



#### Governing Board Members

*Vice Chair Cat Tucker*, City of Gilroy

*Roland Velasco*, City of Gilroy

*Rene Spring*, City of Morgan Hill

*Yvonne Martinez Beltran*, City of Morgan Hill

*Maya Esparza*, 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

*Cat Tucker*, City of Gilroy

*Roland Velasco*, City of Gilroy

*Mike Wasserman*, County of Santa Clara

*Don Rocha*, County of Santa Clara

*Ann Calnan*, VTA

*Maya Esparza*, City of San Jose

*Meenaxi Raval*, 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 19, 2020

JOINT REGULAR GOVERNING AND IMPLEMENTATION BOARD MEETING

3:00 PM

MORGAN HILL CITY COUNCIL CHAMBER

17555 Peak Avenue, Morgan Hill

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:

### AMENDED AGENDA

**Please note that this agenda has been amended to remove items 2, 3, and the closed session. Additionally, we have added information on how the public may access the meeting from their personal devices.**

### OPEN AND PUBLIC MEETINGS DURING THE COVID-19 VIRUS EMERGENCY

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020 to mitigate the spread of the coronavirus known as COVID-19. On March 18,

2020, Executive Order N-29-20 was executed. Per paragraph 3, the requirement to allow one publicly accessible location where members of the public have the right to observe and offer comment at the meeting has been suspended. In particular, the Executive Order suspends the provisions of the Brown Act that require noticing and posting of agendas at each location where a member will be participating telephonically, as well as provisions that require physical presence of members for purposes of a quorum or to hold a meeting. Remote participants do not need to allow public access or comment at remote locations. The Order requires that the agency notice at least one publicly accessible location where members of the public have the right to observe and offer comment at the meeting, consistent with other provisions of the Brown Act.

In accordance with Executive Orders N-25-20, N-29-20, and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways: **Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.** Members of the public wishing to participate in The Habitat Agency Joint Governing and Implementation Board meeting must do so remotely via Zoom electronic meetings in the following ways; by either logging onto <https://zoom.us/j/591880942> and enter Meeting ID: 591880942 or by calling in (669) 900-9128 enter Meeting ID: 591880942#. Public comment for The Habitat Agency Joint Governing and Implementation Board meeting will be accepted via email to [angie.gonzalez@morganhill.ca.gov](mailto:angie.gonzalez@morganhill.ca.gov) and/or through the chat feature of the Zoom electronic meeting during the meeting, prior to the close of public comment on an item, and read into the record during public comment.

**CALL TO ORDER**

**ROLL CALL**

**REPORT FROM THE CHAIRS**

Governing Board  
*Mike Wasserman*

Implementation Board  
*Linda J. LeZotte*

**REPORT FROM THE PUBLIC ADVISORY COMMISSION**

*Walt Glines, 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**

**CONSENT AGENDA:**

- 1. APPROVE THE MINUTES OF THE JANUARY 16, 2020 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD** ..... 7-12  
**Recommended Action: Approve** minutes.

**REGULAR BUSINESS:**

- ~~**2. FIVE YEAR REVIEW OF SANTA CLARA VALLEY HABITAT PLAN COSTS, FUNDING AND DEVELOPMENT FEES** ..... 13-158  
**Recommended Action:**~~

~~***Implementation Board:*** Recommend to the Governing Board that the Governing Board take the following actions:~~

- ~~1. **Accept** the *Five Year Review of the Santa Clara Valley Habitat Plan Costs, Funding, and Development Fees* report, dated March 2020 by Urban Economics and Hausrath Economics Group (2020 Nexus Study). (Attachment A)~~
- ~~2. **Recommend** adoption of the schedule of development fees for FY 2020-21 imposed upon new public and private development within the geographic boundaries of the Santa Clara Valley Habitat Plan area and non-mitigation charges on participating special entities that are based on the 2020 Nexus Study, adjusted for inflation. (Attachment B)~~

~~***Governing Board:***~~

- ~~1. **Accept** the *Five Year Review of the Santa Clara Valley Habitat Plan Costs, Funding, and Development Fees* report, dated March 2020 by Urban Economics and Hausrath Economics Group (2020 Nexus Study). (Attachment A)~~
- ~~2. **Hold** a public hearing on the proposed development fees for FY 2020-21. (Attachment B)~~
- ~~3. **Adopt** by resolution the schedule of development fees for FY 2020-21 imposed upon new public and private development within the geographic boundaries of the Santa Clara Valley Habitat Plan area and non-mitigation charges on participating special entities that are based on the 2020 Nexus Study, adjusted for inflation. (Attachment C)~~

- ~~**3. WESTERN BURROWING OWL PROGRAM UPDATE** ..... 159-194  
**Recommended Action: Information only** presentation on Western Burrowing Owl Program. No action required.~~

4. **REPORT FROM THE EXECUTIVE OFFICER**  
**Recommended Action: Receive** verbal report.

**GOVERNING BOARD ACTION**

**REGULAR BUSINESS:**

5. **CONSIDERATION AND ADOPTION OF CHANGES TO 2020-2021 BURROWING OWL IMPACT FEE ZONES**..... 195-232  
**Recommended Action: Adopt** Resolution revising 2020-2021 Burrowing Owl Conservation Fee Zone Map.
6. **ACQUISITION OF THE TILTON RANCH** ..... 233-248  
**Recommended Action:**  
1. **Authorize** the Executive Officer to sign a Purchase and Sale Agreement (PSA) to acquire up to 1,861 acres of the Tilton Ranch (APNs 712-05-012; 712-17-001; 712- 05- 009; 712-11-003) for up to \$18,051,700; and  
2. **Adopt** resolution approving the purchase of the property known as the Tilton Ranch in accordance with the Santa Clara Valley Habitat Plan for \$18,051,700. The parties anticipate the close of escrow to occur on or before July 31, 2020.
7. **RESOLUTION AUTHORIZING THE GOVERNING BOARD TO ENTER INTO A GRANT AGREEMENT WITH THE WILDLIFE CONSERVATION BOARD AUTHORIZING THE ACQUISITION OF A PORTION OF THE TILTON RANCH** ..... 249-280  
**Recommended Action: Adopt** resolution entering into a Grant Agreement with the Wildlife Conservation Board authorizing the acquisition of a portion of the Tilton Ranch (Assessor’s Parcel Numbers 712-05-009 & 012; 712-11-003) totaling approximately 1,806 Acres in Santa Clara County for \$15,227,000.
8. **RESOLUTION AUTHORIZING THE GOVERNING BOARD TO ENTER INTO A GRANT AGREEMENT WITH THE WILDLIFE CONSERVATION BOARD AUTHORIZING THE ACQUISITION OF A PORTION OF THE UNITED TECHNOLOGY CORPORATION (UTC)**..... 281-290  
**Recommended Action: Adopt** resolution of the Governing Board to enter into a Grant Agreement with the Wildlife Conservation Board authorizing the acquisition of a portion of the United Technology Corporation (UTC) eastern parcels (all of Assessor’s Parcel Numbers 627-11-013, 627-11-014, 627-11-015 and portions of Assessor’s Parcel Numbers 627-13-001, 627-13-002, 627-13-004, 627-13-005 and 627-13-006) totaling approximately 1,526 Acres In Santa Clara County for \$4,330,000.

**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:**

- 9. **FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ROBERT D. SPENCER DBA URBAN ECONOMICS, FOR FUNDING PLAN IMPLEMENTATION AND 5-YEAR PERIODIC FEE ASSESSMENT** ..... 291-312

**Recommended Action: Authorize** the Executive Officer to execute a \$35,000 contract amendment to the Professional Services Agreement with Robert D. Spencer DBA Urban Economics for Funding Plan Implementation and 5-Year Periodic Fee Assessment, and to extend the Term of the Agreement.

- 10. **AGREEMENT WITH KEISH ENVIRONMENTAL FOR PROJECT MANAGEMENT SUPPORT AT THE SAN FELIPE CREEK RESTORATION PROJECT** ..... 313-333

**Recommended Action: Authorize** Executive Officer to execute a not to exceed \$126,860 agreement with Keish Environmental for Project Management Support services at the San Felipe Creek Restoration project. The term of the agreement to be executed is March 20, 2020 through December 31, 2023.

**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.

**CLOSED SESSION:**

**EXECUTIVE OFFICER COMPENSATION**

Authority: \_\_\_\_\_ Government Code 54957(b)

Employee Evaluation: \_\_\_\_\_ Executive Officer

**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 18, 2020           Governing Board Meeting
- September 17, 2020 Joint Governing and Implementation Board Meeting

**Implementation Board:**

- May 21, 2020           Implementation Board Meeting
- July 16, 2020           Implementation Board Meeting
- September 17, 2020 Joint Governing and Implementation Board Meeting
- November 19, 2020 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](mailto: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.*