



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

SUBJECT: QUARTERLY REPORT ON
COUNCIL PRIORITIES

DATE: October 19, 2015

Approved

Date

10/20/15

INFORMATION

This memo provides a progress report on the priorities set by Council at the June 23, 2015 Council Priority Setting Session.

There are 21 items on the Priority List (Attachment A), which is presented in priority order as ranked by Council. In most cases, work crosses multiple departments and requires legal work from the City Attorney's Office.

The list includes an update on actions taken since the Council Priority Setting Session and next steps.

EARLY CONSIDERATION PROCESS – GREEN-YELLOW-RED

The new Early Consideration Process has been adopted and used at Rules and Open Government Committee meetings since the last Council Priority Setting Session.

The following referrals were greenlighted by the Rules and Open Government Committee and added to department workplans or went directly to Committees or Council for action:

- **End of Watch Police Memorial** (August 5, 2015) - *Establish a planning group, staffed by the Office of Cultural Affairs, for the purpose of planning for a San José End of Watch Police Memorial.*
- **Fix Our Roads Resolution** (August 19, 2015) - *Resolution in support of the Fix Our Roads Coalition's goals for the California State Transportation Special Session.*
- **Changes to Title 6 and Title 25/Transportation Network Companies and Taxis** (August 19, 2015) - *Evaluate and recommend any changes to Title 6 and Title 25 of the San José Municipal Code as they pertain to Taxicab and Limousine Service Regulations in an effort to provide consistency in respect to the regulation of the Transportation Network Companies.*

- **Minimum Wage Study** (September 2, 2015) - *Hire a professional, non-biased consultant for the Minimum Wage Study and engage key stakeholders in the process of the study.*
- **Legal Work on Elections** (September 23, 2015) – *Assessment of the feasibility of the City Attorney providing all written guidance for candidates for office regarding legal compliance with relevant municipal, FPPC, state, or other regulations relating to elections; to all questions from candidates and councilmembers relating to election rules, including compliance, filing deadlines, reporting of contributions; and Any other inquiries relating to the Code of Ethics, including but not limited to rules regulating gifts, honoraria, and lobbying.*
- **Lincoln Avenue Road Diet** (September 23, 2015) - *A comprehensive traffic study which includes traffic analysis and sales tax impacts.*
- **Crime Free Multi-Housing** (October 7, 2015) - *Coordination of community stakeholder with analysis from the Police and Housing Departments as well as legal analysis of from the City Attorney.*
- **Resolution in Support of H.R. 2140** (October 7, 2015) - *Resolution against torture and in support of the Vietnam Human Rights Act of 2015 (H.R. 2140)*

The following items have been yellow lighted and referred to the next Council Priority Setting Session:

- **Expanding Information Technology Capacity** (June 9, 2015 Council) - *Exploration of recommendations related to the City's Technology Investment Strategy.*
- **San José Urban Agriculture Incentive Zones Ordinance** (October 7, 2015) - *San José Urban Agriculture Incentive Zones Ordinance.*

These items will be returning to Rules for further direction:

- **Gender Pay Equity** (September 9, 2015) - *Options for assessing and promoting gender and ethnicity equity in the City's employment decisions.*
- **License Plate Readers on Garbage Trucks** (August 19, 2015) - *Exploration of the feasibility, legality, and civil liberties implications of mounting license plate readers on garbage trucks owned by our four recycling providers to provide investigative data directly to the San José Police Department*
- **Electronic Billboards** (October 6, 2015 Council) - *Options for public and private property that will allow electronic digital off-site advertising signs or billboard installations.*
- **Downtown Sign District Pilot Program** (October 6, 2015 Council) - *Establishment of a Sign District in a limited area of the Downtown that provides opportunities for offsite advertising on public and private buildings and generates revenues for public art and cultural programming.*

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NEXT COUNCIL PRIORITY SETTING SESSION

Under the process, City Council Priority Setting Sessions are held twice yearly. The next session will be scheduled to take place on December 8. The last chance for Council memos to be heard at the Rules Committee for consideration at the November City Council Priority Setting Session will be November 18.

A handwritten signature in black ink, appearing to read 'D. D. Sykes', with a long horizontal stroke extending to the right.

DAVID SYKES
Assistant City Manager

For questions, please contact David Sykes, Assistant City Manager, at (408) 535-8185.

Council Priorities
(as set by Council on 6/22/15)

	Policy/Ordinance Name Description	Votes Rec'd	Lead Dept./Staff Support Departments	CMO Lead	Current Activity	Next Milestone
1	Wage Theft, Parts A, B & C A) Revise contract and RFP requirements to protect the City from contracting services from businesses with unpaid wage theft judgments. B) Authorize Departments that issue licenses or permits to deny, suspend, or revoke licenses and permits to businesses with unpaid wage theft judgments. C) Provide any other readily available information on the issue of wage theft.	10	Public Works: Lead staff: Nina Grayson and Christopher Hickey Support: Finance/ Attorney	David Sykes	Initial research completed – reviewed San Francisco & Santa Clara County wage theft policies. Met with CAO and Purchasing to discuss. A) Language for RFP and contracts drafted. B) Developing complete list of City issued permits and licenses. C) Compiling information – state legislation, role of Labor Commissioner, collection agency.	A) Legal review of draft RFP and contract language; B) Legal review of City’s ability to deny, suspend or revoke licenses and permits for unpaid wage judgments; C) Council consideration in January 2016.
2	Update the City’s Rental Rights and Referrals Program. Explore modifications to the City’s rent control ordinance and creation of ordinances for just cause evictions and income discrimination prohibition.	9	Housing/Attorney Housing lead staff: Wayne Chen	Kim Walesh	Advisory Committee began its work starting Wednesday, September 30th.	Completion of the Advisory Committee work in December 2015.
3	Local Hiring/Local Business/Apprentice Utilization Program Create policies encouraging the hiring of local workers and contracting of local and small businesses, using the City of Sunnyvale's recently approved program as a model.	8	Public Works/Lead Staff: Nina Grayson Support: Attorney	David Sykes	Researching topic and Sunnyvale’s program and status. Staff met with Council District 4 to discuss a possible program for City construction contracts <\$100k to be awarded to San Jose contractors wherever feasible/possible.	Meet with CAO on viability of establishing local hiring ordinance and/or local/small preferences. To Council in Spring 2016.
4	Massage Parlor Regulation Modify the Municipal Code to regulate massage parlors and prevent human trafficking as permitted under new state law.	8	Police/Lead staff: Sgt. Todd Trayer, Officer Mike Epp	Jennifer Maguire	An Informational Memo was released on October 2, 2015.	Return to Council by end of the year if ordinance changes are needed.

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5	Mobile Home Conversions Review and potentially amend the Mobile Home Conversion Ordinance to address the protection of health, safety and welfare of mobile home park residents, including any needed General Plan amendments.	8	PBCE/Lead staff: Jenny Nusbaum Support: Attorney/ Housing	Kim Walesh	Scheduled for status report with CED Committee 11/16/15. Prepping policy and ordinance options.	Community and Economic Development Committee on November 16, 2015.
6	Illegal Fireworks Ordinance Establish a new framework to cite, fine, and adjudicate the use, possession, sale, advertisement for sale, transportation, and/or manufacturing of fireworks. Explore use of administrative citations in addition to criminal charges.	7	Fire/ Lead staff: Curtis Jacobson Support: Police/Attorney	Jennifer Maguire	Drafting of a new ordinance is in progress. Collaboration with the City Attorney's Office with additional stakeholder input from PBCE and SJPD.	Coordination with SJPD and PBCE regarding enforcement. Return to Council in March of 2016.
7	Riparian Corridor & Bird-Safe Buildings Update zoning code provisions with respect to riparian setbacks and development of bird-safe buildings.	7	PBCE/Lead staff: Jenny Nusbaum	Kim Walesh	Status report to T&E on 10/5/15 and to CED on 10/26/15. In process of public engagement and focus group meetings.	CED and T&E in Spring 2016 with recommendations.
8	Commercial Impact Fee for Affordable Housing Research the potential of a non-residential development fee as an additional source of revenue for affordable housing development.	6	Housing/Lead staff: Kristen Clements Support: Attorney/ PBCE/Economic Development	Kim Walesh	Evaluation of countywide commercial impact fee. Coordination with the Office of Economic Development and PBCE.	To Council on November 3.
9	Allowing Secondary Detached Units in San José Modify the Municipal Code to allow and facilitate the building of secondary detached residential units on residential parcels.	5	PBCE/Lead staff: Jenny Nusbaum Support: Housing/Attorney	Kim Walesh	These are already allowed. Proposed Code changes to add more options awaiting greenhouse gas analysis for 2040 EIR.	GHG EIR scheduled for council approval in February 2016

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10	Disadvantaged Business Enterprises Explore expanding existing DBE program beyond Airport to other City departments and contracts.	3	Public Works/Lead staff: Nina Grayson Support: Attorney/ Transportation/ESD	David Sykes	Reviewing other public agencies' programs	Review possible constitutional issues. Develop recommendations to implement program including resources to staff program. To Council December 2015/January 2016.
11	North San José Policy Review Review of North San José development policies, fees, and development capacity allocations.	2	PBCE/Lead staff: Jason Rogers Support: Economic Development/ Transportation	Kim Walesh	Staff has retained a consultant to perform the necessary analysis to adjust Phase 1 industrial capacity (Near-Term Action Plan) to include 2 million square feet.	Phase 1 recommendations to Council in January 2016
12	Development Agreement Policy Provide more specific guidance for the use of Development Agreements, specifically for developments receiving City incentives and as a financing tool for urban villages	1	PBCE/Lead staff: Jenny Nusbaum Support: Attorney/ Economic Development	Kim Walesh	No current activity. Staff is working on higher priority items.	
13	Downtown Parks Maintenance District and High-Rise Incentive Program To extend the current park fee incentive program for downtown high-rise projects currently under construction and to investigate the establishment of a new incentive that includes the creation of a downtown parks maintenance district.	1	PRNS/Lead staff: Matt Cano Support: Attorney/ PBCE/Public Works	Julie Edmonds- Mares	Staff has engaged in community outreach over the past several months, including a Parks and Recreation Committee hearing. Currently drafting final staff recommendation for the new program, which primarily focuses on the revitalization of St James Park.	To Council on November 10.
14	Real Estate Transactions Streamlining (Phase 3) Review of the leasing program for both properties where the City is Landlord and where the City is Tenant.	1	Economic Development/Lead staff: Terry Medina Support: Attorney	Kim Walesh	Audit of City as Tenant and City as Landlord leases completed August 2014.	Establish fair market value for City as landlord leases, including non-profit leases. Establish step by step streamlined leasing process, i.e.: standard lease agreements, delegation of authority, etc. Combine all annual lease payments to coincide with fiscal year.

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15	San José is Open for Business/Legal Non-Conforming Uses Clarify Title 20 to reduce the evidentiary burdens for businesses and property owners seeking to establish a longstanding, legal nonconforming use.	1	PBCE/ Lead staff: TBD Support: Attorney	Kim Walesh	No current activity. Staff is working on higher priority items.	
16	Food and Clothing Distribution at City Parks Review and update the Municipal Code policy regarding the distribution of food and clothing at City Parks.	0	PRNS/ Lead staff: Steve Hammack, PRNS Support: Attorney/ Economic Development/ Police/Housing	Julie Edmonds-Mares	Staff from Police, Housing, Parks Recreation & Neighborhood Services and District 3, along with community leaders, are meeting to discuss next steps to resolving this issue. The team is currently working on two fronts to help redirect feeding from Downtown parks (1) Education through the Housing Department's homeless outreach provider – PATH and (2) Convening a meeting in the very near future with local faith leaders to discuss the establishment of a program that will allow feedings to be redirected to nearby churches. Staff will also be looking at reviewing and updating the Municipal Code Policy simultaneously with the work to redirect feeding. Although the current focus is on Downtown parks it is assumed that the model established will be allowed to be replicated in other areas of the City.	Convene stakeholder meeting within next three months with key stakeholders listed above to discuss establishment of feeding program.
17	Graywater Systems Consider changes to the permitting process allowing residents to install gray water systems in the most timely and inexpensive manner currently available.	0	PBCE/ Lead staff: Chu Chang Support: Environmental Services	Kim Walesh	No current activity.	

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18	Off-Sale of Alcohol at Grocery Stores Streamlining Modify Code provisions to streamline the permit process for sale of alcohol at grocery stores.	0	PBCE/Lead staff: Jenny Nusbaum Support: Attorney	Kim Walesh	Public engagement and focus group meetings in process. Input so far: Not supportive of having off-sale PCN not considered by Council for overriding benefit.	Complete stakeholder engagement by June 2016.
19	Peddler Permits Enforcement/Outdoor Mobile Vendor Policy Suspend enforcement of peddler permit requirements until Council amends the existing ordinances.	0	City Manager/Lead staff: Michelle McGurk Support: PBCE	Angelique Gaeta	Final community outreach meeting held 9/28/15 at Mayfair Community Center (D-5). Coordinated with Planning and Office of Immigrant Affairs.	Ordinance changes for private property vending to Planning Commission on 11/18. To Council on 12/8.
20	Surplus Land Sale Bring City codes into conformance with new state law.	0	Attorney/Lead staff: Patty Deignan Support: Economic Development/ Housing	Kim Walesh	Meetings underway between City Attorney's Office, Economic Development, and Housing. Next steps still to be determined.	
21	Zoning Ordinance Quarterly Modifications Minor revisions to Zoning Ordinance that do not require major analysis, raise community concerns or cannot be found exempt from CEQA. This is a recurring placeholder that facilitates economic development, permit streamlining, and General Plan implementation.	0	PBCE/Lead staff: Jenny Nusbaum Support: Attorney	Kim Walesh	Downtown streamlining Code changes went to Planning Commission on 9/23/15 and Council on 10/6/15.	Next quarterly update scheduled for December/January.