

## **PVP Watch Newsletter - November 23, 2008**

### **To Our Friends & Supporters:**

November 21st, RPV Councilman Tom Long distributed his Newsletter making reference to an item now pending before the RPV Council; the appeal of Saint John Fisher Church's desire to modernize the church facility. In this instance, Councilman Long seems right on target when he states "Our actions border on abuse of power" and that the Council's actions are "design by hearing."

Apparently Councilman Larry Clark has a new expression "de novo," let's start over. Why start over? The planning commission approved the project. There is history of testimony & submissions. Should the Council's actions be to start over thus becoming the Planning Commission, or should the Council's responsibility be to judge the merits as to whether or not the Planning commission erred in its majority decision? Send comments to [info@pvpwatch.com](mailto:info@pvpwatch.com).

Councilman Long also commented concerning the Monks case. For those unaware of the Monks case, this is a law suit concerning 16 plots of land in Portuguese Bend, Zone 2. The Appellate Courts decision is posted at [www.pvpwatch.com](http://www.pvpwatch.com). One of Long's comments was "the strange Court of Appeal decision ordering the city to grant permits to build on land that is moving or unstable." As some have noted, Tom Long often has a mythical perspective of facts. On other occasions he has also used the term "land that is moving or unstable." Long's statement is opposite to proven facts in the Courts record by Geological and Geotechnical experts. One must wonder what Long finds "strange" about the Appellate Court reversing what apparently was a poor decision by the Trial Court.

Councilman Long further states that RPV has no further liability should the appeal be lost. Unfortunately all we can do is to wait and see what happens. What we do not know and are not likely to find out is how much of the taxpayers \$\$\$ has the Council spent and will spend pursuing their frivolous lawsuit?

### **Valero Station / CVS Pharmacy.**

As some will recall, the RPV Planning Commission at its October 14th meeting denied Masoud Sharifi, owner of the Valero Station at Hawthorne Bl. & Granvia Alta Mira, his request for a Zone change to "Commercial" to allow conversion of the property to a CVS pharmacy. Sharifi's appeal was scheduled for the RPV Council's November 6th meeting. Prior to the meeting CVS cancelled the agreement with Sharifi. Sharifi then requested a postponement to January so that he could evaluate alternatives. Even though the conditions changed, the RPV Council heard the appeal and granted the continuation. By granting the continuation, the RPV Council again be-

comes the Planning Commission. Why was the appeal not cancelled? The conditions had changed.

We have previously reported concerning Sharifi's campaign contributions to Councilmen Wolowicz & Long. Long has responded that we had accused him of taking a bribe and that he knew nothing about Sharifi's desire to convert to a CVS pharmacy. We accept Tom Long's statement that he was unaware of Sharifi's intentions. Sharifi's contribution to Steve Wolowicz & Tom Long was \$1,000 each, not an insignificant amount, and Sharifi certainly knew when he made those contributions he would soon have the matter appearing before the Council. For Councilmen Long & Wolowicz to be the deciding votes (Mayor Stern also voted Yes & Councilman Larry Clark voted No) at both the initial and appeal hearings displays, in our opinion, arrogance and lack of ethical behavior.

It has been reported that 7/11 is interested in the Valero property. The 7/11 store would move across the street and expand its operation. They would most probably eliminate the service bays thus reducing noise to neighbors below. Reportedly 7/11 has offered in the range of \$16,000 / \$18,000 per month and reportedly Sharifi has rejected this as inadequate as CVS was going to pay more. Seems to us but another example of Sharifi lacking business acumen. Sharifi should accept that he needs to decide on something that is acceptable to his neighbors.

### **More RPV Council Discord**

At the November 6th Council meeting, Doug Stern & Tom Long descended to new lows with their disgusting and vicious attack on Councilman Peter Gardiner who was not at the meeting. Apparently the funds & time spent in "*feel good*" team building sessions was more waste.

The issue was the "One Hour Rule" that was enacted last February or March. Succinctly, if a Councilmen requests information or assistance from Staff, the request must be satisfied within one hour or the Staff person can deny the request and the majority of the Council must approve the request. This applies to items not on the current agenda.

The City Manager had submitted a report attesting to the benefits and success of the "One Hour Rule." Wolowicz questioned the report and the merits of the "One Hour Rule." The meeting did get a little heated and Long & Stern both berated Peter Gardiner as the culprit and the reason for the "One Hour Rule."

Readers may recall that we reported extensively in mid 2007 about Peter Gardiner's efforts to gain information concerning RPV IT (Information Technology) operations, costs etc. He was rebuffed at every turn by Tom Long & Doug Stern and Finance & Information Technology Director Dennis McLean. Stern & Long finally agreed to add IT to the proposed Management Partners Organizational Assessment project. The assessment report was completed in February 2008 and included approximately 20 recommendations concerning Information Technology.

To our knowledge, none of these recommendations have been implemented. The misuse of IT resources apparently continues with a lack of fiscal responsibility still prevailing.

### **RPV Trash Hauling**

The October 11th Newsletter reported on the mismanagement of RPV Trash Hauling. Contract negotiations. Tom Long responded with the following response:

*"The city must negotiate a new waste hauling contract since we no longer have the right to extend the old one. It was unwise to go out to bid before because our current prices were so much below market. We should have just extended the existing contract. We have a new consultant this time and we have no choice but to negotiate a new contract. That is why the council voted 5-0 to hire the new consultant. Small cities do not have the staff expertise to negotiate waste hauling contracts. The consultant we hired has handled similar negotiations for dozens of cities and has achieved excellent results."*

Councilman Long's comments sound inane. Why spend \$135,000 for a consultant? The last consultant also had satisfied clients including Rolling Hills Estates. Clearly Long does not understand negotiating. The City Attorney advised that RPV DID NOT HAVE to go to an RFP. Experience from the last fiasco illustrated that when there is service satisfaction, negotiations start with the existing provider. We have Deputy City Manager Petru with a salary exceeding \$140,000 annually. Finance Director McLean and the Director of Public Works Bell each make \$135,000 annually. Are these people not capable of using the existing contract as a template for the future. Oh by the way, Stern & Long are going try and impose Automated Pickup on all of us whether we want it or not. What ever happed to seeking the subjects input?

Stay tuned.....

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