

## ACCESSIBILITY ADVISORY COMMITTEE MINUTES

Engineering Conference Room, 4<sup>th</sup> Floor City Hall

Thursday, April 22, 2010

2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:00 P.M. The following committee members and staff answered roll call:

Rafael Hernando	Olivia Chavez
Manny Razo	Mary Castillo
Mark Shoosmith	William Bennett
Jim Frazer	James W. Peterson
Sergio Reyes	

The following visitors were present:

John Eager	Josue Rodriguez
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The following members and staff were not present:

Karen Pharr	Fred Gromand
Martin Walton	Alejandro Campos

### AGENDA

- I. WELCOME / ROLL CALL
- II. CALL TO THE PUBLIC – PUBLIC COMMENT  
This time is reserved for members of the public who would like to address the City Accessibility Advisory Committee on any items that are not on the City Accessibility Advisory Committee Agenda and that are within the jurisdiction of the City Accessibility Advisory Committee. No action shall be taken.
- III. APPROVAL OF MINUTES of December 17, 2009, February 11, 2010, March 25, 2010.
- IV. DISCUSSION AND ACTION
  - A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.
  - B. Curb Ramp on Request Program
  - C. Audible Pedestrian Signals
  - D. Subcommittee reports for Goals and Objectives
    - Employment of People with Disabilities
    - Sensitivity Training
    - Barrier Free Construction
  - E. Formal complaints regarding ADA/Accessibility Compliance
  - F. Plan Reviews
  - G. Next Meeting Agenda, Date, and Location (5-27-2010)
- V. ANNOUNCEMENTS
- VI. ADJOURNMENT

#### Item 1. Welcome/Roll Call

Roll call was taken and a quorum was confirmed.

#### Item 2. Call to the Public – Public Comment

There was no public comment.

#### Item 3. Approval of Minutes of December 17, 2009, February 11, 2010, March 25, 2010.

Only the minutes for December 17<sup>th</sup> are ready.

A motion was made by Rafael Hernando, seconded by Mary Castillo, and unanimously approved to approve the minutes of December 17, 2009.

AYES: Rafael Hernando, Olivia Chavez, Manny Razo, and Mary Castillo

NAYS: None.

ABSTAIN: None.

Item 4. Discussion and Action

- A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.

Comments were made by William Bennett, Mary Castillo, Rafael Hernando, James Peterson, Mark Shoesmith, Jim Frazer, Sergio Reyes, Manny Razo, Josue Rodriguez, and John Eager.

No action was taken on this item.

- B. Curb Ramp on Request Program

Comments were made by William Bennett, Mary Castillo, Jim Fraser, Manny Razo, James Peterson, and John Eager.

No action was taken on this item.

- C. Audible Pedestrian Signals

Comments were made by William Bennett, Sergio Reyes, Rafael Hernando, and Mary Castillo.

No action was taken on this item.

- D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

Comments were made by William Bennett, Mary Castillo, Josue Rodriguez, Olivia Chavez, John Eager, Rafael Hernando, and Manny Razo.

No action was taken on this item.

Sensitivity Training

Comments were made by William Bennett, John Eager, and Olivia Chavez.

No action was taken on this item.

Barrier Free Construction

Comments were made by William Bennett, Jim Fraser, and Olivia Chavez.

No action was taken on this item.

- F. Plan Reviews

Comments were made by William Bennett, Sergio Reyes, Olivia Chavez, and Mary Castillo.

No action was taken on this item.

- G. Next Meeting Agenda, Date, and Location (5-27-2010)

Comments were made by William Bennett, Rafael Hernando, Mary Castillo, Jim Fraser, James Peterson and Olivia Chavez.

The next meeting will be on May 20, 2010.

Item 5. ANNOUNCEMENTS

No announcements were made.

Item 6 ADJOURNMENT

A motion was made by Rafael Hernando, seconded by Olivia Chavez and unanimously approved to adjourn the meeting at 3:25 p.m.

AYES: Rafael Hernando, Olivia Chavez, Manny Razo, and Mary Castillo

NAYS: None.

ABSTAIN: None.

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A motion was made, seconded and unanimously approved to approve the minutes of December 17, 2009.

Item 4. Discussion and Action

- A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.
- What happened on Tuesday there was an item on the agenda to clarify what council meant, but it was taken off the agenda because the City Manager new what council had intended. What they have done is to approve the introduction of the amendment to reduce the number of accessible units from five percent to two percent. The public hearing for the item will be May 4, 2010. At time they will either approve the three percent reduction, two percent reduction, or possible no reduction. Did they show that there was a need for a reduction? The survey that was done showed that 97 % of the apartments were occupied. Did the survey show that there is a need for five percent of the apartments to be accessible? The analysis has not been yet. The analysis will not be completed for about six months. On the 4<sup>th</sup> council will be asked to postpone action until after the analysis is complete. The only real solution is to wait to determine if a decrease is justified or not. Council will probably make a decision without waiting. Council said that the study first to show if there was a need or not. What they wanted was for Volar to come up with people who wanted apartments. Then they wanted the apartment people to say that we have so many apartments. Only Mr. Bohannon and Mr. Baca gave any information on the number of units that they have. There are other people who have submitted plans to build apartments. They have submitted under the five percent ordinance. One is set of apartments is about 200 to 250 units. It is an old complex on the Westside that is being remodeled. The other apartment complex is 400 to 500 units. It is new construction and five percent of the units are accessible. There are another two complexes that are undergoing renovation on Shuster that the bottom floors are going to be accessible with roll in showers. UTEP is the owner of the two buildings. What Mr. Bohannon has said is that no one is going to build, but these people have built at five percent. There was not anything that stopped them from building, so they went on and did it. As far as builders, the only ones that have complained are Baca & Bohannon. If you notice Baca's units are all occupied. He said that one for sure is occupied by an individual with a mobility disability, and another is an elderly individual. One individual has asked to be transferred to a non accessible unit when the unit becomes available. Those are the last apartments to be rented. It doesn't matter because they are rented. The argument was that no one was going to build apartments, but they are. Existing apartments that are being renovated are being brought up to five percent accessible. Because the apartments are being built and even undergoing renovation is a good argument for keeping the number at five percent. Can we find out who is doing the construction, so that they can be invited to the council hearing? They can demonstrate that it is doable. There is another complex being constructed by Tropicana Homes using federal funds, so they will have to be constructed with five percent accessible units. They take subsidies and vouchers if available. The ones who are renovating on Schuster is UTEP. The ones in Northeast and Westside can be determined from building permits. The architects are from out of town. The power point that Victor Morison Vega showed in council presented that there was 97% occupancy. That shows that there is a need for more apartments. At the representative breakfast meetings they do not seem very supportive of keeping the five percent. One of the reasons is that there is no proof that

they need five percent. They will not be able to see anything until after the analysis. If they change it now they may have to change it back or go even higher in six months. Mr. Bohannon is building apartments now with five percent of the units accessible. Some of the units are \$1200 a month and they are renting them. They must be higher end apartments. It would be interesting to find out the number of people that move into El Paso every year. There should be statistics on that. It may be tracked in the census information. On the new census it does not ask information on whether an individual has a disability or not. Without the numbers how are some of the ADA programs going to be justified. The survey that was done by Building Permits show that there are 450 Type A apartments. Those are the ones they counted and looked at in the entire city. The total number of apartments in El Paso needs to be determined so that a five percent total can be calculated. What is often done is to have more than one chair so that a person can transfer from one side of the doorway to another. One of the most common things is to put a plastic chair in the shower to transfer to. There are always ways of adapting. The Sum Metro Lift data base shows that there 8577 individuals that use wheel chairs or have mobility impairments. If housing was being looked for accessible housing Type A for those individuals at five percent, then the city would need to build 171,540 units . At three percent the city would need to build 285, 900 units to house the number of people. The lower percentage the more units that are needed to house that number of individuals. At two percent 428,850 would need to be built in order to have enough accessible units house the 8577 individuals with mobility impairments. The folks at council do not realize that not any where near completing the transition plan. There are a lot of portions of the city that have not received access features. The plan itself is complete. The plan is in the process of being implemented. Part of the implementation of the plan is for removal of barriers at intersections, fixing our buildings so that lever handle door knobs are on so we have access, and making sure that restroom facilities are accessible. The more access is increased throughout the city, people are going to looking for places to live. The only way to know the total number individuals with this census, is with disclosure. There is another census, called the American Fact finder, does counts and estimates. That will continue to give estimates, but it will not give hard number. There are numbers for baby boomers that were presented at the last meeting. Individuals that are 85 and older are going to increase between 2008 and 2050 by more than three times. There are going to be more than 19 million individuals that are over 85 by 2050. That is in the whole country. Between now and 2050 individuals over 55 will more than double. They are not recognizing what the numbers mean. What will be seen in the future, as individuals age, the building code will catch up accord to the population. One of the wheel chair/walker dealers, is supplying over 100 wheel chairs and or walkers a month to individuals in need of mobility devices. That would be a good place to get testimony from. The numbers are for all ages. How many adult chairs are sold in a month? It really wouldn't matter because young individuals need the accessible units also. Maybe half of the individuals use wheel chairs. What would also be good, would be to have the vendors call and provide the information to the representatives and let the representative know that the item should be postponed until the analysis of impediments is complete. It is also difficult because the meeting is held during the day when most people are working. The meeting could be held at a different time as long as it is posted 72 hours in advance. The important thing is to talk to the representatives and get the community to talk to their representatives. Numbers are important and it would be nice to have a bunch of people from groups like AARP there to present their numbers. Mr. Chew will be e-mailed to contact everyone. Other entities will be contacted by the different committee members. On May 4<sup>th</sup>, there will probable be a time that the item will be heard or at least an item number will be known.

No action was taken on this item.

B. Curb Ramp on Request Program

The curb ramp program is moving. About \$20,000 to \$30,000 is left for the stimulus funded programs. There is about \$300,000 left for curb ramps with the regular CDBG funds. It should be spent by August 31, 2010. The stimulus funding has to be done by January 1, but it will be done within two to three weeks. They are being installed all over the city. The largest demand is pretty much even. The largest demand is in central or northeast in areas that have been developed for quite a while. The work done in front was a CIP (capital improvement) project that leveled out the sidewalks and installed a couple of new compliant ramps. The completion date for removing barriers was between nine and twelve years. The transition plan can be accessed on line and the summary tells the completion dates. For city buildings the estimated completion date is about two and a half years. For Sun Metro facilities is about six and a half years. These calculations are based on the current spending rate and it is not anticipated that the rate will decrease except for the curb ramp program. The program is only recommending \$189,000 instead of \$500,000. This is because CD had over \$30 million in requests, and there is only \$3 million available to spend. A lot of the money is already committed to projects. The amounts are being reduced every year.

No action was taken on this item.

C. Audible Pedestrian Signals

The audible pedestrian signal program got about \$78 thousand for next year to install audible pedestrian signals at three intersections. One of the intersections was sent back and a different intersection was submitted because the first intersection was going to be done by TxDOT when the Alameda renovation is done. Paisano and Val Verde will replace Alameda and Reynolds. Montwood and Yarbrough and Mesa and Cincinnati are the other intersections where audible signals will be installed. Rich Beam and Zaragoza are being crossed by kids. The crossing time is very quick. The signals should be done by next week. The signals were planned at this intersection a long time ago. There is not a school planned in this area for about eight years. So many intersections have been requested and they are expensive. Last year we requested about half a million for about 13 intersections. This year we only requested three intersections. There are 43 intersections that have audible signals now. By January or February next year there will be at least 56 intersections with audible signals because there is a project that is about to be done that will be removing span wire signals and installing mast arms with signals. There may be even more than that, because TxDOT is requesting audible signals at all new signalized intersections.

No action was taken on this item.

D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

The number of individuals employed in a contract capacity, is still being worked on. The federal government is pushing hiring individuals with disabilities under a special program. The Summer Youth program is about to begin that will give on the job training for youth. There was a similar program last year. The program is being done with a grant from the Workforce. It is not known what other entities in the city are doing to employ individuals with disabilities. Major corporations like Walgreens have a program for hiring individuals with disabilities. It is not known what is being done locally at the Walgreens. It is hard to get an accommodation in order to obtain employment. Under Section 504 the schools have to provide reasonable accommodation. They also have to provide reasonable accommodation under Title I that covers employment. The key is reasonable. There was an individual in city hall that requested a gold plated key board, but it was determined that it was not reasonable. He was given a key board that was

functional and met his needs. All facilities in the City of El Paso are required to be built accessible. This also includes employee work areas. There are exemptions for some facilities if they are historical, but they would still have to provide reasonable accommodation, for an employee or student. They may not necessarily have to build an elevator in the building, but they would have to provide vertical access or provide reasonable accommodation.

No action was taken on this item.

#### Sensitivity Training

This is still being worked on.

No action was taken on this item.

#### Barrier Free Construction

Barrier Free Construction is what has been discussed for most of this meeting. One of the things on old buildings is that they can't always be brought into complete compliance. It is not just old buildings, it is buildings built before 1992. If it was built before 1992 there are certain items that must be brought into compliance if renovation or additions are done or there must be a transition plan established to get them brought into compliance. The items are the parking, the accessible route from the parking to and through the renovated area, the bathrooms, water fountains, and the public phones. The plan is to start looking at barrier free construction in all housing. That will be a battle also. This will only apply to new construction.

No action was taken on this item.

#### E. Formal complaints regarding ADA/Accessibility Compliance

There were threats that there was going to be one filed, but it did not happen because too much information would have been released about what was going to be done in the future. It will come eventually. A written complaint came in about the intersection of Santa Fe and Yandell. The intersection was not accessible. Several other intersections have been done to help improve access.

#### F. Plan Reviews

A couple of parks are coming in and there are a couple of buildings that have gone to Registered Accessibility Specialists. Father Pete Martinez Senior Center has gone to a RAS. Pavo Real Swimming Pool has been reviewed. Memorial Park tennis courts are being reconstructed. Paul Heinrich park is having additional picnic areas and benches being installed. A lot of the parks have tennis courts and basket ball courts that get reviewed and inspected. At Paul Heinrich they are doing a reconstruction of the basket ball courts and additional lighting.

#### G. Next Meeting Agenda, Date, and Location (5-27-2010)

The next meeting is scheduled for May 27, 2010 which is close to the holiday. Starting May 3, 2010, the city is going to 4 days a week 10 hours a day. The other date could be the 20<sup>th</sup> of May. The next meeting will be on May 20, 2010.

#### Item 5. ANNOUNCEMENTS

No announcements were made.

#### Item 6. ADJOURNMENT

A motion was made, seconded, and unanimously approved to adjourn the meeting at 3:25 p.m.