

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering

AGENDA DATE: For Introduction on February 24, 2009, with the Public Hearing to be on March 3, 2009.

CONTACT PERSON/PHONE: William Bennett – 541-4243

DISTRICT(S) AFFECTED: All

SUBJECT: An Ordinance amending Ordinance No. 8961, an Ordinance creating a City Accessibility Advisory Committee, to revise the criteria for membership and the definition of a quorum; and repealing Ordinance Nos. 11194 and 11525, relating to the name and number of members of the Committee.

BACKGROUND / DISCUSSION: At the August 28, 2008, Accessibility Advisory Committee meeting, the committee made a recommendation that the definition of a quorum for the conduct of its business be revised to provide that a quorum consist of four of the members of the Committee. It was also discovered that some of the provisions of Ordinance 8961 were not in accord with the current City Charter and Code provisions regarding the manner in which City board and commission appointments are made. The requirement of having ex officio members from City Departments including Development Services, Engineering, and the Mass Transit Department is being eliminated and a new provision is being added to allow the City Manager to assign other City Departments to provide additional support services to the Committee, which may include Development Services, Engineering, and the Mass Transit Department.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

No.

AMOUNT AND SOURCE OF FUNDING: Not Applicable.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

On August 28, 2008, the City's Accessibility Advisory Committee unanimously approved a recommendation to amend the number of persons needed to constitute a quorum of the Committee for the purpose of conducting business.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) Mark Shozemiller **FINANCE:** (if required) _____

DEPARTMENT HEAD: [Signature]
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

AN ORDINANCE AMENDING ORDINANCE NO. 8961, AN ORDINANCE CREATING A CITY ACCESSIBILITY ADVISORY COMMITTEE, TO REVISE THE CRITERIA FOR MEMBERSHIP AND THE DEFINITION OF A QUORUM; AND REPEALING ORDINANCE NOS. 11194 AND 11525, RELATING TO THE NAME AND NUMBER OF MEMBERS OF THE COMMITTEE.

WHEREAS, on August 28, 2008 the Accessibility Advisory Committee made a recommendation that the definition of quorum for the conduct of its business be revised to provide that a quorum consist of four of the members; and

WHEREAS, it is necessary to amend the provisions regarding the appointment process for the membership of the Committee, to ensure continued compliance with current City Charter and Code provisions regarding the manner in City board and commission appointments are made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. That the title of Ordinance no. 8961, as amended by Ordinance No. 11194, will continue to read:

An Ordinance Creating the City of El Paso Accessibility Advisory Committee

Section 2. That Paragraph I of Ordinance No. 8961, as amended by Ordinance No. 11525, is amended to read as follows:

There is hereby created a City Accessibility Advisory Committee, which shall consist of nine (9) members who shall be residents of the City. They shall be appointed in the manner provided by the City Charter.

Section 3. That Paragraph IV of Ordinance No. 8961 is amended to read as follows:

A quorum of the Accessibility Advisory Committee shall consist of four of the members.

Section 4. That Paragraph V of Ordinance No. 8961 is amended to read as follows:

The Accessibility Coordinator of the City or other appropriate designee of the City Manager shall be the secretary of the Committee and shall act without pay other than

the salary received by him or her as Accessibility Coordinator of the City. He or she shall keep a record of the transactions of the Committee and shall provide the Committee with data and information relating to barriers faced by disabled and elderly people in the City. The City Manager shall assign other city department(s) responsible for providing additional support services to the Committee, which may include the Development Services Department, Engineering Department, and the Mass Transit Department.

Section 5. That Ordinance no. 11194 is repealed in its entirety.

Section 6. That Ordinance no. 11525 is repealed in its entirety.

Section 7. That except as amended herein, the provisions of Ordinance No. 8961 shall remain in full force and effect.

ADOPTED this _____ day of _____, 2009.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

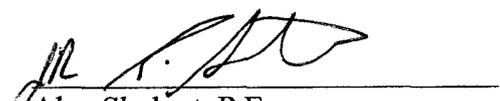
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Mark Shoemith
Assistant City Attorney



Alan Shubert, P.E.
City Engineer

AN ORDINANCE AMENDING ORDINANCE NO. 8961, AN ORDINANCE CREATING A CITY ACCESSIBILITY ADVISORY COMMITTEE, TO REVISE THE CRITERIA FOR MEMBERSHIP AND THE DEFINITION OF A QUORUM; AND REPEALING ORDINANCE NOS. 11194 AND 11525, RELATING TO THE NAME AND NUMBER OF MEMBERS OF THE COMMITTEE.

Agenda Date: March 3, 2009

Item # 12 A

Project Information

- Ordinance No. 8961 created the City Accessibility Advisory Committee and was adopted on March 17, 1987.**

- Under the current ordinance there are nine voting committee members, one appointed by the Mayor and one appointed by each of the City Representatives. Five ex-officio members from Public Inspection, Engineering, Public Transit, Public Works, and the City Attorney's Office must attend the meetings.**

AN ORDINANCE AMENDING ORDINANCE NO. 8961, AN ORDINANCE CREATING A CITY ACCESSIBILITY ADVISORY COMMITTEE, TO REVISE THE CRITERIA FOR MEMBERSHIP AND THE DEFINITION OF A QUORUM; AND REPEALING ORDINANCE NOS. 11194 AND 11525, RELATING TO THE NAME AND NUMBER OF MEMBERS OF THE COMMITTEE.

Agenda Date: March 3, 2009

Item #12 A

Project Information

- The current ordinance requires a majority of the members of the committee, five, to be present to establish a quorum to conduct business.**

- On August 28, 2008, after several meetings were canceled due to lack of quorum, the Accessibility Advisory Committee recommended that the definition of a quorum for the conduct of its business be revised to provide that a quorum consist of four members.**

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Agenda Date: March 3, 2009

Item # 12A

- This ordinance will reduce the number of members required to make a quorum by one.**

- The reason for the lack of quorum has been due to vacancies on the committee, illness and lack of transportation.**

- Even with the vacancies, there have always been four members available to attend the meetings.**

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Agenda Date: March 3, 2009

Item # 12A

- The ordinance will also remove the requirement of having ex-officio members from certain departments to be present.

- It will allow the City Manager to assign other City Departments to provide additional support services to the Committee.

AN ORDINANCE AMENDING ORDINANCE NO. 8961, AN ORDINANCE CREATING A CITY ACCESSIBILITY ADVISORY COMMITTEE, TO REVISE THE CRITERIA FOR MEMBERSHIP AND THE DEFINITION OF A QUORUM; AND REPEALING ORDINANCE NOS. 11194 AND 11525, RELATING TO THE NAME AND NUMBER OF MEMBERS OF THE COMMITTEE.

Agenda Date: March 3, 2009

Item # 12 A

- **This portion of the amendment will bring Ordinance No. 8961 in accord with the current City Charter and Code provisions regarding the manner in City board and commission appointments are made.**

ACCESSIBILITY ADVISORY COMMITTEE MEETING MINUTES
8th Floor Community Development Conference Room, City Hall
Thursday, August 28, 2008
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:03 P.M. The following committee members answered roll call:

Martin Wagner	Arne Schonberger
Rene Jamis	Willie Padilla
Santos Gutierrez, Jr.	Richard Sheldon
Rafael Hernando III	Manny Razo
Elaine Hengen	William Bennett
Jim Fraser	Andrea Espinosa
James W. Peterson	Sergio Reyes

The following visitors were present:

Susanne Fabian	Mary Castillo
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The following members were not present:

Sgt. Jack Mathews

AGENDA

- I. WELCOME / ROLL CALL
- II. APPROVAL OF MINUTES OF May 22, 2008.
- III. DISCUSSION AND ACTION
 - A. Election of Vice Chair of the Committee
 - B. Recommendation to Council regarding the amendment of the Ordinance Creating the City's Accessibility Advisory Committee to allow for Alternate Members to be appointed and to be counted as the appointed member for the purpose of establishing a Quorum
 - C. Subcommittee reports for Goals and Objectives
 - Supportive Employment
 - Taxi Ordinance
 - Sensitivity Training
 - Transition Plan for the City
 - Barrier Free Construction
 - D. Texas Accessibility Academy Update
 - E. Formal complaints regarding ADA/Accessibility Compliance
 - F. Plan Reviews
 - G. Next Meeting Agenda, Date, and Location (9-25-2008)
- IV. ANNOUNCEMENTS
- V. ADJOURNMENT

Item 1. Welcome/Roll Call

Roll call was taken and a quorum was confirmed

Item 2. Approval of Minutes of May 22, 2008

A motion was made by Rene Jamis, seconded by Arne Schonberger, and unanimously approved to accept the Minutes of May 28, 2008.

AYES: Martin Wagner, Arne Schonberger, Rene Jamis, Willie Padilla, Santos Gutierrez, Jr., Richard Sheldon, Rafael Hernando III, and Manny Razo.

NAYS: None.

ABSTAIN: None.

Item 3. Discussion and Action

A. Election of Vice Chair for the Committee

Arne Schonberger nominated Richard Sheldon for Vice Chair. Rafael Hernando III seconded the nomination. No other nominations were made. Richard Sheldon was elected Vice Chair unanimously.

AYES: Martin Wagner, Arne Schonberger, Rene Jamis, Willie Padilla, Santos Gutierrez, Jr., Richard Sheldon, Rafael Hernando III, and Manny Razo.

NAYS: None.

ABSTAIN: None.

B. Recommendation to Council regarding the amendment of the Ordinance Creating the City's Accessibility Advisory Committee to allow for Alternate Members to be appointed and to be counted as the appointed member for the purpose of establishing a Quorum

Comments were made by William Bennett, James W. Peterson, Richard Sheldon, Elaine Hengen, Martin Wagner, Arne Schonberger, Willie Padilla, Manny Razo, Rafael Hernando III, and Rene Jamis. A motion was made by Willie Padilla, seconded by Arne Schonberger and Manny Razo, and unanimously approved to recommend to council that four individuals be present to establish a quorum for meeting.

AYES: Martin Wagner, Arne Schonberger, Rene Jamis, Willie Padilla, Santos Gutierrez, Jr., Richard Sheldon, Rafael Hernando III, and Manny Razo.

NAYS: None.

ABSTAIN: None.

A motion was then made by Richard Sheldon, seconded by Rene Jamis, and unanimously approved, that if council rejected establishing the quorum with four persons and that it be recommended that alternates be appointed to fill in case there was not a quorum.

AYES: Martin Wagner, Arne Schonberger, Rene Jamis, Willie Padilla, Santos Gutierrez, Jr., Richard Sheldon, Rafael Hernando III, and Manny Razo.

NAYS: None.

ABSTAIN: None.

The City Attorney's office will draft the proposed ordinance amendment and also draft amendments to have the ordinance reflect changes that occurred when the City went to the City Manager form of government.

C. Subcommittee Reports for Goals and Objectives

Supportive Employment

Comments were made by William Bennett and Mary Castillo.

No action was taken on this Item.

Taxi Ordinance

Comments were made by William Bennett, Richard Sheldon, Martin Wagner, Mary Castillo, James W. Peterson, Rafael Hernando III, Santos Gutierrez, and Willie Padilla.

No action was taken on this item.

Sensitivity Training

Comments were made by William Bennett, Richard Sheldon, and James W. Peterson.

No action was taken on this item.

Transition Plan for the City

Comments were made by William Bennett, Martin Wagner, and Richard Sheldon.

No action was taken on this item.

Barrier Free Construction

Comments were made by William Bennett, Willie Padilla, Martin Wagner, Mary Castillo, Santos Gutierrez Jr., Richard Sheldon, Manny Razo, Arne Schonberger

No action was taken on this item.

D. Texas Accessibility Academy Update

Comments were made by William Bennett and Richard Sheldon.

No action was taken on this item.

E. Formal complaints regarding ADA/Accessibility Compliance

No formal complaints were received.

F. Plan Reviews

Four sets of plans are here for review.

G. Next Meeting Agenda, Date, and Location (9-25-2008)

The next meeting will be on September 25, 2008 at 2:00 p.m. location to be announced.

Item 4. ANNOUNCEMENTS

Announcements were made by James Peterson and Richard Sheldon.

Item 5. ADJOURNMENT

A motion was made by Willie Padilla, seconded by Richard Sheldon, and unanimously approved to adjourn the meeting at 3:17 p.m.

AYES: Martin Wagner, Arne Schonberger, Rene Jamis, Willie Padilla, Santos Gutierrez, Jr., Richard Sheldon, Rafael Hernando III, and Manny Razo.

NAYS: None.

ABSTAIN: None.

ACCESSIBILITY ADVISORY COMMITTEE MEETING MINUTES
8th Floor Community Development Conference Room, City Hall
Thursday, August 28, 2008
2:00 P.M.

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Item 1. Welcome/Roll Call

Roll call was taken and a quorum was confirmed

Item 2. Approval of Minutes of May 22, 2008

A motion was made, seconded, and unanimously approved to accept the Minutes of May 28, 2008.

Item 3. Discussion and Action.

A. Election of Vice Chair of the Committee.

Richard Sheldon was nominated and unanimously elected Vice Chair of the Committee.

B. Recommendation to Council regarding the amendment of the Ordinance Creating the City's Accessibility Advisory Committee to allow for Alternate Members to be appointed and to be counted as the appointed member for the purpose of establishing a Quorum

There have been a number of meetings where there was not a quorum because there were not appointees from several of the districts. It can be recommended to city council that alternates be appointed, but it would take an ordinance amendment. Sample language can be found in the Sun Metro Advisory Committee Ordinance. There are three alternates for the Sun Metro Advisory Committee. The committee nominates the alternates and the names are sent to City Council for appointment. There are several boards that have alternates at this time. The Zoning Board of Adjustment has the same number of alternates as members. The Sun Metro Citizens Advisory Committee has three alternates. The Building and Standards Commission has 18 regular members that are divided into two panels of nine with nine alternates. The Brownfield Committee had alternates, but was sun setted two days ago. The Tree Board was amended to have the quorum based on the number of current appointees. If you have two vacancies, it would only take four members to make a quorum. We will still need to have five members present for quorum because there is only one vacancy at this time. The next vacancy will occur in October. After that it will be around March when the next vacancy occurs. There is a county board that has 12 members and by law it only requires four members to be present to establish quorum. If alternates are used they can be alternated for the different districts. It could take about two months to get an ordinance approved. Once the ordinance is drafted it will be introduced, published for a week, the council will vote on the ordinance the next week. There are three options. One is to have alternates, the next would be to base the quorum on the number of persons that are actually appointed to the committee, and the third option would be to establish a quorum based on a fixed number of persons present, for example four. A motion was made, seconded, and unanimously approved to recommend to council that the ordinance be amended to have four members present constitute a quorum. A motion was made, seconded, and unanimously approved that if the first option of having a quorum be four members was not approved by council, that the second option of appointing alternates to the committee be recommended to be presented to council to amend the ordinance. The ordinance currently allows for ex-officio members, which is not allowed under the City Charter

and City Manager form of government that we now have. The City attorney's office will draft the proposed amendment to the ordinance that allows the City manager to appoint staff to assist and provide technical information.

C. Subcommittee reports for Goals and Objectives

Supportive Employment

In the past the city had employees for a six month period of time. DARS placed some students in several departments for the summer in order to obtain work experience. The committee has looked at creating an ordinance to establish an additional class of employee in the past. Supportive employment is being accomplished by hiring individuals as contract employees. The contract employee seems to be working well. They work on a year to year basis. The contract employees get the same benefit as regular employees. No action was taken on this item.

Taxi Ordinance

There is a meeting scheduled with the City Attorney's and the Police Department to discuss how enforcement is going to be done. The federal laws require the taxi companies to provide equivalency in their services. LULAC is working on turning their vehicles into taxis in order to subcontract with taxi companies to provide equivalency. The Standard Taxi is about to go into production. New York has ordered a number of these vehicles. The lift is averaging 1.9 passengers per trip according to Michael Herrera of Sun Metro. There is a possibility Sun Metro might purchase smaller accessible vehicles that would not cost as much to operate. Currently it costs about \$39.00 per trip on the lift. There has not been a study done on the demand for accessible taxis. Now if you have to go to the hospital after Sun Metro service times the person would have to wait until Sun Metro starts its daily operation for a ride. The wait could be hours. There have been people that have flown into the airport and had to wait until morning for a ride. Our ordinance requires the taxi companies to follow all laws which include the federal laws. No action was taken on this item.

Sensitivity Training

There is a training CD that has eight one or two hour sessions. The sessions are very detailed. Sun Metro has some training called PASS training, but it is different than the sensitivity training that is being proposed. A one to two hour training program is being worked on so that it can be presented to the city employees especially the employees that deal with the public. Sine training is provided at new employee orientation.

Transition Plan for the City

The transition plan is being put together. Appendix A will be the grievance procedure. Sun Metro's self evaluation is Appendix D. Appendix B is the self evaluation for the City Facilities. The Street Department is finishing up the self evaluation of city street facilities which will make up Appendix C. It will take about 3.3 million dollars to complete Sun Metro deficiencies and 2.4 million dollars correct the

deficiencies in the city buildings. When the Street Department finishes the survey of the streets, a price will be calculated to correct street deficiencies. Based on current spending rates it will take about six and a half years to complete Sun Metro deficiencies and about five years for the buildings. The big cost is going to be the street repairs. There is two million dollars for the sidewalk gap program. The Street Department is spending about two million dollars a year on ADA issues. The curb ramp on request program has \$400,000 for next year. The city has spent about four and a half million on ADA issues in the last six years. The transition plan update is very close to being put together and being completed. There will be a meeting on September 10, 2008 with Desert Adapt and the Mayor to get input on the Transition Plan. No action was taken on this item.

Barrier Free Construction

The Builders Association had been contacted. If an individual wants a house to be constructed they will do it for a nominal cost. Barrier free construction consists of a no step entry, wider doorways, switches and outlets at a certain height, 36 inch hallways, and blocking behind walls at toilet and tub for installation of grab bars when needed. The total cost difference is about \$500.00. Education will need to play a factor. Bigger houses are accessible. It is the smaller homes that are not being built and are having the issue. Maybe the mortgage companies or realtors could be contacted to pass out fliers. One of the builders had been told that it was required to build the houses barrier free under the ADA and he built the house barrier free. Other builders will not build barrier free unless they are required to by law. Several of the requirements are already required. At least one entry door is required to be 36 inches wide and hallways are required to be 36 inches wide. The item will continue to be worked on, but at this time an ordinance will not be approved. A flier that can be given to the realtors will be worked on. There was a bill introduced in the senate or house requiring barrier free construction, but it did not pass. No action was taken on this item.

D. Texas Accessibility Academy Update

The Texas Accessibility Academy was held in El Paso this week. The Texas Accessibility Standards are the same as the ADA Accessibility Guidelines, but with amendments for Texas. The Academy covers the Texas Laws and all standards for alterations. It does not apply to the Federal Government. The standards address accessible routes, parking, projecting objects, ground and floor surfaces, ramps, stairs, doors, elevators, water closets, toilet stalls and rooms, etc. There are special sections for restaurants, cafeterias, lodging, libraries, and transportation facilities. The Texas Accessibility Standards and other information can be downloaded at www.license.state.tx.us. The instructor was very good. Training on the standards will begin again.

E. Formal complaints regarding ADA/Accessibility Compliance

No formal complaints were received.

F. Plan Reviews

Three or four sets of plans are here for review. City Buildings are reviewed by the Accessibility Coordinator to ensure compliance with the guidelines and standards. After the review any redlines are returned to the architect so that he can make corrections.

G. Next Meeting Agenda, Date, and Location (9-25-2008)

The next meeting will be on September 25, 2008. The location will be announced.

IV. ANNOUNCEMENTS

Sun Metro Lift fares went up from \$2.00 to \$2.50. Tickets can be purchased in large quantities, but there will not be a discount. Sun Metro is actively enforcing it's no show policy. If rider receives three no shows within a six month period, the rider will be suspended for one week.

V. ADJOURNMENT

A motion was made, seconded, and unanimously approved to adjourn the meeting at 3:17 p.m.