

ACCESSIBILITY ADVISORY COMMITTEE MINUTES
Mayor's Board Room, 10th Floor City Hall
Thursday, November 12, 2009
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:12 P.M. The following committee members and staff answered roll call:

Arne Schonberger	Olivia Chavez
Martin Walton	Manny Razo
Mary Castillo	Mark Shoemith
William Bennett	James W Peterson

The following visitors were present:

Frank Lozano	Josue Rodriguez
Edgar Palido	Alex Campos

The following members and staff were not present:

Richard Sheldon	Rafael Hernando III
Jim Fraser	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, September 3, 2009, and October 22, 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. Subcommittee reports for Goals and Objectives
 - Employment of People with Disabilities
 - Taxi Ordinance
 - Sensitivity Training
 - Transition Plan for the City
 - Barrier Free Construction
 - E. Formal complaints regarding ADA/Accessibility Compliance
 - F. Plan Reviews
 - G. Next Meeting Agenda, Date, and Location (12-17-2009 or 12-24-2009)
- 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 June 25, 2009, August 13, 2009, August 27, 2009, September 3, 2009, and October 22, 2009.

The minutes for June 25, 2009 and August 13, 2009 were sent out yesterday. The minutes for August 27, 2009, September 3, 2009, and October 22, 2009, are not done yet, but are being worked on.

A motion was made by Olivia Chavez, seconded by Mary Castillo, and unanimously approved to approve the Minutes for June 25, 2009 and August 13, 2009.

AYES: Arne Schonberger, Olivia Chavez, Martin Walton, Manny Razo, 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 on this item were made by William Bennett, Mary Castillo, Olivia Chavez, Martin Walton, Frank Lozano, Arne Schonberger, Manny Razo, James W. Peterson, and Mark Shoemith.

No further action was taken on this item.

B. Curb Ramp on Request Program

Comments were made about the program by William Bennett, Martin Walton, Olivia Chavez, and Mary Castillo.

No action was taken on this item.

Arne Schonberger left the meeting after this item.

C. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

Comments on this item were made by Mary Castillo, Martin Walton, William Bennett, and Frank Lozano.

No action was taken on this item.

Taxi Ordinance

Comments were made by William Bennett, James W. Peterson, Frank Lozano, and Martin Walton.

No action was taken on this item.

Sensitivity Training

Comments were made by William Bennett.

Transition Plan for the City

Comments were made by William Bennett.

No action was taken on this item.

Barrier Free Construction

No comments were made on this item as it has all ready been discussed under Item 4A.

E. Formal complaints regarding ADA/Accessibility Compliance

Comments were made by William Bennett, Mary Castillo, Martin Walton, and Frank Lozano.

No action was taken on this item.

F. Plan Reviews

Comments were made by William Bennett.

No action was taken on this item.

G. Next Meeting Agenda, Date, and Location (12-17-2009 or 12-24-2009).

The next meeting will be on December 17, 2009.

Item 5. Announcements

Edgar Pulido made an announcement about an up coming signature collection.

Item 6. Adjournment

A motion was made by Mary Castillo, seconded by Martin Walton, and unanimously approved to adjourn the meeting at 2:59.

AYES: Olivia Chavez, Martin Walton, Manny Razo, Mary Castillo

NAYS: None

ABSTAIN: None

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Item 4. Discussion and Action

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There have been meetings with the Apartment Association and Volar. They are using a national data base that was established about ten years ago. All of the Bohannon Properties have been installed. It is not known if the other landlords have installed their apartments on the data base. 100 apartments had been inspected. They have already inspected over 200 apartments total. A few minor problems have been found and they are putting them on notice and giving them 30 days to correct the violations. One set of apartments had accessible units, but only one had a roll in shower, the rest had tubs. The construction occurred around 1994. They are looking into the date that they were required to install roll in showers. It was in the 2004 ordinance for sure, but it could have been in the 1994 or 1997 ordinance. If it was in the ordinance before the apartments were built, they will make them remove the tubs and install showers. They are accessible Type A with tubs instead of roll in showers. They got the units with seats, grab bars, and under the counters are clear, they just do not have the roll in shower. They have looked at all of Bohannon's. They are looking at the apartments that were built after 1994, so they should be compliant. The inspections are revealing that the accessible units are occupied. It is not known whether the units are occupied by able bodied individuals or individuals with disabilities, but it does not matter. If they are full they are full. The difference is that if Mr. Bohannon thinks that they are able bodied he gives them a discount. It would be interesting to know if they are really given a discount. He has said that he gives discounts. In order to make a decision, the committee needed to know what the effect is on the apartment, for the developers to make these five percent accessible and what they are losing. In order to determine this information it is necessary to see the rent history of the apartments. A letter has not been done yet, but is being worked on. The letter will be sent to the apartment association. How can a proper decision be made if the impact of the five percent is not known? It is just there word, without any proof. Another item under this, is that a petition has been proposed by Desert Adapt.

The petition reads "A Petition in Support of Accessible Housing for Individuals with Disabilities, TO: El Paso City Council

We the undersigned ask the members of El Paso City Council to support an amendment in the El Paso Building Code to require ten percent wheelchair accessible apartments with roll-in showers for all new construction. Currently it is extremely difficult for people with mobility impairments to find accessible apartments to fit their needs. People with disabilities, veterans, and older El Pasoans seek to live integrated in their community with dignity and independence.

PLEASE SUPPORT ACCESSIBLE INTEGRATED HOUSING!

Happy Holidays!

Thank you!"

What is wanted on this is the committee's approval and feedback to continue and begin distributing the petition for signatures. The wording is very good. Draft will be removed and signatures will be collected all through January. The six month deadline for council is March. Nothing special is required other than the name, address, and phone number. The proposed ordinance change was brought up at the Social Action Committee of Temple Mt. Sinai. Some people may know Rep. Lilly. The individuals on the committee are taking this up as a project. Ruth Braun knows a lot of people in the community and she is older and understands the need because she fell and broke a hip a while back. She was able to stay in her home, but had to make adjustments to her home to allow her to stay there. The Rabbi will be speaking about the issue during the service. No additional action is needed on this item at this time. Before the March meeting is gather the petitions and review all of the information gathered and maybe at that that time if warranted recommend to council that the number of accessible apartments be increased from five percent to ten percent. The Rabbi, when he found out what was happening, stated that the military is going to be coming in and there will be a need of more that five percent accessible housing. Is there a way to get statistics on troops that will need accessible housing? Not directly, but there is information on people who are veterans and are disabled and have physical disabilities and the percentages. These numbers can be broken down for El Paso. A statistician for the Veterans Administration sent numbers to Arne Schonberger and he is getting the numbers put together for El Paso. What is need is to get some of the Veterans Administration leaders to join us and provide backing. The VA has quarterly meeting that is coming up and Mary Castillo will attend. There is a Wounded Warriors Battalion that Mount Temple Sinai is also going to have a project with. They will be meeting with them to see what their needs are and will ask them about accessible housing. There was an article in the news paper that Chamber of Commerce that the ball had been dropped for selling El Paso as a retirement city. They are going to be spending a lot of money reaching out to the country The bulk of the article it talked about how El Paso had to be made ready it through accessibility. It may be something to find out who the individuals are and get them on board and make use of their resources of people. Last time of the meeting people had been found the day before. Next meeting with all of the people showing up the issue will go away. Mary Castillo met with Rio Monte Living Assisted housing that is from somewhere else north and they moved their facility here because a lot of snow birds are coming here. There population is from out of town. They could come to City Council and talk about it or make an affidavit to present to council. Or make it a part of their brochure they send out, that accessibility is one of the things that is being offered in El Paso. One of the problems was the issue, brought up by Susie Byrd, that the city is not getting affordable housing. That image that people that use wheel chairs are poor, which in not true. Some are and some aren't. Mr. Bohannon thought he would get a yes or no, but got the third option, which was an extension. He went on an pulled the permit and now he is building. He may have paid an extra fee for it. He had not pulled the permit. His plans were there and he never took them out under the process ready to be issued, and disagreed with the amount of the permit fees that were being charged. They worked that out, the permits were issued at five percent and they are under construction. There was an article about a month ago that said that there were developers in and out of town interested in constructing. Had people been looking into properties to buy? The answer had not been established yet. There were 100 developers at that meeting. Other developers from out of town are interested even at the five percent in it now because they know that it will be profitable. They showed available parcels of land at the meeting. There has been enough publicity that other builders or developers are interested. I sent out an article that of the top forty cities on economics, El Paso is number ten for having a good economy. El Paso

ranks with Dallas, Austin, Huston, San Antonio and some where else in Texas that are not as affected by the recession as other locations. Eric Reed is looking to see if there is something in the laws that once a certain level of access is established, for example five percent of the apartments, then it could not be reduced. He has not found the information yet. There is not a law. It is not a law, it may be a policy. No further action was taken on this item.

B Curb Ramp on Request Program

The application for next years funding is being worked on. The ramps using the stimulus funding are being installed. Ramps are also being installed using regular CD funding. There was \$270,000 plus given for stimulus funds for installation of curb ramps. Under this program eight to ten individuals are employed. This includes a six man crew full time and a supervisor the owner of the company, a couple of guys from the Street Department and me that are part time. The stimulus funds will install about 112 ramps. The regular funding will install about 250 curb ramps. There was about \$513,000.00 for construction on the regular funding.

No action was taken on this item.

Arne Schonberger left the meeting after this item.

C. Subcommittee reports on Goals and Objectives

Employment of People with Disabilities

Are there any openings at this time? There is still a freeze on hiring, but there are some positions that can or will be filled based on the need. The whole application process is all computer accessible. The open positions are listed on the City's web site and the application is filled out online. Some of the vendors have called stating that they could not fill out the application. The position has to be available. If the position is not available at this time an interest card or form can be filled out and when the position becomes available, the person will be notified and then the application can be filled out.

No action was taken on this item.

Taxi Ordinance

There is supposed to be a press conference to introduce the accessible taxis to the community. The Mayors office is working on this and it will be either the end of this month or toward the first on next month. Frank Lozano said that it is scheduled for November 30, 2009, from 11:00 to 1:00, at Volar Center for Independent Living on Golden Key Circle.

No action was taken on this item.

Sensitivity Training

This item is still being worked on. It will be for all city employees and will be able to be used by any group.

No action was taken on this item.

Transition Plan for the City

This item was approved to be presented to City Council last month. It will be necessary to find out how it will be presented. 1

No action was taken on this item.

Barrier Free Construction

No comments were made on this item as it has all ready been discussed under Item 4A.

E. Formal complaints regarding ADA/Accessibility Compliance

There was one complaint about a Wienerschnitzel having bad odors, which was referred to the Health Department. There were several about lack of curb ramps and they have been placed on the list. There was an article in the time yesterday about why they were putting curb ramps in a certain area. The person understood that they were needed but wondered why so much concrete was taken out. It depends on the existing slopes. Other complaints about the ramps is why they are installed and go no where. The reason is

because by law we are required to remove the barrier, but we are not required to install the sidewalk that goes with the ramp. Ultimately the sidewalk will be put in.

No action was taken on this item.

F. Plan Reviews

A couple of subdivisions have been looked at, but no facilities over the last couple of weeks. There is a meeting on a Park in a subdivision today. It was reviewed previously.

No action was taken on this item.

G. Next Meeting Agenda, Date, and Location (12-17-2009 or 12-24-2009)

The next meeting will be on December 17, 2009.

Item 5. Announcements

Edgar Pulido said that there are going to collect signatures for the apartment issue on December 12, 2009 at the Northeast Walmart. One of the radio stations will be there to assist.

Item 6. Adjournment

A motion was made, seconded, and unanimously approved to adjourn the meeting at 2:59 p.m.