



SANTA CLARA VALLEY  
**HABITAT AGENCY**

#### **Governing Board Members**

**Cat Tucker**, City of Gilroy  
**Daniel Harney**, City of Gilroy  
**Steve Tate**, City of Morgan Hill  
**Rich Constantine**, City of Morgan Hill

**Sylvia Arenas**, City of San Jose  
**Donald Rocha**, City of San Jose  
**Mike Wasserman**, County of Santa Clara  
**Joe Simitian**, County of Santa Clara

#### **Implementation Board Members**

**Cat Tucker**, City of Gilroy  
**Daniel Harney**, 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  
**Robb Courtney**, County of Santa Clara  
**Linda J. LeZotte**, Santa Clara Valley Water District  
**Barbara F. Keegan**, Santa Clara Valley Water District

## **SANTA CLARA VALLEY HABITAT AGENCY**

### **JOINT REGULAR GOVERNING AND IMPLEMENTATION BOARD MEETING**

**THURSDAY, SEPTEMBER 21, 2017**

**3:00 PM**

**MORGAN HILL CITY COUNCIL CHAMBER**

**17555 Peak Avenue, Morgan Hill**

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 Governing Board meeting via teleconference as follows:

Palo Alto Courthouse  
270 Grant Avenue, Room 149  
Palo Alto, CA 94306

The public may attend the Governing Board meeting and will have the opportunity for public comment from the Palo Alto teleconference location.

**CALL TO ORDER**

**ROLL CALL**

**REPORT FROM THE CHAIRS**

Governing Board  
*Rich Constantine*

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**

**REGULAR BUSINESS:**

1. **APPROVE THE MINUTES OF THE MARCH 16, 2017 SPECIAL/REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD** ..... 7-12  
**Recommended Action:** Approve minutes.
2. **EXECUTIVE OFFICER EMPLOYMENT AGREEMENT EXTENSION** ..... 13-14  
**Recommended Action:** Discuss and provide direction on Executive Officer employment agreement extension.
3. **FORMATION OF FRIENDS OF THE SANTA CLARA VALLEY HABITAT AGENCY UPDATE** ..... 15-16  
**Recommended Action:** Information only. No action required.
4. **FINAL REPORT FISCAL YEAR 17 REVENUE AND BUDGET EXPENDITURES** ..... 17-58  
**Recommended Action:** Review and accept the revenue and expenditures for Fiscal Year 17 FINAL, July 1, 2016 through June 30, 2017.
5. **REPORT FROM THE EXECUTIVE OFFICER**  
**Recommended Action:** Receive report.

## **GOVERNING BOARD ACTION**

### **REGULAR BUSINESS:**

6. **APPROVE THE MINUTES OF THE JUNE 15, 2017 REGULAR MEETING OF THE GOVERNING BOARD**.....59-64  
**Recommended Action:** **Approve** minutes.

### **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**

### **REGULAR BUSINESS:**

7. **RESTORATION COMPLETED, PLANNED, AND PERMIT CREDITING**.....65-78  
**Recommended Action:** Review and Accept Santa Clara Valley Habitat Agency restoration program update.
8. **PACHECO CREEK BANK STABILIZATION AGREEMENT WITH POINT BLUE CONSERVATION SCIENCE**.....79-90  
**Recommended Action:** Authorize the Executive Officer to execute an agreement with Point Blue Conservation Science (PBCS), a non-profit conservation science organization, for services not to exceed \$105,000 toward the design and implementation of a bank stabilization and restoration project along Pacheco Creek to be completed between the winter of 2017 and spring of 2018
9. **APPROVE THE MINUTES OF THE MAY 18, 2017 REGULAR MEETING OF THE IMPLEMENTATION BOARD**.....91-94  
**Recommended Action:** **Approve** minutes.

### **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**

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**EXECUTIVE OFFICER COMPENSATION**

Authority: Government Code 54957(b)  
Employee Performance Evaluation: Executive Officer

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Authority: Government Code 54956.8:  
Property: Rancho El Toro (APNs: 898-11-003, 004, 008, 016, 020, 021, 022, 023, 027, 028, 030, 031, 032, 898-13-006, 007, 031, 898-14-016, 026, 898-47-001, 002, 003, 004, 005, 898-48-001, 898-49-001, 003, 898-50-001, 002, 898-51-001, 898-52-003, 006. Included are also Merced County APNs 078-010-001, 004, which will be excluded from sale)  
Agency negotiator: Edmund Sullivan  
Negotiating parties: Clark Company Ranch Real Estate  
Under negotiation: Price and terms

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**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*

**Implementation Board:**

- November 16, 2017 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.*

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