

**CITY OF CUPERTINO****Draft Minutes****LEGISLATIVE REVIEW COMMITTEE****10300 Torre Avenue, City Hall, Conference****Room C Friday, May 24, 2019****10:00 AM****Special Meeting****ROLL CALL**

The meeting was called to order at 10:07 a.m.

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, Interim City Manager Timm Borden (10:30), Assistant to the City Manager Katy Nomura, Townsend Public Affairs (TPA) via conference call.

APPROVAL OF MINUTES

1. Subject: Approve the May 14th Legislative Review Committee minutes
Recommended Action: Approve the May 14th Legislative Review Committee minutes
Mayor Scharf motioned and Vice Mayor Chao seconded to approve the May 14th legislative review Committee Minutes.

POSTPONEMENTS- None**ORAL COMMUNICATIONS-** None**OLD BUSINESS**

2. Subject: Review Legislative Platform
Recommended Action: Recommend Legislative Platform for adoption by City Council
Assistant to the City Manager, Katy Nomura, introduces TPA, which joined the meeting via phone, and provides an update on the different versions of the Legislative Platforms received thus far. Vice Mayor Chao submitted feedback to staff and TPA, which was incorporated into the latest Platform version presented at this meeting. Vice Mayor Chao's second round of feedback was unable to be incorporated in the latest version.
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Guiding principles

Mayor Scharf says that under the guiding principles section, it should also include opposition for current mandates that are unfunded along with new unfunded mandates. The Mayor wants to add support for education policies to the guiding principles.

Health and Public Safety

The Mayor wonders if the platform could address on-site parking and its negative effect on pedestrians and cyclists, since a lack of on-site parking can result in more cars circling the streets looking for street parking. Alex, from TPA, recommends adding parking to the Health and Public Safety section of the Platform.

Housing

Mayor Scharf wants to add to the housing section, support for legislation that supports housing for full time students and other vulnerable communities, to reduce the amount of students living in cars.

The committee wants to add legislation that limits the use of recreational cannabis as well as the packaging, advertisement, and promotion of e-cigarettes to youth.

Vice Mayor suggested changing the title of the affordable housing section to be the “Housing and Community Development” section.

The mayor would like to oppose legislation that would allow the sale of an ADU separate from the primary living unit, the construction of junior ADU’s without proper sanitary conditions, and legislation that eliminates minimum/maximum lot sizes for ADU’s. Instead, the mayor would like to support bills that retain the lot size requirements for ADU’s.

Vice Mayor wants the platform to continue monitoring legislation that would affect tenant protection, Mayor agrees.

Mayor does not agree with the word streamlining since the process of building housing or ADU’s should take time in order to follow proper regulations. Therefore the mayor would like to remove any support for legislation that wants to streamline the development process.

Vice Mayor Chao wants to add specifications to the opposition of legislation that inadequately mitigates impacts to the community by also including infrastructure, public safety, and schools.

Elections

Mayor Scharf mentions that the number of signatures needed to get an initiative on the ballot will increase since people will be automatically registered to vote.

TPA explains that states fund elections by reimbursements for local elections but the counties pay for the costs and therefore need to be reimbursed. There has to be a proactive bill in place in order for counties to be reimbursed.

The Mayor wants to add support for the promotion of the actual building of the mandated percentage of housing and parks instead of developers being allowed to pay in-lieu fees in order to evade construction.

Government Transparency

TPA explains that over the last years there have been different legislative attempts from the state to place rules on local JPA's.

The Mayor agrees with Govind, a Cupertino resident, about adding support for archiving data within the City.

Education

The Mayor wants to add support for legislation that sets impact fees at realistic levels which modifies the Leroy F. Greene School Facilities Act of 1998. He wants to support the increase in funding for schools to cover all costs of construction and land.

TPA recommends having advocacy trips of the City Council to Sacramento throughout the year. They can happen as often as they would like to come but at a minimum, if they just want to do one trip per year then it should be during the first quarter of the year in order to be able to touch base as bills are being developed. The Committee would like to be able to not only influence bills that are introduced, but also propose bills to be introduced.

Assistant to the City Manager, Katy Nomura, brings attention to the 2018 Federal Platform, which was also attached, and asks the committee to recommend any changes, in order to update it and recommend for approval. Staff recommends the removal of anything pertaining to the FAST (Fixing America's Surface Transportation) Act since it has already passed.

The Mayor would like to increase funding for the Community Development Block Grant (CDBG). The Vice Mayor wants to include support for funding to provide education to special needs students.

The Vice Mayor wants to strengthen EB 5 regulations in order to ensure investments are used in areas that have a high need for economic development.

The Mayor considered supporting legislation to promote gun safety, but instead decided to see what happens in the State or Federal government before taking a position within the City.

The Mayor would like to add the same support for mental and behavioral issues from the state platform to the federal platform as well.

The Mayor wants to add the ability to monitor bills that would bring back redevelopment agencies to the State Legislative Platform.

Public Comment:

Govind Tatachari recommends that the platform should address opposition for legislation that does not specify parking requirements. He also recommends that the City should negotiate with the community colleges in the area to support affordable student housing to reduce the amount of vulnerable populations living in cars; this could possibly be added to the affordable housing section in the platform, Mayor agrees. He says that the housing section should not include state streamlining policies since it interferes with local democracy and it should be up to the local governments. He talks about the issues of denser housing and its effects on public land and local schools and recommends that there should be a threshold. He also recommends that the City should add something about archiving information in order to have old information available. He recommends having at least 2 advocacy trips to Sacramento.

Jennifer Griffin talks about the security issues regarding students living in their cars near community colleges. She also opposes Laura Friedman's bill that would allow the sale of ADU's separate from the primary living unit. She is also concerned about new bills which would allow some ADU's to be built without bathrooms.

Kitty Moore recommends adding support for legislation that addresses addiction and domestic violence to the section under Health and Public Safety, the Committee agrees. She also agrees that the city should push regulation for the advertising of e-cigarettes. She also states that cannabis growing facilities are displacing other business such as wineries. She is concerned about recommendations made by the Housing Commissions to potentially eliminate 10% of the net lot area. She mentions that Jim Beall is promoting the building of homeless shelters under bridges. She provides information from a 2014 memo of the Leroy F. Greene School Facilities Act and has sent a copy of it to the Vice Mayor. She points out that the CA League of Cities has a template for a letter of opposition for AB 1356 on their website in case the City would like to use it.

Lisa Warren wonders if there is an appropriate place in the state platform about mental and behavioral health issues and if it should be added to the federal platform as well.

Follow-up Items:

The Mayor made a motion to present the recommended platform with the modifications stated above, to the full council for adoption.

The Vice Mayor seconded the motion.

The motion passed unanimously.

Staff will send the final updated version to the Mayor and Vice Mayor for final review.

3. Subject: Updates on SB 50 and SB 330

Recommended Action: Receive update and provide comment

TPA's update for SB 50 is as follows:

- SB 50 was made into a 2 year bill in the senate appropriations committee, which means that this bill is no longer up for consideration for this legislative session.
- It is eligible for reconsideration in January 2020, on an expedited track, as all 2 year bills are.
- This was done in order to give senate leadership more time to work on concerns from the public, which Senator Wiener was not happy about.
- The Senate's president pro tempore, Toni Atkins, reiterated through social media that she would work with the senator to bring back legislation that could be considered next year, signaling that it might come back in some form this year.
- With any 2 year bill, there is always the possibility of rule waivers or for the reemergence of the content into some other vehicle, but it is not anticipated at this point.

TPA will continue to monitor SB 50's movements. TPA explains that there are concerns all over the state about SB 50 and there was a lot of conversation in the senate to see if the Senator had enough votes to get the bill out of the senate anyway. Senator Portantino is not in favor of this bill who is the chair of the appropriations committee. It will be very difficult to pass something like SB 50 next year since it is an election year. The Mayor wonders if Senator Wiener is just posturing since he knew that he didn't have the votes and is feigning that he is upset now. The Vice Mayor believes that by putting the bill on hold, the chair actually saved the bill by postponing it for another year instead of allowing it to go to a vote and be killed in the Assembly.

TPA agrees with some elements of both the Mayor and Vice Mayor's points, assuming that he wouldn't have had the votes in the assembly. The governor actually posted that he was disappointed with the result of SB 50, but TPA had not heard of the governor actually engaging with individual members about it.

TPA's update for SB 330 is as follows:

- SB 330 is currently on the Senate floor and is awaiting to be voted on by next Friday to see if it will move to the Assembly or not.
- It was amended to shorten the time period from 10 to 5 years and they removed the limitations on developer fees and impact fees, all other items stayed the same.

Mayor Scharf does not think these amendments will change the City's view on the bill.

Vice Mayor Chao asks for TPA's recommendations for what the City can do currently.

TPA will be touching base with Senator Beall to notify him that Cupertino opposes it. If the bill does move on then TPA will work with the members within the committees to lobby for Cupertino. TPA predicts that this bill will be a close vote but is likely to pass due to the amount of democrats who support it.

Vice Mayor Chao says this is not a democrat only bill but the Mayor says that legislators tend to support their own party's legislation in order to gain supporters in the future. The Vice Mayor asks TPA if Cupertino can write letters to other jurisdictions, legislators from other districts, and other city councils to inform them of the possible damages SB 330 can have on them. TPA says that the League of Cities already represents the regional opposition throughout various cities in California. TPA predicts that this bill will be received more critically once it passes to the Assembly. TPA will reach out to other legislators from other districts once that happens. They predict that if it passes the bill it will move to the Assembly policy committee, which must hear the bill by July 12th.

The Mayor asks if there were amendments to the parking limits, TPA confirms that there were no changes to the parking limits. The Vice Mayor wonders if they should plan an advocacy trip in June to talk to Assemblymembers. TPA says they can help schedule a meeting once it gets referred to an Assembly committee.

Public Comment:

Govind Tatachari asks what the public can do to help oppose these bills. The mayor says that calls from the public always helps more than letters or positions.

Follow-up Items:

TPA will continue to monitor SB 330 and SB 50.

NEW BUSINESS

4. Subject: Update on positions taken by the League of California Cities (League), American Planning Association (APA), and the Cities Association of Santa Clara County (CASCC)
This item will be continued to the next future meeting.
5. Subject: Adding members to the Legislative Review Committee
Recommended Action: Provide recommendations regarding Legislative Review Committee membership
This item will be continued to the next future meeting.
6. Subject: Discuss the appointment of Chair and Vice Chair for the Legislative Review Committee
Recommended Action: Appoint the Chair and Vice Chair for the Legislative Review Committee
This item will be continued to the next future meeting.

7. Subject: Discuss audio recording of Legislative Review Committee meetings
Recommended Action: Provide direction on audio recording of Legislative Review Committee meetings

This item will be continued to the next future meeting.

8. Subject: Overview of landscape of transportation bills from 2017 to 2019

TPA provided the following overview of current 2019 transportation legislation:

- There is not a large amount of transportation bills in this legislative session.
- Current bills revolve around zero emission vehicles greenhouse gas reductions. They are not focused on the traditional infrastructure because members are waiting to see how SB 1 funds will work. The focus is that the funding goes to direct projects.
- Governor Newsom introduced in his budget the tying of local streets funding of SB 1 to housing production numbers. The assembly and senate budget subcommittee have voted against that since there are limitations of what cities can do to produce housing.

Public Comment: None

Follow-up Items: None

9. Subject: Discussion regarding AB 1356 and other cannabis bills

TPA provides the following explanation for AB 1356:

- This bill is currently on the Assembly floor and has to be voted on by next Friday to see if it will move on to the Senate
- The bill was amended to require 1 license for every 6 liquor license instead of 4 or 1 per 15,000 residents.

Mayor Scharf asks what the reason is for this bill and maybe wonders if it is because the State wants more tax money from the Marijuana industry. TPA says that is definitely part of their reasoning but also because this bill only applies to cities whose electorate voted over 50% for Prop 64 and are being denied access to it. This is the first bill that is only set to affect communities that voted for it; both TPA and the Mayor have never heard of a bill doing this before. The Mayor asks what the chances are for this bill to pass and TPA says they are surprised it even got this far. The success of this bill has to do with the fact that it is being proposed by the budget chair.

Once it passes to the Senate it will likely face lots of questions since a lot of members have been involved with the cannabis issue and stress local control. There currently is not a large lobbying effort for these types of bills.

Public Comment: None

Follow-up Items:

TPA will continue to monitor AB 1356.

10. Subject: Discussion regarding SB 5, SB 6, SB 12, SB 23, SB 128, SB 582

Vice Mayor Chao wants to support bills by Senator Beall in order to show good will to possibly receive his support in the future. TPA says that SB 5 and SB 128 are widely supported by local governments.

TPA provide the following overview of SB 5:

- This bill will create \$2 billion a year through an ERAF funding mechanism for local governments to use for affordable and moderate housing.
- Schools will not lose funding, money will come from general fund.
- Locals would create their own entity to create plans to create projects that could be funded through this bill.
- Has received local government support.

TPA provides the following overview of SB 128:

- Deals with enhanced infrastructure financing districts it is an attempt at redoing a local economic development tool.
- Tries to eliminate 55% voter threshold to issue bonds by the Enhanced Infrastructure Financing Districts EIFD's

Mayor Scharf is concerned about SB 6 and its impacts on open space that are not designated parks such as Library Field.

TPA explains that SB 6 is trying to create a state level database of local surplus land. This bill wouldn't create any new surplus land or modify how land is used.

Mayor Scharf wants to consider supporting SB 12 since it won't negatively affect our residents.

TPA provides the following overview of SB 23:

- This bill states that anyone who enters a vehicle with the intent to commit a crime, regardless of if they steal anything or not or if the car is unlocked, is assumed to be breaking and entering and is considered a crime.
 - This will change the current law, which states that if someone enters an unlocked car, then technically it is not breaking and entering, and it is not a crime.
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- The crime created by this bill will either be a misdemeanor, no more than 1 year in county jail, or a felony, 16 month-3 years. There is no extra prison funding prescribed by this bill.

TPA provides the following overview of SB 582:

- This bill expands a pilot program regarding mental health assistance for youth
- Funds comes from the State General Fund and from Prop 63 local funding
- Schools can choose to participate in the program or not

Assistant City Manager, Katy Nomura, reminds the committee that they cannot declare a position of support or opposition for any bills until the Council has approved the Legislative Platform. Once approved, the Platform will allow the committee to take a position on the above bills except for any items that say “monitor”.

Vice Mayor Chao and Mayor Scharf explain that they are unsure about which positions they may take on the above bills once the Platform is approved but are considering supporting SB 5 and SB 528.

TPA suggests that if the Council approves the Platform on June 18th it would be timely to submit letters of support shortly thereafter.

Public Comment:

Govind Tatachari wonders if lowering the voter threshold can impact the City since it is much easier to get 55% instead of $\frac{3}{4}$ votes. The committee said they could discuss this at a future meeting

Follow-up Items: None

11. Subject: Legislative updates

This item was not heard since Mayor noted that legislative updates were discussed in Item 10.

12. Subject: Future bill ideas

TPA recommends that the Committee adheres to the following timeline when presenting future bill ideas to the State legislature:

- Official bill introduction is in early January until about February 15th
- The City can start working on bill proposals and talking to legislators about them once the legislature has finished their session in mid-October
- In the fourth quarter of the year, we can begin the process and will introduce these bill ideas to our legislators to see if they have an interest in supporting the City’s proposals
- If our legislators do not have an interest the City is free to work with legislators from other districts to support our proposals

Public Comment: None

Follow-up Items: None

- 13.** Subject: Discuss strategies for building relationships with local legislators

Recommended Action: Provide input on strategies for building relationships with local legislators

Mayor Scharf explains that they were supposed to meet with Evan Low at an event last night but he did not make it since he was still in session in Sacramento.

Vice Mayor Chao wants to look at what bills Evan Low has proposed that the City may be able to support. TPA agreed to look into the bills and provide updates at a future meeting or through email.

Public Comment: None

Follow-up Items:

TPA will provide the committee with bills proposed by Evan Low that the Committee may be able to support via email or at a future meeting.

- 14.** Subject: Public engagement regarding legislative affairs

Recommended Action: Provide input on public engagement regarding legislative affairs

Mayor Scharf would like to plan a town hall meeting since a lot of people are interested in legislative affairs. Vice Mayor Chao wants to add more information to the website with legislator's information and showing people how to track bills. Vice Mayor Chao recommends looking at the City of Danville's website as an example.

Public Comment:

Govind Tatachari reiterates his concern for lowering the voter threshold because he believes the public should have more say on issues that could go wrong, which is why the 75% limit is better. He is also worried that the public is not aware of how this Legislative Committee is set up and that it is difficult to voice an opinion when the focus is on the consultant and the public is not allowed to speak. Vice Mayor Chao agrees and proposes adding an hour at the beginning of the meeting for public comment.

Follow-up Items:

1. Update the Committee website to include legislator contacts and bill tracking info.
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2. For the next meeting, look into adding a 1 hour study session at the beginning of the meeting to allow the public to discuss bills and other items on the agenda.

15. Subject: Discussion of future meetings and agenda topics

Recommended Action: Recommend future meetings and agenda topics

The next meeting will be scheduled shortly after the June 18th council meeting, during the week of June 24th.

ADJOURNMENT

The meeting was adjourned at 12:40 p.m.

Astrid Robles, City Manager's Office
