

**Minutes of the Blythe City Council  
Special Meeting  
January, 24, 2023**

The January 24, 2023 Special meeting of the Blythe City Council was called to order at 2:30pm in the Council Chambers by Mayor DeConinck. Also in attendance were Vice Mayor Rodriguez and Council Members Reynolds, Halby and Burton. Staff in attendance included: Interim City Manager Crecelius, City Attorney Roberto and other Agency staff.

The Pledge of Allegiance was led by Mayor DeConinck.

The Invocation was offered by Councilman Burton.

**CONSENT CALENDAR:** *Items on the Consent Calendar are considered routine and will be enacted with one motion of the Council. If any item requires individual consideration, it will be removed from the consent calendar and acted upon separately.*

Councilman Halby moved approval of the Consent Calendar. The motion was seconded by Councilman Burton with a unanimous aye vote.

**1. Posting of the Agenda.**

The summary of agenda items were posted on the bulletin boards on the outside of the public entrance to the Council Chamber and near the inside entrance of the Council Chamber on Friday, January 20, 2023.

No public comment. Councilman Reynolds moved approval of the Consent Calendar. The motion was seconded by Councilman Burton with a unanimous aye vote.

**CONTINUED BUSINESS:**

**Golf Course Water Supply Line Project.** Mayor DeConinck excused himself from the meeting due to a potential conflict of interest involving real property.

Interim City Manager Crecelius stated the Golf Course Water Supply Line Project consists of installing 1,000 feet of new pipe from the head gate on A Canal to the cistern located at the holding pond on Hole No 6. The new pipe will be installed 48 inches below surface level. The existing pipe will be removed and disposed of. On November 29, 2022, bids were received from RE Hoover and Radco, Inc. Due to irregularities in the bids received, Council rejected the bids on December 13, 2022 and directed staff to re-bid the project. On January 12, 2023, staff conducted the bid opening for the re-bid of the Golf Course Water Supply Line Project. Bids were received from Inland Builders Supply in the amount of \$195,500 and from Radco, Inc. in the amount of \$270,450. As David Bayles, who has an interest in Inland Builder's Supply assisted staff with the scope of work for the bid documents for this project and has an ownership interest in the Lease Agreement for operation and maintenance of the Blythe Golf Course, the City Attorney has advised there are potential conflicts of interest that would prohibit the City from awarding the contract for this project to Inland Builder's Supply. David Bayles has since clarified that his ownership in Inland Builder's Supply is less than 50% and his ownership interest in BNB Golf Management is 37.5%. However, the City Attorney's opinion on the conflict remains unchanged. As such, the City Council's options include awarding the project to Radco, Inc. as the lowest responsible bidder in an amount not to exceed \$270,450 or to once

again reject the bids received and re-bid the project. As this project was not budgeted in the current fiscal year, should Council reject the bids received, the project could also be put on hold until funding becomes available either through CIF or through the City's budget process. Should Council award the project to Radco, Inc. it is recommended Council authorize staff to enter into an agreement with Radco in an amount not to exceed \$270,450, enter into an agreement with The Holt Group in an amount not to exceed \$14,750, authorize the City Manager to approve change orders during construction not exceeding \$15,000 and establish a project budget of \$285,200.

No public comment.

Councilman Reynolds asked about the conflict issues with Inland Builders Supply and David Bayles. Interim City Manager Crecelius stated Mr. Bayles brought this project to the City's attention. Our pipe runs through a field owned by Red River Farms in which the City has an Easement. Red River is making some changes to the field which will compromise our pipe. They are installing a concrete ditch and are concerned our leaking pipe will also compromise it. They requested that the City replace the pipe which was installed in the 1960's and has been leaking for some time. We met onsite and, to assist with the project, David Bayles helped staff with the bid document. As he assisted me with the bid documents, there is a conflict of interest with him doing the construction. There are also ownership interest issues.

City Attorney Roberto said it's a conflict of interest under Government Code 1090. It's a little different than what the City Council would experience as a conflict of interest; but under the statute, if someone is involved in a preliminary part of a project, they are prohibited from later being the contractor on the project. There is case law and FPPC advice letters consistent with the advice I have given.

Interim City Manager Crecelius stated the penalties for awarding the contract are not on the City, but on the contractor. If it were challenged, Mr. Bayles would be responsible to pay back any money received for the project and other penalties. We are protecting him by not awarding him the bid.

City Attorney Roberto said they are criminal penalties. If they are found guilty its punishable by a felony. The standard is a willful violation defined as having knowledge of a potential conflict of interest. As Mr. Bayles has been advised of these potential issues, he could face serious criminal penalties if it went that route.

Vice Mayor Rodriguez asked the detriment of waiting. Interim City Manager Crecelius stated it depends on how fast Red River Farm moves on the concrete ditch. This line irrigates the golf course. If the line were to break, and could not be repaired quickly, we may not have the ability to irrigate the course. There may be a value they could use to tap into City water, which isn't the most cost effective way to irrigate, but could serve them in a pinch.

Councilman Reynolds moved to accept Radco's bid and move forward with the project. The motion was seconded by Councilman Burton with a unanimous aye vote.

Mayor DeConinck rejoined the meeting.

## **NEW BUSINESS:**

**Engagement of Communication, Marketing and State Legislative Advocacy Services.** Interim City Manager Crecelius stated since the State's announcement of the planned closure of Chuckawalla Valley State Prison by March 2025, staff and the Council have researched all options the City has in fighting against this closure. This has included engaging all of our elected officials, sending a letter to Governor Newsom opposing the closure, reaching out to our partners, requesting information from the State related to the closure, forming an Ad Hoc committee to work on all items related to the closure and building a coalition of supporters. Staff believes the next step is to hire both a public relations firm to launch a campaign to bring awareness of the closure and a lobbyist who can help the City navigate Sacramento and help the City set meetings with key lawmakers. Both Tripepi Smith and Joe A. Gonsalves and Son come highly recommended, are up for the challenge and have worked extensively on local government issues. Therefore, it is recommended Council authorize the Interim City Manager to enter into Agreement No. 2023-008 A with Tripepi Smith & Associates, Inc. for Communication and Marketing Services in an amount not to exceed \$125,000. It is further recommended Council Authorize the Interim City Manager to enter into Agreement No. 2023-009 A with Joe A. Gonsalves & Son for State Legislative Advocacy Services in an amount not to exceed \$50,000 and to file the Lobbying Firm Activity Authorization Form 602. Agreements will be executed once reviewed and approved by the City Attorney.

No public comment.

Councilman Reynolds asked for the track records of each firm.

Ryder Smith, co-founder of Tripepi Smith stated we work for government, with a focus on Cities, We routinely find ourselves trying to explain to the public the State's decisions and their negative impact on cities and communities. We battle Sacramento for local government and local control. We raise awareness on issues to try to maintain and advance local control. We have outlined a strategy with your Interim City Manager on what we think it will take to get this message out to your community, but as well as the County and local City partners. We also have a plan to make this issue approachable and familiar to those in Sacramento.

Jason Gonsalves with Joe A. Gonsalves and Son stated our firm is the first and only 3<sup>rd</sup> generation lobbying firm founded by my grandfather who served in the legislature. We serve 50+ cities in the state as well as some tribal governments and private clients. We have been in business since 1975. We have a good record of either battling the government and often time winning or finding a win-win resolution. I believe there is a pathway here for a win-win solution. We represent small and medium sized cities; we do not represent large cities. The only thing older than San Quentin are the efforts to close San Quentin and relocate it. These are not battles that are new to us.

Ryder Smith stated we have worked in about 100 cities in California. We know a lot of people who will be helpful in building this coalition.

Vice Mayor Rodriguez moved approval of staff's recommendation. The motion was seconded by Councilman Reynolds with a unanimous aye vote.

**ORAL REPORTS:** None

**MEMBER COMMENT:** None

**PUBLIC COMMENT:** None

**ADJOURN:** The City Council meeting was adjourned at 2:31pm.

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Joseph DeConinck, Mayor

**ATTEST:**

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Mallory Crecelius, City Clerk