

ACCESSIBILITY ADVISORY COMMITTEE MINUTES
4th Floor Engineering Conference Room, City Hall
Thursday, June 25, 2009
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:10 P.M. The following committee members and staff answered roll call:

Rafael Hernando III	Martin Walton
Manny Razzo	Mary Castillo
Mark Shoemith	William Bennett
Jim Fraser	James W. Peterson

The following visitors were present:
John Eager

The following members and staff were not present:

Richard Sheldon	Arne Schonberger
Rene Jamis	Santos Gutierrez Jr.
Sgt. Jack Mathews	Andrea Espinosa
Sergio Reyes	

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 May 7, 2009.
- 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 by deleting the prior adoption of Sections 5 through 13 of the Texas Accessibility Standards; deleting the City of El Paso amendments to the Texas Accessibility Standards, Sections 4.1.3 (5) through 13.4.1; amending the International Building Code, Chapter 11, Section 1101; deleting the City of El Paso amendments to the International Building Code, Chapter 11, Sections 1102 through 1114; the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.
 - B. Curb Ramp on Request Program
 - C. Audible Pedestrian Signal Program
 - D. Subcommittee reports for Goals and Objectives
 - Employment of People with Disabilities
 - Taxi Ordinance
 - Sensitivity Training
 - Transition Plan for the City (proposed 40 foot long bus pads)
 - Barrier Free Construction
 - E. Formal complaints regarding ADA/Accessibility Compliance
 - F. Plan Reviews
 - G. Next Meeting Agenda, Date, and Location (7-23-2009)
- 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 May 7, 2009.

This item can be deleted because the minutes were approved on June 23, 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 by deleting the prior adoption of Sections 5 through 13 of the Texas Accessibility Standards; deleting the City of El Paso amendments to the Texas Accessibility Standards, Sections 4.1.3 (5) through 13.4.1; amending the International Building Code, Chapter 11, Section 1101; deleting the City of El Paso amendments to the International Building Code, Chapter 11, Sections 1102 through 1114; the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.

Comments were made by William Bennett, James Peterson, Mark Shoesmith, Martin Walton, Rafael Hernando, Jim Fraser, Manny Razzo, John Eager, and Mary Castillo.

No additional action was taken on this item.

- B. Curb Ramp on Request Program

Comments were made by William Bennett.

No action was taken on this item.

- C. Audible Pedestrian Signal Program

Comments were made by William Bennett.

No action was taken on this item.

- D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

No report was given.

Taxi Ordinance

Comments were made by William Bennett..

Sensitivity Training

No report was given.

Transition Plan for the City (proposed 40 foot long bus pads)

No report was given.

Barrier Free Construction

Item was already discussed.

- E. Formal complaints regarding ADA/Accessibility Compliance

No complaints were received since last meeting.

- F. Plan Reviews

No plan reviews were done since last meeting.

- G. Next Meeting Agenda, Date, and Location (7-23-2009)

The next meeting will be on July 9, 2009, at 2:00 p.m. with location to be announced.

Item 5.. ANNOUNCEMENTS

No announcements were made.

Item 6. ADJOURNMENT

A motion was made by Martin Walton, seconded by Mary Castillo, and unanimously approved to adjourn the meeting.

AYES: Rafael Hernando III, Martin Walton, Manny Razzo, Mary Castillo

NAYS: None.

ABSTAIN: None.

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The next time there is an Legislative Review Committee (LRC), there should be an item to approve the code changes to the ordinance. It is tabled until the three items that are being reviewed so they can make the final decision. Because of time constraints between the last Accessibility Advisory meeting and their recommendation, there was an opportunity to get an agenda item for the LRC that has an ordinance that the AAC had recommended. They had a proposed ordinance, but then the AAC made a recommendation with some adjustments that made the ordinance a recommendation. Is there a possibility at the next LRC that both those items could be on there. They don't do it that way. They are looking at the proposed ordinance and they can do what ever they want to do. They can follow this committee's suggestion or come up with something new. They are just recommending this to City Council. They are not approving it. They want to see and find out additional information that they did not get from the developers. They want to know the number of apartments that have been built since 1992 (1993), they want to know how many accessible apartments are in the new developments, and how many are available or actually occupied through lease. What needs to happen is to take the number of apartments and separate them, call the apartment complexes, and find out how many with roll in showers there are and how many are available. The City is generating the list. There will probably be some resistance and they will organize and get out to their managers to try to make their case. Need to get the best information that we can. The more information that we can get back to them on this issue the better it will be, so that we can answer there questions. When apartments are built they have to apply for a building permit and they have to have the number of units constructed. Will the number of units be available before the LRC. The information on Tidemark goes back to 2005. Microfilm goes back much farther. The initial building permit will have whether it is a commercial permit, apartment or housing. There is no access to SBC software. It will be difficult to get all the information back to 1993. Is there any information on how many people have been cited for not having accessible apartments? That information would not be available from TDLR because they only look at the common and public areas. There is a new complex going in between Pendale and Zaragosa on North Loop, is there a building permit for the project? If they have broken ground, they would need at least a grading permit. Sometimes a change of zoning is required before a building permit can be issued and the proposed use is determined. Spanish Pines or Spanish something is being built in that area. Everybody has a little information, but it is not all in one place. It was thought that if there was an EAB number, that it could be helpful. The problem is that all commercial projects need an EABPROJ number from the state, but all that is inspected is the public areas. The county only has subdivisions and deeds. The apartment

information is being determined by Barbra (Ship) and Bill (Stern). There isn't a differentiation on how it is logged into the computer? There is not a real way to tell. If you pull a permit, the address, the owner name. It was hoped that the industry would share the number of units and they number of type A units that were constructed. The Apartment Association could put out a questionnaire seeking the number of units, the number of units rented, the occupancy rate, how much rent is being charged. Would only the association members be asked to answer? Not all of the apartment are members. It is not sure how many permits are issued per year. Is there anything unique to an apartment complex that you would have to pull a permit for? For example a restaurant you have to go the Health Department. There is not anything except for the plumbing, electrical, etc. Files used to be kept in folders, but now it is kept differently. The questions that Beto (O'Rourke) had became part of the record. How many units have been built since 1992, how many of the apartments are Type A units, and how many of the units are occupied or not. Allegations by the builders are that the units cannot be rented out. They never said that they could not rent the apartments. They are saying that one of the things for getting speculative money for apartments is that the occupancy rate has to be shown and they are saying that the Type A units are not being rented so the lenders wont provide the money. They said that they could not rent them to the target population. They do rent them to the maintenance people or at a discount. By getting rid of the five percent, they will have apartments that are easier to rent. Rafael Hernando had gone to one and went to the office and the girl said that they did not have an apartment available. She didn't ask if I needed a Type A unit or one that was adaptable. She just said that they didn't have an apartment. Martin Walton lived in one of the Bohannon properties named Las Norias. He had looked all around at apartments and what they had was not acceptable and wasn't convertible. They (other places) wanted front and back rent to move in and then they wanted \$1500 for the conversion to move in and \$1500 for the conversion when he moved out. All that money was wanted up front so he kept looking. He received a call from Las Norias about five months later and he moved in. The rest of the Type A apartments were occupied. The apartments near Mr. Hernando told him that they did not have any Type A units. Mr. Peterson went to the new apartments on Alabama and asked if they had an apartment with a roll in show and they wanted him to start the paperwork. It took about eight or nine months for Martin Walton to find an apartment. A lot of the people said that they had a unit and then when looked at it was not accessible. That is when he decided that there were two types of apartments. One that he could function in and one where he had to have a family member living with him to assist him in doing everything. Even when they said it could be fixed, an individual would need to tear it down and rebuild it. The question that needs to be answered is do the apartments have accessible units and are the units occupied or not. If they are occupied then they are being rented. Apartment and houses are required to have a certain number of outlets and you don't hear the builders complaining that they put all these outlets and the folks that rented the unit are not using them. On single room apartments with a single bathroom, people don't seem to care too much if there is a tub or shower. It is the multiple bedroom apartments that is the concern. In the apartments that are Type A units with multiple bathrooms only, one of the bathrooms needs to have a roll in shower. There is an individual in planning that has reams of information for people moving to El Paso. Does he have any information on the apartment units? Jim Fraser took care of this information for years and the apartments information was tracked. Someone else is doing the work now. Does the tax office show when a building was built? The Central Appraisal District does have the year that a building was built. A list of addresses for the apartments built since 1996 is being prepared so that the inspections on the Type A units can be done. The City Directory has a listing by address and will list the apartments. Possibly the information can be obtained by going through the directory. If the apartment association is unable or unwilling to help provide the information then the committee can go to council and tell them. That is what happened in the 1996 apartment survey. The apartment owners or managers were hesitant about providing the information on the apartments. Probably because none of the apartment units were truly Type A accessible units. The inspectors need to look closely at the apartments to make sure that they are constructed properly. The simple thing that can be done is to do a survey so that they do not feel that they are being surveyed, is to ask do you have any apartments available now with a roll in shower. It is not needed to know if there is

a person with a disability living in the apartment. The developer's argument is that they cannot rent the apartments. So if the apartments are called and they are asked if they have any apartments available and they answer no, there is no need to go further. Action was already taken on this item last meeting so no action is really required on this item. The LRC will be posted three or four days before the meeting. As soon as it is known when the LRC is a broadcast e-mail will be sent to the members. A week notice should be given so that appointments for rides can be made. Some of the items that were discussed will be worked on, like starting the phone surveys. The different areas will be split up so that there is no duplication. Pat Adatao mentioned in a meeting that the builders and developers had gotten together and come up with a list of items that could help stimulate apartment construction. That list had been handed out to the committee at the previous meeting. No action was taken on this item.

B. Curb Ramp on Request Program

There is no new information on the item. There is almost a million dollars that is going to go to installing ramps in this program. No action was taken on this item.

C. Audible Pedestrian Signal Program

The Audible Pedestrian Signal Program was not funded this year. No action was taken on this item.

D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

No report for this item.

Taxi Ordinance

Two companies have accessible taxis, and the other companies have agreements set up with LULAC.

Sensitivity Training

No report on this item.

Transition Plan for the City (proposed 40 foot long bus pads)

No report on this item.

Barrier Free Construction

Already discussed.

E. Formal complaints regarding ADA/Accessibility Compliance

None since the last meeting.

F. Plan Reviews

None since the last meeting.

G. Next Meeting Agenda, Date, and Location (7-23-2009)

The next meeting will be July 9, 2009, at 2:00 p.m., location to be announced..

V. ANNOUNCEMENTS

No announcements were made.

VI. ADJOURNMENT

A motion was made, seconded, and unanimously approved to adjourn the meeting.