

**CUPERTINO****CITY OF CUPERTINO****APPROVED MINUTES****LEGISLATIVE REVIEW COMMITTEE****10300 Torre Avenue, City Hall, Conference Room A****Tuesday, June 25, 2019****9:30 AM****Special Meeting****ROLL CALL**

The meeting was called to order at 9:36 a.m.

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, City Manager Deborah Feng (10:51), Casey Elliot and Alex Gibbs from Townsend Public Affairs (TPA), Assistant to the City Manager Katy Nomura.

**APPROVAL OF MINUTES**

1. Subject: Approve the May 24th Legislative Review Committee (LRC) minutes  
Recommended Action: Approve the May 24<sup>th</sup> Legislative Review Committee minutes

Mayor Scharf motioned and Vice mayor Chao seconded to approve the May 24<sup>th</sup> Legislative Review Committee Minutes with the following changes:

- Correct working title to Assistant to the City Manager Katy Nomura on pg. 9
- Add "lack of on-site parking" to pg. 2

**ORAL COMMUNICATIONS**

Jennifer Griffin mentions the Mayor of Redondo Beach's proposal to deactivate the 200 housing bills. She also wants to see changes in the State Constitution where individuals cannot override local city control.

Liana Crabtree discusses the placement of ballot boxes in public gathering places. She asks the committee to consider bringing an item to Council that would require ballot boxes to be at least 150 feet away from an entrance to a popular area such as community hall and the library. The Mayor and Vice Mayor discuss this idea and agreed to put this on a future LRC agenda for further discussion.

Liana Crabtree also wants to raise the awareness that anyone can comment to the State Legislature by registering for an advocacy account online. The Mayor agrees and says the City should add it to the City website.

**PUBLIC COMMENT (including comments on all agenda items)**

Jennifer Griffin spoke about agenda items 4, 6, 10, 11, and 12. These items include SB 592,

SB 330, AB 1279, AB 881, SB 13, and AB 516. She is deeply concerned about these bills and expresses that they need to be stopped. She also discussed item 15, where she warns about building relationships with local legislators in San Jose.

## AGENDA REVIEW- None

## ACTION ITEMS

### 2. Subject: Legislative Updates

Recommended Action: Receive legislative update and provide input

TPA explains that the legislature is currently wrapping up their budget session. The primary budget bill was passed on June 14<sup>th</sup> and the legislature is still working through some of the trailer bills, which are the accompanying legislative measures that implement some of the policy changes that were enacted within the budget. The Governor has until Thursday, June 27<sup>th</sup> to sign the main budget bill along with all of the trailer bills. There may be a handful of other bills, including SB 128, where their provisions are likely to get looped into one of the trailer bills that are not yet in print. Aside from the budget, the legislature is in the second house so the policy committees are starting to ramp back up, which means that all bills that passed out of their house of origin are now going through the policy committee and those measures need to be out of the policy committees by July 12<sup>th</sup>, which is when the legislature goes on their summer recess. The session comes back on August 12<sup>th</sup>, where they will focus on appropriations and floor votes, and then the session adjourns on September 14<sup>th</sup>.

The Mayor commented that it sounds like the Governor is anxious for housing bills. TPA responded that there is a definite focus on housing, and from the governor's perspective, housing is important, however, addressing homelessness is probably a bigger priority with this administration. Though housing and homelessness are linked, there is pressure from the new point and time studies where many major cities have experienced a large increase of homelessness. The Governor is aware that during his time as Mayor of San Francisco, homelessness did not go down, and he does not want to have that criticism extended to his time in governor.

The Mayor asks if there are any bills that address homelessness. TPA explains that homelessness will mainly be addressed through the budget. For example, the budget includes approximately \$650 million for the Homelessness Emergency Assistance Program (HEAP) which was instated last year. Of that amount, \$275 million will go directly to the big 13 cities and the rest is still being negotiated between Counties and Continuums of Care. Locally, San Jose, Oakland, and San Francisco, will get the money directly, and it might seem like a lot of money, but it really is not.

Last year the HEAP program received about \$500 million and it was the first time the State put serious money into the homelessness issue. That funding was primarily used for site acquisition, facilities, and shelters, but this year the governor prefers those funds to be used for wrap around services and employment training, in order to help people get out of temporary housing situations. All of these services are extremely expensive and will be an ongoing expenditure for the State as long as there are funds for it.

The Vice Mayor asks if there is anything about education in the budget. TPA explained that there are additional funds that will be going to schools since the general fund is at about \$140 billion and about half of that will go to education due to Prop 98. The bigger education proposals focus



on easing the pension issues for educational entities by having the State buy down their long term obligations of CalPERS and CalSTRS. There were not as many large scale education proposals since the Local Control Funding Formula (LCFF) was fully funded and the budget was generally “normal”.

The Vice Mayor asks if education is still being funded at the 2008 level. TPA explains that the State has paid off all of its old deferrals it had during the recession and is now completely caught up. Prop 98 ensures that schools always receive their minimum allocation from the general fund and as long as the general fund is rising, then the funding for schools will go up. There have been some pushes from people who want to fund State education at a per pupil level at a higher national rank. There have been some resolutions that would call for California to be funded at the 25<sup>th</sup> level, which would be tens of billions of dollars due to the amount of students in the State. The national average of per pupil spending is around \$8500/student, and California, after this budget, will be around \$8000/student. The State is cautious about increasing spending on education since the Prop 98 expense is constant regardless of how much money the State has.

3. 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) (continued from May 24, 2019)

Recommended Action: Receive update on positions taken by the League, APA, and CASCC and provide input

TPA provides an overview and update of the attachments, which show the positions from the League, APA, and CASCC. They mention that most positions taken are on legislation regarding housing since it is a huge focus for each organization.

Mayor Scharf asks whether positions that say “Oppose unless amended” ever actually get amended to their satisfaction. TPA said that sometimes it happens but it really depends on each bill and the various nuances that the different cities and organizations are willing to accept. Vice Mayor Chao mentions that the APA changed their position on SB 330 from “oppose” to “neutral” due to recent amendments. TPA adds that the League did not change their position after amendments and are still opposed to the bill.

Mayor Scharf wonders why the League opposes AB 217, the Safe Drinking Water for All Act. TPA explains that this bill would require a new fee on residential and business water consumers. Essentially cities that have their own water departments would be responsible for levying, collecting, and remitting to the State the new fee. Mayor Scharf also asks about why the League would oppose AB 33, the Divestiture from Private Prison Companies. TPA explains that the League generally doesn’t want the State to involve themselves with local contracting and they also see these prisons as high job centers.

Vice Mayor Chao asks questions about AB 1568, regarding Housing Law Compliance. TPA explains that this bill withholds transportation funding from SB 1 from cities that have not fulfilled their RHNA requirements. This bill is now a two-year bill so it will not be voted on during this legislative session. TPA says that there have been discussions for having RHNA reform in the future.

Govind Tatachari made a comment about RHNA allocations.

Mayor Scharf asks about AB 1356 and TPA explains that this bill is now on the inactive file so it cannot come back until next January. Vice Mayor asks questions to AB 849, Elections: city and county redistricting. TPA explains that this bill would impact all cities because it would require all jurisdictions to redistrict after every federal census, which would be expensive. Mayor Scharf asks about AB 1763 and TPA explains that this bill has not been talked about much since it refers to buildings that are 100% affordable. The Mayor is concerned about concessions for affordable units since it does not provide units large enough for families.

Vice Mayor Chao asks about AB 171, regarding Employment: Sexual Harassment. TPA explains that the League opposes this since it requires cities to be responsible for sexual harassment training for their own independent contractors. Vice Mayor Chao also mentions AB 628, Employment: Victims of Sexual Harassment Protection and TPA explains that the League is probably opposing this bill because of the increased cost that cities would incur by including protection for the families of victims.

Mayor Scharf would like to see a spreadsheet of all these organizations and the City's positions side by side for easier comparison.

4. Subject: Consider adopting a position on SB 592 (Wiener) - Housing Accountability Act  
Recommended Action: Adopt a position opposing Senate Bill 592 and authorize the Mayor to send a letter of opposition to the State Legislature

TPA explains that SB 592 was gut and amended and is up for consideration on July 4<sup>th</sup>. Wiener is trying to amend the existing Housing Accountability Act (HAA) by limiting local review and process, expanding the definition of housing, and adding compensatory damages if a city is sued under this bill. He is trying to close loopholes in the Housing Accountability Act and trying to further minimize the city's ability to properly review plans. This bill seems to be taking the place of SB 50. TPA anticipates that the bill will have more push back in the Assembly side but it is difficult to say since Wiener has never presented to the Assembly. TPA recommends that the letter should point out the City's issues with the bill but should not mention the specific amendments they would like to see because they do not want to take an "opposed unless amended" position.

Mayor Scharf and Vice Mayor Chao agreed to add changes to the letter of opposition to include clarity on the definition of economic viability and require applicants to provide documentation for revisions as well as clarifying the time that the City has to respond.

*Action Taken:*

The Mayor and Vice Mayor voted unanimously to oppose SB 592 and send a letter with the above additions to the State Legislature.

5. Subject: Consider adopting a position on SB 5 (Beall) - Affordable Housing and Community Development Investment Program  
Recommended Action: Adopt a position supporting Senate Bill 5 and authorize the Mayor to send a letter of support to the State Legislature



TPA explains that this bill proposes ongoing State level funding for affordable housing. The money comes from existing local property taxes and the State will just redirect the funds for affordable housing projects throughout the State. This is essentially an affordable housing grant program where cities can opt into the program whenever they want and is not mandatory.

*Action Taken:*

The Mayor and Vice Mayor voted unanimously to support SB 5 and send a letter of support to the State Legislature.

6. Subject: Consider reaffirming opposition to SB 330

Recommended Action: Reaffirm a position of opposition to Senate Bill 330 and authorize the Mayor to send a letter of opposition to the State Legislature

TPA recommends revising the Mayors original letter of opposition in order to reflect recent amendments made to SB 330. The amendments include:

- Removing parking restrictions
- Removing limitations on voter approved measures
- Reducing the program to 5 years instead of 10 years
- In-lieu fees were changed

The amendments have not been produced in print yet so the letter will be finalized once those amendments are posted.

*Action Taken:*

The Mayor and Vice Mayor voted unanimously to reaffirm their position of opposition to SB 330 and authorize the Mayor to send a letter of opposition to the State Legislature.

7. Subject: Consider adopting a position on SB 23 (Weiner) - Unlawful entry of a vehicle

Recommended Action: Adopt a position supporting Senate Bill 23 and authorize the Mayor to send a letter of support to the State Legislature

*Action Taken:*

The Mayor and Vice Mayor voted unanimously to support SB 23 and send a letter of support to the State Legislature.

8. Subject: Consider adopting a position on SB 12 (Beall) - Mental health services: youth

Recommended Action: Adopt a position supporting Senate Bill 12 and authorize the Mayor to send a letter of support to the State Legislature

TPA explains that this measure creates youth mental health programs throughout the state that local governments can apply for funding. The program focuses on mental health for youth and families that are 12 to 25.

*Action Taken:*

Mayor Scharf moved and the Vice Mayor seconded to support SB 12 and send a letter of support to the State Legislature. The motion carried unanimously.

9. Subject: Consider adopting a position on SB 128

Recommended Action: Adopt a position supporting Senate Bill 128 and authorize the Mayor to send a letter of support to the State Legislature

TPA explains that this bill has been gutted and amended. Even though this bill will not be part of the legislative session, there are parts of this bill that will be implemented within a budget trailer bill, which was previously proposed. Since the bill is no longer in session, there is no action necessary.

10. Subject: Consider adopting a position on AB 516 (Chiu) - Authority to remove vehicles  
Recommended Action: Adopt a position opposing Assembly Bill 516 and authorize the Mayor to send a letter of opposition to the State Legislature

TPA explains that this bill has been amended. The amendments are as follows:

- The 72-hour tow rule changed to a 72-hour ticket rule
- They added a limit of 10 business days before a car can be towed

This bill has a large amount of opposition from local governments since it removes the ability for residents to park in front of or near their homes. On the other hand, this bill can minimize the effect on those living in cars. This bill was mainly targeting San Francisco due to its exorbitant towing fees after a study was done by Assemblymember Chiu. Vice Mayor Chao believes that each city has a right to deal with the issue on an individual basis and wants to include that into the letter.

*Action Taken:*

The Mayor and Vice Mayor voted unanimously to oppose AB 516 and send a letter of opposition to the State Legislature.

11. Subject: Consider adopting a position on AB 1279 (Bloom) - Planning and zoning: housing development in high resource areas

Recommended Action: Adopt a position opposing Assembly Bill 1279 and authorize the Mayor to send a letter of opposition to the State Legislature

TPA explains that this bill is not moving forward anymore at the request of the author. There is no action necessary.

12. Subject: Consider adopting a position on AB 68, AB 881, and SB 13

Recommended Action: Adopt positions opposing Assembly Bill 68, Assembly Bill 881, and Senate Bill 13 and authorize the Mayor to send letters of opposition to the State Legislature

TPA explains that AB 68 is set to be heard on July 3<sup>rd</sup>. TPA expressed that the authors of all 3 bills expect that there will be a study from Housing and Community Development, which may



contain recommendations that could potentially create amendments to the bills. TPA provided a chart that shows the overlap of provisions amongst the three bills so it is possible that they may be consolidated into one bill.

Mayor Scharf would like to add the following items to the AB 68 letter of opposition:

- The removal of parking requirements drives more cars into the streets which affects the safety of bicyclists and pedestrians.
- The change in minimum lot size requirements

Mayor Scharf would like to add the following items to the SB 13 letter of opposition

- The lack of setback requirements
- The lack of impact fees

*Action Taken:*

The Mayor and Vice Mayor voted unanimously to oppose AB 68, AB 881, and SB 13 and send letters of opposition to the State Legislature, with the above modifications.

13. Subject: Discuss the appointment of Chair and Vice Chair for the Legislative Review Committee (continued from May 24, 2019)

Recommended Action: Appoint the Chair and Vice Chair for the Legislative Review Committee

*Action Taken:*

Mayor Scharf moved to nominate himself to serve as the Chair for the Legislative Review Committee. Vice Mayor Chao Seconded. The motion carried unanimously.

Mayor Scharf moved to nominate Vice Mayor Chao to serve as the Vice Chair for the Legislative Review Committee. Vice Mayor Chao Seconded. The motion carried unanimously.

14. Subject: Discuss audio recording of Legislative Review Committee meetings (continued from May 24, 2019)

Recommended Action: Provide direction on audio recording of Legislative Review Committee meetings

Assistant to the City Manager Katy Nomura explained that the meeting is currently recorded for the purpose of writing the minutes but are not available to the public. The Mayor and Vice Mayor express that they enjoy the casual atmosphere of the meetings as is. TPA warned against publishing audio recordings due to the political nature of the conversations in regards to legislation and legislators. Vice Mayor Chao mentioned that the minutes for these meetings are very thorough and detailed and allow the public to fully understand the discussions during meetings.

The Mayor and Vice Mayor agree to keep the meetings the way they are and not publish audio recordings for now.

15. Subject: Discuss strategies for building relationships with local legislators

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

The Vice Mayor notes that the committee has already supported bills from Senator Beall and Senator Wiener and should now look to see if there is anything they can support from Assemblymember Evan Low. TPA informed the committee that there is nothing to possibly support from Assemblymember Low right now.

TPA recommends the committee members and new City Manager Deborah Feng to meet with the local legislators to help renew the relationship with the City.

The Mayor reiterates that local legislators are not just the State Senators and Assemblymembers but also the local representatives from other cities.

TPA says they will be keeping up with our State Legislators so they know where we stand. They will also send the City's Legislative Platform to each of their offices.

16. Subject: Adding members to the Legislative Review Committee (continued from May 24, 2019)

Recommended Action: Provide recommendations regarding Legislative Review Committee membership

Assistant to the City Manager, Katy Nomura, reviews the Staff Report, which shows that three other cities in the County have a similar legislative affairs body, Campbell, Palo Alto, and San Jose. None of those cities had other members besides their elected councilmembers as voting members of that body. Legally, the City is allowed to add members of the public, according to the City Attorney. Katy addressed the fact that if members are added to the committee, it would give unelected individuals, the power to make decisions on legislation for the City.

Vice Mayor Chao mentions that the upside to adding members is that they could help the committee members study the bills and point out things that could affect the City.

Mayor Scharf wonders if they could add a member from the Planning Commission as a voting member since that commission is being affected the most. Katy mentions that our State legislature encompasses all topics and therefore it would be hard to place a member from each commission on the committee. It would also be extremely difficult to pick which members sit on this committee. Mayor Scharf then wonders if they could add a non-voting member instead. Katy mentions that the meeting is open to the public so anyone is always welcome to come to the meeting but are subject to public comment at the Mayor's discretion. If they are a non-voting member they would be allowed to sit in discussion without specific time restraints.

Jennifer Griffin, a Cupertino resident, commented that she would prefer to keep the committee as-is because they are elected officials and they are the ones who should be making decisions. She explains that the committee is highly effective and can make decisions quickly and easily.

Liana Crabtree wants the Chair to use their discretion when the committee is looking for input and open public comment as needed.

Govind Tatachari explains that the comments should be allowed early to include items that are on the agenda. The committee informed him that there was time for open comments at the



beginning of this meeting.

The Mayor and Vice Mayor agreed to not add members to the committee and keep it as-is for now.

17. Subject: Public engagement regarding legislative affairs

Recommended Action: Provide input on public engagement regarding legislative affairs

Assistant to the City Manager Katy Nomura mentions that staff will add information on how to submit a letter and contact State and Federal legislators to the webpage. Vice Mayor Chao would also like the bill position letters to be mentioned in other sources besides the webpage. Katy Nomura explains that the bill positions will be included in the items of interest as well as in an enotification to the legislative affairs and city council meeting subscribers.

18. Subject: Future bill ideas

Recommended Action: Discuss and provide input on future bill ideas

TPA explains that the window to introduce bill ideas is from about January 3<sup>rd</sup> to February 21<sup>st</sup>. The committee would come up with bill ideas and hand it over to the legislative attorneys who would write up the bill language. They will only write bills for legislation that is sponsored by a legislator. The City will start with their local legislators but can also reach out to other legislators with more of an interest on the topic. TPA explains that City can start brainstorming once the governor has acted on all legislation for this year.

19. Subject: Discussion of future meetings and agenda topics

Recommended Action: Recommend future meetings and agenda topics

TPA recommends that the committees next meeting should be during the legislative recess. The legislative action day typically should happen during January/February, however since the City has a new City Manager it would be good to schedule an introductory meeting right after the legislative recess. TPA will look at what days in mid-August would be best for the committee's trip to Sacramento and will thoroughly prepare the committee prior to the trip. For the future January trip, it would be possible for the entire Council to visit Sacramento since it would be a more laid-back meet and greet day and should not violate Brown Act policies since they will not be discussing specific legislation.

## ADJOURNMENT

The meeting was adjourned at 12:33 p.m.



Astrid Robles, City Manager's Office