



County Executive Office

Memorandum

June 21, 2019

To: Clerk of the Board of Supervisors
From: Frank Kim, County Executive Officer
Subject: Exception to Rule 21

Frank Kim

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2019 JUN 21 PM 2:10
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ORANGE

SG8I

The County Executive Office is requesting a Supplemental Agenda Staff Report for the June 25, 2019, Board Hearing.

Agency: OC Community Resources
Subject: Irvine Lake Shoreline Fishing Operations and Management Contract
Districts: 3

Reason for supplemental: This agenda staff report needs to be heard as soon as possible because with the transfer of the 29-acre parcel adjacent to Irvine Lake (Property) to the County, OC Community Resources/OC Parks now has an opportunity to play a role in reintroducing shoreline fishing for the public utilizing the Property. Additionally, approval of the sole source contract and license amendment with James Productions, Inc. will support a one-year public shoreline-fishing program at Irvine Lake. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:

Lisa A. Bartlett
Chairwoman Lisa A. Bartlett, Supervisor, Fifth District

cc: Board of Supervisors
County Executive Office
County Counsel



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 06/25/19

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): 3

SUBMITTING AGENCY/DEPARTMENT: OC Community Resources

DEPARTMENT HEAD REVIEW: *[Signature]*
Department Head Signature

DEPARTMENT CONTACT PERSON(S): Dylan Wright (714) 480-2788
Stacy Blackwood (949) 923-3743

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COUNTY OF ORANGE
CLERK OF THE BOARD

SUBJECT: Irvine Lake Shoreline Fishing Operations and Management Contract

CEO CONCUR

[Signature]
CEO Signature

COUNTY COUNSEL REVIEW

APPROVED AGREEMENT TO FORM
Action
[Signature] FOR MAH
County Counsel Signature

CLERK OF THE BOARD

Discussion
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost:
FY 2019-20: \$426,120

Staffing Impact: N/A

of Positions: N/A

Sole Source: Yes

Current Fiscal Year Revenue: 33% of License Revenue

Funding Source: OC Parks/Budget Control Fund 405: 100% **County Audit in last 3 years:** No

Prior Board Action: 6/11/2019 #S1B, 11/18/2014 #9

RECOMMENDED ACTION(S):

- Find that the project is Categorical Exempt from the California Environmental Quality Act (CEQA), Class 1 (Existing Facilities) pursuant to CEQA Guidelines Section 15301.
- Approve the Third Amendment to the License Agreement with James Productions, Inc. to authorize a fishing concession on the License Area, and make other administrative amendments to the License and authorize Chief Real Estate Officer, or designee, to execute the amendment.
- Authorize the County Procurement Officer or authorized Deputy to execute the sole-source contract with James Productions, Inc. for shoreline fishing operations at Irvine Lake for a one-year term commencing upon execution of signatures, in an amount not to exceed \$526,120.

SUMMARY:

Approval of the sole source contract and license amendment with James Productions, Inc. will support a one-year public shoreline-fishing program at Irvine Lake.

BACKGROUND INFORMATION:

On June 11, 2019, the Board of Supervisors (Board) approved acceptance of a 29-acre parcel adjacent to Irvine Lake (Property) that was originally included in an Irrevocable Offer of Dedication (IOD) from The Irvine Company (TIC) to the County. The Board approved the IOD on November 18, 2014, as part of a larger conveyance of 2,500 acres of open space land to the County. A portion of the Property is utilized under a month-to-month License Agreement (License) between TIC and James Productions, Inc. (James) for operation of a recreational vehicle storage (RV Storage) area, which was assigned to the County along with acceptance of the 29-acre parcel on June 11, 2019.

Irvine Lake and the surrounding lands (including the Property) have been used historically for fishing and other recreational purposes, most recently by Serrano Water District (SWD) pursuant to a recreation rights agreement and lease with TIC. With the transfer of the Property to the County, OC Community Resources/OC Parks (OC Parks) now has an opportunity to play a role in reintroducing shoreline fishing for the public utilizing the Property. Due to variability of the Irvine Lake water level, however, the Property is not immediately adjacent to the lake water's edge. Nevertheless, it does provide a location for public parking and an area through which the property owned by SWD and Irvine Ranch Water District, which is adjacent to the lake water's edge, can be accessed.

Since the Property and adjacent water district lands have not been maintained for public recreation since 2016, a number of activities need to take place to ready the portion of the Property outside of the RV Storage license area safe for public access. A one-year sole source contract #MA-012-19011945 (Attachment A) is proposed to provide initial site preparation and maintenance as well as ongoing maintenance and operations to support public shoreline fishing. The proposed sole source contract is with James, which allows the County to benefit from James' years of experience, familiarity with and current involvement in operating publicly used facilities around Irvine Lake. In addition to the RV Storage facility, James currently operates the Oak Canyon Special Event Facility, located proximate to Irvine Lake, under a license with the County. As an existing licensee, James is the only vendor that can provide services to manage shoreline fishing operations at the Property in the required time. A completed Sole Source Request Form is attached to this Agenda Staff Report (Attachment B). The proposed one-year contract is in a total annual amount not to exceed \$526,120, which covers initial site preparation and maintenance work in the amount of \$53,700 for activities such as installation of security lighting, fencing and signage, asphalt repair, road clearing and weed removal. As well as \$31,035 per month for operations costs such as trash removal, maintenance and operations personnel, monitoring and patrol, public restrooms and utilities and up to \$100,000 in insurance costs. The contract does not include stocking of fish in the lake.

As a companion to the contract for management of shoreline-fishing, an amendment to the James RV Storage License (Attachment D) is also proposed to include a bait, tackle and fishing-related goods and concession within the License Area to support fishing at Irvine Lake. Revenues for the fishing concession will be apportioned between James and the County consistent with the existing revenue-sharing structure of the License, which is a percentage of gross receipts from sales of fishing goods and fees from vehicle and boat owners (collectively, "License Fee"), to be shared at 66.7 percent to James and 33.3 percent to the

County. James will submit a certified monthly statement of the License Fee to OC Parks within 20 days after the end of each month. Except for the \$5 parking fee from the Board-approved OC Parks fee schedule, the other sales and storage components of the License Fee cannot be accurately projected at the start of the proposed one-year interim program period, but OC Parks will track those from the monthly statements submitted by James. The lake is currently sufficiently stocked with fish, but will be restocked as needed, possibly for trout season and during the cooler months. In that event, OC Parks would make a direct purchase as it does presently for the smaller lakes. The amendment also updates references and contact information in the License from TIC to the County/OC Parks.

As previously mentioned, because the Property does not reach the water's edge, a separate water districts license agreement is needed to permit public access across water district property and to the water. CEO Real Estate and County Counsel are currently negotiating that agreement, which will provide the required access and recreational rights to establish the shoreline-fishing program in the near term. The water districts license agreement would provide water recreation rights to the County over Irvine Lake and must be executed prior to the County and James initiating any maintenance or operation of the public shoreline-fishing program at the lake.

The one-year interim program period established by the proposed contract, James license amendment and future water districts license agreement allows OC Parks to facilitate public shoreline fishing. During that period, OC Parks will also initiate information-gathering efforts to support a park master planning process consistent with plan development at other County regional parks. Furthermore, this interim program affords the parties' time to continue negotiations towards a long-term agreement governing recreation rights and related lake management roles and responsibilities. This plan is intended to not only facilitate public recreation opportunities at Irvine Lake, but also to address long-term costs and revenues associated with those opportunities and the need for revenues to support other obligations related to the management and operation of other areas in the County's 2,500 acres of open space.

Compliance with CEQA: The proposed project is Categorically Exempt (Class 1) from the provisions of CEQA pursuant to Section 15301 because it involves maintenance and operation of an existing public facility involving negligible or no expansion beyond that existing.

FINANCIAL IMPACT:

License revenues for the fishing concession will be shared 66.7 percent and 33.3 percent between James and the County, respectively.

Appropriations for this contract can be absorbed within the FY 2019-20 Budget and will partially offset by any additional revenues resulting from the License amendment.

This contract contains language allowing OC Community Resources to terminate or modify the contract without penalty in the event that funding is reduced and/or not available.

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A – Contract MA-012-19011945
Attachment B – Sole Source Form
Attachment C – Contract Summary Form
Attachment D – Third Amendment to License
Attachment E – License Assignment and Assumption Agreement
Attachment F – License Amendment Summary