



SANTA CLARA VALLEY
HABITAT AGENCY

Governing Board Members

Rebeca Armendariz, City of Gilroy
Carol Marques, City of Gilroy
Chair Rene Spring, City of Morgan Hill
Marilyn Librers, City of Morgan Hill

Vice Chair David Cohen, City of San Jose
Bien Doan, City of San Jose
Sylvia Arenas, County of Santa Clara
Joe Simitian, County of Santa Clara

Implementation Board Members

Carol Marques, City of Gilroy
Rebeca Armendariz, City of Gilroy
Sylvia Arenas, County of Santa Clara
Don Rocha, County of Santa Clara
Ann Calnan, VTA

Domingo Candelas, City of San Jose
David Keyon, City of San Jose
Rene Spring, City of Morgan Hill
Chair Jennifer Carman, City of Morgan Hill
Rebecca Eisenberg, Santa Clara Valley Water District
Vice Chair Barbara F. Keegan, Santa Clara Valley Water District

SANTA CLARA VALLEY HABITAT AGENCY

THURSDAY, JANUARY 18, 2024

JOINT GOVERNING AND IMPLEMENTATION BOARD MEETING

3:00 PM

MORGAN HILL CITY COUNCIL CHAMBER

17555 Peak Avenue, Morgan Hill

HYBRID 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:

TELECONFERENCE

The public may attend the Board meeting and will have the opportunity for public comment from both San Jose teleconference locations.

Board Members will be participating in the Board meeting via teleconference as follows:

County Government Center
70 W. Hedding Street, East Wing, 10th Floor
Supervisors Conference Room
San Jose CA, 95110

San Jose City Hall
Tower 18th Floor, Rm 1854
200 E. Santa Clara Street,
San Jose CA, 95113

MEETING GUIDELINES

Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/HabitatJointGBandIBMeeting> or by calling in to: (669) 900-9128, then enter the webinar id: 843 6619 5200#.

Public comment may be provided in the following ways:

- In person
- 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 Deputy Secretary at cityclerk@morganhill.ca.gov

CALL TO ORDER

ROLL CALL

REPORT FROM THE CHAIRS

Governing Board
Rene Spring

Implementation Board
Jennifer Carman

REPORT FROM THE PUBLIC ADVISORY COMMISSION

Reid Lerner

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 19, 2023 AND SEPTEMBER 28, 2023 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD..... 9-22
Recommended Action: Approve minutes.

REGULAR BUSINESS:

2. RECEIVE FISCAL YEAR 22-23 AUDIT REPORT 23-90
Recommended Action: Receive the Santa Clara Valley Habitat Agency Audit Report and Audit Report presentation for the fiscal year ended June 30, 2023.
3. FINAL REPORT, FISCAL YEAR 2022-2023 REVENUE AND BUDGET EXPENDITURES AGENCY 91-104
Recommended Action: Review the revenue and expenditures for Fiscal Year 2022-2023, July 1, 2022, through June 30, 2023.
4. POTENTIAL INCLUSION OF A NON-GOVERNMENTAL ENTITY AS A NEW CO-PERMITTEE TO THE SANTA CLARA VALLEY HABITAT PLAN..... 105-108
Recommended Action: Receive information and discuss.

GOVERNING BOARD ACTION

CONSENT AGENDA:

5. PROFESSIONAL SERVICES AGREEMENT WITH NOMAD ECOLOGY AND RESOLUTION ACCEPTING CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LOCAL ASSISTANCE GRANT FUNDING TO COMPLETE THE LAKESIDE RANCH BASELINE BOTANICAL SURVEYS AND DEVELOPMENT OF A RESERVE SYSTEM-WIDE COVERED PLANT MONITORING PROGRAM PROJECT..... 109-126
Recommended Action:
 1. Authorize the Executive Officer to execute a not-to-exceed \$106,765 Professional Services Agreement with Nomad Ecology to complete the Lakeside Ranch Baseline Botanical Surveys and Development of a Reserve System-Wide Covered Plant Monitoring Program Project (Project)
 2. Adopt a resolution accepting a grant award from CDFW and entering into a grant agreement with California Department of Fish and Wildlife (CDFW) for a local assistance grant (LAG) for the Project in the amount of \$61,765 (Attachment A – Resolution). 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.

6. **RESOLUTION ACCEPTING CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE NATURAL COMMUNITY CONSERVATION PLANNING (NCCP) 30X30 GRANT FUNDING TO COMPLETE THE UNDERSTANDING MOUNTAIN LION CONNECTIVITY AND GENE FLOW IN THE PACHECO PASS AREA PROJECT.** 127-132
Recommended Action: Adopt a resolution accepting a grant award from and entering into a grant agreement with California Department of Fish and Wildlife (CDFW) for a Natural Community Conservation Planning (NCCP) 30x30 grant for the Project in the amount of \$84,950 (Attachment A – Resolution). 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.

REGULAR BUSINESS:

7. **SELECTION OF 2024 GOVERNING BOARD CHAIR AND VICE-CHAIR** 133-134
Recommended Action: It is recommended that the Governing Board select a Chair and Vice-Chair for 2024.
8. **ACQUISITION OF THE LAKESIDE RANCH FROM THE PENINSULA OPEN SPACE TRUST** 135-148
Recommended Action:
1. Authorize the Executive Officer to sign a Purchase and Sale Agreement (PSA) to acquire up to 1,902 acres of the Lakeside Ranch (APNs 712-31-015, 712-31-014) from the Peninsula Open Space Trust (POST) for \$13,860,000. The parties anticipate the close of escrow to occur on or before April 31, 2024.
 2. Adopt resolution approving the purchase of the property known as the Lakeside Ranch for \$13,860,000.
9. **ACQUIRE THE 78.3% INTEREST OF THE CONSERVATION FUND IN THE O'CONNELL RANCH**.... 149-162
Recommended action:
1. Authorize the Executive Officer to sign a Purchase and Sale Agreement (PSA) with The Conservation Fund (TCF) to acquire their remaining 78.3% share of the 1,105-acre O'Connell Ranch (APNs 898-21-022, 898-21-023, 898-21-021, 898-21-014) for \$6,200,000. The parties anticipate the close of escrow to occur on or before April 31, 2024.
 2. Adopt resolution approving the purchase of the property known as the O'Connell Ranch for \$6,200,000.
10. **ACQUIRE A CONSERVATION EASEMENT ON THE 761- ACRE MALECH TRUST** 163-176
Recommended action:
1. Authorize the Executive Officer to sign a Purchase and Sale Agreement (PSA) with the Malech family to acquire a conservation easement 761-acre Malech Ranch (898-53-003 and 898-54-004) for \$2,700,000. The parties anticipate the close of escrow to occur on or before April 31, 2024.
 2. Adopt resolution approving the purchase of the property known as the Malech Ranch for \$2,700,000.

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:

11. AUTHORIZE EXECUTIVE OFFICER TO SIGN A 5-YEAR AGREEMENT ADMINISTRATIVE SERVICES AND A 1-YEAR PROPERTY USE AGREEMENT WITH THE CITY OF MORGAN HILL..... 177-202
Recommended Action: Authorize Executive Officer to sign a 5-year Agreement for Administrative Services and a 1-year Property Use Agreement with the City of Morgan Hill.

12. PROFESSIONAL SERVICES AGREEMENT WITH HELIX ENVIRONMENTAL PLANNING INC. TO CONDUCT INVASIVE ARTICHOKE THISTLE TREATMENT ON HABITAT AGENCY RESERVES 203-212
Recommended Action: Authorize the Executive Officer to execute a professional services agreement (contract) with Helix Environmental Planning Inc. (Helix) to treat approximately 94 acres of artichoke thistle (*Cynara cardunculus*) across four Habitat Agency Reserves including:

- Castle and Cooke Reserve
- Máyyan 'Ooyákma – Coyote Ridge Open Space Preserve
- Coyote Ridge East Reserve
- Richmond Ranch Reserve

The total contract amount will not exceed \$80,000.00. The cost will be reimbursed by the Santa Clara Valley Water District (Valley Water) through a D2 Program memorandum of understanding (MOU).

13. APPROVAL OF AMENDMENT TO SERVICE AGREEMENT WITH URBAN ECONOMICS TO ADD A COST ANALYSIS FOR THE HABITAT PLAN AMENDMENT..... 213-218
Recommended Action: Authorize the Executive Officer to execute an amendment to the initial service agreement for a not-to-exceed amount of \$70,400 for cost analysis assistance for the Habitat Plan Amendment. The original service agreement cost totaled \$130,000; the amendment increases the total fiscal impact of the agreement to \$200,400.

14. SAN FELIPE CREEK RESTORATION PROJECT AGREEMENT WITH CONFLUENCE RESTORATION.219-418
Recommended Action: Authorize the Executive Officer to execute a not-to-exceed \$298,180 Service Agreement with Confluence Restoration to continue providing site maintenance services for 3 more calendar years (2024-2026) for the San Felipe Creek Restoration Project.

15. PROFESSIONAL SERVICES AGREEMENT WITH NOMAD ECOLOGY AND RESOLUTION ACCEPTING CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LOCAL ASSISTANCE GRANT FUNDING TO COMPLETE THE LAKESIDE RANCH BASELINE BOTANICAL SURVEYS AND DEVELOPMENT OF A RESERVE SYSTEM-WIDE COVERED PLANT MONITORING PROGRAM PROJECT..... 419-436
Recommended Action:

1. Authorize the Executive Officer to execute a not-to-exceed \$106,765 Professional Services Agreement with Nomad Ecology to complete the Lakeside Ranch Baseline Botanical Surveys and Development of a Reserve System-Wide Covered Plant Monitoring Program Project (Project)
2. Adopt a resolution accepting a grant award from CDFW and entering into a grant agreement with California Department of Fish and Wildlife (CDFW) for a local assistance grant (LAG) for the Project in the amount of \$61,765 (Attachment A – Resolution). 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.

- 16. RESOLUTION ACCEPTING CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE NATURAL COMMUNITY CONSERVATION PLANNING (NCCP) 30X30 GRANT FUNDING TO COMPLETE THE UNDERSTANDING MOUNTAIN LION CONNECTIVITY AND GENE FLOW IN THE PACHECO PASS AREA PROJECT.** 419-424
Recommended Action: Adopt a resolution accepting a grant award from and entering into a grant agreement with California Department of Fish and Wildlife (CDFW) for a Natural Community Conservation Planning (NCCP) 30x30 grant for the Project in the amount of \$84,950 (Attachment A – Resolution). 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.

REGULAR BUSINESS:

- 17. SELECTION OF 2024 IMPLEMENTATION BOARD CHAIR AND VICE-CHAIR** 425-426
Recommended Action: It is recommended that the Implementation Board select a Chair and Vice-Chair for 2024.

- 18. ACQUISITION OF THE LAKESIDE RANCH FROM THE PENINSULA OPEN SPACE TRUST** 427-440
Recommended Action:
1. Authorize the Executive Officer to sign a Purchase and Sale Agreement (PSA) to acquire up to 1,902 acres of the Lakeside Ranch (APNs 712-31-015, 712-31-014) from the Peninsula Open Space Trust (POST) for \$13,860,000. The parties anticipate the close of escrow to occur on or before April 31, 2024.
 2. Adopt resolution approving the purchase of the property known as the Lakeside Ranch for \$13,860,000.

- 19. ACQUIRE THE 78.3% INTEREST OF THE CONSERVATION FUND IN THE O’CONNELL RANCH** ... 441-454
Recommended Action:
1. Authorize the Executive Officer to sign a Purchase and Sale Agreement (PSA) with The Conservation Fund (TCF) to acquire their remaining 78.3% share of the 1,105-acre O’Connell Ranch (APNs 898-21-022, 898-21-023, 898-21-021, 898-21-014) for \$6,200,000. The parties anticipate the close of escrow to occur on or before April 31, 2024.
 2. Adopt resolution approving the purchase of the property known as the O’Connell Ranch for \$6,200,000.

20. ACQUIRE A CONSERVATION EASEMENT ON THE 761- ACRE MALECH RANCH.....455-468

Recommended action:

1. Authorize the Executive Officer to sign a Purchase and Sale Agreement (PSA) with the Malech family to acquire a conservation easement 761-acre Malech Ranch (898-53-003 and 898-54-004) for \$2,700,000. The parties anticipate the close of escrow to occur on or before April 31, 2024.
2. Adopt resolution approving the purchase of the property known as the Malech Ranch for \$2,700,000.

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.

OPPORTUNITY FOR PUBLIC COMMENT

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:

- March 21, 2024 Joint Governing and Implementation Board Meeting
- May 16, 2024 Implementation Board Meeting
- June 20, 2024 Governing Board Meeting
- September 19,2024 Joint Governing and 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 cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.