

Memorandum

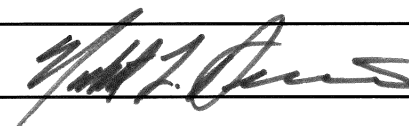
TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

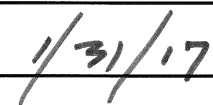
**SUBJECT: COUNCIL PRIORITY
SETTING PROCESS**

DATE: January 30, 2017

Approved



Date



INFORMATION

This memo provides a review of the Council Priority Setting Process and next steps.

BACKGROUND

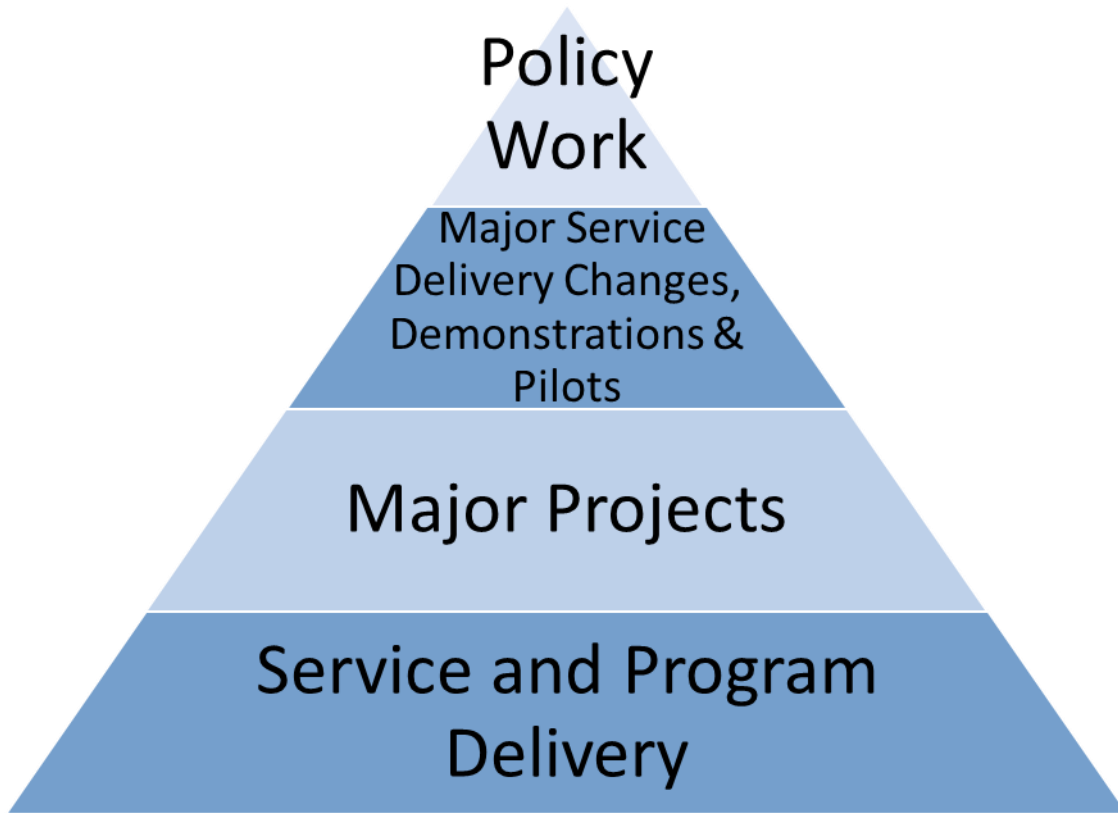
Over the past few years, Council has participated in priority-setting sessions at which the Council determined what potential or pending ordinances and policy initiatives held highest priority for completion in the year ahead. The priority-setting process has allowed the Administration to focus limited staff resources on those high priority initiatives.

Review of the Process

Policy Work Structure

The Council Priority Setting Session includes Policy Work in addition to new or rewritten ordinances (changes to the Municipal Code). Policy Work is not the day-to-day work of providing City services, nor is it the major projects already in the budget or in department workplans. Policy Work is the body of work that requires changes to City policies, modifications to the Municipal Code, adoption of new plans or strategies, or development of new policies, programs, or code sections. Typically, department leaders/managers perform such work in partnership with the City Attorney. Exhibit A illustrates that Policy Work should be a smaller percentage of the overall body of staff work done by the organization, albeit a very important and visible piece.

Exhibit A: Policy Work Structure



Capacity Consideration Process

The Capacity Consideration Process provides quick feedback from staff on whether a new idea needs to go to the Semiannual Council Priority Setting Process or if it can be added to the Department's existing work and staffing plan. Ideas may be submitted by Council throughout the year with a memo to the Rules and Open Government Committee. The Rules and Open Government Committee then passes the item to Staff for an evaluation that will look at the organization's ability to complete policy work based on specific criteria. Staff will present a recommendation on whether an item needs to go through the Semiannual Council Priority Setting Process ("Yellow Light"), can be added to existing Department Workplans ("Green Light"), or is not feasible for some reason ("Red Light"). The Rules Committee will then take action on the Staff recommendation. If the item is referred to the Council Priority Setting process, it will be added to the list for consideration at the next Semiannual Council Priority Setting Session.

ANALYSIS

The last priority-setting session was held on December 15, 2015. The Council approved and ranked items for the current Council Priority list. There are 27 items on the Council Priorities 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.

Nominated Ideas

Based on the Council approved process, the first step at the February 28 Council meeting will be to vote on the list of Nominated Ideas, which were referred to priority setting through the capacity consideration process, to determine if they should move on to the Council Priority list. The current list of Council nominated items is attached as Attachment B.

In addition to Council Nominated Ideas, staff initiated items will be added for Council's consideration. These Staff Initiated Proposals are significant policy level work or major initiatives that may compete with staff ability to deliver on their department work plan.

To nominate any additional Policy Work items for consideration on February 28, City Council members should submit memos for consideration by the Rules and Open Government Committee no later than the February 15 meeting.

EVALUATION AND FOLLOW-UP

Staff will issue the February 28 Council Prioritization memo on Friday, February 17. This memorandum will incorporate any additional nominated items and lay out the voting and ranking meeting activities for the setting session.

/s/
DAVID SYKES
Assistant City Manager

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

Attachments

- A – Current Council Priority list
- B – Nominated Ideas

Attachment A – Current Council Priority List

Council Priorities (as set by Council on 12/15/15)		
	Policy/Ordinance Name Description	Lead Dept./Staff Support Departments
1	Wage Theft, Parts A, B & C A) Revise contract and RFP requirements to protect the City from contracting services with businesses that have 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.	Public Works: Lead staff: Nina Grayson and Christopher Hickey Support: Finance/ Attorney
2	Update the City’s Rental Rights and Referrals Program Explore modifications to strengthen the City’s rent control ordinance (rent registry, notices of rent increase, banking); and the creation of ordinances to address retaliatory evictions, income discrimination, major capital improvement pass-through, displacement and relocation (Ellis).	Housing/Attorney Housing lead staff: Rachel VanderVeen
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.	Public Works/Lead Staff: Nina Grayson Support: Attorney
4	Massage Parlor Regulation Modify the Municipal Code to regulate massage parlors and prevent human trafficking as permitted under new state law. Further direction to evaluate the overconcentration of massage parlors in neighborhoods and explore option relating to prohibition of opening of a massage parlor in the same location as one that has been closed due to trafficking/prostitution activity.	Police/Lead staff: Sgt. Todd Trayer, Officer Mike Epp
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.	PBCE/Lead staff: Jenny Nusbaum Support: Attorney/ Housing
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.	Fire/ Lead staff: Curtis Jacobson Support: Police/Attorney
7	Riparian Corridor & Bird-Safe Buildings Update zoning code provisions with respect to riparian setbacks and development of bird-safe buildings.	PBCE/Lead staff: Jenny Nusbaum
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.	Housing/Lead staff: Kristen Clements Support: Attorney/ PBCE/Economic Development

9	<p>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.</p>	<p>PBCE/Lead staff: Jenny Nusbaum Support: Housing/Attorney</p>
10	<p>Housing Rehabilitation Program (Homeless Veterans Vouchers) Develop a program using the Low and Moderate Income Housing Asset Fund in the City’s Affordable Housing Investment Plan to establish a housing rehabilitation program incentivizing landlords to participate in housing voucher or coupon programs for homeless veterans.</p>	<p>Housing/Lead staff: James Stagi</p>
11	<p>Downtown Active Storefronts Initiative Penalty fees for storefronts that been inactive over one year; allocation of all collected penalty fees toward an incentive program that assists property owners in activating their storefronts; exploration of new tools and recommendations that will require new development in the PBID to activate ground floor space or storefronts. To include Citywide business districts or commercial areas.</p>	<p>Economic Development/ Lead staff: Blage Zalalich Support: Attorney</p>
12	<p>San José Urban Agriculture Incentive Zones Ordinance San José Urban Agriculture Incentive Zones Ordinance.</p>	<p>PBCE/Lead staff: Jenny Nusbaum Support: Attorney</p>
13	<p>Gender Pay Equity Options for assessing and promoting gender and ethnicity equity in the City's employment decisions.</p>	<p>Human Resources/Lead staff: Joe Angelo</p>
14	<p>Disadvantaged Business Enterprises Explore expanding existing DBE program beyond Airport to other City departments and contracts.</p>	<p>Public Works/Lead staff: Nina Grayson Support: Attorney/ Transportation/ESD</p>
15	<p>Electronic Billboards Options for public and private property that will allow electronic digital off-site advertising signs or billboard installations.</p>	<p>PBCE/Economic Development Lead PBCE staff: Jenny Nusbaum</p>
16	<p>Graywater Systems Consider changes to the permitting process allowing residents to install gray water systems in the most timely and inexpensive manner currently available.</p>	<p>PBCE/Lead staff: Warren Krause Support: Environmental Services</p>
17	<p>Surplus Land Sale Bring City codes into conformance with new state law.</p>	<p>Real Estate/Lead staff: Terry Medina Support: Economic Development/ Housing</p>
18	<p>Downtown and/or Citywide Parks Operations and Maintenance Financing District To study and make recommendations to the City Council for a long term financing district for parks operations and maintenance. The study will look at citywide and downtown as options.</p>	<p>PRNS/Lead staff: Matt Cano Support: Attorney/ PBCE/Public Works</p>
19	<p>North San José Policy Review Review of North San José development policies, fees, and development capacity allocations.</p>	<p>PBCE/Lead staff: TBD Support: Economic Development/ Transportation</p>

20	<p>Peddler Permits Enforcement/Outdoor Mobile Vendor Policy Suspend enforcement of peddler permit requirements until Council amends the existing ordinances.</p> <p>Staff was directed to suspend action on Section 20.80.810 of Chapter 20.80 expanding two hours to four hours, to have further meetings/outreach with the restaurant owners and their representatives and to report back to Council or a Council Committee in approximately 6 months.</p> <p>Staff was further directed:</p> <p>(1) To evaluate the small push carts to determine if there is a separate category for ways to treat them differently in terms of fees. (2) To reach out to Our Lady of Guadalupe Church regarding vendors on church property/adjacent sidewalks. (3) To allow consideration for the small vendors on private property upon lifting the suspension of the two hour requirement on March 1, 2016.</p>	<p>City Manager/Lead staff: Michelle McGurk</p> <p>Support: PBCE/Police</p>
21	<p>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.</p>	<p>PBCE/ Lead staff: TBD</p> <p>Support: Attorney</p>
22	<p>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</p>	<p>PBCE/Lead staff: Jenny Nusbaum</p> <p>Support: Attorney/ Economic Development</p>
23	<p>Food and Clothing Distribution at City Parks Review and update the Municipal Code policy regarding the distribution of food and clothing at City Parks.</p>	<p>PRNS/Lead staff: Mike Will, PRNS</p> <p>Support: Attorney/ Economic Development/ Police/Housing</p>
24	<p>Off-Sale of Alcohol at Grocery Stores Streamlining Modify Code provisions to streamline the permit process for sale of alcohol at grocery stores.</p>	<p>PBCE/Lead staff: Jenny Nusbaum</p> <p>Support: Attorney</p>
25	<p>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.</p>	<p>Economic Development/Lead staff: Terry Medina</p> <p>Support: Attorney</p>
26	<p>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.</p>	<p>PBCE/Lead staff: Jenny Nusbaum</p> <p>Support: Attorney</p>
*	<p>Medical Marijuana Explore whether to allow medical marijuana distributors, manufacturers, and testing labs to operate in San José, and if so, how many and where. (Note: marijuana land use and regulatory issues could be impacted by the outcome of Proposition 64 on the November 8, 2016 California ballot.)</p>	<p>Police/Lead staff: tbd</p>

*On October 18, 2016, Council moved *Medical Marijuana* to the Council Priority list. This item is currently unranked until the new Council Priority list is established on February 28, 2017.

Attachment B – Nominated Items

List includes all ideas referred to priority setting since December 2015

New Items for Consideration		
	Policy/Ordinance Name	Referred By
1	<p>Priority Response to SPUR and Staff Identified Work Items - <i>Zoning Code Revisions in Downtown and Urban Villages; Citywide Urban Design Guidelines; Downtown Historic Preservation; Downtown Parking Management Plan and Code Reform; and Downtown Circulation and Access.</i></p> <p><i>The following items were sent to the prioritization process:</i></p> <ul style="list-style-type: none"><i>-Zoning Code Revisions in Downtown and Urban Villages.</i><i>-Citywide Urban Design Guidelines.</i><i>-Downtown Historic Preservation.</i><i>-Downtown Parking Management Plan and Code Reform.</i><i>-Downtown Circulation and Access Study.</i>	August 3, 2016 (Rules)
2	<p>Riparian Corridors and Bird-Safe Design - <i>Develop a work plan to:</i></p> <ul style="list-style-type: none"><i>-Study the impacts of bird strikes in San José;</i><i>-Explore the implications of incorporating current voluntary bird-safe design measures as a City-wide requirement along riparian habitats, creek corridors and open spaces; and,</i><i>-Evaluate if additional environmental review may be needed to implement a City-wide program.</i>	August 23, 2016 (Council)

New Items for Consideration

	Policy/Ordinance Name	Referred By
3	<p>Accessory Dwelling Units</p> <p><i>-Support the Planning Department's recommendations to revise the Zoning Code to ensure that the City's Second Unit Ordinance is in conformance with the provisions of Senate Bill 1069 (Wieckowski), which requires jurisdictions to relax some requirements for second units, also called accessory dwelling units;</i></p> <p><i>-Direct the Administration to: (a) Eliminate any impediments to the conversion of detached garages or other accessory units to residential use; (b) Consider changes that would increase the number of potential lots in R-2 zones; (c) Study an amnesty program that would legalize illegal non-conforming accessory dwellings as long as they are brought up to the standards included in the City's ordinance; (d) Encourage a robust public information effort to help residents understand the potential for second units, and the process for development.</i></p> <p><i>-Additionally, to "Not require for the secondary dwelling a minimum area of 80 s. f.. of private open space with a minimum width of 8 feet."</i></p> <p><i>-Review the potential for attached garages for future consideration.</i></p>	November 15, 2016 (Council)
4	<p>Loosening Restrictions Around Hotel Conversions -</p> <p><i>Staff was directed to return to the Rules and Open Government Committee with a work load assessment concerning loosening the restrictions around hotel conversions to make them more feasible.</i></p>	January 1, 2017 (Council)