



SANTA CLARA VALLEY  
**HABITAT AGENCY**

#### **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, MAY 18, 2023**

**IMPLEMENTATION BOARD MEETING**

**3:00 PM**

**HYBRID MEETING**

The regular meeting of the Implementation Board of the Santa Clara Valley Habitat Agency is hereby called for the above-described time and place. The agenda for the meeting is as follows:

#### **TELECONFERENCE**

**San Jose City Hall**

**200 E. Santa Clara Street, Tower 3<sup>rd</sup> Floor, Room 334**

**San Jose CA, 95113**

**2345 Waverley Street**

**Palo Alto, CA 94301**

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

## **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/IBMtg2023> or by calling in to: (669) 900-9128, then enter the webinar id: 815 2663 6730#.

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 Deputy Secretary at [cityclerk@morganhill.ca.gov](mailto:cityclerk@morganhill.ca.gov)

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The regular meeting of the Implementation Board of the Santa Clara Valley Habitat Agency is hereby called for the above-described time and place. The agenda for the meetings is as follows:

### **CALL TO ORDER**

### **ROLL CALL**

### **REPORT FROM THE CHAIR**

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.

## **IMPLEMENTATION BOARD ACTION**

### **CONSENT AGENDA:**

1. **MEMORANDUM OF UNDERSTANDING WITH VALLEY WATER TO RECEIVE D2 GRANT FUNDS FOR HABITAT REVITALIZATION PROJECTS** .....7-32  
**Recommended Action:** Authorize the Executive Officer to execute a Memorandum of Understanding (MOU) with the Santa Clara Valley Water District (Valley Water) to receive D2 grant program funding up to \$200,000.00 per year for three years, for costs incurred to treat invasive species and/or restore native plant communities within the Habitat Plan Study Area. At the end of the MOU term, the Habitat Agency and Valley Water may mutually agree to extend the agreement another three years.
  
2. **RESOLUTION ACCEPTING SECOND CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE PLANNING ASSISTANCE GRANT FOR A MAJOR AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN**.....33-42  
**Recommended Action:**
  - 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.
  
3. **ADOPT REVISED PUBLIC LAND-IN-LIEU FEE POLICY**.....43-48  
**Recommended Action:** Adopt a 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.
  
4. **REVISION TO GENERAL CONTRACTING AND PROCUREMENT PROCEDURES AND PUBLIC WORKS CONTRACTING PROCEDURES**.....49-54  
**Recommended Action:** Adopt a resolution revising the policies and procedures regarding the authority of the Executive Director to amend contracts.
  
5. **ON-CALL LAND MANAGEMENT PROFESSIONAL SERVICES AGREEMENT WITH CONFLUENCE RESTORATION**.....55-58  
**Recommended Action:** Authorize the Executive Officer to execute a not-to-exceed \$100,000.00 Professional Services Agreement with Confluence Restoration to provide on-call land management support for two years.
  
6. **CONTRACT AMENDMENT WITH ECOLOGICAL CONCERNS INC. TO TREAT INVASIVE SPECIES**.....59-84  
  
**Recommended Action:** Authorize the Executive Officer to amend an existing service agreement with Ecological Concerns Inc. to treat invasive plants within the Reserve System. The amended contract will not exceed \$68,108.75. However, \$49,950.00 of the amended contract cost will be reimbursed by the Santa Clara Valley Water District (Valley Water) through its D2 grant program.
  
7. **THIRD AMENDMENT DAVIDSON RESERVE SOIL PILE REMOVAL PROJECT AGREEMENT WITH TRIHYDRO CORPORATION**.....85-90

**Recommended Action:** Authorize the Executive Officer to execute a third amendment to the agreement with the Trihydro Corporation to dispose of a legacy soil pile from the Davidson Reserve site in an amount not to exceed \$44,500.

**REGULAR BUSINESS:**

8. **SANTA CLARA VALLEY HABITAT PLAN FY2022 ANNUAL REPORT**.....91-164  
**Recommended Action:** Approve the Santa Clara Valley Habitat Plan Fiscal Year 2021-2022 Annual Report.
9. **DRAFT OPERATING BUDGET - FISCAL YEAR 2023-2024 AND 2024-2025**.....165-188  
**Recommended Action:** Review and recommend to the Governing Board adoption of DRAFT Annual Operating Budget for Fiscal Year for Fiscal Year 2024 and Fiscal Year 2025
10. **SANTA CLARA VALLEY HABITAT PLAN AMENDMENT UPDATE**.....189-282  
**Recommended Action:** Receive the Santa Clara Valley Habitat Plan Amendment Update Report
11. **PACHECO CREEK RESTORATION CONSTRUCTION WITH TRIANGLE PROPERTIES, INC.**.....283-520  
**Recommended Action:** Authorize the Executive Officer to negotiate a contract with Triangle Properties, Inc. for the construction and 5-years of maintenance of the Pacheco Creek Restoration Project in an amount not to exceed \$1,750,000.
12. **PACHECO CREEK RESTORATION PROJECT CONSTRUCTION SUPPORT AND MONITORING AGREEMENT WITH H.T. HARVEY & ASSOCIATES**.....521-534  
**Recommended Action:** Authorize the Executive Officer to execute a not-to-exceed \$381,667 service agreement with H.T. Harvey & Associates for construction support services, including biological and hydrological surveys, design construction monitoring, and implementation review, as-built reporting, regulatory coordination, and an initial 2 years of annual monitoring in accordance with regulatory permitting for the Pacheco Creek Restoration Project.
13. **PAJARO RIVER RESTORATION CONSTRUCTION (PHASE 2) WITH TRIANGLE PROPERTIES, INC.**.....535-544  
**Recommended Action:** Authorize the Executive Officer to execute a not-to-exceed contract with Triangle Properties, Inc. (Triangle) for construction and 3 years of maintenance of the Pajaro River Restoration Project in an amount not to exceed \$538,675.
14. **PAJARO RIVER RESTORATION PROJECT (PHASE 2) CONSTRUCTION SUPPORT AGREEMENT WITH ICF**.....545-554  
**Recommended Action:** Authorize the Executive Officer to execute a not-to-exceed \$148,715 Service Agreement with ICF for permit compliance and contractor coordination, for Phase 2 of the Pajaro River Restoration Project.
15. **APPROVE SALARY INCREASE OF 6% AND A MERIT BONUS OF 5% FOR THE EXECUTIVE OFFICER CONSISTENT WITH THE JULY 1, 2015 CONTRACT FOR SERVICES, AMENDED JULY 1, 2018 AND JANUARY 19, 2023**.....555-558

**Recommended Action:** Adopt resolution approving a salary increase of 6% for the Executive Officer and award a merit bonus of 5%, consistent with the provisions of the contract for services dated July 1, 2015, and amended July 1, 2018, and January 19, 2023.

**16. EDMUND SULLIVAN EMPLOYMENT AGREEMENT 2023-2028**.....559-572

**Recommended Action:** Approve a new 5-year Employment Agreement for the Executive Officer. Mr. Sullivan’s current contract expires on June 30, 2023. The new contract is for the period running from July 1, 2023 to June 30, 2028.

**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.

**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:**

- July 20, 2023                      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](mailto: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.*