



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember
Donald Rocha

SUBJECT: WORKLOAD PRIORITIZATION

DATE: February 10, 2012

Approved

Dom Rocha

Date

2-10-12

PH

RECOMMENDATION

That the Council consider including the following items, listed in Attachment A to the staff report, among the nine pending workload priorities:

- Item 26 – Contract Employee Benefits
- Item 21 – Regulation of Unattended Donation Boxes
- Item 20 – Public Review of New Retail Reuse

ANALYSIS

Over the past several months, I have helped to bring forward the above policy proposals. Given the many issues that we all deal with, I realize that the details of these particular proposals may not immediately spring to mind when reading through Attachment A. For the Council's convenience, I'd like to provide a brief overview of each item and explain why I believe it should be a workload priority.

Contract Employee Benefits

In the course of reviewing contracts for landscaping and janitorial services late last year, the Council discovered that some of our contract employees receive very few paid vacation days. At the December 13th, 2011 meeting, during consideration of the landscaping contract, the Council discussed whether the City should begin work to establish minimum standards for contract employee time-off benefits. My understanding of the Council discussion was that there was significant interest in being able to make decisions on this issue in advance of letting contracts for additional services. The Council ended up referring the issue to the Rules Committee, which at its February 8th, 2012 meeting heard back from staff on policy options that might help improve time-off benefit levels. At this meeting, discussion between myself, the Mayor, the Manager, and others present again gave the sense that it would be desirable to make decisions on this issue in advance of letting additional contracts. As I explained back in December, I

believe that giving people adequate time-off is a moral issue. Since we can expect additional contract services to come forward for Council approval at some point, I believe that we have an interest in moving this issue forward as a workload priority so that we can be fully prepared to make those contracting decisions.

Regulation of Unattended Donation Boxes

For the January 25th Rules Meeting, I signed on to a memo with Vice Mayor Nguyen and Councilmember Pyle concerning unattended donation boxes. Such boxes are often used by charities to collect donations of reusable clothes and other items from the public, but if not maintained properly, can attract graffiti, trash and rodents. My colleagues and I recommended that the City consider establishing regulations that would assist in preventing them from becoming a blight on our community. Other cities, such as Sacramento, have already established such regulations and can provide good model for us to work from.

Public Review of New Retail Reuse

This proposal comes out of a land use issue in my own district. Neighborhoods surrounding the Almaden Expressway/Hwy85 area had to deal with a number of development-related challenges over the past year, one of them being the shift in use at the old Home Expo site off of Almaden Expressway behind Best Buy. Home Expo, a relatively low-intensity retail use, vacated the site a few years ago. Earlier this year, Walmart announced that it was moving into the vacant space. The surrounding neighborhoods expressed considerable concern because they believe the new use will be higher intensity in terms of traffic and noise than Home Expo and have a more substantial impact on the neighborhood, especially considering that the site is bordered very closely by residential. In the course of learning about the issue, I discovered that the traffic analysis for the original approval of the Home Expo building used a trip generation rate that was appropriate for a low-intensity big box use, such as Home Expo, but lower than would normally be used for a high intensity use, such as the one now moving into the site. Nevertheless, the zoning on the site allows the new use to move in without any discretionary review.

In my mind, when a neighborhood is faced with a new use in an existing site that's more intense than the previous one, and when the impacts of that new use weren't fully analyzed in the original land use approval, there is a public interest in the City having some discretionary review and public process that allows the community's voice to be heard and new challenges to neighborhood quality of life to be properly analyzed. Prioritizing this item would allow Planning staff to begin exploring options for providing such review.