



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, MARCH 16, 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

Governing Board Member Joe Simitian 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

Implementation Board Members David Keyon and Domingo Candelas will be participating in the Board meeting via teleconference as follows:

San Jose City Hall

200 E. Santa Clara Street, Tower Floor 3, Rm 334
San Jose CA, 95113

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

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 kim.mancera@morganhill.ca.gov
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CALL TO ORDER

ROLL CALL

REPORT FROM THE CHAIRS

Governing Board
Rene Spring

Implementation Board
Jennifer Carman

REPORT FROM THE PUBLIC ADVISORY COMMISSION

Julie Hutcheson, 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 15, 2022 AND THE JANUARY 19, 2023 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD..... 7-16
Recommended Action: Approve minutes.

2. 2023-24 DEVELOPMENT FEE ADJUSTMENTS 17-26
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. REVIEW AND ACCEPT FISCAL YEAR 21-22 AUDIT REPORT 27-100
Recommended Action: Review and accept the Santa Clara Valley Habitat Agency Audit Report and Audit Report presentation for the fiscal year ended June 30, 2022.

4. REPORT FROM THE EXECUTIVE OFFICER..... 101-104
Recommended Action: Receive verbal report.

GOVERNING BOARD ACTION

CONSENT AGENDA:

5. CONSIDERATION AND ADOPTION OF CHANGES TO 2023–2024 BURROWING OWL IMPACT FEE ZONES..... 105-144
Recommended Action: Adopt Resolution Revising 2022–2023 Burrowing Owl Conservation Fee Zone Map.

6. AB 1600 DEVELOPMENT IMPACT FEE REPORT – FISCAL YEAR 2021-22..... 145-152
Recommended Action: Review and Accept the AB 1600 Development Impact Fee Report for FY 2021-22.

7. RESOLUTION ACCEPTING SECOND CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE PLANNING ASSISTANCE GRANT FOR A MAJOR AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN 153-162
Recommended Action: If approved, this action would replace a previous action by the Governing Board, which noted an incorrect grant award amount.
 - 1) Adopt a resolution accepting a second award from, and entering into a grant agreement with, the State of California Department of Fish and Wildlife (CDFW) for a Planning Assistance Grant. The Planning Assistance Grant has been awarded to fund the Habitat Plan Amendment (Project) in the amount of up to \$650,000.
 - 2) Appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the Project are completed.

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:

- 8. **APPROVAL OF AMENDMENT TO RENEW EMPLOYEE SERVICES AGREEMENT WITH SANTA CLARA COUNTY**..... 163-178

Recommended Action: Authorize the Executive Officer to execute an amendment to exercise the first of its two five-year options to renew an Employee Services Agreement (“Agreement”) with Santa Clara County relating to providing sharing of County staff in an amount not to exceed \$371,855.37 (average of \$71,371.07 annually) for period July 1, 2023 through June 30, 2028, while reserving one additional option for a five-year renewal.

- 9. **PACHECO PASS WILDLIFE DIRECTIONAL FENCING DESIGN AND PERMITTING AMENDMENT WITH MARK THOMAS**..... 179-186

Recommended Action: Authorize the Executive Officer to execute a second service agreement amendment with Mark Thomas & Company, Inc. for a not-to-exceed amount of \$145,172 for planning, design and regulatory permitting associated with wildlife directional fencing in Pacheco Pass.

- 10. **FIRST AMENDMENT - HABITAT PLAN COMPLIANCE AND MONITORING DATABASE AGREEMENT** 187-190

Recommended Action: Authorize the Executive Officer to execute a First Contract Amendment for a 3-year time extension and a not-to-exceed \$292,455 budget adjustment to the 2018 Dudek Agreement for the Habitat Plan Monitoring Database 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.

CLOSED SESSION:

EXECUTIVE OFFICER EVALUATION

Authority: Government Code 54957(b)

Employee Performance Evaluation: Executive Officer

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.

Governing Board:

- June 15, 2023 Governing Board Meeting
- September 21, 2023 Joint Governing and Implementation Board Meeting

Implementation Board:

- May 18, 2023 Implementation Board Meeting
- July 20, 2023 Implementation Board Meeting
- September 21, 2023 Joint Governing and Implementation Board Meeting
- 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 kim.mancera@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.