



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
Barbara F. Keegan, Santa Clara Valley Water District

SANTA CLARA VALLEY HABITAT AGENCY

THURSDAY, SEPTEMBER 28, 2023

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, 10th Floor
Supervisors Conference Room
San Jose CA, 95110

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San Jose City Hall
200 E. Santa Clara Street, Tower Floor 3,
Rm 334
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/JointGBandIBMTg2023> or by calling in to: (669) 900-9128, then enter the webinar id: 839 6750 5294#.

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 SEPTEMBER 15, 2022 AND MARCH 16, 2023 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD9-18
Recommended Action: Approve minutes.
2. 2023-24 DEVELOPMENT FEE ADJUSTMENTS 19-30
Recommended Action: Review automatic inflation adjusted mitigation fees increase upon new public and private development within the geographic boundaries of the Santa Clara Valley Habitat Plan Area for Fiscal Year 2023-24 and the non-mitigation charges for participating special entities.

REGULAR BUSINESS:

3. SANTA CLARA VALLEY HABITAT PLAN AMENDMENT PROCESS UPDATE 31-38
Recommended Action: Receive the Santa Clara Valley Habitat Plan Amendment Process Update staff report.
4. REPORT FROM THE EXECUTIVE OFFICER..... 39-40
Recommended Action: Receive verbal report.

GOVERNING BOARD ACTION

CONSENT AGENDA:

5. APPROVE THE MINUTES OF THE JUNE 15, 2023 REGULAR MEETING OF THE GOVERNING BOARD..... 41-44
Recommended Action: Approve minutes.
6. AB 1600 DEVELOPMENT IMPACT FEE REPORT – FISCAL YEAR 2021-22..... 45-52
Recommended Action: Review and Accept the AB 1600 Development Impact Fee Report for FY 2021-22.
7. CONSIDERATION AND ADOPTION OF CHANGES TO 2023–2024 BURROWING OWL IMPACT FEE ZONES..... 53-94
Recommended Action: Adopt Resolution Revising Fiscal Year 2023–2024 Burrowing Owl Conservation Fee Zone Map.

REGULAR BUSINESS:

- 8. **ADOPTION OF FISCAL YEAR 2023-2024 AND 2024-2025 ANNUAL OPERATING BUDGET**95-146
Recommended Action: Review Operating Budget and adopt resolution for the Operating Budget Fiscal Year 2024 and Fiscal Year 2025.

- 9. **ADOPT A RESOLUTION REVISING THE DELEGATION OF AUTHORITY FOR SPECIFIED APPROVALS AND LAND TRANSACTIONS** 147-152
Recommended Action: Adopt a resolution revising the delegation of authority to the Executive Officer and to the Implementation Board related to certain land acquisitions in furtherance of and in accordance with the Santa Clara Valley Habitat Plan (Habitat Plan).

- 10. **ANDERSON LAKE RANCH PROPERTY ACQUISITION, APN 729-48-005, AN APPROXIMATELY 540-ACRE PORTION OF THE APPROXIMATELY 3,600-ACRE PROPERTY** 153-166
Recommended Action: Receive presentation and adopt resolution to authorize the Executive Officer to acquire approximately 540-acre portion of the approximately 3,600-acre Anderson Lake Ranch for an amount not to exceed \$6,000,000.

10 Presentation

10 Supplement

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. **APPROVE THE MINUTES OF THE MAY 18, 2023 REGULAR MEETING OF THE IMPELEMTATION BOARD**.....167-172
Recommended Action: Approve minutes.

- 12. **APPROVAL OF AGREEMENT WITH JAKUBEK CONSULTING GROUP, AS THE HABITAT AGENCY'S FINANCIAL DIRECTOR**.....173-190
Recommended Action: Approve an Agreement with Jakubek Consulting Group, for assistance in directing the financial operations and financial services of the Habitat Agency, not to exceed \$114,250 for a 21-month period, September 28, 2023, through June 30, 2025.

- 13. **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..... 191-204

Recommended Action:

- A. 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)
- B. Adopt a resolution accepting a potential grant award from 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.

14. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROBERT D. SPENCER – URBAN ECONOMICS FOR FUNDING PLAN IMPLEMENTATION..... 205-222

Recommended Action: Authorize the Executive Officer to execute a 48-month not to exceed \$130,000 Professional Services Agreement with Robert D. Spencer – Urban Economics for Funding Plan Implementation Monitoring and Support.

15. APPOINTMENT TO PAC 223-230

Recommended Action: Approve the recommendation of the Executive Officer to appoint Alice Kaufman, Policy and Advocacy Director of Green Foothills, to an initial four-year term on the Public Advisory Committee (PAC) representing an environmental organization and replacing Julie Hutcheson.

REGULAR BUSINESS:

16. RICHMOND RANCH PROPERTY ACQUISITION, APNS 660-47-001, 660-01-002, AND 621-11-005, APPROXIMATELY 944.23 ACRES OF THE 3,654.29-ACRE RANCH 231-240

Recommended Action: Receive presentation and adopt resolutions to authorize the Executive Officer to acquire 944.23 acres of the 3,654.29 Richmond Ranch for an amount not to exceed \$5,000,000. The \$5,000,000 to acquire APNs 660-47-001, 660-01-002, and 621-11-005 is blend of Valley Water funding and Santa Clara Valley Habitat Agency funding. An additional 1,162.75 acres of the ranch will be purchased from The Conservation Fund at a later date.

16 Presentation

17. ADOPT REVISED PUBLIC LAND-IN-LIEU FEE POLICY..... 241-246

Recommended Action: Adopt resolution approving the revised Public Land-In-Lieu Fee Policy, which clarifies that the endowment fee may not be waived when real property is dedicated, except for Santa Clara County parkland enrolled in the Reserve System.

17 Supplement 1

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:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS GC Sec. 54956.8

Property: 1000 San Bruno Ave, Morgan Hill, CA 95037

Agency negotiator: Edmund Sullivan, Executive Officer

Negotiating parties: Coyote Springs Sporting Clays

Under negotiation: Terms of Lease

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

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, 2023 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.