



Governing Board Members

Marie Blankley, City of Gilroy

Carol Marques, City of Gilroy

Vice Chair Rene Spring, City of Morgan Hill

Yvonne Martinez Beltran, City of Morgan Hill

David Cohen, City of San Jose

Pam Foley, City of San Jose

Chair Mike Wasserman, County of Santa Clara

Joe Simitian, County of Santa Clara

Implementation Board Members

Carol Marques, City of Gilroy

Rebeca Armendariz, City of Gilroy

Mike Wasserman, County of Santa Clara

Don Rocha, County of Santa Clara

Ann Calnan, VTA

Matt Mahan, City of San Jose

Rene Spring, City of Morgan Hill

Vice Chair Jennifer Carman, City of Morgan Hill

Chair Linda J. LeZotte, Santa Clara Valley Water District

Barbara F. Keegan, Santa Clara Valley Water District

SANTA CLARA VALLEY HABITAT AGENCY

THURSDAY, MARCH 18, 2021

JOINT GOVERNING AND IMPLEMENTATION BOARD MEETING

3:00 PM

VIRTUAL MEETING

The regular meetings of both the Governing Board and the Implementation Board of the Santa Clara Valley Habitat Agency are hereby called for the above-described time and place. The agenda for the meetings is as follows:

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <http://bit.ly/031821HabitatAgencyJointGBandIB> or by calling in to: (669) 900-9128, then enter the webinar id: 871 1553 2270#.

Public comment may be provided in the following ways:

- Join the virtual meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
 - Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and be called upon to speak for up to 3 minutes
 - Send public comments in writing to the Agency Secretary at angie.gonzalez@morganhill.ca.gov
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CALL TO ORDER

ROLL CALL

REPORT FROM THE CHAIRS

Governing Board
Mike Wasserman

Implementation Board
Linda J. LeZotte

REPORT FROM THE PUBLIC ADVISORY COMMISSION

Julie Hutcheson, Interim Chair

PUBLIC COMMENTS: ITEMS NOT ON THE AGENDA

Members of the public may address the Governing Board and the Implementation Board concerning any item not on this agenda and within the respective subject matter jurisdiction of each of the Boards. The length of public comments may be limited by the Chair of each Board. With limited exceptions, the Boards are prohibited from discussing or taking action on any item not appearing on the posted agenda.

JOINT GOVERNING AND IMPLEMENTATION BOARD ACTION

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL –POTENTIAL LITIGATION

Pursuant to Government Code Section 54956.9(e)(4)

One case

RECONVENE

CLOSED SESSION ANNOUNCEMENT

CONSENT AGENDA:

1. **APPROVE THE MINUTES OF THE JANUARY 21, 2021 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD** 7-12
Recommended Action: Approve minutes.

REGULAR BUSINESS:

- 2. **RESPONSE TO PUBLIC INQUIRY REGARDING PROJECT SITE COVERAGE BY THE HABITAT PLAN AND ASSESSMENT OF LAND COVER FEES** 13-46
Recommended Action: Receive report and presentation in response to public comment regarding a private development site covered by the Habitat Plan and the assessment of land cover fees for the proposed development.

ITEM 2 PRESENTATION

- 3. **REPORT FROM THE EXECUTIVE OFFICER**..... 47-50
Recommended Action: Receive verbal report.

GOVERNING BOARD ACTION

CONSENT AGENDA:

- 4. **CONSIDERATION AND ADOPTION OF CHANGES TO 2021–2022 BURROWING OWL IMPACT FEE ZONE** 51-90
Recommended Action: Adopt resolution revising the 2020–2021 Burrowing Owl Conservation Fee Zone Map.
- 5. **RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD FUNDS TO CONTRIBUTE TO THE PACHECO CREEK RESTORATION PROJECT PHASE 2 RESTORATION PROJECT** 91-112
Recommended Action: Adopt resolution accepting the grant award from, and entering into a grant agreement with, the State of California Wildlife Conservation Board (WCB) for a Proposition 68 restoration grant for the Pacheco Creek Reserve Restoration Project – Phase 2 (project) in the amount of up to \$350,000 and appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed.

FUTURE GOVERNING BOARD INITIATED AGENDA ITEMS:

Note: In accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

GOVERNING BOARD ADJOURNMENT

IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

6. **PROFESSIONAL SERVICES AGREEMENT WITH ROBERT D. SPENCER – URBAN ECONOMICS FOR FUNDING PLAN IMPLEMENTATION** 113-130
Recommended Action: Authorize the Executive Officer to execute a 27-month not to exceed \$55,000 Professional Services Agreement with Robert D. Spencer – Urban Economics for Funding Plan Implementation Monitoring and Support.

7. **APPROVAL OF AGREEMENT WITH ARMENTO AND HYNES, LLP FOR THE SERVICES OF VALERIE ARMENTO AS THE HABITAT AGENCY’S GENERAL COUNSEL** 131-144
Recommended Action: Approve an Agreement with Armento and Hynes, LLP for general counsel legal services, not to exceed \$133,400 per year.

8. **NAME THAT JEWELFLOWER: USING GENETICS AND FIELD SURVEYS TO DETERMINE TAXONOMIC BOUNDARIES AND DEFINE OCCURRENCES FOR THE MOST BEAUTIFUL JEWELFLOWER AND METCALF CANYON JEWELFLOWER ON COYOTE RIDGE PROJECT AGREEMENT WITH SANTA CLARA UNIVERSITY** 145-158
Recommended Action: Authorize the Executive Officer to execute two agreements - a not to exceed \$75,929 Service Agreement with Santa Clara University and a not to exceed \$40,000 agreement with Creekside Science to complete an investigation of the genetic nature of the color differences between the two taxa of Metcalf Canyon jewelflower and the most beautiful jewelflower to support the Name that Jewelflower: Using Genetics and Field Surveys to Determine Taxonomic Boundaries and Define Occurrences for the Most Beautiful Jewelflower and Metcalf Canyon Jewelflower on Coyote Ridge Project (project).

9. **PACHECO CREEK RESTORATION PROJECT PHASE 2 RESTORATION PROJECT AGREEMENT WITH H. T. HARVEY & ASSOCIATES** 159-182
Recommended Action: Authorize the Executive Officer to execute a planning and design agreement with H. T. Harvey & Associates for the Pacheco Creek Reserve Restoration Project – Phase 2 (project) in an amount not to exceed \$575,811. Construction of the project would be funded under separate authorization following completion of the 100% design plans and permitting for the project.

10. **AGREEMENT WITH PATHWAYS FOR WILDLIFE TO CONDUCT SR-152 PACHECO PASS AND COYOTE VALLEY REGIONAL WILDLIFE CONNECTIVITY STUDY** 183-206
Recommended Action: Authorize the Executive Officer to execute a not to exceed \$162,436 service agreement with Pathways for Wildlife to conduct the SR-152 Pacheco Pass and Coyote Valley Regional Wildlife Connectivity Study. The term of the agreement to be executed is March 31, 2021 through March 31, 2023.

11. AGREEMENT WITH PATHWAYS FOR WILDLIFE TO ASSIST WITH PROJECT COORDINATION, WILDLIFE MONITORING AND REPORTING ASSOCIATED WITH THE SR-152 PACHECO CREEK WILDLIFE CONNECTIVITY AND CORRIDOR ENHANCEMENT PROJECT.....207-226

Recommended Action: Authorize the Executive Officer to execute a not to exceed \$70,000 service agreement with Pathways for Wildlife to assist with project coordination, wildlife monitoring and reporting associated with the SR-152 Pacheco Creek Wildlife Connectivity and Corridor Enhancement Project. The term of the agreement to be executed is March 18, 2021 through December 31, 2024.

FUTURE IMPLEMENTATION BOARD INITIATED AGENDA ITEMS:

Note: In accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

IMPLEMENTATION BOARD ADJOURNMENT

UPCOMING MEETINGS

All regular meetings of the Santa Clara Valley Habitat Agency's Governing Board and Implementation Board are held at the City of Morgan Hill Council Chamber at 3:00 p.m. unless otherwise noted.

Governing Board:

- June 17, 2021 Governing Board Meeting
- September 16, 2021 Joint Governing and Implementation Board Meeting

Implementation Board:

- May 20, 2021 Implementation Board Meeting
- July 15, 2021 Implementation Board Meeting
- September 16, 2021 Joint Governing and Implementation Board Meeting
- November 18, 2021 Implementation Board Meeting

NOTICE

Any documents produced by the Santa Clara Valley Habitat Agency and distributed to the majority of the Governing Board and/or Implementation Board less than 72 hours prior to an open meeting, will be made available for public inspection at the Santa Clara Valley Habitat Agency's public counter located at 17575 Peak Avenue, Morgan Hill, CA, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Governing Board and/or Implementation Board concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Governing Board and/or Implementation Board on any issue that is on this agenda, please complete a speaker request card and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Governing Board and/or Implementation Board, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Governing Board and/or Implementation Board on any other item of interest to the public, you may do so by during the public comment portion of the meeting following the same procedure described above. Public comments may be limited as to time by the Board Chairperson.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Governing Board and/or Implementation Board.

Persons interested in proposing an item for the Governing Board and/or Implementation Board agenda should contact a member of the Governing Board and/or Implementation Board who may place an item on the agenda for a future Governing Board and/or Implementation Board meeting. Should your comments require Board action, your request may be placed on the next appropriate agenda. Board discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

The time within which judicial review must be sought of the action by the Governing Board and/or Implementation Board, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Board Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.