

RESOLUTION NO. 73942

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH THE VIET HERITAGE SOCIETY RELATING TO THE VIETNAMESE HERITAGE GARDEN, IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$320,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,410,000

WHEREAS, on April 12, 2005, the City Council of the City of San José (“City”) approved an agreement with the Viet Heritage Society (“VHS”) for the development, maintenance and operations of a 4.2 acre Vietnamese Heritage Garden to be located within City’s Kelly Park, which agreement has since been amended to increase the level of direct City support for the gardens; and

WHEREAS, on June 19, 2007, the City Council approved the allocation of an additional \$320,000 in support of the Vietnamese Heritage Garden; and

WHEREAS, the City desires to negotiate and execute a second amendment to the agreement with the VHS, increasing City’s contribution to the Project by \$320,000, to be used to reimburse VHS for the costs of planning, design or development of Phase I of the gardens;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute a second amendment to the agreement with the Viet Heritage Society for development, maintenance and

operations of the Vietnamese Heritage Garden, in an additional amount not to exceed \$320,000, increasing the total amount of City's contribution for the project to a total amount not to exceed \$1,410,000.

ADOPTED this 14th day of August, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk