

ACCESSIBILITY ADVISORY COMMITTEE MINUTES  
Engineering Conference Room, 4<sup>th</sup> Floor City Hall  
Thursday, December 17, 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	Mary Castillo
Mark Shoemith	William Bennett
James W Peterson	

The following visitors were present:

Constance Wanamaker	Lulu Contreras
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The following members and staff were not present:

Richard Sheldon	Rafael Hernando III
Manny Razo	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, October 22, 2009, and November 12, 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. Presentation and Survey by Advocacy Inc. on solicitation of input from the community regarding what services the client population needs/wants Advocacy Inc. to provide.
  - C. Curb Ramp on Request Program
  - D. Subcommittee reports for Goals and Objectives
    - Employment of People with Disabilities
    - Taxi Ordinance
    - Sensitivity Training
    - Barrier Free Construction
  - E. Formal complaints regarding ADA/Accessibility Compliance
  - F. Plan Reviews
  - G. Next Meeting Agenda, Date, and Location (1- 28-2010)
- 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 June 25, 2009, August 13, 2009, and August 27, 2009, September 3, 2009, October 22, 2009, and November 12, 2009.

Comments were made about the minutes by William Bennett.

A motion was made by Arne Schonberger, seconded by Olivia Chavez, and unanimously approved to approve the minutes of June 23, 2009, August 13, 2009, and August 27, 2009.

AYES: Arne Schonberger, Olivia Chavez, Martin Walton, 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 the proposed ordinance were made by Arne Schonberger, Olivia Chavez, Martin Walton, Mary Castillo, Mark Shoosmith, William Bennett, and James W. Peterson.

No action was taken on this item.

B. Presentation and Survey by Advocacy Inc. on solicitation of input from the community regarding what services the client population needs/wants Advocacy Inc. to provide.

A presentation was made by Candice Wannamaker and Lulu Contreras about Advocacy, Inc. Comments were made by Olivia Chavez, Arne Schonberger, William Bennett, Martin Walton, Mary Castillo, and James W. Peterson.

No action was taken on this item.

C. Curb Ramp on Request Program

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

No action was taken on this item.

D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

Comments were made by Mary Castillo, William Bennett, James W. Peterson, and Martin Walton.

No action was taken on this item.

Taxi Ordinance

Comments were made by William Bennett, James W. Peterson, Mary Castillo, Martin Walton, and Olivia Chavez on the accessible taxis.

No action was taken on this item.

Sensitivity Training

Comments were made by William Bennett, James Peterson, Olivia Chavez, Mary Castillo, and Martin Walton.

No action was taken on this item.

Barrier Free Construction

Comments were made by William Bennett, Mary Castillo, Olivia Chavez, and Arne Schonberger.

E. Formal complaints regarding ADA/Accessibility Compliance

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

F. Plan Reviews

Plan Reviews were commented on by William Bennett.

G. Next Meeting Agenda, Date, and Location (1-28-2010)

The next meeting will be on January 28, 2010.

Item 4. ANNOUNCEMENTS

Announcements were made. No action was taken on this item.

VI. ADJOURNMENT

A motion was made by Olivia Chavez, seconded by Mary Castillo, and unanimously approved to adjourn the meeting at 3:24 p.m.

AYES: Arne Schonberger, Olivia Chavez, Martin Walton, Mary Castillo

NAYS: None

ABSTAIN: None

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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, and August 27, 2009, September 3, 2009, October 22, 2009, and November 12, 2009.

The minutes for June 25, 2009, August 13, 2009, and August 27, 2009 have been sent to the members. The October and November minutes are not ready.

A motion was made, seconded, and unanimously approved to approve the minutes for June 25, 2009, August 13, 2009, and August 27, 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.

There is nothing new at this time. The letter/recommendation is still being worked on so that it can be sent to the Mayor and Council, so that they can send the letter out. Because of the bylaws we cannot send letters out for council members. We can only make recommendations to council and they can make requests. They will have to prove to council that the five percent is providing a financial burden, if that is councils wish based on the Committee's recommendation. The meeting should be coming up in March. There is a possibility that the item may be dropped. Partially because of the units that have been looked at, it does not appear that there are five percent and there appears to be a greater need than what is shown. The inspector who is looking at the apartment has seen that there is a greater need, not so much as people being in wheel chairs, but elderly individuals. The building official at one of the meetings that was attended could not believe that there was a desire to reduce the number of units. He would have thought that the number of accessible units would go up to seven percent. Another is that the rest of the building code is being reviewed to amend the other sections, not just Chapter 11. The objective is to wipe out the tome of local amendments and go back to using the building code. This would be for the administrative rules also and just have a few local amendments. Not reducing the number of units. It is thought that it is being found that the number of units constructed is less that what was required. They are checking each unit important. Are any of Mr. Bohannon's units deficient? Apparently they were and notices were sent out for them to correct the deficiencies. Would it be possible to get copies of the notices that are being sent out? It will be looked into. The six months till the meeting is March 8, 2010. The city is inspecting the apartments to figure out what is rented and what is left. It looks like the at least the five percent should remain. The committee needs to start preparing for the meeting. This will include the opening statement, setting up the power point, going through the information, and using the information about how they are looking at the future of becoming a retirement community and arrange for the different groups to show up to provide support. This needs to be done so that it is not a last minute effort. Then start getting the emotional stuff in by getting all the people in and showing the different type of disabilities that people have. It will be necessary to show what has been done by Volar and the Apartment Association and where they are in the process. At one of the meetings with Volar and the Apartment Association, they were talking about asking for a six month postponement because the work is not completed. There is a 681 unit apartment complex that has been submitted, another 100 unit complex that they are renovating, and another 350 from Bohannon Development. That will leave about 7000 apartments short. There are other apartment entities and developers that are coming into town, because they know that there is a need. The letter of agreement between Bohannon and the city, that says that it

may be able to change building codes. Someone can get the permit under one code and if it changes then the occupancy could be issued under the new or changed code. And so that after the six months they could go back and install tubs instead of the walk in showers. The problem with that is that they designed for the roll in showers and they would have to redo the plumbing to accommodate the tub. They could leave knock outs in the concrete that would allow this to happen. By the time they go in the 6 months have passed and then they could go in and complete the plumbing. Leaving the slab out of the bathroom and going back later is done in commercial construction quite a bit. When the tenant comes and decides what he wants then they can place the concrete. They could rough in for the tub and shower and hope that the ordinance passes and then they would only need to install the shower in two percent of the apartments. No matter how much it costs to change it to the tub he will probably pay it. If it is done properly, it would not cost anything to change from a shower to a tub. If a postponement is given, then they would have to commit to what they do. A postponement would be asked for at the hearing. The department will put the item back on the agenda. A City Representative would have to make a motion to postpone. If the developers are asking with you then there should not be a problem. If they are not with you, then the committee would need to ask. In addition to not only making the recommendation, a postponement would need to be requested. It could be put on the agenda in January that the committee has a recommendation to rescind the meeting, because by January it will be know if the survey will be done or not, so there would be no point to wait until the last minute. It is not required to provide a 30 day notice that there is going to be a public meeting. Three days notice that there will be a meeting. This item would be a revisit. So if they decide to introduce the ordinance it would be heard a week later unless they postpone the item. Would this committee make a recommendation that the item be postponed and put it on the agenda to answer the recommendation. If in January they had to vote on the point of changing any reconsideration of two percent five percent rule to be delayed six months after March? If they did that they could also come back a week later and say yes we are going to change it. It would be necessary to have someone put that on the agenda. It is not known if the administration would do that, it may have to be done by the City Rep. It would be an agenda item for discussion and action to postpone? It would be good to get the chamber of commerce people there to look at turning El Paso into a retirement community and that more time is needed to get the information needed and developing a plan. It does not seem like they are close to being finished with inspections on the apartments in Building Permits. They will probably not be done within the six month period. Mr. Bohannon would have to agree to the postponement and any other developers that are trying to change the ordinance. The Engineering Director will be asked if he is willing to put an agenda item on for postponement or maybe one of the representatives would be willing to put the item on the agenda. The progress on the survey of the apartments will be determined. There is going to be a meeting with Volar and the Apartment Association in January and there will be more information and if the Apartment Association and Volar are in agreement that more time is needed then a postponement will more than likely happen. Maybe a letter from the City to the apartment owners requesting information could be used to stall for more time. This way information about the apartments could be determined. They may not be complete with the study and there may not be enough information to make a decision. They are finding that the apartments are occupied and not vacant.

No action was taken on this item,

- B. Presentation and Survey by Advocacy Inc. on solicitation of input from the community regarding what services the client population needs/wants Advocacy Inc. to provide  
Constance Wannamaker is the regional managing attorney at the Advocacy Inc. office in El Paso. Lulu Contreras is one of the assistants in the office. Every three years Advocacy Inc.

has the priority and planning process. The priorities are looked at obtain input from the community to see whether the Advocacy Inc. is doing a good job and what kind of things should be focused on. Just about every area of disability law is worked on. A handout was given to describe the different areas covered. A lot of education and special education work is done. Projects are being done that relating to housing, for employment, different areas of employment discrimination, employment benefits, issues related to mental illness, individuals in institutions, voting rights, and a whole wide range of things. The Board of Directors have developed these priorities and this is what the cases chosen are based on. With the limited resources every single case can be taken. The office is called the protection advocacy agency for people with disabilities. Congress mandates that every state has to have a protection and advocacy agency and in Texas it is Advocacy Inc. Advocacy Inc. started in the 70's with congress looking at developmental disabilities council and from there over the years it has evolved into this T and A system called Advocacy Inc. The main office is in Austin and there are several offices throughout the State of Texas. The office here is the El Paso regional office. A flier has been given out that gives a very general breakdown on the current programs. The first one is developmental disabilities, where the focus is particularly on children's special education, seeking inclusion and the least restrictive environment. Some of examples that are being seen now are children with behavioral problems, as a result of their disabilities, are being given tests or that type of stuff and being removed from the classroom and secluded. So it is always advocated for the least restrictive environment (for the student.) There is also protection and advocacy for individuals with mental illness, the Pammy Funding. Advocacy Inc. works closely with providers, such as MHMR and different providers in the area, and the surrounding areas. The committee is probably aware of the recent changes in El Paso MHMR that is seeking funds. There are a lot of changes in consumer services so Advocacy Inc. advocates to give its clients appropriate services. Advocacy Inc. advocates to keep individuals in the community rather than in institutions, like the state center, nursing homes and the like. Protection and Advocacy of Individual Rights, PAIR Funding, covers general discrimination because of a disability, access issues, and that kind of stuff. The Fight Assistance Program is for individuals seeking services from the Texas Rehabilitation Commission, the Commission for the Blind, in those areas and Advocacy Inc. helps individuals access appropriate services. There is also a TPAT program for beneficiaries of Social Security benefits. A lot of times there will be an individual with disabilities receiving Social Security that may return to work on a program called the Ticket to Work and work for a certain number of hours and still receive their benefits, but may generate an overpayment and Advocacy Inc. will assist with that. A case needs to be disability related. There are advocates in Advocacy Inc.'s offices that are non attorneys, but there are also attorneys in all of the offices. The office in Austin is very involved in the legislative sessions. What is being brought and passed out to the committee is Advocacy Inc.'s survey. Every three years the Board sets the priorities for the work that is going to be done for the next three years. Advocacy Inc. tries to go out to the community to get the community's feedback. The forms are geared so that they can be answered for someone else, by the individual, or by the care provider. The forms were filled out and returned. An invitation was passed out to a focus group that is going to be held a week after New Years. It is an open forum so that more feed back can be obtained from the general public as to what the priorities should be and this is done in all of the cities where Advocacy Inc. is located. The forum will be on the 8<sup>th</sup> of January, from four to six at the El Paso Center for Children on Stevens. The surveys are also located on the Advocacy Inc web site [www.advocacyinc.org](http://www.advocacyinc.org). All of the services are provided free of charge. The surveys were fill out and returned. It was mentioned that maybe the survey could be sent out by Information Technology so that City employees could also fill out the survey.

No action was taken on this item.

C. Curb Ramp on Request Program

Ramps are being installed using stimulus funding. There have been 18 to 20 ramps installed so far. This amounts to about 10% of the funding so far. The next program cycle is coming up in January. JAR is installing the ramps and has dedicated crew to do the stimulus ramps.

No action was taken on this item.

D. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

There is a question about whether the contract applications are working or not. There was a position open that one of the agencies tried going to a contract position, and it is not sure what happened, but that everyone applied as a contract applicant. It is believed that the only individuals that are being hired now are contract positions, or maybe promotional which might be contract or might not. It is believed that there is a hiring freeze, but that some people are being hired on a contract basis. There was a condition. The information that was given to an individual to apply as a contract applicant wasn't accepted. They may not be hiring on a contract basis for all positions. It is needed to know who is being talked to in HR to find out what is going on. The person that came to one of the meetings a while back, Cleve Brooks may be able to answer the question. There is an individual here that was promoted from Sun Metro that is now in the Engineering Department. It is not known whether she is a contract employee or not. The federal government has come out with information on employment in the last few days and are showing it throughout the entire country that employment of people with disabilities is down compared to several years ago. Maybe some of the stimulus funding may be used for employment. It was sent out by Angela English of the Governor's Committee.

No action was taken on this item.

Taxi Ordinance

The official kick off of accessible taxis was this morning. The Mayor had a press conference. It was joined by Luis Chew of Volar, the taxi companies, Lulac Project Amistad, and Desert Adapt to go over all or the accessible taxis. There was a Lulac Lift there, a Sun Metro Lift Bus was there, two of the cab companies had their vehicles there. Sun City and Yellow Cab and Checker had their vehicles present. The press conference went pretty well. One of the items that was not discussed was that nobody asked what the cost would be. There are a couple of things. If someone calls from the airport for a cab, the person will pay the same price to get from the airport to the hotel or wherever the person is going as a regular fare. If the person is calling for a ride after hours, ten or so, the person may pay more or the person may pay the lift fare because Lulac is participating in the New Freedom Program. Lulac and Sun City Cab got some New Freedom's money. The reason they received the grants is because they are supposed to provide service which is beyond the ADA requirements of Sun Metro service. If the service is outside of Sun Metro's area, like somebody is in Horizon or Anthony or Canutillo, and they are ADA eligible, they should be able to request transportation under the New Freedom's program from Sun City or Lulac. Does an application have to be submitted? Right now the people that are taking advantage of the program are clients that have been certified with the lift. There is also one client that plans on eating menudo on the 31<sup>st</sup> of December to celebrate the New Year and will be out to one o'clock. He called to be picked up and he was told that it will be a trip that is eligible under the New Freedom's plan. People want to go out to bars and football games and don't want to leave before the end of the game. It is the same for baseball games or the movies. When a person calls, does he let them know that he is ADA eligible? He just has to call and let them know that he wants a trip under the New Freedom's program. Mr. Schenck is involved in the program. If a person is not lift certified, they can take the person to the

airport for the regular fare in an accessible cab. All of the taxi companies have contracted with Lulac to provide their equivalency, so if you call any cab company if there is not an accessible vehicle, then Lulac will be notified and will provide the ride on an overflow basis. This item will be taken off the agenda next time.

No action was taken on this item.

#### Sensitivity Training

This is still being worked on. There have been some good articles and putting it together. The training will be given to the city employees. It would have come in handy on Monday because there was somebody using a mobility device in the downtown area that was drunk and the Police Department pushed the mobility device with their vehicle to the downtown transfer center. That means that they did not know that a motorized wheel chair could disconnect the motor and have it in a neutral position, and if the gentleman was drunk the motorized wheel chair while operating it in the city street while intoxicated, the police instead of dumping him somewhere, they should have arrested him. Just like anybody else who is out in public drunk. The people at the downtown transit center would not board the individual because he had soiled himself. He was not in the Lift data base, but the Lift was called and they took the individual home. The police department does have an accessible vehicle so they could have taken the individual to jail.

No action was taken on this item.

#### Barrier Free Construction

There has been a request to go back and start looking at making all housing visitable or barrier free, with the five elements, a no step entry, lowered light switches, backing behind the walls in the bathroom, wide halls and doors. The Fair Housing Task Force should be doing or helping with some of this. They have had a hard time getting members and establishing a quorum. They are trying to change hours and maybe changing members. What was brought up at the Our Lives Conference is Las Cruces has a report that is about 500 pages and El Paso has a report that is eight or nine pages. What the Fair Housing Task Force does is study impediments to fair housing.

No action was taken on this item.

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

The Albertsons on Montwood has several problems. Several complaints were received on sidewalks that were broken. The doors on the elevators in City Hall seem to close very fast. This will be investigated.

#### F Plan Reviews

Several projects are in the works and are being reviewed as the design is progressing. CD projects are being worked on because the design money is available. .

#### G. Next Meeting Agenda, Date, and Location (1- 28-2010)

The next meeting will be on January 28, 2010.

#### Item 5. ANNOUNCEMENTS

The proposed apartment issue is going to be taken up at Temple Bethel. The Rabi is not in favor of lowering the number of accessible units.

Happy holidays were wished for everyone.

#### Item 6. ADJOURNMENT

A motion was made, seconded, and unanimously approved to adjourn the meeting at 3:24 p.m.