plus the costs associated with that. He then gave statistics for a new fire station in San Pablo and said the park site would probably cost \$20 million. Dommer reiterated that the District is not pursuing the park site. There were two earthquakes last week and meanwhile nothing is being done. Watt said he thinks it's great KFPD is moving forward. Sylvia Elsbury noted that the Board has said they have given up on the park site--please listen.

AYES:	Dommer, Nagel, Stein
NOES:	None
ABSTAIN:	None
ABSENT:	Kosel, Padian

Proposal from RossDrulisCusenbery Architects for Extra Services Programming, Master Plan and Structural Services in the amount of \$24,481: President Stein noted that the proposal from RDC was corrected on line. Dommer said the structural analysis of the existing building needs to be redone now that KFPD knows about the close proximity of the fault. He added that the first version of the proposal had the police department and administration moving out but that is not the District's intent though there may not be room for everything. Dommer said several programs were developed before but not a program for the existing building footprint. The District will come up with a new spatial program and try to correct some of the deficiencies and functionality of the building. RDC would then do some simple diagrams to show how the building is replanned. The District would show those plans at the community meeting on October 12, 2019 and receive initial comments. Then the District would contract for construction drawings and building. The seismic analysis is \$3,300 of the fee. The total fee is \$24,481. Director Nagel made a motion to authorize the proposal from RDC Architects to update the architectural plan for the structural analysis, repair and renovation of the Kensington fire house. Stein said the plans will let the District what can and cannot be done with the building. Nagel said it's possible that this study could determine that the fire station cannot be brought up to Essential Services standards. Director Dommer seconded the motion. Mabry Benson asked if there will be options for "elaborate, moderate, minimum" in the architectural plans. Dommer said there may be some alternatives.

AYES:	Dommer, Nagel, Stein
NOES:	None
ABSTAIN:	None
ABSENT:	Kosel, Padian

Three Student Consulting Services Agreements for Completion of Kensington Traffic Study for Total Amount Not to Exceed \$12,000 or \$4,000 Each: Stein introduced the item on the agenda and noted the three contracts were included in the packet. Stein clarified that one consultant is already working over the summer for the District and his preliminary report is due by August 15<sup>th</sup>. That contract was approved last month. This same consultant is one of the three that will work on the completion of the study. The scope of work for all three contracts is identical. The three consultants are working together on a joint deliverable. The traffic study report will be due December 1<sup>st</sup> and that information will complement the polygon project and an evacuation plan. Director Dommer made a motion to approve the three agreements for the Kensington Traffic Study for an amount not to exceed \$12,000. Director Nagel seconded the motion.

AYES: Dommer, Nagel, Stein  
NOES: None  
ABSTAIN: None  
ABSENT: Kosel, Padian

**BOARD REPORTS:**

Finance Committee: The next meeting will be held in late August to finalize the budget for the Board's September meeting.

Contract Negotiation: The Board approved the third amendment last month. The El Cerrito City Council will review next week and it was published in their packet today. The cost sharing agreement for admin services was separated out and Stein was authorized to send El Cerrito a MOU drafted by legal counsel which she did.

Emergency Preparedness Committee: The essential things that are being worked on are the traffic study, meeting with the south Lake Drive community about becoming a FireWise community and encouraging other neighborhoods along the interface. FireWise communities are an NFPA designation. The benefit to KFPD is that it makes the community eligible for fire safety grants. Stein noted that the EPC was a temporary committee that was not subject to the Brown Act. It is now a standing committee that is subject to the Brown Act and all meetings must be noticed. While it wasn't formally stated, the assumption was that Directors Padian and Nagel would stay on the standing EPC. The EPC has an on-going process to solicit volunteer applications for the committee. Nagel agreed and said the first EPC meeting was set for earlier in the evening (7/10) but was canceled. The meeting will be rescheduled. There are eight candidates so far. Stein asked if there is a target number of members and is there a selection process? Nagel said that selection process, number of members, and skill set will be discussed at the future meeting. There is a tremendous amount of work to accomplish. There has been no discussion of a formal interview process. The EPC will provide a list of recommended applicants to the Board. Any recommendations the committee comes up with are simply Board recommendations.

DFSC: The next meeting is 7/18/19. Kay Blonz complained that no one is coordinating the mowing efforts behind Purdue. Staff suggested Blonz contact the District staff in the future.

Pathkeepers: Stein was thinking of potentially rolling this into part of the EPC's committee. Nagel agreed.

EBRPD: The next meeting is 7/16/19.

Organizing Committee: The Committee has set the public forum for 10/12/19 at Arlington Community Church. This will take place during Fire Prevention Week and is the same day as KFPD's Open House. Stein and Kosel will work on the agenda for the meeting and will bring it back to the Board. Nagel hopes the Committee makes every effort to publicize the meeting. Stein said an article can go in *The Outlook* and *The Fireplug*.

CSDA County Chapter: The next meeting will be a joint meeting between Contra Costa and Alameda Chapters on 7/15/19.

**ADJOURNMENT:** The meeting was adjourned at 8:58 p.m.

MINUTES PREPARED BY: Brenda J. Navellier

These minutes were approved at the regular Board meeting of the Kensington Fire Protection District on September 11, 2019.

Attest:



Board Secretary