

**CITY OF CUPERTINO****APPROVED MINUTES****LEGISLATIVE REVIEW COMMITTEE****10300 Torre Avenue, City Hall, Conference****Room C Tuesday, May 14, 2019****1:00 PM****Special Meeting****ROLL CALL**

The meeting was called to order at 1:04 p.m.

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, Interim City Manager Timm Borden, Assistant to the City Manager Katy Nomura, Townsend Public Affairs

APPROVAL OF MINUTES- None**POSTPONEMENTS- None****ORAL COMMUNICATIONS**

Jennifer Griffin talked about HB 2001 from Oregon, introduced by the Speaker of the House, which seeks to eliminate R1 zoning on towns with more than 10,000 people in the state. This bill would allow suburban lots to be split into 4, regardless of the size of the lot. This presents a one size fits all approach, which is a problem that relates to the housing bills in California.

Lisa Warren comments on HB 2001 from Oregon, wondering if it is an attempt to deter Californians from leaving to Portland.

Kitty Moore talked about the Streamlined Ministerial Approval Process Guidelines that came out in November 2018 for SB 35. On page 7, Local Government Responsibility talks about the processes needed for ministerial approval and she recommends placing this information on the Cupertino website. Also comments on lack of endorsement for tenant protection from groups expressing concern over displacement. Those groups do not reference rent control bills such as AB 36, AB 724, or SB 18, they only oppose or comment on SB 50.

Liana Crabtree talked about the Voter's Choice Act, which gives County discretion on the

precise placement of ballot boxes and comes to full implementation in 2020.

OLD BUSINESS- None

NEW BUSINESS

1. Subject: Overview of the Legislative Review Committee purpose, structure, and process

Assistant to the City Manager, Katy Nomura, gives an overview of the Legislative Review Committee format and functions in the past. She explains that if legislation falls within the scope of the legislative platform approved by the entire council, the subcommittee can declare a position on the bill without taking it back to the entire council. If there are aspects of the legislation that fall outside the scope of the legislative platform then the subcommittee can consider bringing the bill to the full council. Last year was the first time a legislative platform went to council. The subcommittee is generally kept small in order to facilitate nimbleness and flexibility to hold meetings on an as needed basis.

Public Comment:

Kitty Moore recommended adding commission members to the subcommittee. Also, Planning Commissions objective standards should reflect the City's positions for certain bills. References General Plan, which talked about height limits in the density bonus law and will send a copy to Vice Mayor Chao.

Action items:

Staff agreed to gather information before next meeting about whether or not it should add additional members of the public, or commission members, and designate a chair to the subcommittee.

Staff also agreed to provide printed agendas for all future meetings.

2. Subject: Discussion regarding the City contracting with a lobbying firm to support City priorities at the State level

Townsend Public Affairs (TPA) State Director, Casey Elliot, introduces himself and the firm. TPA Senior Associate, Alex Gibbs, introduces himself as the main contact person along with Casey Elliot, but they will also work with their entire team to perform bill tracking and other advisory services within their contract. Staff is always welcome to visit or use their offices at 925 L St. Sacramento, CA.

Vice Mayor Chao asked if Townsend can also track Federal bills. For example, the issue with the Federal government imposing harsher laws that take away local control in regards to cell towers. TPA mentions that they are currently working on that issue with their other clients, however, the contract with Cupertino is for State legislation only.

In regards to cell towers on the State level, TPA worked heavily on SB 649 by Hueso, which was similar to current Federal bills. SB 649 was vetoed in 2018, but cell phone companies have refocused their view to try and pass a bill on the Federal level. If nothing gets passed in DC, then there certainly will be new State legislation similar to SB 649 in the future, but not sure how Governor Newsom views it at the moment.

Over the past few years TPA has advocated for many diverse bills. In terms of housing or land use bills, TPA worked heavily on amending and/or holding over AB 2923 (Chiu) and SB 827 (Wiener). They support local control and work hand in hand with the California League of Cities. Other bills TPA worked on include SB 1, SB 2, and other issues impacting local governments.

Vice Mayor Chao asked TPA how they deal with clients with opposing viewpoints.

TPA explains that most of their clients have common viewpoints, but if TPA is faced with clients with opposing viewpoints, they place in effect their conflict of interest policy, which allows the client who has been with them the longest the first right of refusal for their services. For the other client, they would work together to help select a separate advocate to advocate that issue and TPA will cover the cost. TPA as a firm, cannot be supporting and opposing the same bill at the same time. Generally, it is not likely since most cities stand together on most issues however, it could happen.

Action items:

For the next meeting, TPA should provide an overview of landscape of transportation bills over the last two years and what is proposed for this year.

3. Subject: Discussion regarding topics and priorities for the City's 2019 Legislative Platform

Recommended Action: Provide guidance regarding the City's 2019 Legislative Platform

Assistant to the City Manager, Katy Nomura, discusses the Draft 2019 Legislative Platform, which is very similar to the 2018 adopted legislative platform. Townsend has used their experience and expertise to provide recommendations with their own draft legislative platform.

TPA recommend keeping language broad in order to make it easier to produce position letters much faster, without having to go to the full council. Mayor Scharf agreed, and would like the subcommittee to have more deference.

TPA recommends staying away from the term “local control” and instead explain throughout the document why local control is necessary. Mayor and Vice Mayor agree that the term local control is overused.

In terms of economic development, TPA will work with legislators in order to request funding specifically for Cupertino. TPA normally works with their clients in the fall to start preparing their funding requests, which are usually due late February and early March.

Public Comment:

Kitty Moore recommends looking to the League of Cities to see how they use “support” and “oppose” language in their legislative platform. Brings attention to bills pertaining to Scooters and Cannabis (AB 1356)

Lisa Warren wonders if a blanket statement that says “any legislation being monitored is open for the subcommittee to take a position on”

Action Items:

Mayor Scharf and Vice Mayor Chao want to add the following items to the legislative platform:

1. An education section that advocates for more funding for schools.
2. General language that says “support or oppose” instead of “monitor” so that the guidelines for the subcommittee are very clear.
3. Monitor EB 5 (Since it is a federal bill the Committee acknowledges that TPA is not responsible for this bill)

Mayor Scharf, Vice Mayor Chao, and members of the public will provide written feedback to Townsend Public Affairs in regards to their draft legislative platform.

For future meetings, include updates on positions taken by the League of California Cities, American Planning Association, and the Cities Association.

4. Subject: Discussion regarding SB 4, SB 5, SB 50, SB 330, AB 67, AB 68, AB 1487, ACA 1, and bills related to Accessory Dwelling Units (ADUs)

Recommended Action: Provide recommendations regarding SB 4, SB 5, SB 50, SB 330, AB 67, AB 68, AB 1487, ACA 1, and bills related to Accessory Dwelling Units (ADUs)

Assistant to the City Manager, Katy Nomura, mentions that the public is open to submit comments to the committee's email at legislativecommittee@cupertino.org.

The committee analyzed amendments made to SB 330. TPA mentions that this bill will be heard in the Senate on Thursday, May 16th along with about 350 other bills. If the bill passes it will need to be acted on by the Senate floor by June 1st. Since bill comes from the Senate it will most likely pass to the Assembly and will be evaluated in September. SB 50 seems to have more momentum than SB 330 due to media coverage.

TPA provided the committee with the following overviews of AB 67 (Rivas and Chiu) and AB 68 (Ting):

AB 67:

- Requires the State to create a statewide homeless data warehouse in coordination with the homeless coordinating financing council.
- The State HCD would have to work with agencies to draft and execute a strategy to take that data and develop statewide strategies.

AB 68:

- Expands ministerial approval of ADU's to include multiple ADU's on existing multifamily dwellings, attach ADU's on the same lots, shortens ministerial approval time from 120 to 60 days, and many other provisions.

TPA further explains that both AB 67 and AB 68 are in the Committee on Assembly Appropriations and will be heard on Thursday 5/16.

There are currently many ADU bills which are anticipated to be combined to create one large ADU bill. TPA explained that AB 587 (Friedman), which allows ADU's to be sold separately if it is built by a nonprofit and is deed restricted, has already passed the Assembly and is now in the Senate. AB 881 (Bloom), which eliminates owner occupancy requirements, has also passed the Assembly and is in the Senate. Some others have passed onto the Senate but the majority are still in the Assembly Appropriations Suspense File

TPA explains that the end of the legislative session is September 14th/15th and the Governor has until mid-October to sign all bills.

Mayor Scharf mentions American Civil Liberties Union (ACLU) lawsuit against Mountain View's proposed ban on RV's. TPA says that there has been proposed bills in the past that would allow sleeping in cars, such as students on community college campuses, but there is no State bill against RV parking.

In terms of the legislative platform, Mayor Scharf wants to oppose bills that support allowing the sale of ADU's and having multiple ADU's on a property. The City wants to

support ADU's as permanent housing, not as short-term rentals. Vice Mayor Chao mentions that SB 13 (Wieckowski) may be one of the bills that makes sense, but wonders if ADU's count as RHNA allocations. TPA will confirm if ADU's count as RHNA allocation or not, and how it relates to SB 13.

TPA explains that AB 1487 is having difficulty getting votes needed due to bay area members' discomfort of the creation of a new regional housing entity that is not subject to the voters. TPA plans to meet with Assemblymembers Chiu and Rebecca Bauer-Kahan to discuss AB 1487 specifically early next week and will have more information later next week.

TPA provided the committee with the following overview of ACA 1:

- This bill will allow a 55% vote threshold for affordable housing infrastructure related to permanent supportive housing
- It sets definitions of "permanent supportive housing" and is not aimed at market rate housing, but it would have to qualify as affordable housing under the bill
- It is currently in the Assembly Appropriations Committee.
- ACA is a constitutional amendment so it does not have the same timeline as the other bills, and can move forward later in the year
- This bill needs a 2/3 vote to pass in the Assembly and the Senate. Then it would go to the statewide ballot on either the June 2020 or November 2020 election, where it would need to pass by majority vote.
- Many labor and special districts associations support anything that lowers the voter threshold.
- This bill has opposition by Howard Jarvis and other taxpayer protection advocates.

Public Comment:

Jennifer Griffin recommends looking at the Coastal Commissions reactions to bills, particularly SB 330.

Action Items:

TPA will reiterate the City's opposition to SB 330 to Senator Beall and other local Senators and work with Evan Low to see what can be done.

Mayor Scharf wants to oppose bills that support allowing the sale of ADU's and having

multiple ADU's on a property. The City wants to support ADU's as permanent housing, not as short-term rentals

TPA will confirm if ADU's count as RHNA allocation or not.

5. Subject: Discussion of future meetings and agenda topics

Recommended Action: Recommend future meetings and agenda topics

Mayor Scharf mentions a proposed 2020 ballot proposition from the Mayor of Redondo Beach, Bill Brand, which would undo anti-local control bills. TPA has not heard about this bill, but thinks it has the potential to get on the ballot with enough funds and enough signatures.

TPA explains that the number of signatures needed for an initiative to get on the ballot has gone up by 20-25% since voter turnout in the last election was much higher than before.

Vice Mayor Chao wants to further discuss other cannabis bills and possibly discuss opposing AB 1356. TPA predicts that it will soon be amended, but there is no harm in taking a position on it now.

In terms of strategy, TPA acknowledges that the City's positions will vary from bill to bill, but it is important to oppose bills that the City knows are bad bills and will never get better. The earlier the City can declare its position the better, since it allows more time for conversations with legislators or stakeholders, however, it is never too late to declare your position either.

Ideally, Council will approve a legislative platform in early January/February and it will be easier for the lobbyists and subcommittee to know which side the City is leaning to.

Vice Mayor Chao wonders if in order to build better relationships with legislators, it is good to support the bills they sponsor, so they can help us advocate in the future. TPA says it is a good idea to build up good will with our legislators.

Vice Mayor Chao says that Cupertino can discuss and consider supporting Senator Beall's bills at the next meeting, specifically SB 5, SB 6, or SB 128.

Mayor Scharf and Vice Mayor Chao would like to devote a section of the meeting to introduce bill ideas. Mayor Scharf suggested bills that would compel developers with RHNA entitlements to actually build their projects and a bill requiring certain percentages of housing to be allocated for developmentally disabled populations.

Vice Mayor Chao wants to explore developing a relationship with Assemblymember Evan Low and would like TPA to recommend any of his bills, if any, which may align with Cupertino's platform.

The next meeting should also discuss and consider supporting SB 23 (Wiener).

TPA will update the Committee in writing about which bills it recommends for future

discussion.

Public Comment:

Jennifer Griffin wants the public to be aware that legislators can now be in office for up to 12 years instead of 6. She is also concerned about the amount of housing bills coming out of Sacramento and how they will impact the State.

Kitty Moore talks about SB 23 (Wiener), unlawful entry of a vehicle, and that it may be a way for the City to make good will with Senator Wiener. The CA cities supports this bill and Cupertino should consider supporting it as well.

Action Items:

For the future the Mayor and Vice Mayor want to include and or discuss:

- Bill ideas
- Cannabis bills, specifically AB 1356
- Bills from Senator Beall, specifically SB 5, SB 6, SB 128
- SB 23 by Wiener
- Strategies to build relationships with local legislators such as Assemblymember Evan Low

TPA will update the Committee about which bills it recommends for future discussion.

Next Committee meeting:

The next meeting is scheduled for May 24th, Friday at 10 a.m.

All written feedback should be submitted to TPA no later than Friday 5/17, close of business.

STAFF AND COMMITTEE REPORTS- None

ADJOURNMENT

The meeting was adjourned at 3:42 p.m.

/s/Astrid Robles
Astrid Robles, City Manager's Office