



SANTA CLARA VALLEY  
**HABITAT AGENCY**

#### **Governing Board Members**

**Vice Chair Cat Tucker**, City of Gilroy  
**Fred Tovar**, City of Gilroy  
**Vacant**, City of Morgan Hill  
**Rich Constantine**, City of Morgan Hill

**Sylvia Arenas**, City of San Jose  
**Vacant**, City of San Jose  
**Chair Mike Wasserman**, County of Santa  
**Joe Simitian**, County of Santa Clara

#### **Implementation Board Members**

**Cat Tucker**, City of Gilroy  
**Fred Tovar**, City of Gilroy  
**Rich Constantine**, City of Morgan Hill  
**Leslie Little**, City of Morgan Hill  
**Ann Calnan**, VTA

**Sylvia Arenas**, City of San Jose  
**Meenaxi Panakkal**, City of San Jose  
**Mike Wasserman**, County of Santa Clara  
**Don Rocha**, County of Santa Clara  
**Chair Linda J. LeZotte**, Santa Clara Valley Water District  
**Barbara F. Keegan**, Santa Clara Valley Water District

## **SANTA CLARA VALLEY HABITAT AGENCY**

**THURSDAY, JANUARY 17, 2019**

**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:

### **TELECONFERENCE**

Governing Board Member Joe Simitian will be participating in the Joint Governing and Implementation Board and the Governing Board meeting via teleconference as follows:

**270 Grant Avenue, Room 149**  
**Palo Alto, CA**

The public may attend the Joint Governing and Implementation Board, Governing Board and/or the Implementation Board meeting and will have the opportunity for public comment from the Palo Alto and San Jose teleconference locations.

**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 18, 2018 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD** ..... 7-16  
**Recommended Action:** Approve minutes.
  
2. **APPROVE THE MINUTES OF THE MARCH 15, 2018 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD** ..... 17-20  
**Recommended Action:** Approve minutes.

**REGULAR BUSINESS:**

3. **5-Year Periodic Fee Assessment Review**..... 21-22  
**Recommended Action:** Review presentation from Urban Economics and Hausrath Economics regarding the Santa Clara Valley Habitat Plan Five-year Review of Development Fees.
  
4. **REPORT FROM THE EXECUTIVE OFFICER**  
**Recommended Action:** Receive verbal report.

## GOVERNING BOARD ACTION

### CONSENT AGENDA:

5. APPROVE THE MINUTES OF THE JUNE 21, 2018 REGULAR MEETING OF THE GOVERNING BOARD ..... 23-28  
**Recommended Action:** Approve minutes.
  
6. AB 1600 DEVELOPMENT IMPACT FEE REPORT- FISCAL YEAR 2017-18 ..... 29-32  
**Recommended Action:** **Review** and **Accept** the AB 1600 Development Impact Fee Report for FY 2017-18.
  
7. ADOPT RESOLUTION APPROVING THE APPLICATION FOR AND ACCEPTING FUNDS UNDER THE 2019 SAFE, CLEAN WATER PRIORITY SANTA CLARA VALLEY WATER DISTRICT D3 GRANT PROGRAM ..... 33-68  
**Recommended Action:** **Adopt** resolution accepting the grant award from and Authorize Executive Officer to enter into grant agreement with the Santa Clara Valley Water District for a FY 2019 Safe, Clean Water Project D3 Grant under the District’s Safe, Clean Water and Natural Flood Protection Program, for the Pacheco Creek Stream and Riparian Restoration Project, in the amount of \$500,000.
  
8. ADOPT RESOLUTION APPROVING THE ACCEPTANCE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LOCAL ASSISTANCE GRANT FUNDS ..... 69-74  
**Recommended Action:** **Adopt** resolution accepting the grant award from and entering into grant agreement with the State of California Department of Fish and Wildlife (CDFW) for a Natural Community Conservation Planning Local Assistance Grant (LAG) for the Pacheco Creek Stream and Riparian Restoration Project, in the amount of \$147,083.
  
9. ADOPT RESOLUTION APPROVING THE ACCEPTANCE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LOCAL ASSISTANCE GRANT FUNDS AND AUTHORIZE PROFESSIONAL SERVICES AGREEMENT WITH NOMAD ..... 75-100  
**Recommended Action:** **Adopt** resolution accepting the grant award from and entering into grant agreement with the State of California Department of Fish and Wildlife (DFW) for a local assistance grant for Establish Baseline of Smooth Lessingia (Lessingia micradenia subsp. Glabrata) using High-Resolution Multispectral Analysis Imagery in the amount of \$48,640, appointing the Executive Officer as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed, and authorizing the Executive Officer to execute a not to exceed \$56,140 Professional Services Agreement with Nomad Ecology LLC to implement the grant-funded project.

### REGULAR BUSINESS:

10. SELECTION OF 2019 GOVERNING BOARD CHAIR AND VICE CHAIR..... 101-102  
**Recommended Action:** **Select** a Chair and Vice-Chair for 2019.

- 11. **CONSIDERATION AND ADOPTION OF CHANGES TO 2019-2020 BURROWING OWL IMPACT FEE ZONES**..... 103-142  
**Recommended Action:** **Adopt** resolution Revising 2019-2020 Burrowing Owl Conservation Fee Zone Map.
- 12. **COST RECOVERY FEE FOR REGIONAL GENERAL PERMIT** ..... 143-148  
**Recommended Action:** **Adopt** resolution implementing fee increase for cost recovery and added benefits associated with management and processing the Agency’s Regional General Permit.

**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:**

- 13. **APPROVE THE MINUTES OF THE NOVEMBER 15, 2018 REGULAR MEETING OF THE IMPLEMENTATION BOARD**..... 149-152  
**Recommended Action:** **Approve** minutes.
- 14. **REVIEW CHANGE IN WESTERN BURROWING OWL IMPACT FEE ZONES – FISCAL YEAR 2019-20** ..... 153-188  
**Recommended Action:** **Review** changes to Burrowing Owl Impact Fee Zones.

**REGULAR BUSINESS:**

- 15. **SELECTION OF 2019 IMPLEMENTATION BOARD CHAIR AND VICE CHAIR** ..... 189-190  
**Recommended Action:** **Select** a Chair and Vice-Chair for 2019.
- 16. **PACHECO CREEK RESTORATION PROJECT FEASIBILITY, DESIGN, AND PERMITTING AGREEMENT (H T HARVEY)**.....  
**Recommended Action:** **Authorize** the Executive Officer to execute a Feasibility and Design Services Agreement with H.T. Harvey & Associates for the Pacheco Creek Restoration Project in an amount not to exceed \$967,761.

**OPPORTUNITY FOR PUBLIC COMMENT**

**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:**

- March 21, 2019 Joint Governing and Implementation Board Meeting
- June 20, 2019 Governing Board Meeting
- September 19, 2019 Joint Governing and Implementation Board Meeting

### **Implementation Board:**

- March 21, 2019 Joint Governing and Implementation Board Meeting
- May 16, 2019 Implementation Board Meeting
- July 18, 2019 Implementation Board Meeting
- September 19, 2019 Joint Governing and Implementation Board Meeting
- November 21, 2019 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.bigelow@morganhill.ca.gov](mailto:michelle.bigelow@morganhill.ca.gov). Requests must be made as early as possible and at least two-full business days before the start of the meeting.*