

Commission on Disability

Meeting Agenda: March 12, 2025 at 5pm

**North Berkeley Senior Center, Aspen Room
1901 Hearst Avenue, Berkeley, CA 94709**

Preliminary Matters

1. Call to Order by Chair Pugh
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
4. Public Comments

The public may comment about any item not on the agenda. Public comments on agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.
5. Approval of draft minutes: February 19, 2025 meeting*
6. Approval: Order of Agenda*

Commissioner Reports/Announcements — 5 minutes

7. Form 700 filing due by April 1, 2025*

Discussion/Action Items

8. Proposed changes to 2025 meeting calendar* — 10 minutes
9. Recommendations for & notification of accommodations at City meetings/events — 30 minutes
10. Process for CoD recommendations on Measure FF — 30 minutes

Staff Updates

11. Log of Access Complaints* — 10 minutes
12. Email and voicemail sent to the Commission* — 5 minutes

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 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

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

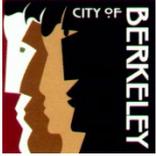
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

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 February 19, 2025

Preliminary Matters

1. Call to Order by Chair Fischer at 5:03pm
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
 - Commissioners present: Vice Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Lewkowicz, Commissioner Paz, Commissioner Mann, and Commissioner Holloway.
 - Commissioner on a Leave Of Absence: Commissioner Sun
 - Staff present: Thomas Gregory, Guillermo Campus, Dani Dynes, and Eric Anderson
 - Public members present: Chris Kidd (presenter), Betsy Morris, Nancy Rader, David Cook, Donna Diemar, Cam Crolick, Christopher Hamilton, Michaela Seetu, Michai Freeman, Erik Knaresboro, Daveed Mandell, and Anonymous x 3.
4. Public Comments
 - The public may comment about any item not on the agenda. Public comments on agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.
 - Anonymous made a comment regarding the failure of some private landlords in Berkeley to comply with access laws and the difficulty/impossibility of getting relevant support from City government or local CBOs.
5. Approval of draft minutes re January 8, 2025 meeting
 - "...to approve the January minutes as drafted."
 - Moved by: Chair Fischer; seconded by Commissioner Pugh.
 - Abstention: Vice Chair Walsh
 - Ayes: Chair Fischer and Commissioners Pugh, Lewkowicz, Paz, Mann, and Holloway.
 - Nays: none
 - The motion passes.
6. Approval: Order of Agenda
 - "...to eliminate Item #8 from agenda, to move the existing Item #11 to where Item #8 used to be, and to swap the order of Items # 12 and #13.
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.

Presentations

7. Updates (2025) to the City Bike Plan: Christopher Kidd (Senior Planning Associate, Alta Planning + Design, Inc.) and Dani Dynes (Associate Planner, CoB Public Works Dept.) – 30 minutes
 - Public comment from Betsy Morris re bikes, e-bikes, charging stations, and other topics.
8. Update on City's traffic and parking design, including bike and transit lanes: Charmine Solla

(Traffic Engineer, Consultant to CoB Public Works Dept.) – 30 minutes

This agenda item was eliminated as per Item 6, supra.

Staff Updates

- 9. Log of Access Complaints - 5 minutes
- 10. Email and voicemail sent to the Commission - 5 minutes

Commissioner Reports/Announcements - 5 minutes

Discussion/Action Items

- 11. Nominations and Elections for Chair and Vice Chair - 20+ minutes

Roll call vote "...to elect Kathi Pugh as Chair."

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

Ayes: Vice Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Lewkowicz, Commissioner Mann, and Commissioner Holloway.

Abstention (by virtue of early departure from meeting): Commissioner Paz.

Nays: none.

The motion passes; Chair Pugh's tenure begins.

Roll call vote "...to elect Rena Fischer as Vice Chair."

Moved by: Chair Pugh; seconded by: Commissioner Holloway.

Ayes: Vice Chair Walsh, Commissioner Fischer, Chair Pugh, Commissioner Lewkowicz, Commissioner Mann, and Commissioner Holloway.

Abstention (by virtue of early departure from meeting): Commissioner Paz.

Nays: none.

The motion passes; Vice Chair Fischer's tenure begins.

- 12. Notification of Accommodations at City Meetings and Events - 15 minutes

- 13. Community-initiated Letter to City Council on Measure FF* - 15 minutes

Public comments from Nancy Rader, Anonymous, David Cook, Betsy Morris, Donna Diemar, Michai Freeman, Michaela Seetu, Cam Crolick, and Christopher Hamilton.

Adjournment by unanimous vote at 7:45pm.

Minutes approved by CoD vote on: _____

Thomas Gregory, Secretary to Commission

The following information is from an email sent from the City Clerk's office:

The annual Form 700 filing covering the period from January 1, 2024, to December 31, 2024, is due no later than April 1, 2025.

As a Berkeley commissioner, you are required to file an annual Statement of Economic Interests (Form 700) and disclose specific economic interests as outlined in the City's Conflict of Interest Code.

Please log into [NetFile, the City's online filing portal](#) using your email address to submit your Annual Form 700 for your city positions.

For assistance with the submission process, please refer to the attached filing instructions.

IMPORTANT: The City's Conflict of Interest Code mandates the termination of city commission appointments if the annual form 700 is not filed by the April 1, 2025, deadline. Unfortunately, no extensions are available for this filing deadline. Noncompliance may lead to fines and penalties under state law.

- For questions about how to use the e-filing system, please contact NetFile Technical Support at filehelp@netfile.com
- For technical questions regarding what to report, contact the Fair Political Practices Commission at advice@fppc.ca.gov or (866) 275-3772 (toll free)
- For questions about your filing requirement, please contact the City Clerk Department at 510.981.6908 or commission@berkeleyca.gov



STATEMENT OF ECONOMIC INTERESTS NETFILE ONLINE FILING SYSTEM

Step 1: Log into NetFile to file the Form 700 electronically

1. **Existing user:** Go to <http://www.netfile.com/filer/> log in using your email address and password.
2. **New User:** If you are a new user, please follow the link "New User? Request a Password" to obtain your password. Simply enter your email address and a new password will be sent to you within a few minutes.
3. **Lost password:** In case you have misplaced or forgotten your NetFile password, please click on the "Lost Your Password?" link and provide your email address. A new password will be sent to you within a few minutes. Kindly ensure to check your email's spam folder as well.
4. **Need to change email address:** If you require a change in your registered email address, please contact the City Clerk Department and provide the updated information.

After successfully logging into your account, NetFile offers a variety of helpful resources including video tutorials, a user guide, and reference documents.

Step 2: Find your disclosure category

Click on the City of Berkeley Conflict of Interest Code link at the top of your home page. Find your position to see what information you need to disclose on your Form 700.

Step 3: How to file Form 700 electronically from your NetFile account page

- Under "Filings to Complete", select **all** boxes in the **Create** column, then click on "Start Selected Document(s)." Follow the onscreen prompts to navigate through the form.

Your Filing Category Requirements (Click to collapse or expand this panel)

1

Review the following document before proceeding - [City of Berkeley Conflict of Interest Code](#).

Filings to Complete

Current Filings to Complete

This table lists current unfulfilled filings you need to complete. Find the unfulfilled filing or filings you want to complete. Check the appropriate box or boxes in the **Create** column and then click the **Start Selected Document** button. **Note:** You may not be able to combine certain filing types.

Period Start	Period End	Deadline	Form	Type	Departments	Positions	Create	Edit	DeL...
1/1/2024	12/31/2024	04/01/2025	Fppc700	Annual	All known	All known	<input type="checkbox"/>		

Start Selected Document

Step 4: After reviewing your draft Form 700, e-file the document in the system. No paper copy is required.

Learn more about the Form 700 by visiting the Fair Political Practices Commission (FPPC) website: <http://www.fppc.ca.gov/Form700.html>. The FPPC also provides advice at advice@fppc.ca.gov or (1-866-275-3772).

Commissioners:

The CoD can meet ten times per year and, in the previous meeting calendar, chose to skip August and December meetings.

The CoD proposed new meeting schedule, on the 2nd Tuesday of the month at 4:00pm, falls on the following dates — with shifts to the 3rd Tuesday in October and November:

April 8, 2025

May 13, 2025

June 10, 2025

July 8, 2025

September 9, 2025

October 21, 2025

(This is the 3rd Tuesday, as both 10/7 and 10/14 conflict out with Jewish holidays.)

November 18, 2025

(This is the 3rd Tuesday. The second Tuesday is Veterans Day. The first is only two weeks after the October meeting and Election Day. This is the week before Thanksgiving.)

City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Policy Committees, Commissions, Task Forces) on religious holidays that incorporate significant work restrictions for common observance in the United States. City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

Religion	Holiday	2025 Date(s)
Shinto	New Year	1/1/2025 thru 1/3/2025
Hindu	Makar Sankranti	1/14/2025
Cultural	Chinese New Year (Eve, Day, Lantern Festival)	1/28, 1/29, 2/12
Islam	Ramadan (Eve & First Night)	2/28/2024 thru 3/1/2025
Hindu	Holi	3/14/2025
Cultural	Nowruz*	3/20/2025
Islam	Eid al-Fitr	3/30/2025 thru 3/31/2025
Jewish	Passover Nights 1 & 2 (7*, 8*)	4/12 - 4/13 (4/19, 4/20)
Christian	Good Friday	4/18/2025
Christian	Easter Sunday	4/20/2025
Buddhist	Vesak	5/12/2025
Jewish	Shavuot*	6/1/2025 thru 6/3/2025
Islam	Eid al-Adha	6/6/2025 thru 6/7/2025
Shinto	Obon Ceremony*	8/13/2025 thru 8/15/2025
Jewish	Rosh Hashanah	9/22/2025 thru 9/24/2025
Jewish	Yom Kippur	10/1/2025 thru 10/2/2025
Hindu	Dussehra	10/2/2025
Jewish	Sukkot (1st Day)*	10/6/2025 thru 10/7/2025
Jewish	Shmini Atzeret/ Simchat Torah*	10/13/2025 thru 10/15/2025
Hindu	Diwali	10/20/2025
Baha'i Faith	Birth of Bab	10/22/2025
Baha'i Faith	Birth of Baha'u'llah	10/23/2025
Jewish	Chanukah (1st night)	12/14/2025
Christian	Christmas	12/25/2025
Cultural	Kwanzaa	12/26/2025 thru 1/1/2026
Jewish	Shabbat (Friday sunset to Saturday sunset)*	Weekly

* Meetings not prohibited, but avoid scheduling meetings if possible

March2025 - Log of Unresolved Access-related Complaints

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

An asterisk in the Date Complaint Lodged column indicates that the complaint was a formal ADA Grievance.

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
6/8/23	3 – Concern that much more content (in addition to the Commissioners' Manual, which was non-compliant but which has been remediated) 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	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).

			WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.		
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. Update: remediation has not begun as of Jan2025.	Not yet applicable, but solution, once implemented, will be compliant.	Satisfied (with tentative timeline, that is...the actual remediation has yet to happen); however, as the timeline has not been adhered to, likely unsatisfied.
12/1/23	1 - Complaint that STAIR Center was not ADA-compliant.	Not yet.	I explained the situation in much detail to complainant, 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-	No compliant solution yet implemented.	Unsatisfied.

			<p>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 staff if this issue could be prioritized.	No compliant solution yet implemented.	Unsatisfied.
5/3/24	4 and 5 – document posted to City website not screen readable and WCAG-compliant.	Not yet.	Staff expressed apology and expectation that the City will have WCAG-remediation capacity in FY25...offered to read entire document to constituent at a time convenient to him.	Not compliant.	Unsatisfied.

6/20/2024	3 – complaint that the City's website does not comply with WCAG 2.0.	Not yet (assuming that the website does not comply with WCAG 2.0)	The City will hire a Digital Communications Coordinator asap who will ensure that the website is WCAG-compliant asap.	Once implemented, the solution will be compliant.	Unsatisfied.
6/30/2024	2 – overgrown hedge on 1600 block of Acton Street is obstructing sidewalk.	Not yet.	PW staff referred the matter to Code Enforcement staff, who will inform property owner that hedges must be trimmed back.	Once the hedges have been trimmed to create at least 4' of unobstructed sidewalk, the site in question will be compliant.	Unknown.
8/2/2024	2 – Lack of curb ramps at Claremont Ave/Avalon Ave.	Not yet.	Curb ramps to be installed at Claremont/Avalon in Nov2024.	Not yet.	Unsatisfied.
8/22/24	2 – Some APS violate PROWAG R308.3.1 by using voice indicators rather than percussive tones.	1/21/25	PW staff will survey all intersections with APS to determine which are not complying with R308.3.1 (and not also exempted from that rule by R308.3.2) and will change the signal's programming as needed. Update: Jamm Services (the City's APS vendor) informed	Compliant.	Unknown.

			the City that our APS, because we include locations in the walk message, exceeds minimum requirements even at sites where percussive tones are not used. Jamm Services staff also kindly met with complainant to explain rules and existing circumstances to them.		
8/22/24	2 – construction site on Shattuck between Francisco and Delaware violates PROWAG.	Not yet.	ADA staff has informed Transpo staff of what is needed to remediate this situation; Transpo staff is working with the contractor in question to implement an ADA-friendly design of an alternate pedestrian pathway at the site.	Not yet...solution expected to be implemented by mid-Sep2024. Update: new ETA is mid-Nov2024. Update: new ETA is mid-Jan2025.	Unsatisfied.
12/11/24	1 – elevators not working in Center Street garage.	Not yet.	Elevator will be repaired as soon as elevator-repair company can obtain the needed parts and perform the repair.	Once implemented, the solution will be compliant.	Likely unsatisfied with pace of remediation.

				ETA: mid-Jan2025 Update: There are two elevators, and both were broken. Unit 2 was fixed on 1/10/25, and Unit 1 was fixed on 1/13/25. However, Unit 1 broke again on 1/17/25 and remained broken as of 2/5/25 (although no complaints have been received since December2024)	
Multiple dates in Dec2024	2 – various complaints (lodged by a CBO proxy) on behalf of various constituents, some of them being specifically identified and others of them not being specifically identified, purporting programmatic non-compliance with the	Dec2024	Complainants informed that their grievances did not involve any violation of any federal or state laws pertaining to accessibility.	Compliant.	Unsatisfied.

	ADA regarding the manner by which the City strives to manage local encampments and the outreach services provided to such encampments.				
1/17/25	2 – two curb ramps at Euclid and Crystal Way lack required detectable warning surfaces.	Not yet.	Detectable warning surfaces will be installed at these two curb ramps.	Once implemented, the solution will be compliant.	Unknown.
1/26/25	5 – the publicized info re a “Shape the Future of Disaster Preparedness and Environmental Justice in Berkeley” workshop does not provide info re the ability to request ADA accommodations.	1/26/25	Event’s promotional material’s absence of info about ADA accommodations is not a violation of any statute or regulation; thus, no remedial action needed.	Compliant.	Presumably unsatisfied. Question implicitly raised by this complaint: “Should CoD recommend to Council that the City’s policy should be that all (or some subset of all) event-promotion literature include info re the availability of ADA accommodations?”
2/4/25	1 and 2 – Portapotties blocking accessible parking spot at Marina;	2/13/25 or prior.	Problematic portapotties removed.	Compliant.	Unknown.

	also, one of these units was placed in a manner creating a path-of-travel issue at its entrance.				
2/7/25*	5 – City allegedly failed to engage in the accommodations process required by ADA.	n/a	n/a	n/a	Unknown.
2/17/25	4 and 5 – The would-be commissioners' General Application & Appointment Form, available online, is not WCAG-compliant.	3/3/25	Replace non-compliant online form with a compliant version of the form.	Compliant.	Unknown.

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

Messages for CoD (March2025 edition)

Received on 2/16/25:

Carol Denney<cdenney@igc.org>

To:Amiri, Wahid;Gregory, Thomas

Sun 2/16/2025 11:02 AM

To: Commission on Transportation and Infrastructure, Wahid Amiri, Secretary, WAmiri@berkeleyca.gov and Commission on Disability, Thomas Gregory, Secretary tgregory@berkeleyca.gov

Re: Public restroom at University and San Pablo Avenue
From: Carol Denney, 1970 San Pablo Avenue #4, Berkeley, CA 94702

Dear Commissioners,

It's safe to suggest that everybody is in favor of bathrooms. But the location of a public toilet is important to discuss *publicly*. Only a month ago those of us who live in the apartment building at the corner of University and San Pablo Avenue were given a completely different location for the San Pablo Avenue and University Avenue proposal along with only a virtual opportunity for discussion. The flier of information about the meeting stated the wrong day.

Someone from the city at the time banged on our doors, running furiously through our building inside of our locked gates at a moment when our large ratio of immigrant families, many of whom do not have computers or internet communication capabilities, is on edge about government actions against undocumented workers. This was terrifying for all of us. We had no idea what was going on, and it made people very frightened and very angry. It was tone-deaf at the very least.

Our historic, oldest neighborhood in Berkeley only learned *last week* about the consultants' selection of the northeast corner as the proposed location for a public restroom, and we oppose this location*. What in the world is the hurry? If it's some contract that somebody else signed, that's not democracy as I understand it.

First, we *have* a public restroom half a block away to the east at the West Berkeley Library which, while not available at night, could serve more easily as a location which would not so directly impact our apartment building. We also have a city-owned former Premier Cru property just half a block away to the

west which currently serves the Food Pantry, workers at which say they would welcome a public restroom since the facilities there need expansion. Our understanding is that's why the building was acquired in the first place, and as a former retail space it *has* restrooms.

Second, we have three completely empty retail spaces at our intersection. Anyone walking or driving by will understand why. There is open-air drug use, drug dealing, prostitution, and street conflict so loud and so frightening that we who have suffered trying to live here, do business here, or both, are baffled that the city would even dream of facilitating the hostile, frightening street scene with the provision of a public bathroom.

We've lost our hardware store, our bank, our shoe store, our stationary store, and the small businesses struggling with it all have not been silent about what they go through. We have 26 units of residential property and three retail spaces we're doing our best to maintain, and the difficulties at present are epic. We had five fires set against our building in five days only recently, and the building manager and I had to put some of them out ourselves. ***The police department, the fire department, the outreach groups for homeless individuals have been unable to address this situation*** which has gone on for years and cost us the once thriving commercial neighborhood which for many of us is our home.

Third, the first location the consultants chose for the Telegraph area restroom would have blocked a landmarked mural, probably because the consultants and engineers can't see it from a blueprint and didn't bother to look. Our apartment building is being ignored in a similar way; nestled over and behind street-level retail, those of us who are ground floor in accessible units are mostly disabled tenants who deserve consideration. It appear the city is not only ignoring the debilitating street crime in front of our building but enabling it by providing a restroom open all night long.

* I am not speaking officially for my neighborhood or my apartment building; I am someone who has worked on projects with both groups and can safely say that there is a consensus behind a public restroom which is *supervised, off the street*, not right at the corner, which obstructs the view of traffic, and which our neighborhood finally has an opportunity to discuss now that a location has finally been proposed. The engineers have played an amazing game of "hide the ball" throughout this proposal's timeline, counting dozens of meetings which were never publicly available.

Please consider alternatives to the proposed location at University and San Pablo Avenue, where an archway once stood (see attached) welcoming people to Berkeley. We hope to restore the archway and the dignity of our historic neighborhood if they city would just work with, rather than against, those of us who live and work here.

Sincerely,
Carol Denney, 1970 San Pablo #4, Berkeley, CA 94702
510-548-1512