



CITY OF CUPERTINO

DRAFT MINUTES

LEGISLATIVE REVIEW COMMITTEE

Friday, May 14, 2021

11:00 AM

SPECIAL MEETING

ROLL CALL

The meeting was called to order at 9:31 a.m.

Present: Vice Mayor Chao, Councilmember Moore, City Manager Deborah Feng, Assistant to the City Manager Katy Nomura, Townsend Public Affairs (TPA)

APPROVAL OF MINUTES

1. Subject: Consider approving the March 12, 2021 Legislative Review Committee minutes

Recommended Action: Approve the March 12, 2021 Legislative Review Committee minutes

Councilmember Moore motioned to approve the March 12, 2021 Legislative Review Committee minutes with edits to Items seven, nine, and 11. Vice Mayor Chao seconded. The motion carried unanimously.

ORAL COMMUNICATIONS

Jennifer Griffin expressed concern about the money coming from charities and going into the legislature.

PUBLIC COMMENT (including comments on all agenda items)

This item was not conducted as the Chair decided to take public comments on agenda items when the agenda items were discussed.

AGENDA REVIEW

Councilmember Moore motioned to move Item 14 to be after Item 3. Vice Mayor Chao seconded. The motion carried unanimously.

ACTION ITEMS

2. Subject: Legislative Update
Recommended Action: Receive legislative update and provide and provide any input

TPA explained that the Governor is releasing the May Revise of the state budget today. The Governor is proposing a general fund spending of almost \$197 billion with a budget surplus of \$75 billion. There will also be an additional \$27 billion coming from the federal government due to the American Rescue Plan. The Governor rolled out various proposals such as additional Golden State stimulus checks and a \$12 billion investment in various state level homeless programs. Next week the Legislature will start holding budget subcommittee hearings to consider the May Revise proposals. The final budget needs to be enacted by June 15 and needs to be in print 72 hours before.

The Prop 98 budget for education is proposed at about \$93.7 billion. This includes universal pre-k for 4-year-olds.

The policy committee deadlines have passed in both the Assembly and Senate. Of the 2,600 bills that were introduced, about 650 were converted into two-year bills. The bills with a fiscal impact are in the Appropriations Committee and their deadline is next Friday. Any bill with a potential fiscal impact to the state greater than \$50,000 gets referred to the suspense file. Bills that fail to meet any deadlines will be made into two-year bills, which means that no bill will actually die this year.

3. Subject: Update on positions taken by the League of California Cities (League) and the Cities Association of Santa Clara County (CASCC)
Recommended Action: Receive update on positions taken by the League and CASCC and provide any input

One of the main bills the League has taken position on is AB 339 which relates to teleconference meetings. They had an oppose unless amended position on this bill and the bill has been heavily amended since then. The League has also taken positions on broadband and other housing related bills which are still moving along the legislative process. The Executive Director of the League published an op-ed piece in CalMatters advocating for local control, which was attached in the agenda packet for review.

Councilmember Moore asked if there are any bills related to satellite/sky visual pollution and TPA explained that they have not heard of any bills yet but will monitor any gut and amend bills that may be related.

Vice Mayor Chao asked about constitutional amendments. TPA explains that constitutional amendments have not moved forward at this time mainly because they do not have the same deadlines as other bills because they need to be voted on at the 2022 ballot.

TPA explained that this year, the League has taken positions on bills early on in the legislative session, while last year they decided to take positions later in order to negotiate with the legislature. The LRC discussed bill position strategies regarding the different positions that can be taken on a certain bill. Councilmember Moore asked about SB 9 and TPA explained that the League changed their position from an oppose unless amended position to an oppose position on May 11, 2021.

4. Subject: Consider adopting a position on Assembly Bill 988 (Bauer-Kahan) Mental health: mobile crisis support teams: 988 crisis hotline
Recommended Action: Adopt a support position on AB 988 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill would require CalOES to create the crisis hotline and provide mental support services. This bill is in response to an officer-involved shooting in Walnut Creek. The LRC asks questions about how this will be funded and what services will be offered. TPA explains that the primary funding for this bill would come from monthly surcharges from land lines and mobile phones. The services would include a hotline system, including hiring a director and designating a 988 crisis hotline center, or centers, to provide crisis intervention services and crisis care coordination

Public Comment:

Jennifer Griffin supports this bill and thinks it can be a great service for families in need.

Lisa Warren recommended looking into the National Alliance on Mental Illness (NAMI) because they are a great resource for mental support services.

Action Taken:

Councilmember Moore motioned to take a support position on AB 988 and authorize the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

5. Subject: Consider adopting a position on Senate Bill 617 (Wiener) Residential solar energy systems: permitting
Recommended Action: Adopt a support position on SB 617 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill would require cities and counties to implement an automated permitting platform for code compliance for residential solar and storage systems by September 30, 2022. The regulations in this bill do not apply to counties or

cities of fewer than 150,000 people.

Public Comment:

None

Action Taken:

Councilmember Moore motioned to take a support position on SB 617 and authorize the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

6. Subject: Consider adopting a position on Assembly Constitutional Amendment 7 (Muratsuchi) Local government: police power: municipal affairs: land use and zoning
Recommended Action: Adopt a support position on ACA 7 and authorize the Mayor to send letters to the state legislature

TPA explained that this measure provides that county and city regulations would prevail over state general laws. This measure is not subject to the same deadlines as normal bills, so there has not been much movement. All Constitutional Amendments must be placed on the 2022 ballot and receive the majority votes in order to become a law.

Public Comment:

Jennifer Griffin spoke in support of this measure and thinks it is a great first step to maintaining local control

Action Taken:

Councilmember Moore motioned to take a support position on ACA 7 and authorize the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

7. Subject: Consider adopting a position on Senate Bill 8 (Skinner) Housing Crisis Act of 2019
Recommended Action: Adopt an oppose position on SB 8 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill extends the sunset on the Housing Crisis Act of 2019 by five years to January 1, 2030. This bill also amends the Housing Crisis Act by expanding definitions and adding more restrictions on local governments.

Public Comment:

Jennifer Griffin spoke in opposition of this bill.

Action Taken:

Councilmember Moore motioned to take an oppose position on SB 8 and authorize the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

8. Subject: Consider adopting a position on Senate Bill 478 (Wiener) Planning and Zoning Law: housing development projects
Recommended Action: Adopt an oppose position on SB 478 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill prohibits a local government from imposing specified floor area ratios (FARs) on housing development projects between three and 10 units. Councilmember Moore mentioned that opponents include local government agencies as well as trade organizations, which is an odd blend. TPA explains that the trade organizations are primarily concerned with the lack of prevailing wage requirements.

Public Comment:

Jennifer Griffin opposes this bill and is concerned about micromanaging.

Action Taken:

Councilmember Moore motioned to take an oppose position on SB 478 and authorize the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

9. Subject: Consider adopting a position on Senate Bill 556 (Dodd) Street light poles, traffic signal poles: small wireless facilities attachments
Recommended Action: Adopt an oppose position on SB 556 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill enacts the California Connectivity Act, which requires a local government to make streetlight and traffic signal poles available for small wireless facilities. This bill contains provisions related to the fees that the governments can charge.

Public Comment:

Jennifer Griffin is concerned about this bill taking away local control and recommends an oppose unless amended position

Action Taken:

Councilmember Moore motioned to take an oppose position on SB 556 and authorize

the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

10. Subject: Consider adopting a position on Senate Bill 612 (Portantino) Electrical corporations and other load-serving entities: allocation of legacy resources
Recommended Action: Adopt a support position on SB 612 and authorize the Mayor to send letters to the state legislature

TPA explains that this bill aims to provide some relief to residents that are part of Community Choice Aggregators (CCAs). This bill stems from action taken by the California Public Utilities Committee.

Public Comment:

Bena Chang spoke on behalf of Silicon Valley Clean Energy, which strongly supports this bill. This is a right pair equity bill, which is sponsored by Cal CCA, that will allow CCAs to access the benefits that the customers pay through the CCA exit fee and we believe this bill would reduce energy cost for everyone.

Jennifer Griffin spoke about legacy resources and contracts with PGE.

Bena Chang from Silicon Valley Clean Energy clarified that the issue that this bill tries to address is that the customers are paying the exit fees but are not getting any of the benefits, so customers are paying twice for the same benefit. The CPUC historically has not looked very favorably towards CCAs and CCA customers. The proposed decision made by the CPUC was not favorable to the CCAs and does not include the provisions outlined in SB 612. If SB 612 passes, this law will trump the CPUCs decision.

Vice Mayor Chao does not feel comfortable supporting a bill that uses the legislature to overturn a commission decision. Councilmember Moore supports this bill because of the potential benefit it will have to Cupertino residents. Councilmember Moore recommends bring this bill to the full Council at the next City Council Meeting.

Action Taken:

Vice Mayor Chao motioned to place this bill on a future Council agenda to consider as the full Council. Councilmember Moore seconded, and the motion carried unanimously.

11. Subject: Consider adopting a position on Senate Bill 619 (Laird) Organic waste: reduction regulations
Recommended Action: Adopt a support if amended position on SB 619 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill would require that the provisions for SB 1383 would be delayed from January 1, 2022 to January 1, 2023 in order to give more time for local jurisdictions to prepare for the new regulations. The LRC agrees to support this bill but would like the bill to be stronger with potential amendments to fully delay the implementation so that CalRecycle cannot implement a penalty.

Public Comment:

None

Action Taken:

Vice Mayor Chao motioned to take a support position on SB 619 and authorize the Mayor to send letters to the state legislature. Councilmember Moore seconded, and the motion carried unanimously.

- 12.** Subject: Consider adopting a position on Senate Bill 778 (Becker) Planning and zoning: accessory dwelling units: mixed-use or multifamily structures
Recommended Action: Adopt an oppose position on SB 778 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill modifies ADU law that passed a few years ago to require ministerial approval for an ADU in a vacant space of mixed use buildings provided that it complies with the building standards of ADUs.

Public Comment:

Jennifer Griffin is concerned about ministerial approval of ADUs

Action Taken:

Councilmember Moore motioned to take an oppose position on SB 778 and authorize the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

- 13.** Subject: Consider adopting a position on Senate Bill 780 (Cortese) Local finance: public investment authorities
Recommended Action: Recommend that the City Council take a support position on SB 780 and authorize the Mayor to send letters to the state legislature

TPA explains that this bill modifies current law governing Enhanced Infrastructure Financing Districts (EIFDs) and Community Revitalization Investment Authorities (CRIAs). This bills tries to reduce administrative barriers so that local jurisdictions are able to use these tools for economic development and creating affordable housing. The

regulations in this bill are voluntary at the discretion of the jurisdiction.

Public Comment:

Jennifer Griffin is generally supportive of this bill but is concerned about the connection to the CASA compact.

Action Taken:

Councilmember Moore motioned to take a watch position on SB 780.

Vice Mayor Chao made a substitute motion to support SB 780 and authorize the Mayor to send letters to the state legislature.

Vice Mayor Chao made an amendment to the motion to recommend that the City Council take a support position on SB 780 and authorize the Mayor to send letters to the state legislature. Councilmember Moore seconded, and the motion carried unanimously.

14. Subject: Consider adopting a position on Senate Bill 792 (Glazer) Sales and use tax: retailers: reporting

Recommended Action: Recommend that the City Council take an oppose position on SB 792 and authorize the Mayor to send letters to the state legislature

TPA explained that this bill would require retailers with online transactions over \$1 million to track and report to the California Department of Tax and Fee Administration (CDTFA) the city or ZIP code where the purchaser resides for each sale within the state that is transacted online. This bill is only data driven at this point but some think this is the first step in modifying the way sales tax for online purchases is distributed in California.

Public Comment:

Jennifer Griffin is concerned about how this bill may impact Cupertino.

Action Taken:

Councilmember Moore motioned to take an oppose position on SB 792 and authorize the Mayor to send letters to the state legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

Staff liaison Katy Nomura clarified that this bill would need to go to the full Council as it falls outside of the Legislative Platform. After further discussion Vice Mayor Chao made a motion, to rescind the previous vote, to recommend that the City Council take an oppose position on SB 792 and authorize the Mayor to send letters to the state

legislature.

15. Subject: Online resources for the public to participate in the legislative process
(Continued from February 26th and March 12th meeting)
Recommended Action: Receive information on online resources for the public to participate in the legislative process and provide any input

The LRC requested that the instructions and the link to the instructions on the City Website be included for this item at the next meeting.

FUTURE AGENDA SETTING

The next meeting is scheduled for June 18, 2021 at 11:00 a.m.

Vice Mayor Chao spoke about potentially scheduling a virtual Legislative Action Day with some state legislators in mid-August.

ADJOURNMENT

The meeting was adjourned at 2:16 p.m.