

ACCESSIBILITY ADVISORY COMMITTEE MINUTES
4th Floor Engineering Conference Room, City Hall
Thursday, October 22, 2009
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:11 P.M. The following committee members and staff answered roll call:

Arne Schonberger	Olivia Chavez
Rafael Hernando III	Manny Razo
William Bennett	Jim Fraser

The following visitors were present:

None

The following members and staff were not present:

Richard Sheldon	Martin Walton
Mary Castillo	Mark Shoesmith
Sgt. Jack Mathews	Andrea Espinosa
James W. Peterson	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 June 25, 2009, August 13, 2009, and August 27, 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.
 - 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
 - Barrier Free Construction
 - E. Memorandum with suggested activities for the Committee
 - F. Formal complaints regarding ADA/Accessibility Compliance
 - G. Plan Reviews
 - H. Next Meeting Agenda, Date, and Location (11-19-2009)
- 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

No comments were made.

Item 3. Approval of Minutes of June 25, 2009, August 13, 2009, and August 27, 2009.

The minutes are not ready. This item will be tabled until next meeting.

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 Arne Schonberger, Olivia Chavez, Rafael Hernando III, Manny Razo, James W. Peterson, Jim Fraser, and William Bennett about the proposed ordinance change.

A motion was made by Olivia Chavez that all developers who state that have economic issues caused by the inability to fill the accessible units with people with disabilities provide sufficient financial information to show the hardship, the rental history of the last three years be provided for each Type A unit owned or managed by the person or company be submitted along with the amount of gross rent collected on each unit itemized by month for comparison the rental history of all same size Type A units in the complex be provided for comparison purposes, this is to include gross amount of rent for each unit so that they can be averaged and compare to the average Rental income for Type A units. In each instance where a vacancy is claimed in a Type A unit for a particular time frame such as the number of days during the month 2-2008 for instance, the number of vacant days during that same month of Type B units in the same complex of equal size if provided, so that we know which types of units were vacant. When describing the gross rent for each Type A unit, the average rent for the same size unit in that complex that is Type B accessible shall be itemized and submit the lease start date for each unit and rent amount for comparison purposes. The information is to be provided at least two months before city council revisits the ordinance to allow time to request clarification if needed, and then make an informed decision. And that a letter be sent with the motion to the Apartment Association, Bohannon Development, and any one else that feels they are suffering an economic hardship. The motion was seconded by Rafael Hernando III, and unanimously approved.

AYES: Arne Schonberger, Olivia Chavez, Rafael Hernando III, and Manny Razo

NAYS: None

ABSTAIN: None

- B. Curb Ramp on Request Program

Comments were made by William Bennett, Arne Schonberger, and Jim Fraser about the program

- C. Audible Pedestrian Signal Program.

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

No action was taken on this item.

Taxi Ordinance

Comments were made by William Bennett, Arne Schonberger, Jim Fraser, Rafael Hernando III, Manny Razo, and Olivia Chavez.

No action was taken on this item.

Sensitivity Training

Comments were made by William Bennett, Olivia Chavez, Rafael Hernando III, Jim Fraser, Manny Razo, and Arne Schonberger.

No action was taken on this item.

Transition Plan for the City

Comments were made by William Bennett, Arne Schonberger, Olivia Chavez, Rafael Hernando, Jim Fraser, and Manny Razo about the transition plan that is online.

A motion was made by Arne Schonberger, seconded by Olivia Chavez, and unanimously approved to present the plan to the City Council for their adoption.

AYES: Arne Schonberger, Olivia Chavez, Rafael Hernando III, and Manny Razo.

NAYS: None

ABSTAIN: None

Barrier Free Construction

Comments were made by William Bennett, Arne Schonberger, Rafael Hernando III, Jim Fraser, Manny Razo, and Olivia Chavez.

No action was taken on this item.

E. Memorandum with suggested activities for the Committee

Comments were made by William Bennett, Jim Fraser, Rafael Hernando, Olivia Chavez, Arne Schonberger, and Manny Razo.

No action was taken on this item.

F. Formal complaints regarding ADA/Accessibility Compliance

Comments were made by William Bennett, Schonberger, Olivia Chavez, and Rafael Hernando III.

No action was taken on this item.

G. Plan Reviews

Comments were made by William Bennett.

Action was taken on this item.

H. Next Meeting Agenda, Date, and Location (11-19-2009)

The next meeting will be November 12, 2009.

Item 5. ANNOUNCEMENTS

There were no announcements.

Item 6. ADJOURNMENT

A motion was made by Olivia Chavez, seconded by Rafael Hernando III, and unanimously approved to adjourn the meeting at 3:51 p.m.

AYES: Arne Schonberger, Olivia Chavez, Rafael Hernando III, and Manny Razo.

NAYS: None

ABSTAIN: None

ACCESSIBILITY ADVISORY COMMITTEE MINUTES
4th Floor Engineering Conference Room, City Hall
Thursday, October 22, 2009
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:11 P.M. The following committee members and staff answered roll call:

Arne Schonberger	Olivia Chavez
Rafael Hernando III	Manny Razo
William Bennett	Jim Fraser

The following visitors were present:

None

The following members and staff were not present:

Richard Sheldon	Martin Walton
Mary Castillo	Mark Shoesmith
Sgt. Jack Mathews	Andrea Espinosa
James W. Peterson	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 June 25, 2009, August 13, 2009, and August 27, 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.
 - 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
 - Barrier Free Construction
 - E. Memorandum with suggested activities for the Committee
 - F. Formal complaints regarding ADA/Accessibility Compliance
 - G. Plan Reviews
 - H. Next Meeting Agenda, Date, and Location (11-19-2009)
- 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

No comments were made.

Item 3. Approval of Minutes of June 25, 2009, August 13, 2009, and August 27, 2009.

The minutes are not ready. This item will be tabled until next meeting.

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.
- There was a meeting last Monday at Volar with the Mr. Bohannon and the apartment association. They are still working with the National Clearing House Database, that has been around for more than 10 years, and that no one in El Paso has used. It takes the apartment complex to sign up for it. Mr. Bohannon's apartments have been signed up and it is hoped that the other apartments sign up. It was pointed out that daily input will be required to keep the database information up to date. From past experience, the apartment managers are not very cooperative in filing out surveys and it is not thought that they will do this. If they get a notice that someone is moving out in 30 days they would need to put it online at that point otherwise someone else will grab the apartment, not an individual that needs the apartment. They didn't say anything about the waiting list. It had been brought up, but they never said that they do waiting lists, or they said they do but it is necessary to make sure that they do the waiting list. There was nothing really new. The City personnel are doing the survey and checking each unit. Talk about cutting down the number of units looked at was mentioned, but at this time they will still be looking at all of the Type A units. They are looking at about 500 units to look at. It shouldn't take too long for someone with experience to do the inspection. Someone like Mr. Stern would be able to see a problem immediately and then measure it. And it can be determined easily if doors are installed on the shower or if the easily modified cabinet has been replaced with a cabinet that cannot be modified. Nothing was said by the apartment people that showed that there was a problem. There maybe a problem for an unstated reason, but it is not known what the problem is. They are in business to make money and if there is not economic reason, then it must be something else and it has to be very important to them, but they are not telling us what it is. Nothing was said at the meeting to move things forward. Once the survey from the city is complete, at that point the apartment managers will need to do their thing. The Apartment Association said they would possible set up some training with someone from Volar to talk to the apartment managers and personnel when they have one of their meetings. Maria Perez is supposed to be giving them some training and they were invited to the Disability Conference in December. During the survey that members of the committee did, the persons answering the phones did not say that they did not have an accessible unit, and they also said let me talk to the maintenance guy because he is the expert on this. March 8th is the date that this is supposed to go back to council. It seems that this item was to come back to council in November sometime in order present a status report. Volar and the apartment association were to get together and create a data base of individuals that needed apartments and available units and the results were to be presented to council at the meeting that was six months past the September 8, 2009 meeting. The committee is going to have to be very convincing at several forums before the city council and at city council to convince them that it is not worthwhile. Clarification is needed on the request of council. The apartment manager people or at least Bohannon state that it as an economic problem. He cannot

build more apartments because the accessible units because the apartments rent last, or they don't rent to people with disabilities, or they are empty or they are full. He has said all of these things. Apparently they are full, but full at a discount. Taking him at his word, it is necessary to find out what is true and what is not. City Council does not have the proper information and proof other than someone saying that the apartments cannot be filled. Starting off with the units cannot be rented to people with disabilities because they don't come and then admitting that the units are full with people without disabilities. It made it sound like the apartments were vacant and rotting. Mr. Bohannon did not say this, but one of his people said it at a previous meeting. They said about 96 percent occupancy. It doesn't make a difference if the unit is a Type A unit or a Type B unit as long as the last one is rented. Ms. Chavez passed around a proposed motion and read the motion. The motion is made to clarify the reasons to change the law from five percent to two percent. Ms. Chavez moved that in light of the assertions that the apartments that five out of 100 units Type A accessible is causing financial hardship to the apartment developers, the following information is needed to make an informed recommendation to City Council:

All developers who state that have economic issues caused by the inability to fill the accessible units with people with disabilities provide sufficient financial information to show this hardship, the rental history of the last three years be provided for each Type A unit owned or managed by the person or company be submitted along with the amount of gross rent collected on each unit itemized by month for comparison the rental history of all same size Type B units in the complex be provided for comparison purposes, this is to include gross amount of rent for each unit so that they can be averaged and compare to the average Rental income for Type A units. In each instance where a vacancy is claimed in a Type A unit for a particular time frame such as the number of days during the month 6-2008 for instance, the number of vacant days during that same month of Type B units in the same complex of equal size if provided, so that we know which type of units were vacant. When describing the gross rent for each Type A unit, the average rent for the same size unit in that complex that is Type B accessible shall be itemized and submit the lease start date for each unit and rent amount for comparison purposes. (That is so that we have this information, but it is something that they did the year before and doesn't charge the same so that's the reason it is the start of the lease month.) The information is to be provided at least two months before city council revisits the ordinance to allow time to request clarification if needed, and then make an informed decision. Why are they going to provide this information to a public forum? Because they are saying, when someone goes to City Council to request a change an ordinance, an ordinance that is in place, a reason must be given to change the ordinance other than other reasons. If it is a financial reason to change it then, it needs to be questioned. For example, If it is costing a lot of money because Sharondale is two ways and it is wanted to be one way. The council will request that it be proven that it is costing a lot of money. If the person says that he has the numbers, but he is not going to show them, then the ordinance should not be changed. It is like the request to change the number of employees at the mote, but no proof was needed apparently. In that case, each employee costs a certain amount per year, and it is easy to see what the cost will be. When it is said that we can't rent these units to people with disabilities, and they have already said that they rent the units to people with or without disabilities, because it cannot really be determined, and it is costing us money because of it, there is no reason to go to city council and tell city council that they are losing money unless they are, and maybe they think they are losing money, but if they do the survey themselves, and find that they are not losing money, maybe they will drop it. They

are going to follow the numbers and it will show that they are making a profit. If they are already rented, then how can they be losing money? They just rent it to somebody else. They say they are losing money because they rent them for less for people without disabilities. Then they turned around and said if they have an excess of one bedroom apartments all of a sudden, then they come up with their marketing thing that says move in for six months and you are going to get a discount. They did that when Ms. Chavez moved into their apartment. They had an excess of three bedroom apartments, so they reduced the cost by \$100.00, and she signed a year lease. In the years time the rent did go up, but for a year she paid less. It is not like they don't do that for the general public. If they have one bedroom apartments, they are discounting those. The motion would have to be attached to a letter from the committee written by the coordinator to the apartment association and to Mr. Tom Bohannon, at Bohannon Development on North Stanton. If the committee passes this, with the idea that this is the motion and recommendation that the Accessibility Advisory Committee is soliciting the information from the Apartment Association and also send it to City Council so that the information can be obtained. It could be sent to all that state that they have economic issues caused by the inability to fill accessible units so that the information can be provided. It would not just have to be sent to Bohannon Development, maybe it could also be sent to Ray Baca at Monterrey properties. The motion was seconded as amended, and unanimously approved. The information will need to be submitted at least 60 days before the hearing in March so that it can be reviewed. The attorney would need to determine what the penalty would be if they ignore the request by council. There would not be a penalty, because it is not a law. There is a new building official that came from California, Victor Vega, who was at the meeting with the Apartment Association and Volar. He may be able to provide input on how much they are losing in California with the number of accessible apartments required at four percent. It must be working in California, New York, and Washington State. There was another article on BRAC again the other day, stating that there are not enough apartments. It has also been on the talk radio news. At the other meeting they said that they would change the way they are advertising the accessible units. The book will be coming out next month. They do not need to advertise because they are full. The biggest source of need for these apartments is going to be AARP and he needs to get out to those people. The committee could also try to enjoin the City from passing this ordinance similar to what was done by the Constable. Constance Wannamaker may be able to assist. She is at Advocacy, Inc. Michael Spurlock used to be at Advocacy, Inc. and went to the Housing Authority. He is probably the reason that the Housing Authority entered into the agreement with HUD to install 289 accessible housing units over the next four years. A letter will be created and the proper person will sign and it will be sent to the appropriate parties. The letter will state that a motion was made seconded and unanimously approved to and then quote the motion and if you have any questions call me. At the same time it will go to City Council and Mark Shoemith, who may have different ideas on the matter. Just send the motion out like it is because it is a recommendation for them to provide specific information.

B. Curb Ramp on Request Program

Curb ramps have started being installed using the R funding (stimulus). The regular CDGB funding with the stimulus funding is going to get about $\frac{3}{4}$ of a million dollars this year. The applications are ready to start being filled out and submitted again for next years funding. The same amount is going to be asked for again next year. It will be $\frac{1}{2}$ million. Is there a backlog on the ramp requests? Yes, there is and if you

have looked at the transition plan there are about 9,000 corners that need curb ramps throughout the City. With the funding that is being received this year about 152 ramps will be installed. There should be about 174 intersections left on the list. Requests are received almost every day. If every one that requested a ramp came into council next time the proposed ordinance came up council would see the need for the number of apartments. There is a list sometimes the names are put on the requests other times they are just called in and put on the list. Jane Ratcliff has requested a number of ramps. Other individuals call in and request a whole subdivision which is put on the list and done eight to sixteen ramps a year until the subdivision is completed. We have whole streets requested. Donald is one of the streets that were requested and it has been worked on and should be finished this year.

C. Audible Pedestrian Signals

New signals have been installed at the bus station down town. They are up and working. An application is going to be submitted to Community Development again this year. Instead of requesting the 12 intersections, three or four intersections will be requested so that the sum doesn't appear so large and so that they are sure that they can be completed in a short period of time. The ones on Mesa and Sunland Park work very well. This is the type of testimony that will be needed at the CD hearing.

D. Subcommittee Reports on Goals and Objectives

Employment of People with Disabilities

This is National Disability Employment Awareness Month. The federal government Office of Disability Employment (ODEP) and the Department of Labor have put out a number of documents, surveys and studies on individuals with disabilities that are being employed and on individuals that are not being employed and information on why they should be employed. This is a project that we are working on. We have several individuals in the City that have disabilities. There is one individual that is hearing impaired that is working in the Planning Department and doing quite well. There are several individuals working at Sun Metro and they were talking about hiring someone with visual impairment to help with dispatch. The number of individuals that have been hired using contracts, so that they do not have to go through the competitive Civil Service examination, is trying to be determined. They are hired based on their qualifications.

Taxi Ordinance

A meeting is being held with the Mayor next week on Monday to discuss setting up a press conference so that the accessible taxis can be introduced along with LULAC which contracts with the other taxi providers so that they can provide information on the service that they will be providing for the taxi companies for equivalent access. Has any testing been done to determine if the companies are providing equivalent service? It has not been done yet, but it is coming. If they were found to be in violation of the equivalency requirements it would be considered a class C misdemeanor under the Municipal Code and punishable with a fine of maybe up to \$2000.00. When the testing is done the police department should be involved. There are accessible taxis. Sun City has five or six and Yellow Checker has two or three. It would be interesting to know if any one is using the vehicles. Years ago Sun City had an accessible vehicle and the one person that used the vehicle actually bought the cab from them because no one else used the vehicle. The free shuttles that the car dealers provide as well as airport shuttles have to provide equivalency also. Sun City may have also contracted with LULAC to pick up any slack they might have when providing service. Sun Metro is using Sun City to use rides and they are paid by Sun

Metro for the reimbursement. Sun Metro started sending the Lift again because of either complaint or for some reason. The lift has sent taxis for some reason. The passenger only needs to pay the \$2.50 and the drivers only get a portion of what the full fare would be. There is a contract with Yellow Checker and the company gets a portion, but how much is the driver getting? This is an item to be looked into.

Sensitivity Training

There is no new information on this. It is being developed still. The training will be for city employees. The council had received training in the past.

Transition Plan for the City

It is online. It is good except for the time frame. The time line was based on the current level of funding. There may not be additional funding for the next year. There is a proposed bond issue for 2011. They are asking all of the departments to provide information on what projects they want funded and how much funding are they going to need. One of the big projects is curb ramps another is out city buildings. The estimated amount to get our buildings completed is about 2.4 million. Sun Metro needs about 3.5 million for their facilities. The amount they needed went up because they are installing 40 foot long bus loading pads so that both doors open on a firm, stable, slip resistant surface. 7996 corners were identified as needing curb ramps, which does not include Sun Metros corners. Based on current cost this is about 20 million dollars. At the current spending rate, about eight years will be required to complete the curb ramps. I have to submit a list of ramps that will be built and have to stick to the list and if an immediate need came up I will not be able to do the ramp until next year or the year after. With the R funding, it is extremely important to follow the order. The stimulus funding is putting about 172 ramps in this year. The different programs that are in effect to remove barriers in our facilities were discussed. Some of the work that has been done to remove barriers at different locations over the last year was discussed. TxDot has installed a number of curb ramps on their right of ways under their transition plan. For a long time our transition plan had the survey of the buildings and the estimate to remove barriers, but never had a time frame. The original plan had a total estimated cost of about 10 to 12 million dollars. Now we are down to about 2.5 million. With the committees approval, would like to present the plan to City Council. A motion was made, seconded and unanimously approved to present the plan to City Council for their adoption.

Barrier Free Construction

This is being discussed with the apartments. Originally this was put on to include universal design in all housing including single family dwellings. Most of the items that are covered under barrier free design are already required by code. There must be maneuvering area, 36 inch hallways, and one entry that is a 36 inch doorway. It is not required to have a no step entry, but is a minor item and does not cost anything. Backing behind the walls for addition of grab bars does not cost anything. The new building codes are about to be adopted and visitability could be added as a local amendment. There will be a hundred builders fighting this. A couple looking for a house had gone to 20 different builders and they were told that the builders could not do the work because they didn't know how. They finally got to one builder that called Mr. Hernando and told him that they had another couple that wanted the visitable housing after about four months. The true cost has been calculated and it is not substantially more if it is constructed to be visitable from the beginning. What can be presented is that there is law that requires visitable construction. Arizona has several places that require visitable construction. The same thing that has occurred in the past will occur. It will be presented to council, council will send it to the

legislative review committee, all of the builders will be present and stating it will cost too much, and the legislative review committee will recommend against the change.

- E. Memorandum with suggested activities for the Committee
Mr. Jim Fraser sent a memo regarding current activities of the committee. The suggestions were reviewed and commented on. All are good ideas. Most are already being done. The community and other agencies like Volar should be doing these a lot of these items.
 - F. Formal complaints regarding ADA/Accessibility Compliance
Several written complaints have come in. They are mostly for curb ramps and they are put on the list and then closed. The shelter valet needs to be looked at because they do not have accessible vehicles to take individuals to and from the airport. There is a lot of enforcement activity throughout the country done by the Department of Justice, EEOC, and HUD.
 - G. Plan Reviews
There are plans to install bus shelters at about 100 to 150 bus stops. There are a couple of parks that are being designed with concrete sidewalks and asphalt jogging paths not gravel. Father Pete Martinez expansion has been submitted. Chihuahuita Senior Center and Armijo Library Expansion was tabled last week by City Council. There are a lot of plans in the works because it is after the beginning of the fiscal year. Construction on the projects that were designed last year is about ready to start as soon as bids are received.
 - H. Next Meeting Agenda, Date, and Location (11-19-2009)
After discussion the next meeting will be on November 12, 2009.
- V. ANNOUNCEMENTS
There were no announcements.
- VI. ADJOURNMENT
A motion was made, seconded, and unanimously approved to adjourn.