

CITY OF OAKLAND
Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 FEB 28 PM 4:44

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: March 11, 2008

RE: **A Report And Resolution Commemorating Reverend Dr. Herbert Guice And Renaming Rudsdale Street Between 69th Avenue and 73rd Avenue In His Honor**

SUMMARY

A resolution has been prepared renaming a portion of Rudsdale Street, between the intersections of 69th Avenue and 73rd Avenue, as Herbert Guice Way. Reverend Dr. Guice, who is recently deceased, was the pastor of Bethel Missionary Baptist Church and the founder of Guice Christian Academy. Twenty-three (23) property owners were notified. Two (2) owners returned ballots supporting plaques. One (1) supported renaming the street. One (1) supported both options.

FISCAL IMPACT

The staff costs for processing the street commemoration are identified in the Master Fee Schedule and will be paid for from the PayGo account of Council District 7. Expenditure appropriation of \$4,729 will be transferred from the General Purpose Fund (1010), CIP City Manager Org (94020), PayGo District 7 project (B01140), to the General Purpose Fund (1010), Engineering Services Org (88432).

BACKGROUND

The processes for adopting commemorative names for new and existing City facilities and streets are controlled by state law, the Oakland Municipal Code (OMC), and City Council resolutions:

NAMING OR RENAMING OF CITY FACILITIES AND PUBLIC RIGHTS- OF- WAY				
CITY PROPERTY	STATE STATUTE	MUNICIPAL CODE	RESOLUTION	PROCESS
public park or recreation center	n.a.	n.a.	56600 C.M.S.	1. nominated by a citizen or entity 2. approved by PRAC 3. adopted by the City Council
public building or other facility			65024 C.M.S. new & existing facility	
public street	Gov Code 34091.1	16.16.120 new street	n.a.	1. nominated by the developer 2. approved by the Planning Commission 3. subdivision map filed with Recorder
	new & existing street	n.a.	77966 C.M.S. existing street	1. nominated by 10 citizens and 3 groups 2. approved by the Landmarks Board 3. adopted by the City Council
			77967 C.M.S. existing street	1. nominated by a Councilmember 2. adopted by the City Council

Item No. _____
Public Works Committee
March 11, 2008

The options for commemorating an existing City street are specified by City Council resolutions:

COMMEMORATION OF EXISTING PUBLIC RIGHT- OF- WAY		
RESOLUTION	OPTION 1	OPTION 2
77966 C.M.S. 77967 C.M.S.	change street name and install new street signs	retain street name and install plaques or supplemental signs

City Facility (new and existing)

▪ **Legislation**

California statutes and the Oakland Municipal Code do not control the naming of City facilities (parks, plazas, buildings, etc.). City Council Resolution No. 56600 C.M.S., adopted in 1977, and Resolution No. 65024 C.M.S., adopted in 1997, established the process and criteria for adopting a name for a new facility or changing the name of an existing facility.

▪ **Nomination**

Names of people, events, locations, etc. may be nominated by individuals, public officials, clubs, civic groups, neighborhood organizations, public agencies, and governmental entities.

▪ **Evaluation**

Names for parks and recreation centers are submitted to the Parks and Recreation Advisory Committee (PRAC) for approval and subsequent submittal to the Rules and Legislation Committee (RLC). Names for all other City facilities are submitted directly to the RLC. The RLC recommends appropriate names submitted by the PRAC and other requestors to the City Council for adoption. Special consideration shall be made for names that are associated with a

- A. geographical area of the City or a significant historical event, or with an
- B. individual philanthropist, family or estate name, or with a
- C. unique or civic circumstance.

Names of living persons shall be considered only under the following circumstances:

- D. the honoree contributed half or more of the cost of a major facility; or
- E. the honoree initiated or contributed major time to the establishment of the project; or
- F. the overwhelming belief (public opinion) that the designee would probably be honored of that facility posthumously; or
- G. no other individual now living has, or is likely to have, greater public support for being honored at this specific site; or
- H. the honoree has given extraordinary service to the City of the community; or

I. the honoree has attained national or international prominence and achievement.

City Street (new and existing)

▪ **Legislation**

A. State Statute (new and existing street)

California Government Code Section 34091.1 allows a jurisdiction to adopt a name for a new public street or change the name of an existing public street with a resolution. No other statutory provisions are stipulated.

B. Oakland Municipal Code (new street)

New streets are typically constructed as part of a new subdivision (residential or non-residential property). During the review process, the Planning Commission approves the preliminary subdivision map (Tentative) which establishes the metes and bounds of the lots and identifies the street names proposed by the developer. The street names are adopted by the City when the final map (Parcel or Tract) is filed with the Alameda County Clerk-Recorder. Oakland Municipal Code Section 16.16.120 (Subdivision Ordinance) only requires that the street name not duplicate the name of an existing Oakland street or too closely approximate phonetically the name of an existing Oakland street or street in other East Bay cities or adjacent portions of Alameda County.

C. Council Resolution (existing street)

In 2003, the City Council adopted Resolution No. 77966 C.M.S. and Resolution No. 77967 C.M.S. which established companion processes for nominating individuals and companion options for commemorating honorees.

▪ **Nomination** (existing street)

Each of the 2003 resolutions provide for nominating an individual either indirectly to the City Council following approval by the Landmarks Board, or directly to the City Council from a Councilmember. Both resolutions require that the City Council both confirm the nomination of individual and select the method for commemorating the individual.

▪ **Evaluation** (existing street)

Both of the 2003 resolutions also provide criteria for evaluating a nominee for a street commemoration.

A. Resolution No. 77966 C.M.S. - Landmarks Board evaluation criteria

The Landmarks Board's evaluation of the nominee shall be based on the following criteria:

1. The individual who is to be honored shall be deceased.
2. The applicant requesting the honorary designation shall be able to provide clear evidence that the individual has made a significant contribution to the economic vitality or quality of life in the Oakland community.
3. The applicant shall pay the fees associated with administrative and hard costs for the sign or plaque placement.
4. The Landmarks Board will notice a hearing to review the request and receive sufficient evidence and testimony from not less than three (3) community based organizations and ten (10) unrelated individuals in support of the designation.
5. The Public Works Agency shall be responsible for the installation of the sign or plaque.
6. The applicant shall be responsible for administrative fees and the purchase, cost of installation, and replacement of the signs or plaques.

B. Resolution No. 77967 C.M.S. - Council evaluation criteria

The City Council's evaluation of the nominee may be based on the following criteria:

1. the individual has positively impacted the lives of a nation or the world; or
2. the name change is related to an economic development or redevelopment activity; or
3. the renaming commemorates a significant historical event.

▪ **Commemoration**

Both of the 2003 resolutions provide two (2) options for the Council to commemorate a nominee either by:

- A. retaining the existing street name and installing commemorative plaques or signs; or
- B. renaming the existing street for the individual and installing new street signs.

KEY ISSUES AND IMPACTS

In November 2007, staff mailed letters with ballots and postage-paid return envelopes to twenty-three (23) property owners who own lots along the four (4) block section of Rudsdale Street (refer to attachment). The letter advised the owners of the City's intention to honor Reverend Dr. Guice with a street commemoration, and the ballot identified two (2) options that the Council has for adopting a street commemoration:

- change Rudsdale Street to Herbert Guice Way, which would change fifteen (15) existing addresses; or
- not change Rudsdale Street and install a commemorative plaque or supplemental signs honoring Reverend Dr. Guice.

The property owners were advised that they could select both options if they did not have a preference and that no response would be considered support for changing Rudsdale Street to Herbert Guice Way. The owners were allowed a month to return their ballot. Staff received the following responses:

TOTAL BALLOTS RECEIVED	BALLOTS RECEIVED SUPPORTING CHANGING RUDSDALE STREET NAME	BALLOTS RECEIVED SUPPORTING RETAINING RUDSDALE STREET NAME	BALLOTS RECEIVED SUPPORTING RETAINING OR CHANGING RUDSDALE STREET NAME
4	1	2	1

The four (4) ballots were received from the owners of 7215 Rudsdale Street, 7217 Rudsdale Street, 1184 72nd Avenue, and 6901 International Boulevard (Bethel Missionary Baptist Church). Two (2) property owners supported retaining the Rudsdale Street name and installing commemorative signs or plaques. One (1) owner supported either option. Bethel Missionary Baptist Church supported renaming the street.

SUSTAINABLE OPPORTUNITIES

Economic

The street signs will be manufactured and installed by the Public Works Agency.

Environmental

No permits are required for installing street signs or commemorative plaques.

Social Equity

Reverend Dr. Guice is a distinguished religious leader and an educator in East Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

No permits are required for installing street signs or commemorative plaques.

RECOMMENDATIONS

Staff recommends that the Committee accept this report and forward it to the City Council for adoption of the proposed resolution renaming Rudsdale Street.

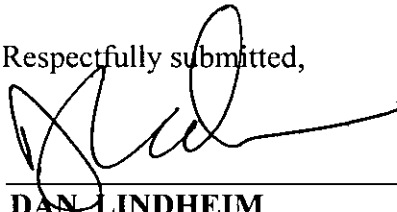
ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the proposed resolution:

- renaming the four (4) block section of Rudsdale Street, between the intersections of 69th Avenue and 73rd Avenue, as Herbert Guice Way, and

- directing the City Clerk to notify the Alameda County Board of Supervisors, and
- approving the installation by the Public Works Agency of new street signs.

Respectfully submitted,



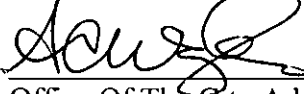
DAN LINDHEIM

Interim Director
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
Interim City Engineer
Building Services Division

Approved For Forwarding To
The Public Works Committee



Office Of The City Administrator

DRAFT

Introduced By

FILED
OFFICE OF THE CITY CLERK
Approved For Form And Legality

Councilmember

2008 FEB 28 PM 4:44

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION RENAMING RUDSDALE STREET BETWEEN 69th AVENUE AND 73rd AVENUE AS HEBERT GUICE WAY

WHEREAS, California Government Code Section 34091.1 allows a jurisdiction, by resolution, to name a new public street or to rename an existing public street; and

WHEREAS, pursuant to Resolution No. 77967 C.M.S., the honorable Larry Reid, current member of the Council of the City of Oakland representing District 7, did request that the City Council rename a portion of Rudsdale Street, between its intersections with 69th Avenue and 73rd Avenue, in honor of the Reverend Dr. Herbert Guice, pastor of Bethel Missionary Baptist Church and founder of the Guice Christian Academy on International Boulevard in Oakland; and

WHEREAS, pursuant to said request by the honorable Councilmember, the City Engineer of the City of Oakland did notify, through United States mail with regular postage and with certified postage and return receipt, the owners of all twenty-three (23) parcels along said portion of Rudsdale Street, as further in Exhibit A attached hereto, of said request for a street commemoration to honor Reverend Dr. Guice; and

WHEREAS, said property owners were advised in said notice from the City Engineer that the City Council could, at its option, approve the renaming of said portion of Rudsdale Street or, as an alternative, retain the Rudsdale Street name and approve the installation of a commemorative plaque or signs to honor Reverend Dr. Guice; and

WHEREAS, said property owners were provided a ballot in said notice on which they could indicate their preference for either option or both options; and

WHEREAS, said property owners were also advised in said notice that said ballot should be returned to the City Engineer within one month of its mailing; and

WHEREAS, said property owners were also advised in said notice that the City Engineer would consider the failure of property owners to return their ballots within the allotted time to be a vote in favor of renaming said portion of Rudsdale Street to honor Reverend Dr. Guice; and

WHEREAS, said property owners were provided a return envelope, with pre-paid postage affixed thereto, addressed to the City Engineer to mail their marked ballot; and

WHEREAS, the City Engineer received marked ballots from four (4) of said property owners; and

WHEREAS, the tally of said ballots was one (1) responder supporting the renaming of said portion

of Rudsdale Street, and two (2) responders supporting the retention of the existing street name, and one (1) responder supporting both options; and

WHEREAS, the City Engineer also notified, through United States mail with regular postage, the local utility providers and the local postmaster of said request to rename said portion of Rudsdale Street, and did not receive any objections; and

WHEREAS, the City Engineer subsequently notified all twenty-three (23) property owners, through United States mail with regular postage, of the location and date and time that the City Council would publicly meet to receive testimony from the public and vote either to reject the street commemoration or to rename said portion of Rudsdale Street to honor Reverend Dr. Guice, or to retain the Rudsdale Street name and authorize the installation of plaques or signs; and

WHEREAS, on said date and at said time and location for a public meeting, the Council of the City of Oakland did meet and did receive public testimony and did deliberate on the provisions set forth in Resolution No. 77967 C.M.S. for evaluation of street commemorations; and

WHEREAS, the naming of a new public street or the renaming of an existing public street is exempt from the California Environmental Quality Act of 1970; now, therefore, be it

RESOLVED: That the Council of the City of Oakland hereby approves the renaming of a portion of Rudsdale Street, between its intersections with 69th Avenue and 73rd Avenue, in honor of Reverend Dr. Herbert Guice; and be it

FURTHER RESOLVED: That expenditure appropriation of \$4,729 be transferred from the General Purpose Fund (1010), CIP City Manager Org (94020), PayGo District 7 project (B01140), to the General Purpose Fund (1010), Engineering Services Org (88432); and be it

FURTHER RESOLVED: That the Public Works Agency is directed to manufacture and install new street signs displaying the name Herbert Guice Way; and be it

FURTHER RESOLVED: That pursuant to California Government Code Section 34092, the City Clerk is directed to forward a copy of this Resolution to the Alameda County Board of Supervisors.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California



Street Commemoration
Rudsdale Street between 69th Avenue and 73rd Avenue

honoring Reverend Dr. Herbert C. Guice
pastor of Bethel Missionary Baptist Church
and founder of the Guice Christian Academy

INTERNATIONAL BOULEVARD

CITY OF OAKLAND

OAKLAND UNIFIED SCHOOL DISTRICT
Lockwood Elementary

69th AVENUE

70th AVENUE

71st AVENUE

72nd AVENUE

73rd AVENUE

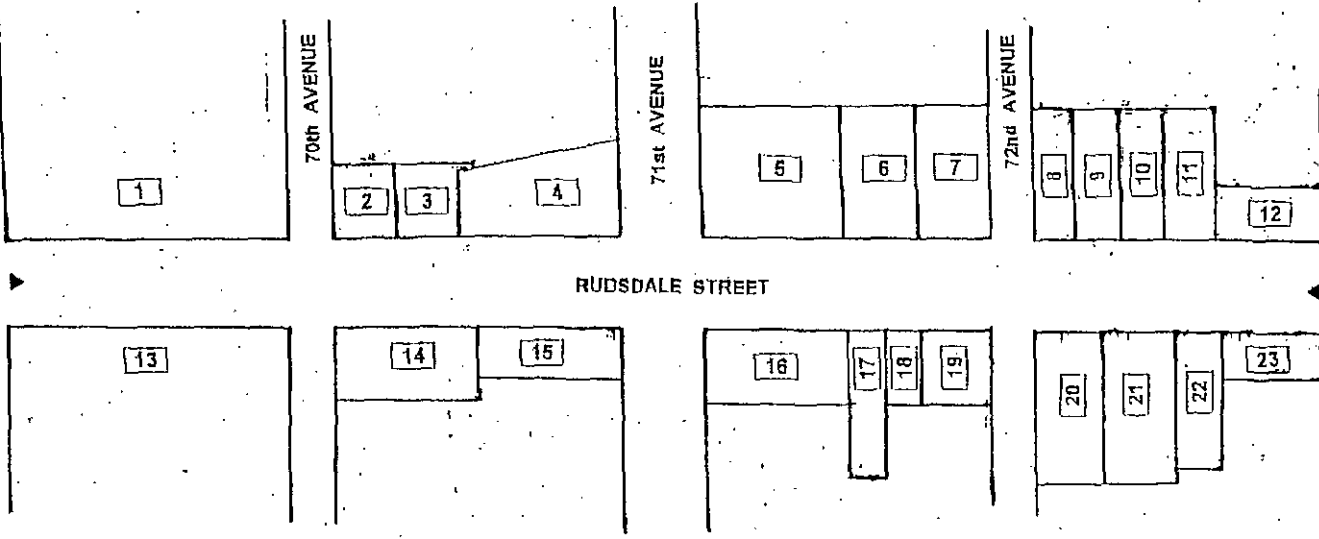


EXHIBIT A

EXHIBIT A

Street Commemoration

Rudsdale Street between 69th Avenue and 73rd Avenue

Reverend Dr. Herbert C. Guice
pastor of Bethel Missionary Baptist Church and
founder of the Guice Christian Academy

LOT	ADDRESS	PARCEL NO.	OWNER
1	6901 International Blvd	041- 4131- 001- 00	Bethel Missionary Baptist Church
2	7004 Rudsdale Street	041- 4131- 012- 00	Marisol Perez
3	7010 Rudsdale Street	041- 4131- 011- 00	Herbert H Herndon
4	1201 71st Avenue	041- 4131- 010- 00	Mildred L. Tarver
5	1200 71st Avenue	041- 4129- 014- 00	General Conference of the Church of God
6	7116 Rudsdale Street	041- 4129- 013- 00	Marta P. Mejia
7	1201 72nd Avenue	041- 4129- 012- 00	Fernando R. Gomez
8	7200 Rudsdale Street 7202 Rudsdale Street	041- 4129- 041- 00	Samuel R. Bailey
9	7206 Rudsdale Street	041- 4129- 040- 00	Javier Chavarria
10	7210 Rudsdale Street	041- 4129- 039- 00	Ethel R. Cooper
11	7214 Rudsdale Street	041- 4129- 038- 00	Essie M. Campbell
12	1201 73rd Avenue	041- 4129- 037- 00	Nolden & Mary L. Madden
13	6901 Rudsdale Street	041- 4133- 001- 01	Bethel Missionary Baptist Church
14	1190 70th Avenue	041- 4133- 021- 00	Mary Banks
15	1193 71st Avenue	041- 4133- 022- 00	Deutsche Bank National Trust 2005- R 5
16	7101 Rudsdale 1194 71st Avenue	041- 4135- 001- 00	Kermit M. & Charlene A. Edwards
17	7115 Rudsdale Street	041- 4135- 002- 00	Samuel R. Bailey
18	7117 Rudsdale Street	041- 4135- 004- 02	MLMI Trust Series 2006- HE 3
19	1191 72nd Avenue	041- 4135- 004- 03	Oakland Community Housing
20	1184 72nd Avenue	041- 4135- 035- 00	Yasmin Obando
21	7215 Rudsdale Street	041- 4135- 036- 00	Raul Moreno
22	7217 Rudsdale Street	041- 4135- 037- 00	Sylvester & Vertis Grisby
23	7219 Rudsdale Street	041- 4135- 038- 00	Hector R. Carrillo & Teresa R. Avalos