



City of Oakland

Mayor's Commission on Persons with Disabilities (MCPD)
Monday, October 16, 2023 5:30 p.m.-7:30 p.m.
Hearing Room 1, First Floor
One Frank H. Ogawa Plaza (City Hall), Oakland, CA 94612

Minutes

Commissioners: Cathy Eberhardt (Acting Chair), Noah Smith (Vice Chair), Ayanna Keeton, Marjorie Lynne, Kyle O'Malley, Fatimah Aure, Barry Robinson, Linda St. Julian, Anwar Baroudi

Commission staff: Anh Nguyen-ADA Programs Division Manager, Mark Romoser-ADA Programs Division Program Analyst I

Presenters: Braz Shabrell, City Attorney's Office; Kevin McLaughlin, City Attorney's Office; Ruth Meza and Audrey Harris, Major Projects Division, OakDOT; Laura Kaminski, Planning and Building Department

Other attendees: Godfrey Wilson, Lenore Gunst, Sheela Gunn-Cushman

Anh Nguyen begins the meeting with a reminder of rules for in-person meetings:

- No food or open drink allowed in Hearing Room 1 to maintain a clean and professional environment.
- Drinks must be in a closed container to prevent any spills or accidents.
- When commissioners speak- please press the top-red button that says "mic" and when you are finished, please press the button again.
- To ensure clarity and transparency, when commissioners speak, please state your name before speaking.
- When a member of the audience is speaking or commenting- please first state your name and any affiliations you may have.
- Restrooms are located outside Hearing Room 1, near the elevators.

Roll Call

- At roll call, quorum was established with six of nine commissioners present (X). Commissioner Lynne arrived at 5:39.

Commissioners	Present (x)
Cathy Eberhardt (Vice Chair)	X
Noah Smith (Vice Chair)	X
Ayanna Keeton	Absent
Marjorie Lynne	X
Linda St. Julian	X
Kyle O'Malley	Absent (excused)
Fatimah Aure	X
Barry Robinson	X
Anwar Baroudi	X

Open Forum:

- Lenore Gunst, chair of the Mayor’s Commission on Aging (MCOA), explained that Human Services has been facing staffing issues, including frozen positions and the lack of a manager at Adult and Aging Services. She noted that Adult and Aging Services is being merged with Parks, Recreation and Youth Development, while Community Housing is being merged with another department. She mentioned that MCOA presented to the city council’s Life Enrichment Committee the previous Tuesday, floated the idea of having MCOA meetings at the various senior centers rather than at City Hall, and pointed out that Community Resources for Independent Living (CRIL), the independent living center in Hayward, would be presenting to MCOA’s November meeting. She brought up the idea of a multigenerational park, to be located at the downtown senior center and paid for with Measure W funds. Councilmember Carroll Fife, whose district includes the center, supports the project. Finally, Ms. Gunst announced that eight applications to serve on MCOA had been sitting in the mayor’s office for quite some time.

Commissioner’s Announcements

- Commissioner Baroudi briefly introduced himself.

- Commissioner St. Julian introduced herself, and mentioned that a number of people had contacted her regarding disability-related issues.

Approval Of Minutes

- Acting Vice Chair Smith moved that the minutes from February 2023 be approved. Commissioner Lynne seconded. For March 2023, Commissioner Baroudi moved, Acting Vice Chair Smith seconded. For April 2023, Commissioner Lynne moved, Commissioner Baroudi seconded. For May 2023, Commissioner Lynne moved, Commissioner Baroudi seconded. For June 2023, Acting Vice Chair Smith moved, Commissioner Robinson seconded. For July 2023, Commissioner Lynne moved, Commissioner Baroudi seconded. A vote was taken. Ayes 7, nays 0. Motion carried.

Residential Elevator Ordinance

- Braz Shabrell from the City Attorney's Office gave their presentation.
- Acting Chair Eberhardt asked whether the \$250 per day allowance for alternative housing would be paid for by the building operator.
- Commissioner St. Julian asked whether the proposed ordinance applied to Oakland or Berkeley, and whether the provisions of the ordinance would apply in a situation where two of four elevators in a building were out of service.
- Commissioner Lynne asked whether the provisions would apply if the only working elevator was located a considerable distance from someone's apartment. She also asked about the definition of retaliation, and gave examples of retaliation such as landlords deliberately making units uninhabitable. She questioned the suitability of alternative housing, mentioning that some might be cheap, unsafe, or unsuitable for those with allergies.
- Commissioner Baroudi asked about qualification for alternative housing, and asked whether the \$250 per day housing allowance applied to each individual in an affected unit or to all occupants of the unit as a group.
- Commissioner Lynne asked how the ordinance would be publicized. She suggested a permanent posting similar to the OSHA poster that is found in workplace break rooms.

- Commissioner Baroudi asked whether the ordinance would apply to commercial buildings.
- Acting Vice Chair Smith pointed out that attorney Celia McGuinness had been involved in drafting the ordinance. He also asked whether the ordinance would apply to those with temporary disabling conditions as well as those with permanent disabilities.
- Commissioner Robinson asked whether older buildings would be grandfathered out of the ordinance. Braz Shabrell replied that they would not, but that an exception would be granted for buildings whose elevators had not been operational since any of its tenants moved in.
- Commissioner Baroudi asked why hospitals and other health care facilities were exempt. Braz Shabrell replied that a similar exemption exists in other city ordinances such as the rent ordinance.
- Mr. Romoser read public comment from John Coleman, who mentioned ongoing problems with the elevators at his residential hotel.
- Member of the public Sheela Gunn-Cushman commented that while the Oakland Housing Authority has an ADA coordinator, their ADA compliance was inadequate. They also suggested that the presentation should be given to the Oakland Tenants Union, described their experience in an apartment complex in Alameda County in which one of the two elevators was located in a dark, smoky hallway, and pointed out that the state Unruh Civil Rights Act applied as well as the ADA. In their capacity as emergency preparedness coordinator at the Center for Independent Living in Berkeley, they mentioned that many people refuse relocation assistance because they fear a lack of support once relocated. They gave an example of an elevator that had been out of service for over a year, and the Disability Rights California should get involved.
- Member of the public Lenore Gunst asked why Berkeley was chosen as the model for the ordinance. Braz Shabrell replied that it has been working well in Berkeley, and that it was recommended to her.
- Acting Vice Chair Smith mentioned that a disability rights housing attorney had flagged Berkeley as an example.
- Member of the public Godfrey Wilson asked about transportation options for those being relocated.
- Braz Shabrell mentioned that the ordinance would be heard by the city council's Community & Economic Development Committee on November 14, and by the full council on December 6.

Update On Lawsuits Against The City

- Kevin McLaughlin from the City Attorney's Office gave his presentation.
- Mr. McLaughlin mentioned that a trial date for *Smith v. Oakland* had been set for August 2024.
- Acting Vice Chair Smith asked if MCPD might have any input into a potential settlement. Mr. McLaughlin agreed in principle, but noted that the window for any settlement is closing.
- Commissioner Baroudi asked whether the city had a preferred outcome. Mr. McLaughlin noted that San Francisco is currently fighting a case similar to *Curran v. Oakland*.
- Commissioner St. Julian pointed out that tree damage was not addressed, and that bikes often blocked sidewalks.
- Commissioner Baroudi asked about the costs in light of understaffing issues at OakDOT. Mr. McLaughlin replied that each curb ramp costs \$7300, which can be paid for with Measure UU funding.
- Commissioner Robinson asked if 311 could be used to identify problem sidewalks. He gave an example of narrow sidewalks at Foothill Blvd. and 23rd Ave. Mr. McLaughlin replied that the city does cite owners for encroachment onto the public right of way. Comm. Robinson noted that some of the sidewalks dated back to the 1920s and 30s. Mr. McLaughlin noted that the city's sidewalk ordinance and buy/sell/repair ordinance would both apply.
- Commissioner Lynne asked if homeowner's insurance would pay for property owners to repair the sidewalks in front of their properties.
- Commissioner St. Julian asked who was responsible for damage caused by uplifting tree roots.
- Member of the public Sheela Gunn-Cushman pointed out that the ADA is meant to be a floor rather than a ceiling. They suggested that the city plant trees that are not subject to uplifting. They also brought up directional wayfinding, in which curb ramps steer blind people in the proper direction, as opposed to the common practice of corner-cutting, where only one ramp is installed at each corner, and noted that cars frequently block bus stops.

Broadway, MLK Jr. Way and 7th Street Projects

- Ruth Meza and Audrey Harris gave their presentation.
- Commissioner Baroudi noted that busy bus lanes are not protected. He singled out the bus lanes on International Blvd. as being frequently abused by speeding cars. He also pointed out that parking and turn lanes can conflict with protected bus lanes. He asked Ms. Meza and Ms. Harris whether the stretch of Broadway between 6th and 7th streets depicted in the presentation was meant to depict parking or a turn lane.
- Commissioner St. Julian pointed out that the bus lanes used for Tempo bus service along International Blvd. caused a loss of parking spaces. Ms. Meza replied that the Tempo project was planned jointly by OakDOT, Alameda County Transportation Commission, and AC Transit, and that parking along the route met ADA standards.

General Plan Phase 2

- Laura Kaminski gave her presentation.
- Commissioner Robinson asked if the redlining maps shown in the presentation would be used to identify problem areas. Ms. Kaminski replied that they would be used to identify environmental justice communities for the plan's infrastructure element.
- Member of the public Sheela Gunn-Cushman mentioned that Hayward Parks and Rec is taking a similar look at its parks.

Ad Hoc Committee to Explore Hybrid Meetings

- Acting Vice Chair Smith noted that he had no new information relating to the topic of hybrid meetings.

Staff Updates and Announcements

- In the interest of time, Mr. Nguyen announced he would be sending the staff announcements to the commissioners by email.

The meeting was adjourned at 7:41.