



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

**SUBJECT: 2020-2021 COUNCIL POLICY
PRIORITY SETTING**

DATE: February 20, 2020

Approved

Date

2/20/2020

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL

This memorandum provides the final list of nominations for the 2020-2021 Council Policy Priority Setting session on February 25, 2020, including policy nominations from the Mayor and City Council.

BACKGROUND

On February 14, 2020, the Administration released the staff report for the 2020-2021 Council Policy Priority Setting Session. That memorandum included a list of Preliminary Nominations to be considered at the 2020-2021 Council Policy Priority Setting session on February 25, 2020. Additionally, on February 14, 2020, policy nominations from the City Council were due to the City Manager's Office for consideration at the session. This memorandum updates the outcome of the Council Policy nomination process.

ANALYSIS

The Mayor and Council submitted a total of 36 nominations by the February 14, 2020 deadline. In addition, ten items had already been placed on the Preliminary Nominations list. Seven nominations had previously been yellow-lit and referred to the 2020-2021 Council Policy Priority Setting process by the Rules and Open Government Committee or the City Council. The Administration nominated the remaining three items. Please see Attachment A for the complete 2020-2021 Nominations List.

The Administration has reviewed the 36 Council policy nominations and has determined that the following 10 items are primarily programmatic in nature and should be referred to the 2020-2021 budget process:

- **Automated Speed Warning** (Mayor Liccardo). This nomination would install recording cameras with license-plate readers at designated intersections and issue warning letters and possibly charge a fee to speeding drivers. There are questions about the City's ability to use automated speed technology and to assess a fee under state law. In addition, this proposal creates a new City program, requiring staffing, start-up costs, and ongoing funding.
- **Procurement/Office of Small Business** (Vice Mayor Jones). This nomination would create an office to assist small businesses, including aid in participating in City procurement processes. This proposal creates a new City program and primarily requires program creation and staffing to implement.
- **Fire Permits for ADUs** (Vice Mayor Jones). This proposal would require fire sprinkler permits for Accessory Dwelling Units (ADUs) to be issued in four weeks or less. This primarily requires staffing and resources to implement.
- **Accessible Pedestrian Signals** (Councilmember Diep). This proposal would identify critical intersections and crosswalks near facilities serving disabled residents and prioritize installing Accessible Pedestrian Signals, ultimately creating a program to update signals throughout the City. While the Department of Transportation is currently doing some work in this area using grant funding, this proposal would create a new program requiring resources to implement.
- **Sidewalk Gaps Inventory & Prioritization** (Councilmember Diep). This proposal would complete an inventory of the City's sidewalk network to identify gaps; identify priority gaps for the City to build out; and identify funding sources to help fund completion of the sidewalk network. This work involves program development, creation, and development, requiring resources to implement.
- **Equity Task Force** (Councilmember Carrasco) and **Equity Funding and Analysis** (Councilmember Esparza). These proposals make recommendations regarding next steps with the City's work regarding equity. Both require staffing and resources to implement.
- **Gas-Powered Tools Buyback Program** (Councilmember Davis). This nomination would create a new program to buyback gas-powered tools from residents and businesses using them. This proposal would create a new City program and primarily requires program creation, resources, and staffing to implement.
- **No Blight Zones** (Councilmember Esparza). This proposal would create a new program, building upon existing ongoing multi-departmental work to reduce blight, such as BeautifySJ. It will require program development, as well as resources and staffing to implement.

- **Municipal Management Fellowship** (Councilmember Khamis). This would create a new program to grow future administrative leadership in the City of San José. It would require funding to pay for the fellowship cohort and manage the program.

The Administration recommends combining the following policy nominations as they are similar or complementary in nature:

- **Short-Term Regulatory Framework** (Councilmember Peralez) and **Enhancing the Safety of Short Term Rentals** (Councilmember Foley). While the two nominations include different ideas for updating the short-term rental ordinance and exploring a registry or licensing program, the scope of work for both nominations is similar.
- **Protecting Our Youth from the E-Cigarette Epidemic** (Councilmember Foley) is recommended to be combined with the existing yellow-lit item **Flavored Tobacco and E-Cigarettes** (Rules Referral, Councilmember Carrasco) as the scope of work is similar for both nominations.
- **Update Council Policy 6-30 (Development Outreach)** (Councilmember Khamis). The Council has already yellow-lit and referred an update of this policy to the 2020-2021 Council Policy Priority Setting process in its approval of the Audit of Development Noticing. These nominations are recommended to be combined.

The Administration recommends green-lighting the following six nominations:

- **Equity in Sports Field Rentals** (Councilmember Jimenez). The Department of Parks, Recreation and Neighborhood Services (PRNS) has already planned to review sports field rental policies in 2020.
- **Privately Owned Public Open Spaces** (Councilmember Diep). This work is already planned as part of PRNS's nexus study for park impact dedication and fees.
- **Land Trust Feasibility Study** (Councilmember Carrasco). The Housing Department plans to explore the strategies outlined in this proposal as part of its work on anti-displacement strategies.
- **Children's Bill of Rights** (Councilmember Arenas). This nomination will be referred to the Youth Commission, which is in the process of updating the City's Youth Bill of Rights under their current work plan. Recommendations from the Youth Commission will come to Council later this year.
- **Special Park Use Permits – Residential Exemption** (Councilmember Arenas). This would simplify the Special Park Use process so that neighborhood groups face fewer barriers when activating community parks. PRNS has already planned to review these processes in 2020.

- **Fire Survivorship Benefits** (Councilmember Foley). The Office of Employee Relations is already working on this item. A recommendation will be brought to Council in closed session in connection with labor negotiations before the end of the fiscal year.

Finally, one nomination, **Police Staffing** (Councilmember Esparza), proposes to study retention issues in the Police Department, then explore potential incentives to retain officers. This proposal includes both work already underway and items that are subject to meet and confer. The City Auditor is currently conducting an audit of police staffing, which could inform policy work in this area. Additionally, negotiations with the Police Officers Association are beginning. Potential incentives would be subject to meet and confer, and discussed with Council in Closed Session. For these reasons, this item is not included on the 2020-2021 Nominations List, but will instead be referred to the processes already underway.

The updated 2020-2021 Nominations List is provided in Attachment A. The 36 Councilmember nomination forms will be posted with the staff report for this agenda item.

Voting Process

As shown in Attachment A, the final total number of nominations is 25. Based on the formula used in last year's session and recommended by the Administration, each Councilmember will have $n/3$ votes (or 9 votes) to cast in the first round. Nominations receiving six or more votes will be considered for prioritization.

Prioritization

As discussed in the February 14, 2020 staff report, once completed items have been removed, the Administration recommends freezing the Top 10 items on the Council Policy Priority List given the significant work already underway on these items (see Attachment B).

The Council will then vote to prioritize the remaining items (see Attachment C) as well as the new items approved in Round 1. Again, each Councilmember will have $n/3$ votes to cast.

Nominated Matters

Placement of a policy on the Priority List does not necessarily mean that it will be implemented. As City staff and the City Attorney's Office work on the priority list, administrative, budget and legal issues will be identified and then brought back to the City Council for further consideration.

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COORDINATION

This memorandum has been coordinated with the Attorney's Office and the City Manager's Budget Office. Departments have been consulted in designating items as green, yellow, red, or recommending referral to the budget process.

/s/

LEE WILCOX

Chief of Staff, Office of the City Manager

For questions, please contact Lee Wilcox, Chief of Staff, at (408) 535-4873, or Michelle McGurk, Assistant to the City Manager, at (408) 535-8254.

Attachment A: 2020-2021 Nominations List

Attachment B: New Top 10 List

Attachment C: Items to be Re-Ranked from 2019-2020 Council Policy Priority List

ATTACHMENT A

2020-2021 Nominations

(Includes Yellow-Lit Items, Administration Nominations, and Council Policy Nominations)

Item	Date Nominated	Nominated Policy/Ordinance Name	Nomination/ Referral From	Category
A	2/12/20	Zoning Code/Emergency Shelters	Rules	Yellow Light List
B	2/12/20	Explore Procurement of a Polypropylene Plastic Purification Plant	Rules	Yellow Light List
C	12/11/19	Cost of Development Report/Develop a Site-Specific Building Program Analysis	Rules	Yellow Light List
D	10/23/19	Public Safety Power Shutoffs: Making San José Grid Resilient, Item 5b (bond financing)	Rules	Yellow Light List
E	9/18/19 & 9/25/19 & 2/14/20	Flavored Tobacco and E-Cigarettes, Items 1, 2, and 3/ Protecting Our Youth from the E-Cigarette Epidemic (COMBINED)	Rules District 5 & District 9	Yellow Light List & Council Nomination
F	4/13/19 & 2/14/20	Update Council Policy 6-30, Public Outreach Policy	Council District 10	Yellow Light List & Council Nomination
G	2/12/20	Update Council Policy 6-10, Criteria for Review of Drive Through Uses	PBCE	Administration Recommendation
H	2/12/20	Update Council Policy 6-25, Guidelines for Designation of City Historic Landmarks	PBCE	Administration Recommendation
I	2/12/20	Update Council Policy 6-27, Evaluation of 24-Hour Uses	PBCE	Administration Recommendation
J	2/14/20	Gun Harm Reduction	Mayor	Council Nomination
K	2/14/20	Small & Local Businesses in New Development	District 1	Council Nomination
L	2/14/20	Density Cap Removal for Affordable Housing	District 1	Council Nomination
M	2/14/20	Hospitality Service Charges	District 2	Council Nomination
N	2/14/20	Surveillance Technology & Community Safety Ordinance	District 2	Council Nomination

Item	Date Nominated	Nominated Policy/Ordinance Name	Nomination/ Referral From	Category
O	2/14/20	Update Council Policy 5-6, Traffic Calming Policy for Residential Neighborhoods	District 2	Council Nomination
P	2/14/20	Prohibition of ICE-Affiliated Businesses on City Contracts	District 3	Council Nomination
Q	2/14/20	City-Permitted Encampments (Private Property)	District 3	Council Nomination
R	2/14/20	Single-Use Plastic Ban	District 3	Council Nomination
S	2/14/20	Short-Term Regulatory Framework/ Enhancing the Safety of Short Term Rentals (COMBINED)	District 3 & District 9	Council Nomination
T	2/14/20	Universal Design Standards	District 3	Council Nomination
U	2/14/20	Private Percent for Art	District 5	Council Nomination
V	2/14/20	Licensing and Certifying Pet Groomers	District 6	Council Nomination
W	2/14/20	Staffing Analysis	District 7	Council Nomination
X	2/14/20	Citywide Transit First Policy Framework	District 9	Council Nomination
Y	2/14/20	Walls: Streamline repair process; address planning issues	District 10	Council Nomination

ATTACHMENT B

Proposed 2020-2021 Frozen Top 10 List Council Policy Priority List

Priority Number (former rank)	Policy/Ordinance Name	Lead Department	Status
1	Local Hiring/Local Business/Apprentice Utilization Program	Public Works	In Progress
2	Mobile Home Conversions	PBCE	In Progress
3 (4)	Electronic Billboards	PBCE/OED	In Progress
4 (5)	Downtown and/or Citywide Parks Operations and Maintenance Financing District	PRNS	In Progress
5 (6)	Development of a Soft-Story Retrofit Program	PBCE	In Progress
6 (9)	Commercial Linkage Fee for Affordable Housing	CMO/OED/ Housing	In Progress
7 (11)	Review of Cannabis Land Use and Regulatory Provisions (Combined)	PBCE	In Progress
8 (12)	Universal Development Fee (12) & Impact Fee Deferred Payment Program for Housing (21)	OED	Combine with #21
9 (13)	Cannabis: Equity Applicant Program	OED	In Progress
10 (14)	Childcare & Early Education	Library/PRNS	In Progress

ATTACHMENT C

**Items to be Re-Ranked from
2019-2020 Council Policy Priority List**

Priority Number (former rank)	Policy/Ordinance Name	Lead Department	Status
11 (16)	Update the Council's Wage Theft Prevention Policy	Public Works	In Progress
12 (17)	Anti-Displacement Preference Ordinance	Housing	In Progress
13 (19)	Update Urban Design Guidelines	PBCE	In Progress
14 (20)	Downtown Zoning Code Update	PBCE	In Progress
15 (23)	Smoke-Free Housing	PBCE	In Progress