

# PVP Watch Newsletter – June 15, 2013

To Our Friends and Supporters

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## **RPV – Public Announcement**

This November RPV will be electing two Council members as the current terms of Brian Campbell and Anthony Misetich are ending. Neither is “termed out” and both are expected to run for reelection. Initial filing period is early July which is “right around the corner.”

So far, PVP Watch is not aware of anyone planning to run for the RPV Council this election year. Should no one run, there will be no election and both Brian Campbell and Anthony Misetich will be reappointed for another four years. We believe Brian Campbell has done a credible job and deserves reelection while Misetich has aligned himself with Susan Brooks thus participating in Brooks created turmoil at RPV City Hall.

Council positions do not require any past governmental experience but rather a focus of civility, sound business logic and a desire to continue RPV’s image of being a good place to live and raise children.

PVP Watch stands ready to advise anyone so interested in what is needed to seek a Council position. For those wanting to “Become Involved” here is your opportunity.

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## **RPV – San Ramon Project**

At the March 5<sup>th</sup> Council meeting the San Ramon Canyon Storm Water construction contract with LH Woods was approved for \$15,140,000. Also approved among other items was a project management

contract with KOA Corporation in the amount of \$640,840 for construction management and construction inspection services.

No sooner was the contract authorized, contractor LH Woods approached the City with a Value Engineering change suggesting that the pipe be changed from Permalok, a propriety interlocking coupling technology, to a “welded” pipe coupling. The reason for changing pipes was reducing construction costs by some \$630,680.80 which according to State law, as reported by City Attorney Lynch, would be split 50% each for RPV and LH Woods. While savings are always important, \$315,000 on a \$15 million project is 2% of total project cost, at this point is not a significant event. (and actually the City would only save half of that [\$157,500] since half of the costs of the project is being funded by a State grant). Furthermore, there has been substantial dialog as to whether or not the replacement pipe (welded) equals the designed Permalok pipe. A recent letter (June 10) from Harris & Associates, the engineering design consultant stated “*The requested steel pipe substitution is expected to perform as well as the specified Permalok steel pipe provided that construction means and methods (handling, welding, lining, coating, etc.) are rigorously inspected for quality by personnel with the required certifications and experience.*” An advocate of changing the pipe is Allen Braatvedt, an employee of KOA Corp, the company responsible for construction management and construction inspection services. **A matter for the Council to determine is whether or not the KOA Corporation contract includes the rigorous inspections and qualified people to perform such inspections? Or are more change orders construction management forthcoming? Does this look like a conflict of interest to the readers?**

An interesting development is that a bid from another construction firm, Mike Bubalo Construction was rejected by staff as it was supposedly submitted one minute late. Whether or not the bid was actually late was contested by Bubalos’ attorney as the accuracy of RPV’s time clock has been questioned. Incidentally we understand that the Bubalo bid was approximately \$1 million less than the winning bid. Although not known at the time of bid opening that Bubalo’s bid was significantly less, if the City was going to be so rigorous over the time, then the City should have ensured they were using an accurate time clock. Apparently neither the City Manger nor City Attorney Lynch made the Council aware that Bubalo was contesting the award.

For those interested, the staff report is posted on the PVP Watch website - [www.pvpwatch.com](http://www.pvpwatch.com) - at the bottom of the Current Issues page. Also posted there is the Memorandum written by Sharon Yarber and delivered to the RPV Council on June 4<sup>th</sup>. Needless to say, Ms. Yarber’s communication has generated a great deal of anguish at RPV City Hall.

**Breaking News**

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The agenda for the June 18<sup>th</sup> Council meeting has been posted and the City Manager has placed this item as #9 with the recommendation “*Staff recommends that the City Council find that Staff has acted appropriately in its administration of the San Ramon Project with no further action required, other than the receipt and filing of this staff report.*” Clearly the staff wants to “*white wash*” this matter and have it go away.

The Staff Report is lengthy and goes into some detail describing why the staff believes it acted appropriately. Hopefully this commentary will assist the Council in *poking through the chaff*. We do not claim to be pipe experts but the process does need further scrutiny as the staff report seems to be more of a “cover up” than an accurate explanation of the facts.

June 18<sup>th</sup> Staff Report: Page 9-2, 2<sup>nd</sup> para under #1: In summary there had been extensive discussions and pipe comparisons with Harris during system design. “*Various types of pipe evaluated, discussed and eventually rejected in favor of a strong pipe that had been used previously in the McCarrell Canyon project.*” Under #3 “*Woods Request for Substitution of the Pipe*” the 2<sup>nd</sup> Para page 9-6 confirms what had been previously presumed; is that Harris (the design engineers) had **rejected** the proposed pipe change. As reported above the Harris letter (June 10) seemingly under pressure by Wood and KOA agreed to change with conditions. Another interesting item is how quickly Alan Braatvedt / KOA Corp. was able to get a favorable opinion for changing the pipe from Kennedy / Jenks a different engineering firm. Included in the staff report is that Kennedy / Jenks was first contacted by City (apparently suggested by Alan Braatvedt) on April 3, engaged on April 5 and rendered its opinion on April 8<sup>th</sup>. Is such quick response typical for such projects?

Of Concern: per the staff report, Staff and Harris had spent considerable time discussing various pipe systems / alternatives and had decided on the Permalok pipe only to change pipe systems with another engineering firm within a week or so with a different consultant providing a different opinion.

The staff report further goes into great detail concerning the “time stamp” with battery backup etc. Presumably the time clock is set to RV time as there is no mention of the time clock being checked for accuracy. There is much ado concerning bidding etc. and that the Bubalo bid was one minute late according to RPV time.

As residents become aware of this matter, the common response is that this deal **SMELLS** and needs further investigation by an unbiased 3<sup>rd</sup> party NOT selected by the City Manager. However, there is nothing on agenda to direct further action and the July 2<sup>nd</sup> Council meeting was cancelled and it will be interesting to see what the Council decides to do.

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## **RPV Budget / Five year Plan**

We have posted the RPV FY 2013 / 2014 Budget as well as the current Five Year CIP (Capital Improvement Plan) at [www.pvpwatch.com](http://www.pvpwatch.com). Go to the bottom of the Current Issues page.

Both documents, the Budget is 60 pages and the CIP is 107 pages are lengthy. We urge all to go and browse around to see how staff plans to spend the resident's money. Our view of the CIP is that there is excessive "fluff" with superfluous **wants**. The way it works is that when the CIP is approved by the Council, likely as presented, identified projects are then *funded* and staff moves ahead. One example is staffs desire for installing Fiber Optic cables between various RPV facilities. There is no realistic reason to do so and this is but the "tip of the iceberg."

Our view is that how RPV operates is broken. Usually, the Agenda is completed on Thursday prior to the next Tuesday's Council meeting. Usually the agenda including staff report are delivered to the Council on Thursday evening and posted on the RPV website as well. The City deals in volumes of paper which makes a formidable task to go through and understand the issues. While the staff has had virtually unlimited time to create the paper, the Council and interested residents have but a few days. Can we expect Councilmembers to spend entire weekends going through the materials? The process must be amended to give the Council as well as residents time to review Council Agenda materials before they are discussed in public.

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## **RPV - Western Ave.**

**Look Out Eastview....** How many are aware of the Western Avenue Corridor VISION PLAN now under development? Although preliminary design has been paid for by US Department of Transportation grants, we can soon anticipate RPV funding as it is reported there is \$175,000 in the next RPV budget for this dubious scheme. The VISION PLAN concept eliminates auto parking on Western Ave., and widens sidewalks, creates bike lanes and buffer planting. The conceptual plan has commercial (privately owned) buildings being replaced as well. Informed sources estimate a project cost of \$200 million or more. Where will these funds come from? We urge all to stay tuned to this one.

One concept that under most circumstances would make sense is undergrounding utility poles & services. The wrinkle here is that Edison replaced the "high line" electrical system on Western Ave. in the past year or so. When thinking "Beautification" one of the first considerations is eliminating utility poles. We wonder.... Why did RPV Planning staff not have this discussion when Edison was planning the pole replacement project on Western Ave? Was City Hall not aware of Edison's plans to replace the pole line on Western Ave? Undoubtedly they were but did not seize the opportunity.

This matter is on the June 18th RPV Council agenda. The appropriate Council decision would be to throw the Western Avenue VISION PLAN in the trash can but doubt if that will occur. We urge all interested to write to the Council ([cc@rpv.com](mailto:cc@rpv.com)) to abandon this folly.

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### **RPV – Water Quality / Storm Drain Oversight**

At their May 29<sup>th</sup> meeting, the Water Quality (storm drain) Oversight Committee voted to increase the annual RPV Storm Drain paid by 80% of RPV properties by 4%. The limit voted by the residents is 2% but apparently the law is of no consequence to the committee majority. Reportedly the logic was that since the Council had rejected the 2% increase last year the 4% increase was appropriate.

It was reported that Finance Director McLean made an extended presentation (est. an hour or so) of RPV financial problems including some 40 or so Power Point slides of the many CIP (Capital Improvement Plan) projects. Anyone hearing McLean's Doom & Gloom presentation and not aware that much of RPV's CIP plan is fantasy would likely follow along with staff's desire for more resident taxation. Unfortunately the Council has not adequately vetted the staff's CIP plan and thus staff is allowed to wander about creating a great deal of nonsense.

Presumably what was NOT reported to the committee by Finance Director McLean was that as of January 1, 2013, RPV had approximately **\$20,000,000** in CIP and other funds available to the Council for whatever they might choose to do. In addition, there was over **\$3,000,000** in "Water Quality Flood Protection" fund.

Of course the good news is that the committees vote is merely a recommendation as the Council makes the final decision. However, Misetich will likely be the deciding vote

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### **RPV - Public Records Requests**

In the last Newsletter (May 17th) we reported on RPV's decision to replace two Toyota Prius vehicles. A report on our findings was sent to current RPV Mayor Brooks, the City Council and City Manager Lehr and is posted on the PVP Watch website / [www.pvpwatch.com](http://www.pvpwatch.com).

Subsequently, City Hall posted the following in the City Managers May 29<sup>th</sup> weekly activities report:

#### **ADDITIONAL INFORMATION REGARDING VEHICLE PURCHASES**

*The City currently has four Prius vehicles assigned to the Community Development Department (COD). Two of the vehicles have been selected for replacement with two Chevrolet Equinox AWD vehicles*

*because of the need for off road versatility for building and code enforcement inspections, view restoration field work, zoning permit site visits, facility, parkland, and open space site visits, as well as other city-related business. In addition, the vehicles have been depreciated and consistent with City practice, are eligible for replacement. The Chevrolet Equinox is a versatile SUV equipped with a wider/higher wheel base clearance than the current Prius, and it can maneuver in in-climate weather conditions, climb and descend steep terrain, and go off road to construction sites and open space and trail locations. This gives the Equinox a distinct advantage over the Prius based upon the needs of the department. The vehicle can also be equipped with light bars, manage on-road emergencies, and carry inspection equipment, traffic control devices, and emergency supplies.*

*Air Quality Management District (AQMD) grant funds are being used for the purchase of the two Chevrolet Equinox AWD vehicles..... Staff further researched and found an opportunity to take advantage of the State of California Department of General Services Procurement Contract for vehicle purchases. Although additional bids were requested from other Southern California Chevrolet dealers.... the State contract price was the lowest after light bar installation, discount, rebates, delivery, documentation fees, and sales tax.*

*Upon delivery of the new vehicles, the replaced vehicles will be sent to public auction at General Auction Company in Buena Park. Experience has shown that vehicles bring a higher return in a competitive bidding environment versus wholesale "Blue Book" value with a trade-in at a dealer. In conclusion, the Public Works Department followed all the current practices necessary to procure vehicles with AQMD funds and met the current Public Works and Finance Departments' value reduction criteria for vehicle replacement. Furthermore, staff is currently researching and evaluating vehicle replacement criteria used by other public agencies, and staff will adjust the City's criteria based upon the results.*

Editor: Other than displaying that staff can virtually do what they want as the Council majority Brooks, Knight and Misetich seem to have little interest in representing the taxpayers, apparently the primary purpose of the new vehicles is to go "off-roading" which we would have to agree that Prius vehicles are probably not good off road vehicles. Of course City Hall has three 4-wheel drive pickup trucks. Could not these vehicles be borrowed from Public Works when Community Development wishes to go "off-roading." Two positive results from this analysis is that Prius vehicles will go to auction rather than a private sale and staff is "evaluating vehicle replacement criteria used by other public agencies, and staff will adjust the City's criteria based upon the results" and hopefully the results will be publically posted.

**RPV - The Gala Event at Terranea**

Reports are that the 40<sup>th</sup> Anniversary Gala Event at Terranea on May 5<sup>th</sup> was well done and enjoyed by a reported 350 people.

In response to our Public Records Request, I met with RPV City Clerk Carla Morreale on June 3<sup>rd</sup> to review and discuss the requested data for the Gala Event. We were pleased to learn that Terranea had graciously supported the Gala Event by not requiring any commitment – financial or otherwise – until three days prior to the event. While all involved in planning the Gala Event should be congratulated for their efforts, we wonder why City Manager Lehr was not more forthcoming when asked about RPV's financial commitment for the Gala Event. Had Ms. Lehr or perhaps current Mayor Brooks made it public that Terranea was extending great flexibility to RPV, many who were concerned about RPV's liabilities would have had their concerns assuaged. TRANSPARENCY...a term often used but seldom practiced by RPV City Hall is critical to good government.

An unasked question was whether or not either the Docents or the PVP Land Conservancy received any portion of the ticket proceeds. As some may recall, the Gala sales program stated that some undefined amount of the proceeds would be donated to the Docents and the PVP Land Conservancy. Would not the Council have to approve any assignment of proceeds to these two entities?

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### **Public Announcement**

Monday July 15<sup>th</sup>. William Lama, PhD, a former college physics professor and former trustee of the PV Library District will lead a discussion concerning the "Core Curriculum" being proposed by California schools. Bill currently serves as a member of the Citizens' Oversight Committee for Measure M. the PVPUSD Parcel Tax.

### **Monday, July 15th at 9:30 AM Peninsula Center Library Community Room**

This notice is posted as a public services and not as an endorsement of Mr. Lama's view.

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**PVP Watch – Newsletter List** - A reminder to ALL PVP Watch supporters, should you change your e-mail address don't forget to advise PVP Watch of your new address. We suggest that pvpwatch.com be added to your computer address book to assure delivery of PVP Watch Newsletters.

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### **Subscribers**

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The Editorial Committee

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