

Commission on Disability

Meeting Agenda: January 8, 2025, at 5pm

**North Berkeley Senior Center, Aspen 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

At this point in the meeting, the public may comment about any item not on the agenda. Public comments regarding 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 re November 13, 2024 meeting*
6. Approval: Order of Agenda*

Staff Updates

7. Log of Access Complaints*
8. Email and voicemail sent to the Commission

Commissioner Reports/Announcements

9. Various announcements

Discussion/Action Items

10. prepare for the CoD officer elections scheduled for Feb2025
11. Work Plan development

Adjournment

Projects (Active & Proposed)

- a. Contact clause for WCAG compliance - A
- b. Active Accessible Icon adoption - A
- c. Ohlone Greenway signage feedback - A
- d. Use of motorized scooters and bicycles on sidewalks (with CoAging?) - P
- e. Safer pathways map of Berkeley (with CoAging?) - P
- f. ADU Accessibility brochure - P
- g. Accessibility of speaker's lectern - P
- h. Maudelle Shirek Building (Old City Hall) renovation letter - P

* **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](#))

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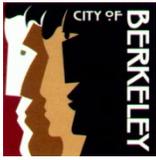
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:

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Commission on Disability

DRAFT Minutes re November 13, 2024

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 Sun, Commissioner Lewkowicz, and Commissioner Mann.
 - Commissioner absent: Commissioner Paz.
 - Commissioner on a Leave of Absence: Commissioner Pugh.
 - Staff present: Thomas Gregory
 - Public members present: Erik, Steven, and Aaron.
4. Public Comments: one comment pertaining to (a) the non-compliance of sidewalks near the intersection of Durant/Ellsworth specifically and (b) the importance of keeping the City's sidewalks accessible generally.
5. Approval: previous meeting's minutes
 - "...to approve the minutes from September."
 - Moved by: Chair Fischer; seconded by Commissioner Sun.
 - Ayes: Chair Fischer, Commissioner Sun, and Commissioner Lewkowicz.
 - Abstentions: Vice Chair Walsh and Commissioner Mann.
 - The motion passes.
6. Approval: Order of Agenda
 - "...to approve the order of the agenda."
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.

Discussion/Action Items

7. Establish 2025 Calendar of CoD meetings
 - "...to approve a 2025 meeting calendar as follows: 5pm on 2nd Wednesdays of the month – except for Feb, which will be the 3rd Wednesday of the month...no meeting in Aug or Dec."
 - Moved by: Commissioner Lewkowicz; seconded by: Commissioner Sun.
 - Ayes: unanimous.
 - The motion passes.
8. Accessible Parking and Street Redesign/Bancroft Street – there was a consensus

among Commissioners that an early-2025 presentation to CoD re street design/parking planning would be useful; the secretary will attempt to arrange this.

9. Work Plan Items

a. Active Accessibility Icon

“...to approve the Chair/secretary to submit to the Clerk the Active Icon report as soon as possible, with cosmetic (i.e., non-substantive) edits as may be deemed necessary by the Chair.”

Moved by: Commissioner Lewkowicz; seconded by: Commissioner Sun.

Ayes: unanimous.

The motion passes.

b. Contract clause on WCAG compliance

“...to approve the Chair/secretary to submit to the Clerk the WCAG compliance report, excluding the VPAT paragraph, as soon as possible, with cosmetic (i.e., non-substantive) edits as may be deemed necessary by the Chair.”

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

Ayes: unanimous.

The motion passes.

c. Contract clause on PROWAG compliance

“...to approve the Chair/secretary to submit to the Clerk the PROWAG compliance report, with “XXX” edited to read “proximity-activated audio signals,” as soon as possible, with cosmetic (i.e., non-substantive) edits as may be deemed necessary by the Chair.”

Moved by: Commissioner Mann; seconded by: Commissioner Lewkowicz.

Ayes: unanimous.

The motion passes.

Staff Updates

10. Log of Access Complaints

11. Email and voicemail sent to the Commission (none)

Commissioner Reports/Announcements

Adjournment at 7:05pm

Minutes approved by CoD vote on: _____

Thomas Gregory, Secretary to Commission

Jan2025 - 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

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 WCAG, and specific City	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).

			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 Nov2024.	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 FY2023-24. This complainant was part of a coalition of	No compliant solution yet implemented.	Unsatisfied.

			<p>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	The City will hire a Digital Communications Coordinator asap who will ensure that the	Once implemented, the solution will be compliant.	Unsatisfied.

		does not comply with WCAG 2.0)	website is WCAG-compliant asap.		
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.	Not yet.	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.	Not yet. (The current situation is not a violation of law, but is a violation of PROWAG.)	Unsatisfied.
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	Not yet...solution expected to be implemented by mid-Sep2024. Update: new ETA is mid-Nov2024.	Unsatisfied.

			alternate pedestrian pathway at the site.	Update: new ETA is mid-Jan2025.	
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. ETA: mid-Jan2025	Likely unsatisfied with pace of remediation.
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 ADA regarding the manner by which the City strives to manage local encampments and the outreach services provided to such encampments.	Dec2024	Complainants informed that their grievances did not involve any violation of any federal or state laws pertaining to accessibility.	Compliant.	Unsatisfied.

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