



Governing Board Members

Marie Blankley, City of Gilroy

Carol Marques, City of Gilroy

Vice Chair Rene Spring, City of Morgan Hill

Yvonne Martinez Beltran, City of Morgan Hill

David Cohen, 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

Carol Marques, City of Gilroy

Rebeca Armendariz, City of Gilroy

Mike Wasserman, County of Santa Clara

Don Rocha, County of Santa Clara

Ann Calnan, VTA

Matt Mahan, 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, JANUARY 20, 2022

JOINT GOVERNING AND IMPLEMENTATION BOARD MEETING

3:00 PM

VIRTUAL 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:

The Board makes the following findings required by AB 361 in order to hold this meeting by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the County of Santa Clara has a Universal Indoor Face Covering Order in effect and continues to encourage social distancing, and (3) due to room capacity limitations, meeting in person could present imminent risks to the health or safety of attendees.

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

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/JointGBandIBMtg2022> 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:

- 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 Secretary at cityclerk@morganhill.ca.gov

CALL TO ORDER

ROLL CALL

REPORT FROM THE CHAIRS

Governing Board
Mike Wasserman

Implementation Board
Linda J. LeZotte

REPORT FROM THE PUBLIC ADVISORY COMMISSION

Julie Hutcheson, Interim 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 SEPTEMBER 16, 2021 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD](#) 9-14
Recommended Action: Approve minutes.

REGULAR BUSINESS:

2. [PRESENTATION ON PROPOSED FIRST AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN](#) 15-24
Recommended Action: Receive presentation.

3. **FINAL REPORT, FISCAL YEAR 2020-2021 REVENUE AND BUDGET EXPENDITURES**..... 25-146
Recommended Action: Review the revenue and expenditures for Fiscal Year 2020-2021, July 1, 2020, through June 30, 2021.

4. **REPORT FROM THE EXECUTIVE OFFICER**..... 147-162
Recommended Action: Receive verbal report.

GOVERNING BOARD ACTION

CONSENT AGENDA:

5. **RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD PROPOSITION 68 WILDLIFE CORRIDOR AND FISH PASSAGE PROGRAM FUNDS IMPLEMENTATION GRANT FOR THE SR-152 PACHECO CREEK WILDLIFE CONNECTIVITY AND CORRIDOR ENHANCEMENT PROJECT** 163-192
Recommended Action: Adopt a resolution accepting the grant award from, and entering into a grant agreement with, the Wildlife Conservation Board (WCB) for a Wildlife Corridor and Fish Passage Program grant for the SR-152 Pacheco Creek Wildlife Connectivity and Corridor Enhancement Project in the amount of \$400,000 and 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. The Habitat Agency was notified of the pending award from WCB on December 20, 2021.

6. **RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD FUNDS TO CONTRIBUTE TO THE LLAGAS CREEK PAJARO RIVER RESTORATION PROJECT** 193-248
Recommended Action: Adopt a resolution accepting the grant award from, and entering into a grant agreement with, the State of California Wildlife Conservation Board (WCB) for a Proposition 68 restoration grant for the Llagas Creek and Pajaro River Restoration Project in the amount of up to \$221,600 and 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.

7. **RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD PROPOSITION 68 WILDLIFE CORRIDOR AND FISH PASSAGE PROGRAM FUNDS PLANNING GRANT FOR THE PACHECO PASS (STATE ROUTE 152) WILDLIFE OVERPASS PLANNING PROJECT**..... 249-276
Recommended Action: Adopt a resolution accepting the grant award from, and entering into a grant agreement with, the Wildlife Conservation Board (WCB) for a Wildlife Corridor and Fish Passage Program grant for the Pacheco Pass (State Route 152) Wildlife Overpass Planning Project in the amount of \$3,125,000 and 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. The Habitat Agency was notified of the pending award from WCB on December 20, 2021.

REGULAR BUSINESS:

8. **SELECTION OF 2022 GOVERNING BOARD CHAIR AND VICE-CHAIR** 277-278
Recommended Action: Select a Governing Board Chair and Vice-Chair for 2022.

- 9. **ENDOWMENT INVESTMENT MANAGEMENT SELECTION** 279-462
Recommended Action: Approve the recommendation of the Executive Officer to invest the Habitat Agency endowment fund with Sand Hill Global Advisors and authorize the Governing Board Chair and the Executive Officer to sign an agreement.

- 10. **REVISED INVESTMENT POLICY** 463-478
Recommended Action: Adopt the revised Investment Policy by resolution.

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. **SAN FELIPE CREEK RESTORATION PROJECT AGREEMENT WITH BALANCE HYDROLOGICS** 479-492
Recommended Action: Authorize the Executive Officer to execute a not to exceed \$360,860 Service Agreement with Balance Hydrologics to provide hydrologic and geomorphic monitoring for Years 4 through 10 for the San Felipe Creek Restoration Project.

- 12. **SAN FELIPE CREEK RESTORATION PROJECT AGREEMENT WITH CONFLUENCE RESTORATION**.493-512
Recommended Action: Authorize the Executive Officer to execute a not to exceed \$217,775 Service Agreement with Confluence Restoration to provide site maintenance services for Years 4 and 5 for the San Felipe Creek Restoration Project.

- 13. **DAVIDSON RESERVE SOIL PILE REMOVAL PROJECT AGREEMENT WITH HYDROCHEM PSC**.... 513-526
Recommended Action: Authorize the Executive Officer to execute an agreement with Hydrochem PSC to remove a legacy soil pile on the Davidson Reserve in an amount not to exceed \$89,023.

- 14. **AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A FIVE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH LONGS CUSTOM DISCING, INC FOR BURROWING OWL HABITAT MANAGEMENT**.....527-532
Recommended Action: Authorize the Executive Officer to execute a not-to-exceed \$214,880.00 five-year Professional Services Agreement with Longs Custom Discing, Inc. (Longs) to assist with habitat management at the Regional Wastewater Facility Burrowing Owl Management Area in San Jose.

15. LAGAS CREEK PAJARO RIVER CONFLUENCE RESTORATION PROJECT AGREEMENT WITH TRIANGLE PROPERTIES/ICF TEAM 533-544

Recommended Action: Authorize the Executive Officer to execute a not to exceed \$243,760 agreement with the Triangle Properties/ICF team to complete baseline and feasibility studies, design, and permitting for the Llagas Creek Pajaro River Confluence Restoration Project.

REGULAR BUSINESS:

16. SELECTION OF 2022 IMPLEMENTATION BOARD CHAIR AND VICE-CHAIR 545-546

Recommended Action: Select an Implementation Board Chair and Vice-Chair for 2022.

17. FIRST AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN 547-606

Recommended Action: Authorize the Executive Officer to execute a not-to-exceed \$1,470,860 Consultant Services Agreement with ICF to prepare a major amendment to the Santa Clara Valley Habitat Plan.

18. APPOINTMENT TO PAC 607-612

Recommended Action: Approve the recommendation of the Executive Officer to appoint Reid Lerner to an initial four-year term on the Public Advisory Committee (PAC) representing business/development.

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.

Governing Board:

- March 17, 2022 Joint Governing and Implementation Board Meeting
- June 16, 2022 Governing Board Meeting
- September 15, 2022 Joint Governing and Implementation Board Meeting

Implementation Board:

- March 17, 2022 Joint Governing and Implementation Board Meeting
- May 19, 2022 Implementation Board Meeting
- July 21, 2022 Implementation Board Meeting
- September 15, 2022 Joint Governing and Implementation Board Meeting
- November 17, 2022 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. Requests must be made as early as possible and at least two-full business days before the start of the meeting.