



# CITY OF CUPERTINO

## APPROVED MINUTES

### LEGISLATIVE REVIEW COMMITTEE

Tuesday, May 31, 2022

11:00 AM

#### SPECIAL MEETING

#### ROLL CALL

The meeting was called to order at 11:02 AM.

Present: Vice Mayor Chao, Councilmember Moore, Deputy City Manager Katy Nomura, Management Analyst Astrid Robles, and Gonsalves and Son (G&S).

#### APPROVAL OF MINUTES

- Subject: Consider approving the March 24, 2022 Legislative Review Committee minutes

Recommended Action: Approve the March 24, 2022 Legislative Review Committee minutes

Councilmember Moore motioned to approve the March 24, 2022 Legislative Review Committee minutes. Vice Mayor Seconded. The motion carried unanimously.

- Subject: Consider approving the March 29, 2022 Legislative Review Committee minutes

Recommended Action: Approve the March 29, 2022 Legislative Review Committee minutes

Councilmember Moore motioned to approve the March 29, 2022 Legislative Review Committee minutes. Vice Mayor Seconded. The motion carried unanimously.

**ORAL COMMUNICATIONS** Jennifer Griffin is concerned about private funding within the state legislature.

#### **PUBLIC COMMENTS (Including comments on all agenda items)**

#### **AGENDA REVIEW/ORDERS OF THE DAY**

Councilmember Moore motioned to move item 5 to after item 12. Vice Mayor Chao seconded. The motion carried unanimously.

**ACTION ITEMS****3. Subject: Legislative Update**

Recommended Action: Receive legislative update and provide any input

G&S explained that May 27 was the deadline for bills to pass out of the House of Origin. There are about 1000 bills to consider between June and August, which have until August 31 to pass out of each house. It has been reported that there will be a change in the Speaker of the Assembly. Speaker Rendon is entering his last term and Assemblymember Robert Rivas has submitted more than enough signatures to be considered.

The Governor proposed a \$250 Billion budget as part of his May revise with a \$97 Billion anticipated surplus. Every new dollar costs the state about \$1.50 in the long run because of the obligation for education spending in the future. This is triggering a lot of negotiations on what to do with the surplus.

CARE court is the Governor's proposal for homelessness. SB 1338 has moved out of the Senate and is in the Assembly pending referral as it's going through the ordinary legislative process rather than a quicker trailer bill. Under this bill, you can refer folks who cannot care for themselves, even against their will.

A different approach to Housing and Development Impact Fees is AB 2186 (Grayson), which proposes to set up a grant program that reimburses a local government for reductions in development impact fees. It's pending in the Senate Housing committee.

Some Initiatives that will go to the voters: Sports Wagering that is required to occur in brick-and-mortar locations instead of online; AB 35, which increases cap on noneconomic damages to \$250,000 for medical malpractice lawsuits; and Plastic Waste, which may not be put on the ballot, if both sides agree to a compromise prior to the June 30 deadline.

Councilmember Moore asked about the Tobacco Referendum and G&S said this will be on the November ballot. Councilmember Moore and Vice Mayor Chao asked questions and discussed the initiatives and proposed budget.

Councilmember Moore asked if families could have someone brought in against their will in the CARE court? G&S explains that SB 1338 seeks to implement what the Governor wants to do in his budget. There is an assessment and a process on how to place people, if at all. Vice Mayor Chao asked about funding for mental health facilities.

G&S said there is a \$24 Billion proposal for housing and behavioral health services.

*Public Comment*

Jennifer Griffin asked about AB 2097 (Friedman) on reduction of parking minimums and about an ADU bill.

Lisa Warren is concerned about setbacks and garbage receptacles. She is also concerned about the CARE Court.

4. Subject: Update on positions taken by the League of California Cities (League), the American Planning Association (APA), the Cities Association of Santa Clara County (CASCC), the League of Women Voters of California (LWVC), and the Sierra Club  
Recommended Action: Receive update on positions taken by the League, APA, CASCC, LWVC, and the Sierra Club and provide any input

G&S explains that the status report on all bills has been provided along with the packet. Most of the bills are consistent with any positions the City has taken. The LRC mentioned that they would like to add California YIMBY to the list.

*Public Comment*

Jennifer Griffin asked about YIMBY, SPUR, and other organizations.

6. Subject: Consider adopting a position on Assembly Bill 2011 (Wicks) - Affordable Housing and High Road Jobs Act of 2022  
Recommended Action: Adopt an oppose position on AB 2011 and authorize the Mayor to send letters to the state legislature

G&S said this bill proposes by-right proposals for the conversion of commercial properties into housing. This is an effort to override local land-use authority so that developers of industrial or commercial properties can build housing with little discretion from the local agency.

Vice Mayor Chao asked about a similar past bill and G&S clarified that that similar bill by Senator Portantino did pass last year, but it was a voluntary process, unlike this bill.

*Public Comment*

Jennifer Griffin is concerned about contaminated sites.

*Action Taken*

Councilmember Moore motioned to take an oppose position on AB 2011 and authorized the Mayor to send letters to the State Legislature. Vice Mayor Chao seconded. The motion carried unanimously.

7. Subject: Consider adopting a position on Assembly Bill 2181 (Berman) - Santa Clara

Valley Transportation Authority, Board of Directors

Recommended Action: Adopt an oppose position on AB 2181 and authorize the Mayor to send letters to the State Legislature

G&S explained that this bill seeks to change the structure of the VTA. The City of Morgan Hill opposed this bill and suggested that this bill would erode the representation for the smaller cities within Santa Clara County.

Councilmember Moore said under the Grand Jury Report, the City would lose representation in the VTA. She also said that this bill is making things more complicated and locally the board can come up with solutions to resolve the issues that Berman is trying to resolve. Vice Mayor Chao's concern is that some of the members will not have the expertise, while elected officials have professional staff that are experts in transportation. She is also concerned that there will be a lack of transparency because the members are not elected so they do not represent the community.

*Public Comment:*

Jennifer Griffin is concerned that this bill will give a greater voice to larger cities.

*Action Taken*

Councilmember Moore motioned to take an oppose position on AB 2181 and authorized the Mayor to send letters to the State Legislature. Vice Mayor Chao seconded. The motion carried unanimously.

8. Subject: Consider adopting a position on Senate Bill 897 (Wieckowski) - Accessory Dwelling Units: Junior ADUs  
Recommended Action: Adopt an oppose position on SB 897 and authorize the Mayor to send letters to the State Legislature

G&S explains that this bill proposes up to 25 feet height restrictions for ADUs with four-foot setbacks, which overrides local land use authority.

*Public Comment:*

Jennifer Griffin is concerned about this bill and believes it is dangerous.

Lisa Warren is concerned about this bill and questions its affordability.

*Action Taken*

Councilmember Moore motioned to take an oppose position on SB 897 and authorized the Mayor to send letters to the State Legislature. Vice Mayor Chao seconded. The motion carried unanimously.

9. Subject: Consider adopting a position on Assembly Bill 2164 (Lee) - Disability Access  
Recommended Action: Adopt a support position on AB 2164 and authorize the Mayor to send letters to the State Legislature

G&S explains that this bill provides funds for ADA access by repealing the fee from \$1 and maintain the fee at \$4. Deputy City Manager, Katy Nomura, explained that any funds collected from this fee are collected and remitted back to the state.

*Public Comment:*

Jennifer Griffin said this might be a good bill to support.

*Action Taken*

Councilmember Moore motioned to take a watch position on AB 2164. Vice Mayor Chao seconded. The motion carried unanimously.

10. Subject: Consider adopting a position on Vehicle License Fee (VLF) Trailer Bill  
Recommended Action: Adopt an oppose position on the VLF Trailer Bill and authorize the Mayor to send letters to the state legislature

G&S explained that this trailer bill would affect Santa Clara County and four other counties. This bill will remove funding for the County because any growth in excess ERAF amounts will offset the VLF backfill that was due to the County and local governments beginning in 2022-23.

*Public Comment:*

Jennifer Griffin is concerned that this bill is only targeting five counties.

*Action Taken*

Councilmember Moore motioned to take an oppose position on VLF Trailer Bill and authorized the Mayor to send letters to the State Legislature. Vice Mayor Chao seconded. The motion carried unanimously.

11. Subject: Consider adopting a position on the California Plastic Waste Reduction Regulations Initiative  
Recommended Action: Adopt a support position on the California Plastic Waste Reduction Regulations Initiative and authorize the Mayor to send letters to the state legislature

G&S said this item is eligible to be placed in the ballot unless a compromise is reached by June 30. This bill requires Cal Recycle to set up regulations to reduce single use packaging and foodware and specified products.

Councilmember Moore explained that Cal Cities adopted a support position for this bill. Vice Mayor Chao asked about what happens to companies that continue to use packaging that is non-recyclable single-use plastic? G&S explains that they will most likely have to pay a fine. G&S explained that there is a one cent fee that would go to local governments and other organizations for recycling programs.

*Action Taken*

Councilmember Moore motioned to take a support position on California Plastic Waste Reduction Regulations Initiative and authorized the Mayor to send letters to the state legislature. Vice Mayor Chao seconded. The motion carried unanimously.

12. Subject: Consider adopting a position on Assembly Bill 2221 (Quirk-Silva) Accessory Dwelling Units

Recommended Action: Adopt an oppose position on AB 2221 and authorize the Mayor to send letters to the State Legislature

G&S explained that this bill would require local government units to ministerially approve 800 sq ft units up to 16 feet height with four-foot setbacks. This bill is inconsistent with the prior bill that sets a 25 feet height. It doesn't preclude an 800 sq. ft. unit in the front yard. G&S clarified that this bill proposes that there is no front set back that could be imposed at the local level.

Vice Mayor Chao said this bill shifts the burden to cities to show compliance with the City code instead of the applicant. If there is noncompliance, City staff will be tasked with writing reports that can be questioned in court which adds cost and burden to the City, which makes this an unfunded mandate. It also lets applicants interpret the Code, which should be done by the City. Councilmember Moore discussed the future architectural issues that this bill would provide for the City and mentioned that this bill will not bring more affordable housing.

*Public Comment:*

Jennifer Griffin is concerned that this bill allows ADUs to be so close to the sidewalk.

*Action Taken*

Councilmember Moore motioned to take an oppose position on AB 2221 and authorized the Mayor to send letters to the State Legislature. Vice Mayor Chao seconded. The motion carried unanimously.

5. Subject: Discuss Prioritizing the Legislative Platform

Recommended Action: Discuss Prioritizing the Legislative Platform and provide any

input.

This item was added at a past meeting to focus the LRC's top priorities.

*Action Taken*

Councilmember Moore motioned to continue this item for the next meeting. Vice Mayor Chao seconded. The motion carried unanimously.

## **FUTURE AGENDA SETTING**

Vice Mayor Chao said goodbye to Deputy City Manager, Katy Nomura and thanked her for all the support she provided and for always going above and beyond expectations for any task.

The next LRC meeting is set for June 27 at 11 a.m. and will include SB 1338, a possible Sacramento Legislative Trip, and Prioritizing the Legislative Platform.

*Public Comment:*

Lisa Warren and Jennifer Griffin thanked and praised Deputy City Manager, Katy Nomura, and urged her to return to the City.

## **ADJOURNMENT**

The meeting was adjourned at 1:45 p.m.



Astrid Robles, City Manager's Office