



Commission on Disability
Meeting Agenda: April 17, 2024, at 5pm
North Berkeley Senior Center, Dining Room
1901 Hearst Avenue, Berkeley, CA 94709

Preliminary Matters

1. Call to Order by Chair Fischer
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
4. Public Comments
5. The public may comment about any item not on the agenda. Public comment on agenda items are heard at the beginning of discussion on that item. Public comments are limited to three minutes per speaker.
6. Approval of draft minutes: March 13, 2024 meeting*
7. Approval: Order of Agenda*

Staff Updates

8. Log of Access Complaints*
9. Messages sent to the Commission*

Commissioner Announcements

Discussion and Action Items

10. Work Plan Discussion and Developments

Items for CoD Work Plan and Future Meetings

- a. Civic Center Subcommittee Briefing
- b. Safer pathways map of Berkeley (perhaps produced with CoAging)
- c. Accessibility of speakers' lectern
- d. Use of motorized scooters and bicycles on sidewalks

Adjournment

- * Written material included in packet.
 ** Written material to be delivered at meeting.
 *** Written material previously distributed.

PUBLIC ACCESS TO AGENDA

Agenda posted: 1) on the bulletin board at Old City Hall (2134 MLK Jr. Way); 2) North Berkeley Senior Center (1901 Hearst Avenue); 3) City of Berkeley website ([link](#)).

A complete monthly agenda packet is available for public review by clicking the chevron (i.e., the blue V-shaped symbol) to the right of the monthly minutes PDF at <https://berkeleyca.gov/your-government/boards-commissions/commission-disability>. Physical agenda packets are reviewable during business hours at the Berkeley Central Library (2090 Kittredge St.) and at 1947 Center Street, 4th Floor.

ADA ACCOMMODATIONS

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including remote participation, auxiliary aids or services, please contact the **ADA Program Coordinator at (510) 981-6418 (V) or (510) 981-6347 (TDD)** at least 72 hours before the meeting commences. Please refrain from wearing scented products to this meeting.

PUBLIC RECORD INFORMATION

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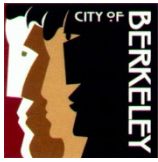
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:

Thomas Gregory
Public Works Department
(510) 981-6418
E-mail: tgregory@berkeleyca.gov

Mailing Address:

Commission on Disability
c/o Thomas Gregory
1947 Center Street
Berkeley, CA 94704



Commission on Disability

DRAFT Minutes re March 13, 2024

Preliminary Matters

1. Call to Order by Chair Fischer at 5:05pm.
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People.
3. Roll Call by Secretary
 - Commissioners present: Chair Fischer, Commissioner Pugh, Commissioner Sun, Commissioner Lewkowicz, Commissioner Marrero, and Commissioner Paz.
 - Commissioner on a Leave of Absence: Vice-Chair Walsh.
 - Staff present: Thomas Gregory and Guillermo Campos.
 - Public members present: Rani Cochran (liaison from the Commission on Aging) and Kelly Hammargren.
 - Presenters: Hamid Mostowfi (staff) and Mary Triston (staff).
4. Public Comments: none.
5. Not applicable.
6. Approval of draft minutes: February 14, 2024 meeting
 - “...to approve the 2/14 draft minutes.”
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.
7. Approval: Order of Agenda
 - “...to approve tonight’s agenda.”
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.

Presentations and Discussions

8. Daylighting presentation/discussion with Hamid Mostowfi (Public Works staff).
9. Berkeley Rides for Seniors and the Disabled presentation/discussion with Mary Triston (Aging Services staff).

Staff Updates

- 10. Log of Access Complaints.
- 11. Email and voicemail sent to the Commission.

Discussion and Action Items

- 12. Changes to Commission meeting calendar.
 "...to move 4/10/24 CoD meeting to 4/17/24 and to move 6/12/24 CoD meeting to 6/5/24."

Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.

Ayes: unanimous.

The motion passes.

- 13. Email from Ken Jung on Ohlone Greenway Project.

There was consensus among the Commissioners present that ways to improve share-the-path and safety messaging on signage, posted and painted on the pavement, will be shared with Ken Jung. The Commission does not believe that the proposed signage optimally conveys these messages. In addition, (a) all signage relating to the Ohlone Greenway must meet or exceed all established accessibility standards, (b) information about the rules governing usage and safety at Ohlone Greenway should be posted to the City website in a WCAG-compliant manner, and (c) Ohlone Greenway painted signage should be maintained in good condition on an ongoing basis.

- 14. Curb Management doc from Environment and Climate Commission.
- 15. Report by Web Access Subcommittee.
- 16. Work Plan Updates and Development: item postponed till next CoD meeting.

Adjournment – adjourned by unanimous vote at 7:53pm.

Minutes approved by CoD vote on: _____

 Thomas Gregory, Secretary to Commission

2024 Log of Access-related Complaints Received by CoB (including unresolved complaints received in 2023)

Subject matter key:

1 = built environment (facilities and their adjacent paths of travel)

2 = built environment (pedestrian rights of way)

3 = digital content

4 = effective communications/signage

5 = programs, services, and activities

Date Complaint Lodged	Lack of Access Pertaining To	Date the City deemed a solution was implemented	Nature of solution	Solution's level of compliance with law	Complainant's level of satisfaction with solution
5/12/23	5 – letter to City Attorney and City Clerk, that City must change accommodations for disabled Commissioners that require publicly posting addresses and opening homes to public; based on the legal opinion of the SF City Attorney that the Brown Act must defer to the ADA, Title II	7/7/23 (or sooner)	N/A as City did not see a need for any solution other than providing reasonable accommodations as needed.	Litigation pending	Unsatisfied

6/8/23	3 – Commissioners’ Manual not fully accessible via screen reader.	not yet	On 6/13/23, the City Clerk wrote: “My office will plan to create a version of the Manual that blacks out the text entirely and works with screen readers.” ETA: 2024.	Once implemented, solution will be compliant.	Yet to be satisfied.
6/8/23	3 – same as above, but with additional concern that much more content on City website could be out of compliance with WCAG.	6/14/23	On 6/14, the City’s Digital Communications Coordinator wrote that all City-generated web content meets WCAG standards. Re content on the City’s website generated by third parties (e.g., Granicus), the City will insist that this third parties ensure that their content meets WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).
6/16/23	5 – grievance that following Brown Act would defeat the purpose of one’s accommodation to	7/3/23	For the City to waive Brown Act requirements, an accommodation dependent upon the submission of medical	Litigation pending.	Unsatisfied.

	teleconference into Commission meetings.		documentation was offered to complainant.		
6/23/23	5 – letter from attorney saying that the City has imposed unsafe conditions on accommodations for disabled Commissioners and must allow Brown Act obligations to yield to ADA obligations when the two statutes appear to conflict.	7/7/23	City Attorney's office responded to complainant with letter stating that the City is following the law as the law is understood by the City.	Litigation pending.	Unsatisfied.
7/26/23	5 – no curb cut connecting parking lot with sidewalk adjacent to John Hinkle Park.	not yet	The City's Supervising Civil Engineer has claimed responsibility for performing this remediation. Curb cut completed in March2024 ETA re addition of blue spot: April2024	Compliant.	Very satisfied.
8/28/23	1 – constituent complained that The Stegmann Trail at Cesar Chavez Park is too bumpy and out of compliance.	9/5/23	PRW staff informed complainant of existing plans to render the trail ADA compliant tentatively scheduled to commence in Sep2024.	Not yet applicable, but solution, once implemented, will be compliant.	Satisfied (with tentative timeline, that is...the actual remediation has yet to happen)
12/1/23	1 - Complaint that STAIR Center was not ADA-compliant.	Not yet.	I explained the situation in much detail to complainant,	No compliant solution yet implemented.	Unsatisfied.

			<p>acknowledging that the site was not compliant in 95 different ways. I explained that the issues would not be remediated until after the site's trailer-based structures were replaced with pallet-based structures, which was scheduled to happen in late FY2023-24. This complainant was part of a coalition of advocates concerned about this particular site, and on 12/20 I spent two hours at CIL discussing the issues with the coalition.</p> <p>Update: the "late FY2023-24" ETA re replacing trailers with pallet-based structures has been abandoned, and the new ETA is: October - Jan 2025.</p>		
1/28/24	2 – complaint about non-compliant sidewalk near NE corner of MLK and Derby.	Not yet	Confirmed that this violation was already documented in database (it was)...asked Transpo/Engineering	No compliant solution yet implemented.	Unsatisfied.

			staff if this issue could be prioritized.		
3/13/24	4 and 5 – complaint that City is not promptly providing a commissioner with the brailled materials they need to effectively serve as a commissioner.	Not yet.	HHCS dept will secure the funding and establish the purchase order needed for the ongoing service of translating the commission’s monthly agenda packets into braille...the relevant secretary and chairperson will strive to finalize agenda packets early enough to account for braille translation turn-around times.	Not yet compliant...once implemented, the solution will be compliant.	Unsatisfied. (Note: the complainant is not the individual who needs the braille.)
3/24/24	2 – complaint that a City vehicle was unlawfully parked in an accessible parking space.	3/25/24	PW Dept management (a) identified the offending individual and stressed to them the importance of following the law and (b) reminded all PW staff who regularly drive City vehicles that they must always follow the law.	Compliant.	Satisfied (so long as the problem does not happen again).

The above list does not reflect accommodation requests that were promptly approved and met to the requester’s satisfaction.

Email thread sent to CoD's attention on 3/25/24:

Dear All,

I would appreciate your forwarding this email along to the Disability Commission Members as is, and for all of you to have on your radar as well ... regarding planning for the Maudelle Shirek Old City Hall rehabilitation.

Up till now, there has never been any mention at all of disability access being a concern, and, of course, it very much needs to be.

I would encourage the Commission to do whatever it can to help ensure that disability community's voice is well represented in the planning process.

Thanks very much for your consideration.

- Ken Stein
Berkeley CA

Begin forwarded message:

From: KENNETH STEIN <kestein1@icloud.com>
Date: March 24, 2024 at 9:08:17 PM PDT
To: Loni Hancock <loni.hancock@comcast.net>
Cc: CCCC Group <BerkeleyCCCC@googlegroups.com>
Subject: Re: **Public Outreach Committee, March 18, 2024**

Dear Loni,

Thanks very much for your timely note. I am writing ask you (and the Committee) to do whatever is necessary to get the City to provide the best possible disability access to the Maudelle Shirek Old City Hall; to give disability access the major attention that it deserves ... Especially inasmuch as a historic lack of disability access is one of the main reasons for this project. As long as it is being done, it really needs to be done right.

And particularly ... to help ensure that there is adequate funding obtained and set aside to hire a qualified disability access consultant, ideally a certified CASP Specialist, and to do whatever else is needed to help ensure that the particular disability access challenges of this historic structure will be adequately addressed.

To just leave it to the City Of Berkeley's Codes and Inspections Department would be a great mistake, if for no other reason than that the federal and state disability access laws are a floor and not a ceiling.

I am saying all of this now to help prevent the City Of Berkeley from falling into the same trap that the City of San Francisco fell into when they remodeled their City Hall, and did a terrible job of it, and it ended up costing them millions of dollars more than it should have, than if they had it done it right the first time around.

Whenever I have brought this up about the Berkeley City Hall project to date, I have always gotten either a pat on the head or more often no response at all.

And so I am writing to ask you particularly to make sure these important issues are addressed as they should be, and not as something taken for granted, or as an afterthought.

Especially being the birthplace of the now worldwide Independent Living Disability Rights Movement, clearly Berkeley deserves the best.

Thank you very much for your kind attention to these concerns. I know that you know that I know what I am talking about.

Sincerely yours,

– Ken Stein

Program Administrator, ADA Compliance Office / Mayor's Office on Disability, City and County of San Francisco, 2002 – 2013.

Access Advisor Emeritus, Fine Arts Museums of San Francisco, 2013-Present.

Manager, ADA Technical Assistance Unit / ADA Technical Assistance Specialist, Disability Rights Education and Defense Fund (DREDF), Berkeley. Manager of National US Department of Justice ADA Information Hotline, 1993–2002.

Commissioner/Chair, City of Berkeley Landmarks Preservation Commission, 1983-89.

Organizer / Chair, Friends of Old City Hall, which successfully urged the City of Berkeley to obtain funding for and to undertake preservation of the Old City Hall cupola, roof, and ornamentation, completed in 1992.

Newspaper Article attached:

WEDNESDAY, FEBRUARY 12, 1992 THE DAILY CALIFORNIAN

Headline: Old City Hall gets a facelift
Berkeley has refurbished a landmark

Photo / Caption: Mayor Loni Hancock and Ken Stein, chair of the City Hall renovation committee, cut the ribbon in the landmark's rebirth.

By George Franklin
Contributing Writer

Berkeley's historic Old City Hall was rededicated in a public ceremony yesterday after almost three years of renovation.

Old City Hall was the seat of Berkeley's government until 1977, when many city offices moved to their current building at the corner of Milvia and Center streets.

Old City Hall, which is still used for City Council and School Board meetings, was built in the Beaux Arts style in 1908 by San Francisco architects John Bakewell and Arthur Brown.

"It symbolized Berkeley's coming of age as a city, not just a town," said Landmarks Preservation Commissioner Susan Cerny.

The decade after the 1906 earthquake saw Berkeley's population swell from about 10,000 in 1900 to about 40,000 in 1915, she said. During this period, Berkeley's downtown was transformed from wooden sidewalks and woodframed buildings to modern masonry architecture.

The design of Old City Hall was meant to complement buildings being constructed around the turn of the century by the University of California, which had opened the first school of architecture west of the Mississippi.

The renovation, which cost about \$380,000, was begun at the request of former Landmarks Preservation Commission Chair Ken Stein, who in the early 1980s brought public attention to possible dangers arising from the roof's deterioration.

The primary goal of the renovation was to make the roof watertight, but architects were also tasked to restore the classically-designed cupola crowning the building. The ferrous sheet metal sheathing of the cupola columns was coming loose, Carey said, and the stucco was badly deteriorated from water damage. "Under one piece of loose stucco, we found a whole ecosystem," growing in the moisture, she said.

The cupola was removed in May 1989, and languished in the front yard of Old City Hall until this winter, while roof repairs and restoration were being guided by preservation architects Alice Carey and Lucia Howard of San Francisco.

Mayor Loni Hancock read a city declaration dedicating Old City Hall "an architectural and historical landmark. It takes five or six years of looking at this building to realize what a treasure it is. It is a real symbol for our community."

On Mar 24, 2024, at 3:33 PM, Loni Hancock <loni.hancock@comcast.net> wrote:

Public Outreach Minutes

Goal: To restore the Maudelle Shirek City Hall and Veteran's Buildings for use by future generations of Berkeley people, and reverse the current process of demolition by neglect.

The plan:

- Increase public awareness of the heritage buildings and their deteriorating condition.
- Build support for a stand-alone bond measure for earthquake stabilization in 2026 or 2028.
- Get City Council and City Administration to increase ownership and responsibility for the buildings.

After discussion, the Committee concluded that the best chance to save and reuse the Maudelle Shirek City Hall is for the Council Chambers to return when the current lease with the BUSD expires. This would return revenue to the City that can be put toward maintenance and renovation, allow expansion that would increase earthquake stabilization, and provide additional office space. **Tom Bates** will explore the idea with the mayor, and **Lisa Bullwinkel** will explore the idea with Councilmember Hahn, and Kate Harrison. After this initial feedback, the Committee will reach out to other Council members and Civic leaders. **John Caner** and **Loni Hancock** will find out how many other leases the City may have, and if money can be saved by relocating these offices to the Maudelle Shirek City Hall. **John** will also contact Eleanor Hollander about setting a Council Workshop to discuss these issues.

It was suggested that we tie the stability of the Maudelle Shirek City Hall to the stability of the culvert running near it. The Buildings could also house expanded learning opportunities such as expanded Library lending and High School interns at Berkeley Community Media

The upcoming city elections also provide an opportunity to brief candidates on the vision and work of the 4Cs as well as the consultant studies and subsequent Council actions. We will ask candidates to respond to a brief written questionnaire which will go on our website and to our mailing list. **Arlene Silk** will use the questionnaire being drafted by BAHA as the basis of a draft questionnaire for us. **Arlene** will also contact the National Trust for Historic Preservation regarding placing the Maudelle Shirek City Hall on their "Endangered" list, and any additional advice they may have regarding funding and preservation campaigns. **John Caner** will include questions about the Civic Center Project at the Downtown Berkeley Association candidates' night on April 24 5-7pm. **John** will also try and set up tours of the heritage buildings for candidates and their staff.

Many ideas were thrown out regarding Public Information and Engagement, including:

- Farmers' Market information booth with leaflets and postcards. Email sign-up to get more information.
- A large Banner on the front of the Maudelle Shirek City Hall (and maybe also the Veterans' Building) saying something like "WILL YOU MISS ME WHEN IM GONE".
- Lawn Signs - WILL YOU MISS ME... or "WHO NEEDS OLD BUILDINGS?" or whatever we choose....
- Postcards with the slogan and informational bullet points that can be handed out or sent to given to friends.
- An email with photos that can be forwarded to friends.

- update our Website, sharpen the message and include the website address and QR code on printed material.
- Articles in the local press: The Berkeley Times, Berkeleyside, etc., and organizational newsletters.

Lisa Bullwinkel and **Winston** Burton are looking into costs and organizing related to the Banners. Creatives(!): Writers and techies are needed to work on printed materials, news articles, website enhancement and other aspects of Public Outreach and Engagement. Please step up!

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visit <https://groups.google.com/d/msgid/berkeleycccc/C8A4D30C-4DE0-4954-ABC3-A5D384345AFF%40comcast.net>.

AC Transit's Realign Initiative

AC Transit staff will present info about the agency's Realign initiative, **which involves a comprehensive evaluation and potentially significant changes to the bus network**, at two different AC Transit events, both open to members of the public, scheduled for May 2024. Info re accessing these events appears below.

General Manager's Access Committee (GMAC) Meeting on 5/14 at 1PM.

HYBRID MEETING 1750 Broadway, Community Room, Oakland, CA 94612
Zoom link <https://actransit.zoom.us/j/93413761483>
Phone: 877 369 0926 Webinar ID: 934 1376 1483

Realign Workshop on 5/23 at 6PM.

Zoom link: <https://actransit.zoom.us/j/88231707039>
Phone: 877 369 0926 US Toll Free
Webinar ID: 882 3170 7039

Additionally, anyone seeking info about the Realign initiative can visit:

www.actransit.org/realign