

SANTA CLARA VALLEY HABITAT AGENCY

GOVERNING AND IMPLEMENTATION BOARD

VIRTUAL MEETING MINUTES

THURSDAY, MARCH 18, 2021

3:00 P.M.

CALL TO ORDER

Chair Wasserman called the Joint Governing and Implementation Board meeting to order at 3:02 p.m.

GOVERNING BOARD ATTENDANCE:

PRESENT: Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman

ABSENT: Martinez Beltran

IMPLEMENTATION BOARD ATTENDANCE

PRESENT: Armendariz, Calnan, Carman, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman

ABSENT: Mahan

STAFF/OUTSIDE AGENCIES:

PRESENT: Edmund Sullivan, Valerie Armento, Gerry Haas, and Angie Gonzalez

REPORT FROM THE CHAIRS

None.

PUBLIC COMMENTS: ITEMS NOT ON THE AGENDA

Chair Wasserman opened the public comment at 3:10 p.m.

There being no requests to speak, the public comment was closed.

JOINT GOVERNING AND IMPLEMENTATION BOARD ACTION

CLOSED SESSION

Chair Wasserman read the closed session into the records. The meeting adjourned to closed session at 3:13 p.m.

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL –POTENTIAL LITIGATION

Pursuant to Government Code Section 54956.9(e)(4)

One case

RECONVENE

The meeting reconvened at 3:28 p.m.

CLOSED SESSION ANNOUNCEMENT

Agency Counsel Armento announced that the boards met in closed session, they gave staff direction, and there was no reportable action.

CONSENT AGENDA:

Action: On a motion by Board Member Spring and seconded by Board Member Foley approving the Consent Agenda. The motion passed by the following vote: Ayes 13 (Armendariz, Blankley, Calnan, Carman, Cohen, Foley, Keegan, LeZotte, Marques, Rocha, Simitian, Spring, Wasserman); Noes 0; Absent 2 (Martinez Beltran, Mahan)

1. APPROVE THE MINUTES OF THE JANUARY 21, 2021, REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD

Recommended Action: Approve minutes.

REGULAR BUSINESS:

2. RESPONSE TO PUBLIC INQUIRY REGARDING PROJECT SITE COVERAGE BY THE HABITAT PLAN AND ASSESSMENT OF LAND COVER FEES

Recommended Action: Receive report and presentation in response to public comment regarding a private development site covered by the Habitat Plan and the assessment of land cover fees for the proposed development.

ITEM 2 PRESENTATION

Executive Officer Sullivan and Program Manager Gerry Haas gave a presentation and answered questions.

Chair Wasserman opened the public comment at 3:54 p.m.

Margaret Belska was called to speak.

There being no further requests to speak, the public comment closed.

Action: On a motion by Board Member Simitian and seconded by Board Member Spring approving staff's recommended action adding that the policy issues which have been identified be presented to the boards the next time the matter of plan amendments are brought forth for consideration. The motion passed by the following vote: Ayes 10 (Calnan, Carman, Cohen, Foley, LeZotte, Marques, Rocha, Simitian, Spring, Wasserman); Noes 1 (Blankley); Absent 4 (Armendariz, Keegan, Martinez Beltran, Mahan)

3. REPORT FROM THE EXECUTIVE OFFICER

Recommended Action: Receive verbal report.

Executive Officer Edmund Sullivan gave a verbal report.

No Action Taken.

Chair Wasserman opened the public comment at 4:14 p.m.

There being no requests to speak, the public comment was closed.

GOVERNING BOARD ACTION

CONSENT AGENDA:

Chair Wasserman opened the public comment at 4:13 p.m.

There being no requests to speak, public comment was closed.

Action: On a motion by Board Member Wasserman and seconded by Board Member Foley approving the Consent Agenda. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

4. **CONSIDERATION AND ADOPTION OF CHANGES TO 2021–2022 BURROWING OWL IMPACT FEE ZONE**
Recommended Action: Adopt resolution revising the 2020–2021 Burrowing Owl Conservation Fee Zone Map.

5. **RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD FUNDS TO CONTRIBUTE TO THE PACHECO CREEK RESTORATION PROJECT PHASE 2 RESTORATION PROJECT**
Recommended Action: Adopt 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 Pacheco Creek Reserve Restoration Project – Phase 2 (project) in the amount of up to \$350,000 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.

IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

Action: On a motion by Board Member LeZotte and seconded by Board Member Wasserman approving the Consent Agenda. The motion passed by the following vote: Ayes 7 (Carman, Calnan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 3 (Armendariz, Keegan, Mahan).

6. **PROFESSIONAL SERVICES AGREEMENT WITH ROBERT D. SPENCER – URBAN ECONOMICS FOR FUNDING PLAN IMPLEMENTATION**
Recommended Action: Authorize the Executive Officer to execute a 27-month not to exceed \$55,000 Professional Services Agreement with Robert D. Spencer – Urban Economics for Funding Plan Implementation Monitoring and Support.

7. **APPROVAL OF AGREEMENT WITH ARMENTO AND HYNES, LLP FOR THE SERVICES OF VALERIE ARMENTO AS THE HABITAT AGENCY’S GENERAL COUNSEL**
Recommended Action: Approve an Agreement with Armento and Hynes, LLP for general counsel legal services, not to exceed \$133,400 per year.

8. **NAME THAT JEWELFLOWER: USING GENETICS AND FIELD SURVEYS TO DETERMINE TAXONOMIC BOUNDARIES AND DEFINE OCCURRENCES FOR THE MOST BEAUTIFUL JEWELFLOWER AND METCALF CANYON JEWELFLOWER ON COYOTE RIDGE PROJECT AGREEMENT WITH SANTA CLARA UNIVERSITY**
Recommended Action: Authorize the Executive Officer to execute two agreements - a not to exceed \$75,929 Service Agreement with Santa Clara University and a not to exceed \$40,000 agreement with Creekside Science to complete an investigation of the genetic nature of the color differences between the two taxa of Metcalf Canyon jewelflower and the most beautiful jewelflower to support the Name that Jewelflower: Using Genetics and Field Surveys to Determine Taxonomic Boundaries and Define Occurrences for the Most Beautiful Jewelflower and Metcalf Canyon Jewelflower on Coyote Ridge Project (project).

9. **PACHECO CREEK RESTORATION PROJECT PHASE 2 RESTORATION PROJECT AGREEMENT WITH H. T. HARVEY & ASSOCIATES**

Recommended Action: Authorize the Executive Officer to execute a planning and design agreement with H. T. Harvey & Associates for the Pacheco Creek Reserve Restoration Project – Phase 2 (project) in an amount not to exceed \$575,811. Construction of the project would be funded under separate authorization following completion of the 100% design plans and permitting for the project.

10. **AGREEMENT WITH PATHWAYS FOR WILDLIFE TO CONDUCT SR-152 PACHECO PASS AND COYOTE VALLEY REGIONAL WILDLIFE CONNECTIVITY STUDY**

Recommended Action: Authorize the Executive Officer to execute a not to exceed \$162,436 service agreement with Pathways for Wildlife to conduct the SR-152 Pacheco Pass and Coyote Valley Regional Wildlife Connectivity Study. The term of the agreement to be executed is March 31, 2021, through March 31, 2023.

11. **AGREEMENT WITH PATHWAYS FOR WILDLIFE TO ASSIST WITH PROJECT COORDINATION, WILDLIFE MONITORING, AND REPORTING ASSOCIATED WITH THE SR-152 PACHECO CREEK WILDLIFE CONNECTIVITY AND CORRIDOR ENHANCEMENT PROJECT**

Recommended Action: Authorize the Executive Officer to execute a not-to-exceed \$70,000 service agreement with Pathways for Wildlife to assist with project coordination, wildlife monitoring, and reporting associated with the SR-152 Pacheco Creek Wildlife Connectivity and Corridor Enhancement Project. The term of the agreement to be executed is March 18, 2021, through December 31, 2024.

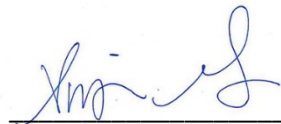
FUTURE GOVERNING AND/OR IMPLEMENTATION BOARD INITIATED AGENDA ITEMS:

None

IMPLEMENTATION BOARD ADJOURNMENT

There being no further business, Chair Wasserman adjourned the Governing and Implementation Board meeting at 4:19 p.m.

MINUTES PREPARED BY:



Angie Gonzalez, Deputy Board Secretary