

Admission of pressure in Lakeview Commons debacle

By Kathryn Reed

“If there had not been the pressure to award the contract, I may have recommended at the August 3 meeting to continue the decision to August 17, to further review the last minute submittal by Clark & Sullivan [and perhaps had their attorney appear at the hearing to make his case].”

That is what South Lake Tahoe City Attorney Patrick Enright wrote to the City Council in a five-page memo dated Nov. 10. It has also been given to the three incoming councilmembers despite the entire Nov. 2 ballot not being certified.



Patrick
Enright

After a 50-minute closed session hearing Nov. 16 there was no reportable action. However, the participants all looked haggard when it was over.

As for the pressure, with the meeting being in closed session, the details are not public. But the vote in August came at former City Manager Dave Jinken's last meeting and this has been a pet project of Mayor Kathay Lovell's, whose term ends in less than a month.

City engineer Jim Marino and Enright were asked to defend last

summer's recommendations to the council regarding awarding the bid to Reeve-Knight for the nearly \$6 million Lakeview Commons project at El Dorado Beach.

It's a serious concern because a competing contractor, Clark & Sullivan, sued the city and won – meaning the judge tossed out the bid and the city must start over. The legal brouhaha has added another nearly half million dollars to the project.

Although no one lost their job or was reprimanded Tuesday, that isn't necessarily going to remain that way. A new council will be seated Dec. 14. Getting the item on the agenda worded correctly for closed session will be the key. That oversight precluded such a vote from taking place Tuesday.

Enright in his memo defends his legal opinion and advice to the council.

Enright plans to have on the Dec. 14 agenda for open session the rescinding of the contract with Reeve-Knight – which based on the judge's decision is just a formality. The council – this would be the new one – will also consider Clark & Sullivan's bid. The council could also reject all bids.

Patrick Markham, Clark & Sullivan's attorney, was at the council meeting Nov. 16 telling the council his client is the responsive low bidder and should be awarded the bid. He anticipates resuming work May 1 and being done by October.

"With no urgency to award the Project immediately, my recommendation will probably be to rebid the Project ...," Enright said in the memo. Ultimately, it's up to the council to decide which direction to go – rebid the whole thing or award the project to Clark & Sullivan.