

ACCESSIBILITY ADVISORY COMMITTEE MEETING MINUTES  
4<sup>th</sup> Floor Engineering Conference Room, City Hall  
Thursday, February 26, 2009  
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:06 P.M. The following committee members and staff answered roll call:

Arne Schonberger	Rene Jamis
Willie Padilla	Santos Gutierrez
Rafael Hernando III	Manny Razo
Mary Castillo	Mark Shoemith
William Bennett	Jim Fraser
James W. Peterson	Paul Manzanares
Sergio Reyes	

The following visitors were present:

Martin Walton	Felix Lopez
Bob Chessey	Chris Hurd
Krystal Mora	

The following members and staff were not present:

Andrea Espinosa	Sgt. Jack Mathews
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AGENDA

- I. WELCOME / ROLL CALL
- II. APPROVAL OF MINUTES OF December 18, 2008
- III. DISCUSSION AND ACTION
  - A. Curb Ramp on Request Program
  - B. Audible Pedestrian Signal Program
  - C. Subcommittee reports for Goals and Objectives
    - Employment of People with Disabilities
    - Taxi Ordinance
    - Sensitivity Training
    - Transition Plan for the City
    - Barrier Free Construction
  - D. Website providing information on accessible locations – Felix Lopez
  - E. Formal complaints regarding ADA/Accessibility Compliance
  - F. Plan Reviews
  - G. Next Meeting Agenda, Date, and Location (3-26-2009)
- IV. ANNOUNCEMENTS
- V. ADJOURNMENT

Item 1. Welcome/Roll Call

Roll call was taken and a quorum was confirmed.

Item 2. Approval of Minutes of December 18, 2008.

A motion was made by Rafael Hernando, seconded by Arne Schonberger, and unanimously approved to approve the minutes of December 18, 2008.

AYES: Arne Schonberger, Rene Jamis, Santos Gutierrez, Rafael Hernando III, Manny Razo, and Mary Castillo.

NAYS: None.

ABSTAIN; None.

Item 3. Discussion and Action

- a. Curb Ramp on Request Program  
Comments were made by William Bennett, Mary Castillo, and Martin Walton.  
No action was taken on this item.
- b. Audible Pedestrian Signal Program  
Comments were made by William Bennett, Mary Castillo, and Rene Jamis.  
No action was taken on this item.
- c. Subcommittee Reports for Goals and Objectives
  - Employment of people with Disabilities  
Comments were made by Mary Castillo, William Bennett, and James W. Peterson. No action was taken on this item.
  - Taxi Ordinance  
Comments were made by William Bennett, James W. Peterson and Mary Castillo. No action was taken on this item.
  - Sensitivity Training  
Comments were made by William Bennett, James W. Peterson and Mary Castillo.  
No action was taken on this item.
  - Transition Plan for the City  
Comments were made by William Bennett.  
No action was taken on this item.
  - Barrier Free Construction  
Comments were made by William Bennett, Arne Schonberger, Rene Jamis, Willie Padilla, Santos Gutierrez, Rafael Hernando III, Manny Razo, Mary Castillo, Mark Shoesmith, James W. Peterson and Martin Walton. A motion was made by Arne Schonberger, seconded by Willie Padilla, and unanimously approved to have any anticipated changes to the ordinance be forwarded to this committee in writing so that this committee can compare the proposed changes with the existing ordinance paragraph by paragraph and that this be done long before the item goes to the City Council.  
AYES: Arne Schonberger, Rene Jamis, Santos Gutierrez, Rafael Hernando, Manny Razo, and Mary Castillo.  
NAYS: None.  
ABSTAIN; None.
- d. Website providing information of accessible locations – Felix Lopez.  
Comments were made by Felix Lopez, Manny Razo, and William Bennett.  
No action was taken on this item.
- d. Formal Complaints Regarding ADA/Accessibility Compliance  
Comments were made by William Bennett, Manny Razo, and Arne Schonberger.  
No action was taken on this item.
- e. Plan Reviews  
Comments were made by William Bennett, James W. Peterson, and Sergio Reyes.  
No action was taken on this item.
- f. Next meeting Agenda, Date, and Location (3-26-2009)  
The next meeting will be on March 26, 2009 at 2:00 p.m. in the 4<sup>th</sup> floor Engineering conference room.

Item 4. Announcements

An announcements was made by Willie Padilla.

No action was taken on this item.

Item 5. Adjournment

A motion was made by Rene Jamis, and seconded by Willie Padilla, and unanimously approved to adjourn the meeting at 3:10 p.m.

AYES: Arne Schonberger, Rene Jamis, Santos Gutierrez, Rafael Hernando III, Manny Razo, and Mary Castillo.

NAYS: None.

ABSTAIN: None.

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Item 1. Welcome/Roll Call

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Item 3. Discussion and Action

- a. Curb Ramp on Request Program

The application for next year's program was submitted. I have asked for \$500,000.00 to install curb ramps mostly in residential areas that do not have ramps. There will be a Community Development Steering Committee meeting on March 11, 2009, at 5:30 on the second floor, to present the program. An e-mail will be sent out with the time and location of the meeting. A show of support for the program will help to get the funding for next year. The construction funding for this year has been spent. Quotes have been requested for the news paper advertisements, to continue building the list. It will come out in the paper probably a week from Sunday. \$406,000.00 for construction of ramps was given this year. Almost 200 ramps were installed this year. Every district has had ramps installed this year. Sun Metro also has \$500,000.00 for installation of ramps and bus pads every year, and the Street Department spends about \$500,000.00 per year on curb ramps. There are other Community Development projects that correct pedestrian elements also. The total spent per year by all programs is about 2.5 million dollars. Curb ramps are averaging about \$2,250.00 per ramp.

b. Audible Pedestrian Signal Program

This program ties in with the Curb Ramp on Request Program. Audible pedestrian signals have been installed in different locations throughout the city. We just used some CIP (Capitol Improvement Project) funds to purchase some additional signals and controllers. They are some being installed on Organ and Hague and Organ and Rim right now. One is going to be installed on Santa Fe and Fourth where the new bus station is being constructed. About \$500,000.00 is being requested from Community Development for 12 more intersections throughout the city. The hearing will also be on March 11, 2009, so two items can be taken care of at the same time. It is hoped that at least a portion of the intersections will be funded if all of the intersections are not funded. A list of intersections that was provided by individuals with visual impairments is being used. The technology has improved greatly since the first units came out. The program not only installs the audible pedestrian signals, but also upgrades the entire intersection with new push buttons, ramps, mast arms, wiring, etc. An email will be sent out to notify the members about the meeting for both items.

c. Subcommittee reports for goals and objectives.

Employment of People with Disabilities

There was a meeting today at the Workforce. They are trying to include more employers for the summer youth program. It is not sure if anyone from the city went was represented. There was a meeting yesterday with Jane Shang, the Deputy City Manager for Transportation and Burns Taylor. The question came up as to why there are not any individuals with disabilities working for Sun Metro. The city does hire individuals with disabilities, but does not do a lot of outreach. Jobs are posted on the City's web site which is accessible and individuals can sign up for specific job notifications when a position comes open. The consumers need to be made aware of the web site. The web site is updated every Thursday. No action was taken on this item.

Taxi Ordinance

Sun City has four accessible vehicles now. Yellow/Checker cab is in the process of obtaining accessible vehicles. LULAC is working with the other cab companies to provide equivalency. They are in the process of getting their vehicles set up as taxis. No action was taken on this item.

Sensitivity Training

Sun Metro is providing training. Frank Lozano and Jose Lara were two of the individuals that assisted in the training. Another item that Burns Taylor brought up was that it is necessary to have individuals with disabilities be included in doing the training for the employees. Paul Manzanares is doing PASS training and sensitivity training for Sun Metro. No action was taken on this item.

#### Transition Plan for the City

The draft transition plan is done and is being reviewed by the Engineering Department now and will be sent to other departments for their review and comments. The plan will be presented to this committee after the departments have completed their review and then it will be put out for public review. There are about 9200 corners that have been identified as needing curb ramps. The cost is estimated to be about 19 million dollars. At current spending rates it will take about 10 years to complete the curb ramps. It will take about three and a half years to remove barriers in our facilities and about six years to remove barriers for Sun Metro facilities. No action was taken on this item.

#### Barrier Free Construction

The City is in the process of amending Chapter 11 of the Building Code to remove our local amendment and let the code stay as it is instead of trying to have the Texas Accessibility Standards try to cover housing and everything. The Building Code has been deemed to be a safe harbor for construction by HUD. The only major change will be to remove about 30 pages from the book and it will reduce the number of accessible units that are required. Our local ordinance requires that five percent of the dwelling units be accessible units. The national standards only require two percent of the units to be accessible or Type A units. All other ground floor units or units serviced by an elevator must be Type B units or adaptable at minimal cost and work. The work that was done to make El Paso more accessible is going backward. There will also be a change in the threshold of the number of units that will be needed to be made accessible. Now if there are four or more units, then a minimum of one must be accessible, where as under the national standard only one unit will be required to be accessible if there are 20 units. Our local ordinance also required that all places open to the public had to be accessible and all areas had to be accessible, but under the ADA it doesn't have to be. For new construction under TDLR all areas have to be accessible. For an employee work area, you have to be able to enter maneuver and exit. The only area that would not be required to be accessible would be if the same service is provided at a different area and the inaccessible area is insignificant in nature. For example if you have a 2000 square foot area mezzanine or second floor and you provide the same service on the first floor as on the second floor, it may not need to be accessible. The problem with that is if you hire an employee who cannot walk up all the steps then he would not be hired. The employer would have to make reasonable accommodation for the employee. However there was a bar in Dallas that had two different levels and TDLR determined that the lower level did provide a significant function and the bar was required to install an elevator. TAS will still cover all commercial and public buildings. There are still buildings being constructed that are not completely accessible. Applebee's is example where steps are still used to enter the building. They also have a ramp but there are still areas of the building that have seating that is elevated. When an area of primary function is altered, the parking, the accessible route to and through the

altered area, the bathrooms, water fountains, and telephones must be brought into compliance. The idea was that if the buildings were built 20 years ago that if every commercial building was made accessible in all areas then by the time all commercial buildings are being rebuilt 50 years later, then they will all be accessible. Going backwards will cause another 50 years to pass before the buildings are accessible. The codes still require that two percent of the units be accessible and that all of the ground floor units and units serviced by an elevator must be adaptable. There are exceptions under fair housing, the building code, and our ordinances that allow for units to not be accessible or adaptable based on topography. The Fair Housing Act has not established a minimum number of units to be accessible. It says that they must all be adaptable. There is a new apartment complex on Sunfire and Pellicano that all of the units are built to be quadrplexes. If there are more than four units on the same site it must have at least one unit accessible or five percent of the units (whichever number is greater.) Copies of what is required now will be provided. A motion was made, seconded, and approved that any anticipated changes to the ordinance be forwarded to this committee in writing so that this committee can compare the proposed changes with the existing ordinance paragraph by paragraph and that this be done long before the item goes to the City Council. The original ordinance was approved in 1987 and it took a lot of work and a lot of protests to get the ordinance where it was. The ordinance also required that all areas of commercial buildings be accessible otherwise you will not get employment of individuals with disabilities. Our laws can be stricter than federal laws. Another question is, are the accessible units affordable? It is also required that if governmental funds are used to construct apartment units, five percent must be accessible.

- d. Website providing information on accessible locations – Felix Lopez  
Felix Lopez introduced himself. About a year ago, a small project was undertaken with a website dealing with accessibility in the City of El Paso. Several locations were chosen to compare accessibility. Cohen Stadium was found to be accessible, could get to the different areas of the park, and there were different locations that a game could be viewed from comfortably. Ascarate Park could not be accessed because of the lay out of the park. A couple of movie theaters were looked at. One on the east side had two accessible screens and much of the time the same movies were being played, leaving very little choice of movies to see. The second movie theater's screens had accessible seating, providing a much better choice and variety of movies to be viewed. The employees also go above and beyond to make sure that a person's visit is enjoyable. This was a test and the web site was announced by word of mouth. Positive feedback was received from the individuals that were told about the web site. Brainstorming was done and the information was turned over to professionals in El Paso, and they are constructing the web site. The website will provide information on accessible locations so that individuals will not end up at a location that is not accessible. The web site is called [Wheelsandlife.com](http://Wheelsandlife.com). The web site will ultimately have information about accessible facilities in neighboring states, theme parks, vacation parks, etc.
- e. Formal complaints regarding ADA/Accessibility Compliance  
There were no formal complaints received. A couple of phoned in complaints were received about some curb ramps. If there are complaints the Texas of Department of Licensing and Regulation will do enforcement on public

- facilities built after 1987. If the location was constructed before 1992, the Department of Justice can be contacted and they will do the enforcement.
- f. Plan Reviews  
Only a couple of plan reviews are pending. Most of the reviews have been done and are going into construction. The Downtown Transit Terminal is being constructed. Oregon Street reconstruction is about to begin. Glory Road is going to start soon. The Mission Valley terminal is going to start soon. The Westside terminal has been designed. Old projects that have had problems are being addressed and repairs are being made.
  - d. Next Meeting Agenda, Date, and Location (3-26-2009)  
The next meeting will be on March 26, 2009 at 2:00 p.m. in the 4<sup>th</sup> floor Engineering Conference Room.

Item 4. Announcements

The Area Network for Disability Aging has been meeting for 18 years. They meet on the fourth Wednesday at the Ranchers Grill on Viscount from 11:30 to 1:00. Various topics are covered dealing with aging. There are different projects done throughout the year. From April 17 through May 30 they will be having a canned food drive for Paso del Norte that will benefit seniors. There will be a Christmas in July.

Item 5. Adjournment

A motion was made, seconded, and unanimously approved to adjourn the meeting at 3:10 p.m.