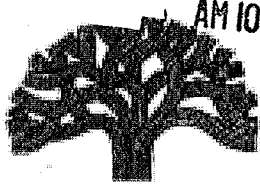


FILED
OFFICE OF THE CITY CLERK
OAKLAND
DEC 06 2018



CITY OF OAKLAND

AM 10:05

AGENDA REPORT

TO: Members of the Life Enrichment Committee

FROM: Council Member Desley Brooks

SUBJECT: Naming the Unnamed Road in Honor of Oscar Grant

DATE: 12/404/2018

RECOMMENDATION

Council Member Desley Brooks recommends that the City Council adopt a resolution naming the Unnamed Road 37.7774628, -122.224452) adjacent to the West side of the Fruitvale BART Station Between 33rd Avenue and 35th Avenue, "Oscar Grant Way" in honor of Oscar Grant a life-long Oakland resident who was tragically murdered by a BART Police Officer; per the process established by Res. No. 77967 C.M.S.

EXECUTIVE SUMMARY

Adoption of the proposed resolution will authorize the naming of the Unnamed Road 37.7774628, -122.224452) on the West side of the Fruitvale BART Station Between 33rd Avenue and 35th Avenue, 'Oscar Grant Way in honor of Oscar Grant a life-long Oakland resident who was tragically murdered by a BART Police Officer

BACKGROUND/LEGISLATIVE HISTORY

The processes for adopting commemorative names for new and existing City facilities and streets are specified 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	66600 C.M.S. 65024 C.M.S. new & existing facility	1. nominated by a citizen or entity
public building or other facility				2. approved by PRAC
public street	Gov. Code 34091.1 new & existing street	16.16.120 new street	N/A	3. adopted by the City Council
		N/A	77608 C.M.S. existing street	1. nominated by a citizen or entity
				2. approved by the City Council
77967 C.M.S. existing street	3. adopted by the City Council			

Adopted in 2003, Resolution No. 77967 established a process for renaming a public street by Councilmember nomination and ratification by resolution by the City Council. 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.

Rev. Wanda Johnson first approached the City of Oakland in 2009 to inquire about the process of renaming the "Unnamed Road (adjacent to the West side of the Fruitvale BART Station between 33RD AND 35TH Avenues) in honor of her son, who was tragically killed by a BART Police Officer, now deceased Oscar Grant.

PROPOSAL

This resolution approves changing the name of the Unnamed Road adjacent to the West side of the Fruitvale BART Station between 33rd to 35th Avenues to 'Oscar Grant Way'. This Road currently exists but is unnamed. The resolution also directs the Public Works Department to manufacture and install the sign and directs the City Clerk to notify Alameda County pursuant to state law.

The late Oscar Grant was a son, nephew, father, friend who was full of hope when he was tragically killed by a BART Police Officer. There was tremendous national and international outcry when Oscar was murdered.

Information about Oscar Grant and his historical impact in Oakland can be found in Attachment A.

COORDINATION

The legislation was coordinated with the leadership of Council Member Desley Brooks, Rev. Wanda Johnson, The Oscar Grant Foundation, Love Not Blood, and the greater Oakland community.

FISCAL IMPACT

There is no anticipated fiscal impact. The Oscar Grant Foundation will pay the required fee that funds both staff time and manufacturing costs for the name change.

SUSTAINABLE OPPORTUNITIES

Economic: There are no anticipated economic impacts to this resolution.
Environmental. There are no anticipated economic impacts to this resolution.

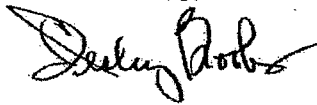
Social Equity: This resolution intends to promote social equity by memorializing a historic event involving a local resident of the African American community.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt a resolution naming the Unnamed Road (37.7774628, -122.224452) on the west side of the Fruitvale BART Station between 33rd Avenue and 35th Avenue, "Oscar Grant Way", per the process established by Res. No. 77967 C.M.S.

For questions regarding this report, please contact Council Member Desley Brooks, at 510-238-7006.

Sincerely,

A handwritten signature in black ink, appearing to read "Desley Brooks", written in a cursive style.

Desley Brooks
Council Member, District 6

Attachments: (2)

- A: Biography of Oscar Grant.
- B Map of Proposed Street Name Change

OSCAR GRANT

Oscar Grant III was a 22-year-old African-American man who was fatally shot in the early morning hours of New Year's Day 2009 by BART Police Officer Johannes Mehserle in Oakland, California. Responding to reports of a fight on a crowded Bay Area Rapid Transit train returning from San Francisco, BART Police officers detained Grant and several other passengers on the platform at the Fruitvale BART Station. Two officers, including Mehserle, forced the unarmed Grant to lie face down on the platform. Mehserle drew his pistol and shot Grant in the back. Grant was rushed to Highland Hospital in Oakland and pronounced dead later that day. The events were captured on multiple official and private digital video and privately owned cell phone cameras. Owners disseminated their footage to media outlets and to various websites where it became viral. Both peaceful and violent protests of police actions took place in the following days.

On January 30, 2010, Alameda County prosecutors charged Officer Mehserle with second-degree murder in their indictment for the shooting. Mehserle resigned from his position and pleaded not guilty. The trial began on June 10, 2010. On July 8, 2010, Mehserle was found guilty of involuntary manslaughter and not guilty of the murder charge and voluntary manslaughter.

Though initial protests on July 8, 2010, against the jury verdict were peacefully organized, after dark there were incidents of looting, arson, destruction of property, and small riots. Nearly 80 people were eventually arrested. On November 5, 2010, Mehserle was sentenced to two years, minus time served. He served his time in Los Angeles County Jail protective custody, held in a private cell for his safety. On June 13, 2011, Mehserle was released under parole after serving 11 months.

Oakland civil rights attorney John Burris filed a \$25 million wrongful death claim against BART on behalf of Grant's family. BART settled with Grant's daughter and mother for a total of \$2.8 million in 2011. It also settled with

several of Grant's friends who had sued for damages because of police brutality. A separate suit by Grant's father did not result in settlement, as the jury determined that his being imprisoned during much of Grant's lifetime meant they did not have much of a relationship.

DEC 06 2018

AM 10:05

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL MEMBER DESLEY BROOKS

RESOLUTION RENAMING THE UNNAMED ROAD (37.7774628, -122.224452) ON THE WEST SIDE OF THE FRUITVALE BART STATION BETWEEN 33RD AVENUE AND 35TH AVENUE, 'OSCAR GRANT WAY', PER THE PROCESS ESTABLISHED BY RES. NO. 77967 C.M.S.

WHEREAS, an application has been submitted to the City of Oakland from The Oscar Grant Foundation requesting the renaming of the Unnamed Road 37.7774628, -122.224452) on the West side of the Fruitvale BART Station Between 33rd Avenue and 35th Avenue, 'Oscar Grant Way in honor of Oscar Grant a life-long Oakland resident who was tragically murdered by a BART Police Officer; and

WHEREAS, Oscar Grant's murder was a significant historical event and received national and international attention; movies and documentaries have been made chronicling Oscar Grants life and death; and

WHEREAS, as a result of overwhelming community activism and outcry Oscar Grant's killer was the first "Peace Officer" in the State of California to convicted of involuntary manslaughter; and

WHEREAS, every year since Oscar's passing in 2009 an annual vigil is held in this location honoring Oscar Grant's life; and

WHEREAS, in 2009, Oscar Grant's Family and the Oscar Grant Foundation first requested that the City rename a Street in honor of the Oscar Grant; and

WHEREAS, the street adjacent to the West side of the Fruitvale BART Station between 33rd and 35th Avenues is an existing street; and

WHEREAS, the street adjacent to the West side of the Fruitvale BART Station between 33rd and 35th Avenues is unnamed; and

WHEREAS, the City Council in 2003 established procedures for commemorative street naming through Resolution No. 77967 C.M.S under which the City Council may, by its own motion, consider the renaming of a public street as a tribute to an individual, or as a result of a significant event or activity and one of the following conditions is met:

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

WHEREAS, under the procedures outlined by the companion Resolutions No. 77966 and 77967 the City Council may 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; and

WHEREAS, 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 renaming; and

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, 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 the Unnamed Road (37.7774628, - 122.224452) on the West side of the Fruitvale BART Station Between 33rd Avenue and 35th Avenues, 'Oscar Grant Way; and be it

FURTHER RESOLVED That the Public Works Agency is directed to manufacture and install new street signs displaying the name Oscar Grant 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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON
MCELHANEY, GUILLEN, KALB KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION -

ATTEST

LaTonda Simmons
City Clerk and Clerk of the Council
City of Oakland, California