



#### 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, SEPTEMBER 15, 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) in the County of Santa Clara Health, the 7 day rolling average of new COVID-19 cases is over 300; the County of Santa Clara Health Officer continues to encourage social distancing and advises people wear masks indoors, 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 AB 361 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 [kim.mancera@morganhill.ca.gov](mailto:kim.mancera@morganhill.ca.gov)

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**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*

**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 MARCH 17, 2022 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD** ..... 7-10  
**Recommended Action:** Approve minutes.

**REGULAR BUSINESS:**

2. **REPORT FROM THE EXECUTIVE OFFICER**..... 11-16  
**Recommended Action:** Receive verbal report.

## GOVERNING BOARD ACTION

### CONSENT AGENDA:

3. APPROVE THE MINUTES OF THE JUNE 23, 2022 REGULAR MEETING OF THE GOVERNING BOARD..  
.....17-20  
**Recommended Action:** Approve minutes.

### REGULAR BUSINESS:

4. BATES PROPERTY ACQUISITION, APNS 756-22-025; 756-22-026; 756-37-004; 756-26-001; 756-26-013; 756-37-001; 756-18-004; 756-37-005; AND 756-22-005 .....21-46  
**Recommended Action:** Authorize the Executive Officer to negotiate the purchase price and sign a Purchase and Sale Agreement (PSA) to acquire an approximately 735-acre portion of the approximately 852-acre Bates property (APNs 756-22-025; 756-22-026; 756-37-004; 756-26-001; 756-26-013; 756-37-001; 756-18-004; 756-37-005; and 756-22-005). The entire 852-acre property is currently listed for sale for \$13.2 million.

### 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:

5. APPROVE THE MINUTES OF THE MAY 19, 2022 REGULAR MEETING OF THE IMPLEMENTATION BOARD .....47-50  
**Recommended Action:** Approve minutes.
6. APPROVAL OF AMENDMENT TO CONTRACT WITH HT HARVEY FOR DESIGN AND PERMITTING OF THE PACHECO CREEK RESTORATION PROJECT .....51-70  
**Recommended Action:** Authorize the Executive Officer to execute an amendment to the initial agreement for a not-to-exceed amount of \$220,223 for planning, design and regulatory permitting for Phase 1 and Phase 2 of the Pacheco Creek Restoration Project. The original Phase 1 and Phase 2 agreements totaled \$1,543,572; the amendment increases the total fiscal impact of these agreements to \$1,763,795.

**7. FIELD SUPPORT IN ASSOCIATION WITH FERAL PIG MANAGEMENT AND WILDLIFE SAMPLING EFFORTS IN PACHECO PASS.....71-76**

**Recommended Action:** Authorize the Executive Officer to execute a not-to-exceed \$110,000 3-year sole-source Professional Services Agreement with Calvin Duncan for Field Support in Association with Feral Pig Management and Wildlife Sampling Efforts (Mountain Lion & Tule Elk) in Pacheco Pass.

**REGULAR BUSINESS:**

**8. WESTERN BURROWING OWL REINTRODUCTION TO SANTA CLARA COUNTY HARVEY BEAR PARK AND PENINSULA OPEN SPACE TRUST OWNED SHAPPELL PROPERTY AGREEMENT .....77-92**

**Recommended Action:** Authorize the Executive Officer to execute a not-to-exceed \$431,842.32 5-year sole-source Professional Services Agreement with Talon Ecological Research Group (Talon) for Tier 3 Burrowing Owl conservation implementation reintroducing Western burrowing owls to Santa Clara County Harvey-Bear Park and Peninsula Open Space Trust (POST) owned Shappell Property.

**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:**

- 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](mailto: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.*