

# Divided council keeps South Tahoe SUP at Lakeview

By Kathryn Reed

South Lake Tahoe Standup Paddle will continue to be the concessionaire at Lakeview Commons unless legal action is taken to prevent that from happening.

The South Lake Tahoe City Council this week on a 3-2 vote rejected the bid protests. Councilmembers Wendy David and Brooke Laine were in the minority.

Before the council were two protests that followed the council's **Feb. 20 decision**. One was from Anthony Spatucci of Day Go Adventures and the other by Andrew Laughlin of Tahoe City Kayak and Paddleboard.

The choices before the council on March 20 were:

- Award the contract to the selected bidder, South Tahoe SUP.
- Award the contract to the next responsible bidder, Tahoe City Kayak.
- Reject all bids, and begin the process over.

The first option is what was selected.

Resident Rich Hodge questioned the whole process going back to when the concession was first awarded. While he has worked for Kayak Tahoe, one of the bidders, he said he was there representing himself. He questioned how a company with perfect credit didn't score well, while one with questionable financials gets to keep operating. His questions as to who did the scoring and the reasoning went unanswered.

Spatucci told the council a one-year extension should be given to South Tahoe SUP, which has had the concession for five years, or start over.

Laughlin said had he known he should have filled the council chambers with friends like South Tahoe SUP owner Chris Brackett did in February, he would have. He was shocked the "court of public" opinion swayed the electeds to go with South Tahoe SUP instead of his company. After all, it was Tahoe City Kayak that scored the most points by the judges, even though it was by less than one point.

"You asked the city attorney (last month) whether you could select a bidder who is not recommended today. Without citing legal authority, she said yes," Jacqueline Mittelstadt told the council. She is the attorney representing Tahoe City Kayak, and the former city attorney for South Lake Tahoe so she has a familiarity with how the city works. "At the end of the hearing [your attorney] stated doing so was 'within your allowable discretion.' I see no legal authority for this assertion."

One of the issues brought up by Tahoe City Kayak is the **lawsuit pending** against South Tahoe SUP in relation to a drowning in 2015.

Brackett said the allegations in that lawsuit have no merit and he is confident he will prevail.

After the decision was made, Mittelstadt told *Lake Tahoe News*, "It's unfortunate that the council does not follow its own regulations and RFP. Council member [Brooke] Laine had the most fair suggestion to redo the RFP process allowing the one-year extension to their favored contractor. Tahoe City Kayak will evaluate whether to seek court intervention for the council's misplaced approach and to restore fairness to the city's process."