



CITY OF OAKLAND
Mayor's Commission on Persons with Disabilities (MCPD)
Monday, May 8, 2017
Special Meeting

Amended Minutes

- I. Called to Order at 5:05 p.m.
- II. Roll Call (**Exhibit A1**)
- III. Public Comments
 - Mr. Ian Smith expressed that not having quorum twice this year has led to some agenda items not getting addressed. Chair Sperling stated that the issue of quorum will be brought up tonight.
 - Mr. Daryl Meshack stated that his sidewalk access complaint to staff has not been resolved. ADA Programmatic Access Coordinator Sherri Rita stated that per email correspondence with Mr. Meshack, the City's grievance procedure allows for 30 working days for investigation and resolution. A proposal for policy changes in response to the issues raised in his grievance is currently under review by departments that will be involved in the implementation of the policy, and he will be provided an update as soon as possible.
- IV. Commissioner's Announcements

- Commissioner Harrington updated that he reviewed and commented on the Draft Pedestrian Master Plan. He feels it needs to better address universal access.
- Commissioner Contreras inquired about whether when there are new projects and designs, is there a group of persons with disabilities that can provide feedback. For instance, she had difficulty parking on Telegraph Avenue because of the new buffered bike lanes.

ADA Programs Division Manager Christine Calabrese stated that there are generally three ways the City engages with stakeholders with disabilities when designing capital projects. One mechanism is to include persons with disabilities on formal technical advisory committee for larger capital programs. Another is to convene an informal group of subject matter experts to discuss specific areas of programmatic or technical concern for disability populations. Finally, and most notably, the MCPD is the City's designated public advisory body with respect to ADA compliance, including in its capital programs.

Commissioner Contreras reiterated that the Telegraph buffered bikes lanes impede ADA access and are a hazard. Ms. Calabrese stated that she will provide an update on the Telegraph Avenue improvements in her next staff report.

- Commissioners Roundtree and Zisser staffed a table and represented the MCPD at Walk MS East Bay on April 22 at Lake Merritt.

V. Chair Report: *Frank Sperling, Chair*

- Welcome new member Alicia Contreras: Chair Sperling allowed the newest commissioner, Alicia Contreras, to introduce herself. Commissioner Contreras stated that she has advocated internationally for persons with disabilities for 20 years and described some of that work.
- Quorum: Chair Sperling requested to add item to next meeting agenda regarding quorum issues.
- East Bay Bike Share Accessibility: Chair Sperling and Commissioner Garner met with the Mayor's Office about the MCPD's concerns regarding the inaccessibility of the soon to be launched City of Oakland Bike Share program. Chair Sperling stated the meeting was cordial and it seemed the Mayor's Office is aligned with the MCPD's desire for an integrated program. Chair Sperling and separately Commissioner Gregory also reached out to contacts with the MTC, and learned that MTC has the capacity to distribute adaptive cycles among bike share stations upon request.

VI. Approval of March 2017 Minutes

- Chair Sperling requested one modification at the end of the minutes, regarding establishing committees. Missing from the minutes is a motion that was approved unanimously to establish the committees.
- Motion to approve March 2017 minutes: Commissioner Gregory
Seconded by Commissioner Harrington
Aye: 8 - Garner, Gregory, Harrington, Hong, Roundtree, Sperling, Van Docto, Young

Excused: 1 - Contreras

Motion passed.

VII. Agenda Modification and Approval

- Item VIII.D. was removed from agenda because staff did not have an update regarding the measures being taken to address accessibility to the City's Bike Share program.
- Chair Sperling proposed to include a 7:00 p.m. time check to ensure sufficient time to discuss Item IX.A.
- Motion to modify and approve May 2017 agenda:
Commissioner Gregory
Seconded by Commissioner Garner
Aye: 9 – Contreras, Garner, Gregory, Harrington, Hong, Roundtree, Sperling, Van Docto, Young
Motion passed.

VIII. Staff Reports

A. Mayor / City Administrator Fiscal Year 2017-19 Budget Proposal Presentation and Discussion, *Christine Calabrese*

- ADA Programs Division Staffing: Ms. Calabrese announced that she will retire later this year after 20 years with City of Oakland. Fiscal year 2017-18 budget states the ADA Programs Division consists of four (4.0) full-time employees (FTEs), but the Division will be down to three (3) FTEs after Ms. Calabrese's departure. The ADA Programs Division is being restructured to include two access

coordinators. Sherri Rita, Program Analyst III, serves as Programmatic Access Coordinator. Recruitment is underway for a Physical Access Coordinator, who will overlap a few months with Ms. Calabrese until she leaves. Hoang Banh recently came on board as a full-time Program Analyst I supporting the ADA Programs Division and staffing the MCPD.

- **Measure KK (I-Bond):** The proposed two-year expenditure plan for the voter-approved Infrastructure or I-Bond doubles the annual allocation for curb ramp transition plan implementation, from \$900,000 to \$1.8 million. In addition, the ADA Programs Division will work to ensure that every I-Bond project will conform with federal access regulations.
- **ADA Programs Division Budget:** The proposed Fiscal Year 2017-2019 budget continues the annual allocation of \$252,000 for the Division to support physical and programmatic modifications for individuals with disabilities on request or in response to grievances. Modifications supported by these General Purpose Funds will include but will not be limited to the provision of auxiliary aids and services (such as sign language interpreters, captioning, or assistive technologies), repairs/maintenance of accessible features (such as wheelchair lifts or specialized equipment used by individuals with disabilities), and minor capital improvements (not within the scope of a larger, scheduled capital improvement project).

- Commissioner Contreras inquired about the ideal budget for physical access compliance activities. Ms. Calabrese responded that, as a rule of thumb, baseline construction budgets should be multiplied by 20% to cover access compliance including but not limited to path of travel improvements. She anticipates that many I-Bond projects will exceed this 20% threshold of funds allocated specifically for accessibility improvements. Ms. Calabrese is most concerned that qualified departmental access coordinators are involved in all I-Bond planning and programming so that access compliance.
- Commissioner Harrington stated it would be helpful for the Commission to receive a report annually or semi-annually of complaints received from the public regarding lack of access. Ms. Calabrese offered that staff will work with the Commission to present jointly to City Council with an annual summary of complaints, recommendations, and funds spent by the ADA Programs Division and across departments for disability access compliance.
- Chair Sperling stated that he will meet with staff to discuss the MCPD's annual report and will bring this item back to the Commission.
- Motion to accept Ms. Calabrese's Fiscal Year 2017-19 Mayor/City Administrator Budget Proposal
Presentation: Commissioner Harrington Seconded by Commissioner Van Docto
Ayes: 9 – Contreras, Garner, Gregory, Harrington, Hong, Roundtree, Sperling, Van Docto, Young
Motion passed.

B. Fiscal Year 2016-2017 ADA Play Surface and Equipment Improvement Project: Presentation on Status and Options for Remaining Funds Allocation

- Ms. Calabrese recommended that the Fiscal Year 2015-16 program budget of \$252,000 be reallocated from the ADA Transition Plan Update project to the Woodminster Amphitheater Phase II project (\$217,700) and to the On-Street Disabled Parking Zone Program (\$34,500).
- Ms. Calabrese stated that \$192,000 remains of the FY 2016-17 ADA On-Call Capital Improvement budget, which the MCPD approved using for making surfacing and play feature accessibility improvements at selected tot lots. As stated in her written report, Ms. Calabrese recommends using the remaining funding towards FROG Park (\$85,800), McClymonds Park (\$36,000) and Brookfield Park (\$45,000) for rubberized play surfacing, equipment upgrades, path of travel improvements. Project soft costs are estimated at \$25,200.
- Ms. Calabrese explained that the pattern of practice has been for ADA Programs Division to supplement ADA tot lot programs because the City requires tot lots to have monolithic, rubber surfacing rather than bark chips, sand, or other loose fill surfaces. For instance, when the City gets donated tot lots from organizations such as Kaboom, which uses bark chips, ADA Programs Division partners with Public Works to implement rubber surfacing.

- The Woodminster Amphitheater Phase II project, which is in response to the settlement terms of an ADA lawsuit, consists of the construction of a new lower level, premium seating area for four wheelchairs, path of travel improvements, and accessible parking. The settlement terms did not require the installation of a permanent restroom facility for the lower level, which is currently serviced by portable facilities. Ms. Calabrese is proposing using the available ADA On-Call Capital Improvement budget originally intended to support the ADA Transition Plan Update to instead supplement the Woodminster project budget to allow for construction of an accessible restroom facility.
- Commissioner Young inquired about parks with programs for youth with disabilities. Ms. Calabrese responded that Mosswood Recreation Center housed the City's Inclusive Recreation Program, but a fire last fall required the program to temporarily relocate to the Lakeside Park Garden Center.
- Commissioner Harrington inquired about the ADA Transition Plan Update. Ms. Calabrese stated that the update is on-going, and most recently staff have begun working with vendor BlueDAG to acquire software that will enable better monitoring and recording of facility conditions and project priorities.
- Mr. Daryl Meshack expressed concern that what money is made available for making sidewalk and curb ramp improvements is being misspent. In his neighborhood, since 1999-2000, he has seen existing curb ramps modified three times, while no new

ramps have been installed where they are required, and potholes aren't being repaired. Ms. Calabrese recommended directing these concerns to staff in the Department of Transportation in charge of the sidewalk repair and curb ramp programs. Chair Sperling requested that the responsible staff present at the next MCPD meeting.

- Commissioner Contreras reiterated the importance of individuals with disabilities being involved in project design.
- Ms. Betty Wright, a resident volunteer with Oakland Housing Authority, stated that OHA is bringing in outsiders supposedly with ADA expertise but not getting design input from residents. She has difficulty rolling her wheelchair on the new flooring installed in her unit, and she has fallen five times.
- Ms. Theresa Nelson from the Friends of the Rockridge-Temescal Greenbelt (FROG) thanked the Commission for considering funding the project.
- The Commission passed a motion accepting the ADA Capital Improvement Project Report from the City ADA Coordinator, approving the funding recommendations therein, and authorizing the City ADA Coordinator to allocate Fiscal Year 2015-17 On Call ADA Capital Improvement project funds to the Woodminster Amphitheater Phase II Project (\$217,700), to the On-Street Disabled Parking Zone Program (\$34,500) and to ADA tot lot improvements at McClymonds, Brookfield, and Frog parks

(\$192,000). Reallocation will not delay the Transition Plan update.

- Motion to accept the report: Commissioner Gregory
Seconded by Commissioner Harrington
Aye: 7 - Garner, Gregory, Harrington, Roundtree,
Sperling, Van Docto, Young
Abstain: 1 – Contreras
Motion passed.

C. Oral Report and Request for Comments Regarding the City of Oakland Taxi and Paratransit Programs and Availability of Wheelchair Accessible Vehicles for On-Demand Transportation; *Sherri Rita, ADA Programmatic Access Coordinator, ADA Programs Division; Gregory Minor, City Administrator's Office*

- Ms. Rita provided a summary of the April 12, 2017 stakeholders meeting to discuss wheelchair accessible on-demand transportation.
 - Stakeholders included representatives from Bay Area nonprofits that advocate with and for persons with disabilities, an individual advocate, and nonprofits that provide transportation services to persons with disabilities.
 - Staff at the stakeholders meeting represented the Car Share Program in the Department of Transportation, ADA Programs Division, Taxi Detail, and Oakland Paratransit for the Elderly and Disabled (OPED).
 - She stated that the stakeholders acknowledged numerous challenges to increasing the

availability of on-demand wheelchair accessible transportation through the City's taxi regulatory authority. First, the ADA does not require taxi companies to offer wheelchair accessible vehicles (WAVs). Secondly, it is generally understood that WAVs are more expensive to acquire and maintain. Finally, the value of a taxi medallion is debatable now with the competition represented by Transportation Network Companies (TNCs) such as Uber and Lyft.

- Ms. Rita summarized some of the ideas that the stakeholders discussed and that were identified through staff research into other municipalities' efforts to improve WAV availability:
 - Reduced medallion/permit fees
 - Fuel subsidies
 - Fare subsidies
 - Car share WAVs
- Ms. Rita stated that with any incentive program for WAV providers, monitoring must also be built in to ensure the incentives are not abused and travelers with disabilities are in fact getting the rides they request in a timely manner.
- Mr. Minor stated the following in regards to the City's general taxi program:
 - Currently, there are zero ramped taxis.
 - The number of taxis is limited to 315 by legislation.

- Eleven medallions have been revoked for non-use. As a short-term solution, Mr. Minor plans to issue a Request for Proposals (RFP) for taxi companies to operate these 11 permits as WAVs. This might lead to short term increase in WAVs, but it might demonstrate a need for the incentives described by Ms. Rita. Such incentives would require legislation and funding.
- Commissioner Harrington inquired about the City of Oakland regulating Uber and other TNCs to provide wheelchair accessible vehicles. Mr. Minor stated that the Public Utilities Commission (PUC) regulates TNCs.
- Commissioner Van Docto inquired about paratransit use of wheelchair accessible taxis. ADA Program Analyst Hoang Banh stated that OPED contracts with three taxicab companies (Friendly, Metro, and Veterans) to provide taxi service under their voucher program. In 2014, Friendly Cab piloted a ramped taxi shared between Oakland and Berkeley, but it was terminated. Furthermore, Ms. Banh stated that in San Francisco, there are 1700 standard taxicabs and 47 wheelchair accessible taxicabs in their general taxicab program, which coordinates with their paratransit program so that paratransit-eligible riders can utilize taxicabs in the general program instead of separately contracted taxicabs. Also, San Francisco provides incentives for wheelchair accessible vehicles such as reimbursements.

- Commissioner Young stated that when he was in San Francisco hailing Uber on his phone, he noticed a taxi icon pop up on his phone. He suggested a taxi hailing app be developed for Oakland.
- Chair Sperling suggested having a plan with a timeline for a long-term solution, but in the meantime, implement short-term solutions such as requiring taxicabs to have room in their trunk to stow a wheelchair.
- Commissioner Harrington also suggested into looking to see who else can provide better service, especially as there are so many complaints about paratransit. For instance, build relationships with Uber and other TNCs, include them in the RFP discussion and utilize funding from paratransit to encourage TNCs to provide wheelchair accessible vehicles.
- Commissioner Van Docto supported the idea of more short-term solutions in the meantime, such as ensuring that the cab number is posted in Braille in a specified location inside the taxicab.
- Ms. Betty Wright suggested contacting Dial-A-Ride in Stockton, where has ridden a wheelchair accessible sedan for three dollars each way.
- Mr. Daryl Meshack stated that taxi drivers need to be trained in working with persons with disabilities. For instance, his mother's

wheelchair was damaged when a taxi driver was not careful enough when closing the door even when told to be more careful.

- Mr. Ian Smith stated while there may be reduced demand for taxis, there must still be demand because there are 315 taxis operating in Oakland. In regards to TNCs, there have been pitfalls in Boston and Washington, D.C., so cities should avoid subsidizing TNCs. Mr. Smith also commented on the lack of records from the Taxi Detail about when taxi permits were issued and revoked. The lack of records prevents learning from the past to improve the path forward. He was informed that the Taxi Detail keeps records by hand and is unable to provide data to the public.

IX. Old Business

A. MCPD 2017 Ordinance, Goals, Objectives, Roles and Responsibilities. Chair Sperling led the discussion regarding the MCPD's proposed committee and meeting structure.

- Chair Sperling reminded the MCPD that the standing committees that have been discussed are Outreach and Education, Transportation and Mobility, and Programmatic Access
- Chair Sperling stated the full MCPD could meet six times a year, and committees could meet quarterly.
- Ms. Rita stated that the MCPD's enabling ordinance requires Council approval to establish

standing committees, which can be obtained via Council resolution.

- After MCPD discussion, Chair Sperling stated that he would seek a meeting with staff to develop a final proposal for a resolution establishing the MCPD's standing committee structure, for MCPD vote at its June 19, 2017 meeting.

X. Adjourned at 8:00 p.m.