



City Council Meeting

SYNOPSIS

Tuesday, January 15, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



- **Call to Order and Roll Call**

9:38 a.m.- Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present. (Arenas 10:15 a.m.)

1:30 p.m.- Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.

18-1770 Closed Session Agenda

- **Invocation (District 1)**

Imam Tahir Anwar, chairman of the board of NISA, North-American Islamic Shelter for the Abused, provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by students from de Vargas Elementary School.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 18-1794 Amendment to Federal Aviation Administration for Passenger Facility Charges for the Terminal B - North Concourse Project.

Adopt a resolution authorizing the City Manager to submit an amendment to the Federal Aviation Administration to increase the City's authority to impose and use Passenger Facility Charges for the Terminal B - North Concourse Project in the amount of \$38,696,000.

CEQA: Not a Project, File No. PP17-003, Agreements and Contracts, Services that involve no physical changes to the environment. (Airport)

Resolution No. 78948 adopted.

(11-0.)

2.8 18-1796 Purchase Order with Duke’s Root Control for Chemical Root Treatment Services.

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Duke’s Root Control (Syracuse, NY) for chemical root treatment services on behalf of the Department of Transportation for an initial twelve-month period, starting on or about January 16, 2019 and ending on or about January 15, 2020, for an amount not to exceed \$330,000; and
- (b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about January 16, 2024, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance)

**Resolution No. 78949 adopted.
(11-0.)**

2.9 18-1799 Amendment to the Agreement with Bibliotheca, LLC for Library Radio Frequency Identification System.

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the First Amendment to the Agreement for a Library Radio Frequency Identification System with Bibliotheca, LLC (Norcross, GA) to purchase additional radio frequency identification equipment and professional services to expand use at current and additional library locations and to increase the maximum compensation by \$84,875 for a total maximum contract compensation of \$3,235,878 for the initial five-year term ending on August 31, 2021; and
- (b) Increase contingency by \$300,000 for amendments and change orders for any additional unanticipated changes required during the initial five-year term, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance)

**Resolution No. 78950 adopted.
(11-0.)**

2.10 18-1815 City Council Committee and Board and Commission Appointments.

(b) Apprise the Council of the Mayor’s appointments for each of the standing committees, as described in Exhibit “A” of the Memorandum to Council.

(c) Appoint councilmembers to each of the committees and assignments, as described in Exhibit “B” of the Memorandum to Council.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

[(Deferred from 1/8/19 - Item 2.8 (18-1780)]

Accepted, with changes made per Councilmember Arenas that she will be acting as liaison to the Human Services Commission, and Councilmember Sylvia Arenas will be assigned as liaison to the Youth Commission.

2.11 18-1819 Retroactive Approval of the East Hills Neighborhood Association Community Gathering Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on January 9, 2019:

(a) Retroactively approve the East Hills Neighborhood Association Community Gathering scheduled on December 15, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 01/09/19 - Item G.1.a]

Approved.

2.12 18-1820 Retroactive Approval of the Latino Leaders Convening Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on January 9, 2019:

(a) Retroactively approve the Latino Leaders Convening scheduled on November 14, 2018 as a City Council sponsored Special Event and

2.12 (Cont'd.)

approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 01/09/19 - Item G.1.b]

Approved.

2.13 18-1821

Retroactive Approval of the Winter Candyland Event Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on January 9, 2019:

(a) Retroactively approve the Winter Candyland event scheduled on December 15, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Peralez)

[Rules Committee referral 01/09/19 - Item G.1.c]

Approved.

2.14 18-1822

Retroactively Approval of Dumpster Day Sponsored by Mayor Sam Liccardo and Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on January 9, 2019:

(a) Retroactively approve the Dumpster Day event scheduled on December 15, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo and Diep)

[Rules Committee referral 01/09/19 - Item G.1.d]

Approved.

2.15 18-1823 Regional Housing Needs Allocation Subregion.

As recommended by the Rules and Open Government Committee on January 9, 2019, adopt a resolution stating the City's intent to support formation of a Housing Subregion of Santa Clara County Local and County Governments to facilitate and implement countywide housing production consistent with the Regional Housing Needs Allocation (RHNA) formula currently assigned by The Association of Bay Area Governments (ABAG).

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jones)

[Rules Committee referral 01/09/19 - Item G.2]

**Resolution No. 78951 adopted.
(11-0.)**

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 18-1808 Reappointment to Appeals Hearing Board

Consider reappointment of Elizabeth Chien-Hale to the Appeals Hearing Board for the remainder of her unexpired term, ending December 31, 2021, upon a finding that there was good excuse for her absences from Board meetings or upon finding that the reappointment will be in the City's best interests.

CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Elizabeth Chien-Hale was interviewed and appointed to the Appeals Hearing Board for the remainder of her unexpired term, ending December 31, 2021.

(10-0-1. Absent: Arenas.)

3.4 18-1788 Appeals Hearing Board Appointment.

- a. Interview applicant(s) for appointment to the Appeals Hearing Board;
- b. Appoint one (1) applicant to the Attorney-at-Law Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- c. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2019;
- d. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- e. If Council did not approve Item 3.3 on today's Council agenda, appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2021; and
- f. If Rajwant Bains is appointed to a third term on the Appeals Hearing Board, make a finding that the reappointment is necessary under San José Municipal Code Section 2.08.150.F in order to maintain a functioning quorum or to retain valuable experience on the Board; and
- g. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Deferred due to unavailability of applicants.

3.5 18-1797 Appointment of Vice Mayor.

Approve the appointment of Councilmember Charles "Chappie" Jones as Vice Mayor.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Note: heard first before Consent Items.

Councilmember Chappie Jones was appointed as Vice Mayor. (11-0.)

3.6 18-1800 Audit of Towing Services: Changes to Contract Terms and Consolidated Oversight Could Improve Operations.

Accept the Audit of Towing Services: Changes to Contract Terms and Consolidated Oversight Could Improve Operations report.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

Accepted, including Councilmember Johnny Khamis' memorandum dated January 11, 2019:

Direct the City Manager to have the Department of Planning, Building & Code Enforcement:

- I) Consider the Auditor's recommendation #14 i.e., to reduce time required to oversee contract terms, in future towing services agreements the City should charge one consolidated fee to towing contractors based on the number of towed vehicles.
- 2) Consider the Auditor's recommendation #15 i.e., for improved oversight over the towing services agreements, the administration of the contract should be consolidated in the Police Department with an evaluation of the resources needed to perform this responsibility.

Including the memorandum from Vice Mayor Chappie Jones, and Councilmembers Jimenez, Peralez and Davis, dated January 11, 2019:

- I. Accept the Audit of Towing Services and the Administration's response.
2. Direct the City Manager to give high priority to exploring alternative service delivery models that equitably distribute the response obligations.
3. Direct the City Manager to report to the Transportation and Environment Committee and receive input on the draft service delivery model and RFP for towing services agreements.
4. Following Council subcommittee input and approval, return to Council with a draft service delivery model and RFP for approval.

And including the memorandum from Vice Mayor Magdalena Carrasco and Councilmember Sylvia Arenas, dated January 11, 2019:

1. Accept the City Auditor's findings and recommendations in the December 2018 audit report of towing services.
2. Request staff to determine intermediate solutions for vehicle requests that have been refused to be picked up.
3. Add stipulations to the following audit recommendations. Additions are indicated italicized and in ***Bold type***.

Recommendation 1: To provide a method to address violations, the City should include in future towing services agreements:

- An escalating penalty structure of liquidated damages, suspension, and contract termination. Liquidated damages should be increased over time.
- Provisions requiring tow contractors to respond to another tow zone in case of a tow refusal or suspension (with a different timeliness standard).

Provisions allowing the City to reach out to tow companies outside of contracted companies in case of refusals by contractors in neighboring zones.

3.6 (Cont'd.)

Recommendation 3: The City should issue a new RFP for the towing services agreements, taking into consideration the issues identified and recommendations made in this report. *If possible the City should issue the RFP much before the proposed date of July 2020 by the Administration, due to the thoroughness of the City Auditor's report and findings that should create a simpler contract and increase the pool of applicants.*

Recommendation 9: The City should modify future towing services agreements to allow towing contractors to have tow yards located outside of their assigned zones, such as anywhere within the City limits. *Allow towing contractors to store vehicles that have entered into their ownership outside of city limits.*

Also, include direction to staff to explore subcontracting towing services to the CHP, and explore working with special towing companies that work exclusively with oversized vehicles.

The delivery model being sent to full Council will be left to the discretion of the Transportation & Environment Committee.

(11-0.)

3.7 18-1801 **Actions Related to the Fee Schedule for City-Generated Zone Towing Services.**

Adopt a resolution setting a new fee schedule for City-Generated Zone Towing Services with rates not to exceed the allowable tow fees under the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region-San José Office to take effect January 16, 2019, with the below contractors:

- (a) Matos Auto Towing & Transport
- (b) City Towing, Inc.
- (c) Century Tow
- (d) Motor Body Company, Inc.
- (e) Courtesy Tow Services, Inc.
- (f) Alongi Brothers, Inc.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Planning, Building and Code Enforcement)

Resolution No. 78952 adopted.

(10-0-1. Absent: Carrasco.)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-1809 City Council Priority #27: Cannabis Manufacturing, Distribution, and Testing.

(a) Adopt a resolution approving the San José Industrial Cannabis Municipal Code Amendment Project Addendum to the Envision San José General Plan Final Environmental Impact Report (General Plan FEIR), Supplemental Program Environmental Impact Report (General Plan SEIR) for the Envision San José 2040 General Plan, and addenda thereto, all in accordance with the California Environmental Quality Act, as amended.

Resolution No. 78953 adopted. (11-0.)

(b) Approve an ordinance amending Title 20 (the Zoning Ordinance) of the San José Municipal Code amending Section 20.10.040 of Chapter 20.10 and Section 20.50.100 of Chapter 20.50, Section 20.80.760 of Chapter 20.80, adding a new Part 9.76 to Chapter 20.80, and amending Sections 20.100.1530, 20.100.1535, and 20.100.1540 of Chapter 20.100 to add “Cannabis Manufacturing Business,” “Cannabis Distribution Business,” and “Cannabis Testing Business” as new restricted uses; and make other technical, non-substantive, or formatting changes to Title 20.

Ordinance No. 30209 passed for publication. (11-0.)

(c) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulations) of the San José Municipal Code to:

- (1) Add cannabis manufacture, distribution, and testing to the categories of regulated cannabis businesses;
- (2) Create a registration process, safety criteria, and other regulations for cannabis manufacturers, distributors, and testing labs;
- (3) Approve other changes to update the San José Municipal Code to align with new State regulations; and
- (4) Make other technical, non-substantive, or formatting changes.

Ordinance No. 30210 passed for publication. (11-0.)

(d) Direct the City Manager and City Attorney to return to the City Council before June 30, 2019 with an ordinance amending Chapter 4.66 of the San José Municipal Code to implement a revised Marijuana Business Tax rate structure to reduce the tax rate for the cultivation, manufacturing, testing, and distribution of cannabis.

(Item continued on the next page)

4.1 (Cont'd.)

CEQA: Addendum to the Envision San José 2040 General Plan EIR (Resolution No. 76041), and Supplemental Program Environmental Impact Report (Resolution No. 77617) and Addenda thereto; and File No. PP18-014. Planning Commission recommends approval (5-0-1; Vora absent).
(Planning, Building and Code Enforcement/Police/Finance)

Accepted, approving the memorandum from Mayor Liccardo, dated January 15, 2019, to: (1) Accept recommendations 1, 2.a., 2.b., 2.e, 2.f. from Councilmembers Peralez and Carrasco (memorandum dated January 11, 2019); recommendations 2.a-c. from Councilmember Esparza (memorandum dated January 14, 2019); and recommendation 1 from Councilmember Diep (memorandum dated January 14, 2019). (2) Refer recommendations 2.c, 2.d., 2.g., 2.h. from Councilmembers Peralez and Carrasco and recommendation 2 from Councilmember Diep to the Council Priority Setting Process.

Accepting:

Recommendations 1, 2.a., 2.b., 2.e, 2.f. from Councilmembers Peralez and Carrasco: Direct the City Manager to assess the following considerations and return to Public Safety, Finance and Strategic Support Committee for discussion and recommendations for: a. Monitoring of the retail tax rate to stay competitive and taking into consideration cannabis business growth and risk assessment, b. Allowing the current 16 cannabis businesses to open a second location, e. Changing the audit requirement from mandatory to random audits on varying years or as a punitive action, f. Impact of cannabis waste and a revise for a more stringent cannabis disposal policy;

Recommendations 2.a-c. from Councilmember Esparza: a. Evaluate the current zoning provisions of the San Jose Municipal Code that have led to the oversaturation of retail Cannabis Collectives/Businesses in Council District 7. c. Present options for the implementation of a cap on the number of retail Cannabis Collectives/Businesses in Council District 7;

Recommendation 1 from Councilmember Diep: 1. Report back to the Community and Economic Development Committee in winter 2020 on how many cannabis manufacturing, distribution, and testing business permits have been issued, any problems arising from the industry, and potential improvements to the policy recommendations made today.

Referred to Priority Setting:

recommendations 2.c, 2.d., 2.g., 2.h. from Councilmembers Peralez and Carrasco: c. Sale of individual licenses and business', d. Expanding "black out" areas in North and South San Jose for all cannabis uses, not only manufacturing, distribution and lab testing, g. Allowing of private consumption events and, h. Creating an equity applicant program as outlined by the State of California in SB 1294.
recommendation 2 from Councilmember Diep: 2. Conduct a study of how the uses on our industrial lands are changing and return to Council when appropriate with a report on the state of our industrial property market, identifying opportunities and strategies for revitalization, intensification, and creation of permanent protections of industrial lands.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-1803 Actions Related to the Signatory and Non-Signatory Airline-Airport Lease and Operating Agreements with Airlines Operating at the Norman Y. Mineta San José International Airport.

Adopt a resolution authorizing the Director of Aviation to:

(a) Negotiate and execute Signatory Airline-Airport Lease and Operating Agreements with any current or new passenger or cargo airlines at the Norman Y. Mineta San José International Airport that meet the minimum requirements to be a signatory airline, for the 10-year term of the new lease, starting on July 1, 2019, with two 5-year options to extend subject to the mutual agreement of the City and the airlines.

(b) Negotiate and execute Non-Signatory Airline-Airport Lease and Operating Agreements with any current or new passenger or cargo airlines at the Norman Y. Mineta San José International Airport that do not meet the minimum requirements to be a signatory airline or choose not to enter into a signatory lease, for the 10-year term of the new lease, starting on July 1, 2019, with two 5-year options to extend subject to the mutual agreement of the City and the airlines.

(c) Negotiate and execute agreements and amendments with airlines for leases of premises through the term of the Signatory and Non-Signatory Airline-Airport Lease and Operating Agreements that adhere to standard rates and charges for Airport premises.

CEQA: Not a Project, File No. PP17-003, Agreements and Contracts, Services that involve no physical changes to the environment. (Airport)

Resolution No. 78954 adopted.

(10-0-1. Absent: Arenas.)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-1804 Actions Related to Negotiations of Recycle Plus Residential Solid Waste Agreements.

(a) Accept the staff report with the term sheets from Garden City Sanitation, GreenTeam of San José, and GreenWaste Recovery for future residential solid waste services;

Note: Item 7.1(a) was bifurcated from 7.1(b) per Orders of the Day.

Accepted, including the memorandum from Vice Mayor Chappie Jones, dated January 14, 2019 to Resume negotiations with California Waste Solutions (CWS) and come to an Agreement that:

1. Pay for Performance: Negotiate to reach an agreement that enables CWS to provide service to customers at a price that, may equal, but not exceed Green Team's current levels of contamination by the third year of the contract, if CWS satisfies predetermined performance targets in the contract's first two years.

a. Those targets-for service delivery, diversion, and customer satisfaction-shall be set to the same standard to which Green Team is held.

b. If, by the third year, CWS fails to meet those negotiated standards, the City Manager is directed to issue an RFP to all industry providers for service in the area.

2. Timeline: If a deal meeting these terms cannot be mutually agreed upon within 30 days, the City Manager is directed to end negotiations and issue a Request for Proposal (RFP) for service in the coverage area.

3. RFP: Should the City Manager issue an RFP, then proceed according to paragraph 2 of Councilmember Sylvia Arenas' memorandum, to:

a. Include in the RFP language that the labor peace and employee retention provisions of the City's Living Wage Policy will apply.

b. Include in RFP language that would add points based on whether proposals sustain or improve upon the current wages and benefits paid to the employee by the predecessor contractor. Points should be sufficient to support a level playing field for companies that pay living wage versus any "modified" living wage to their workers.

c. Release an information memo to Council regarding the details of the RFP in advance of the its release.

With additional direction, in the RFP evaluation include wages as a category in which the respondents are evaluated, and make those who use prevailing wage receive the maximum number of points for that category

(9-1-0-1. Noes: Diep. Abstain: Foley.)

(Item continued on the next page)

7.1 (Cont'd.)

(b) Direct staff to develop agreements with Garden City Sanitation, GreenTeam of San José, and GreenWaste Recovery in accordance with the term sheets and return to Council in April 2019 with Recycle Plus agreements for residential solid waste services to begin July 1, 2019 and continue through June 30, 2036;

(c) Direct staff to end negotiations with California Waste Solutions and issue a Request for Proposals to provide Recycle Plus services for single-family recyclables collection & processing in Service Districts A & C, with the same framework as future services in Service District B, for a contract term to begin July 1, 2021 through June 30, 2036;

(d) Direct staff to exclude Junk Pickup services from future residential solid waste services and return to Council with an approach for delivering this service in the future; and

(e) Direct staff to continue negotiations with GreenWaste Recovery for residential street sweeping services and return to Council with a recommendation.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services) [Deferred from 12/4/18 Item 7.1 (18-1607); and 12/18/18 Item 7.1 (18-1706)]

Accepted.

(11-0.)

7.2 18-1805

Actions Related to Recycle Plus Residential Solid Waste Agreements and China's Policy On Importing Recyclable Material.

Adopt a resolution authorizing the City Manager to waive all or a portion of the contractor disincentives for not meeting the required diversion rates for calendar year 2018 if by March 1, 2019 the City Manager determines that the Recycle Plus contractors are unable to meet their required diversion rates because of China's "National Sword" policy on the import of recyclable materials.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services) [Deferred from 12/4/18 Item 7.2 (18-1599); and 12/18/18 Item 7.2 (18-1707)]

Resolution No. 78955 adopted.

(11-0.)

7.3 18-1806 Actions Related to Implementing Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.

(a) Accept the staff report on:

(1) The proposed methodology to implement a Modified Living Wage for Recycle Plus Customer Service Representatives, Mechanics, and Materials Recovery Facility workers; and

(2) The updated labor peace plans from Recycle Plus contractors.

(b) Direct staff to negotiate the inclusion of a Modified Living Wage requirement, as approved by Council, in future residential garbage and recycling agreements for the Recycle Plus program.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Environmental Services/Public Works)

[Deferred from 12/4/18 Item 7.3 (18-1600) and 12/18/18 Item 7.3 (18-1708)]

Accepted, including Councilmember Magdalena Carrasco's memorandum dated January 15, 2019:

a. If an existing San Jose residential or commercial recycling contractors respond to a future San Jose residential RFPs, staff should re-evaluate whether San Jose material would make up 50% or more of the material handled at their facility. If so, the Living Wage should be applied across their recycling contracts.

b. Accept staff recommendation to negotiate the inclusion of a Modified Living Wage requirement, as approved by Council, in future residential garbage and recycling agreements for the Recycle Plus program for any workers not covered by Prevailing Wage or Living Wage.

(8-3. Noes: Davis, Diep, Khamis.)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

- Open Forum

Notice of City Engineer's Pending Decision on Final Maps

FOR APPROVAL:

Tract: 10465

Location: West side of Great Oaks Blvd approximately 1,000 feet northwesterly of Highway 85

District: 2

Lots/Units: 72/72

Type: SFA

Proposed Decision: Approved

Developer: Pulte Group

- Adjournment

The Council of the City of San José adjourned at 10:23 p.m.