



COUNCIL AGENDA: 12-18-18

FILE: 18-1718

ITEM: 2.19

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Jill Bourne

**SUBJECT:** SEE BELOW

**DATE:** December 5, 2018

Approved

Date

12-5-18

**COUNCIL DISTRICT: 5**

**SUBJECT: LIBRARY AND EARLY EDUCATION COMMISSION  
RECOMMENDATION FOR NAMING THE NEW BRIDGE BRANCH  
LIBRARY**

## RECOMMENDATION

The Library and Early Education Commission recommends that the City Council name the San José Public Library bridge branch located at 3411 Rocky Mountain Dr., San Jose, CA 95127 in the Mt. Pleasant School District as the Mount Pleasant Neighborhood Library (Biblioteca de la Comunidad Mount Pleasant).

## OUTCOME

The name of the new bridge branch library will be reviewed and approved.

## BACKGROUND

San José Public Library (SJPL, Library) has 24 locations throughout the City of San José, however geographic barriers limit some residents' ability to access and receive library services. In an effort to site new library services in locations where building a permanent branch may not be possible, the Library proposed and was awarded a grant from the Sunlight Foundation in 2017 to support the development of "bridge branch libraries." These libraries are intended to be situated in temporary locations, have limited operating hours, and offer requestable collections and in-house access to technology for the neighboring community. The first bridge branch library is set to open in February 2019.

A location for the first bridge branch library has been identified at the Robert Sanders Elementary School (3411 Rocky Mountain Dr, San José, CA 95127) in the Mount Pleasant

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School District. This site was identified through the Library's work in education and the Schools/City Collaborative. Robert Sanders Elementary School includes classes K-5 for approximately 450 students. Students attending Robert Sanders are predominantly Hispanic/Latino at 79.2%; 9.5% of the students are Asian. 60.4% of the student population is learning English as their second language and 85.6% of the student body is considered socio-economically disadvantaged.

### **ANALYSIS**

As part of the naming process, nominations for a new name were solicited from the public. From September 4, 2018, to October 12, 2018, community members were invited to submit a name for the new bridge branch library located in the Mt. Pleasant neighborhood. They were asked to complete and submit the city nomination form, which was made available for download through the Library's website and through the City Clerk's Office, and in paper format at the Hillview Branch Library, Robert Sanders School, and the City Clerk's Office. After completing the form, members of the community were able to submit it at a specially marked box at the Hillview Library, Robert Sanders School, or the City Clerk's Office.

A total of 18 nominations were received. Several of the nominations included in memoriam names such as: Abraham Lincoln, Carol Simmons Community Library, Frida Khalo [Kahlo] Library, George Washington Library, Jorge Washington Library, and Kay Ryan Branch Library.

Five nominations included the elementary school/district site as part of the name: Biblioteca [Biblioteca] Robert Sanders, Mount Pleasant Community Library, Mount Pleasant Neighborhood Library (2), and Robert Sanders Library.

Seven other names were presented: At Last Library, Coogars [Cougars] Library, Cozy Innovative Library, Little Hills Library, Pleasant Hill Library, Public School Library and Synergy Library/Biblioteca [Biblioteca] de Sinergia.

City Council Policy 7-5, Naming of City Owned Land and Facilities, directs that "A public hearing by the appropriate Commission or Council Committee shall be held in order for the proper body and responsible Department to develop a recommendation to the City Council." In accordance with this policy, the Library and Early Education Commission (Commission) conducted a public hearing on the evening of November 14, 2018, at the Dr. Martin Luther King Jr. Library. All 18 nominations were reviewed and the Commissioners voted to recommend two possible names to City Council.

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The recommendations are listed in order of the Commission's preference:

- Frida Kahlo Branch Library
- Mount Pleasant Neighborhood Library

The potential naming of the library after Frida Kahlo raised questions about the legality of using a proper name, whether there are naming rights, or if approvals from her estate are needed. As such, to ensure that the City Council was provided with an alternative should Frida Kahlo Branch Library not be available, the Commission forwarded the secondary recommendation of Mount Pleasant Neighborhood Library, with the request that exterior name signage visible in both English and Spanish.

After the November 14, 2018, Commission meeting, staff consulted with the City Attorney's Office and determined that the Frida Kahlo Corporation owns the trademark rights and interests to the name Frida Kahlo worldwide. Staff then contacted the Frida Kahlo Corporation to seek the necessary permission to utilize the name Frida Kahlo for the bridge branch. Although a process had not originally been in place, the Frida Kahlo Corporation later stated that the City could request a license for the use of the name for 10 years, with the potential for renewals, for a fee of approximately \$2,000 per year.

As described in this memorandum, the bridge branch has been made possible through generous funding from the Sunlight Foundation and a partnership with the Mt. Pleasant School District. The priority for use of funding is to provide access to knowledge resources to both the students and the surrounding neighborhood, and there is no identified ongoing source of funding for naming rights. Based on the restriction created by the trademark rights to the name of Frida Kahlo, Library staff recommend that City Council approve the Commission's secondary recommendation of Mount Pleasant Neighborhood Library. As requested by the Commission, exterior branch name signage will be provided in English and Spanish.

### **EVALUATION AND FOLLOW-UP**

This memorandum will not require any follow-up from staff.

### **PUBLIC OUTREACH**

Flyers for the nomination process were posted at the Robert Sanders School Office, Hillview Library, on the Library's website, on the Library's social media sites and the City Clerk's Office. Flyers inviting the community to the public hearing were posted at the Robert Sanders School Office, Hillview Library, on the Library's website, on the Library's social media sites and the

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City Clerk's Office. This memorandum will be posted on the City's website for the December 18, 2018 City Council meeting.

### **COORDINATION**

This report has been coordinated with the Office of the Vice Mayor, Library and Early Education Commission, City Attorney's Office, and the City Clerk's Office.

### **COMMISSION RECOMMENDATION/INPUT**

The Commission recommendations are outlined in the analysis of this memorandum.

### **FISCAL/POLICY ALIGNMENT**

This action is consistent with City Council Policy 7-5, Naming of City Owned Land and Facilities.

### **CEQA**

Not a project, Public Project number PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

/s/

JILL BOURNE

Director, Library Department

For questions, please contact Vidya Kilambi, Division Manager at 408-808-2151.

Attachment

November 30, 2018

Toni J. Taber, City Clerk  
Office of the City Clerk  
City of San José  
200 East Santa Clara Street  
San José, CA 95113

Re: Recommendation to the City Council to name a new bridge branch library at  
3411 Rocky Mountain Dr., San Jose, CA 95127.

Dear Ms. Taber,

On November 14, 2018, the Library and Early Education Commission conducted a public hearing to consider 18 nominations for the naming of a new bridge branch library in Council District 5 located at the Robert Sanders Elementary School in the Mt. Pleasant School District. After discussion and review of the nominations, the Commissioners voted to recommend two names to City Council.

The recommendations are listed in order of the Commission's preference:

- Frida Kahlo Branch Library
- Mount Pleasant Neighborhood Library

The potential naming of the library after Frida Kahlo raised questions about the legality of using a proper name, whether there are naming rights, or if approvals from her estate are needed. As such, to ensure that the City Council was provided with an alternative should Frida Kahlo Branch Library not be available, the Commission forwarded the secondary recommendation of Mount Pleasant Neighborhood Library.

After the November 14, 2018, Commission meeting, staff consulted with the City Attorney's Office and determined that the Frida Kahlo Corporation owns the trademark rights and interests to the name Frida Kahlo worldwide. Staff then contacted the Frida Kahlo Corporation to seek the necessary permission to utilize the name Frida Kahlo for the bridge branch and learned that the City could request a license for the use of the name for 10 years, with the potential for renewals, for a fee of approximately \$2,000 per year.

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Re: Recommendation to City Council concerning 3411 Rocky Mountain Drive

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Based on the restriction created by the trademark rights to the name of Frida Kahlo, library staff recommend the Commission's secondary recommendation of Mount Pleasant Neighborhood Library (Biblioteca de la Comunidad Mount Pleasant).

I am requesting that this item be agendaized for Council consideration at the December 18, 2018 Council meeting.

Thank you for your assistance with this matter. If you have any questions, please call Vidya Kilambi at 408-808-2151.

Sincerely,

A handwritten signature in cursive script that reads "Michael Snyder".

Michael L. Snyder, Chair  
San José Library and Early Education Commission

cc: Vice Mayor Magdalena Carrasco, Council District 5  
Jill Bourne, City Librarian