

ACCESSIBILITY ADVISORY COMMITTEE MINUTES
Engineering Conference Room, 4th Floor City Hall
Thursday, February 11, 2010
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:05 P.M. The following committee members and staff answered roll call:

Arne Schonberger	Olivia Chavez
Fred Gromand	Rafael Hernando
Manny Razo	Mary Castillo
Mark Shoosmith	William Bennett
James W Peterson	Alex Campos

The following visitors were present:

Leticia Jimenez	John Eger
Rhoda Tillman	

The following members and staff were not present:

Richard Sheldon	Martin Walton
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 September 3, 2009, October 22, 2009, and November 12, 2009, and December 17, 2009.
- IV. DISCUSSION AND ACTION
 - A. Election of Officers
 - B. 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.
 - C. Presentation by Fair Housing Officer about the office, Task Force Duties, and current Impediments to Fair Housing..
 - D. Curb Ramp on Request Program
 - E. Subcommittee reports for Goals and Objectives
 - Employment of People with Disabilities
 - Sensitivity Training
 - Barrier Free Construction
 - F. Formal complaints regarding ADA/Accessibility Compliance
 - G. Plan Reviews
 - H. Next Meeting Agenda, Date, and Location (2- 25-2010, or 3-4-2010, or 3-11-2010, or 3-8-2010, or 3-25-2010.)
- 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 September 3, 2009, October 22, 2009, November 12, 2009, and December 17, 2009.

Comments were made about the minutes by William Bennett. December 17, 2009, minutes are still being worked on.

A motion was made by Arne Schonberger, seconded by Mary Castillo, and unanimously approved to approve the minutes of September 3, 2009, October 22, 2009, and November 12, 2009.

AYES: Arne Schonberger, Fred Gromand, Rafael Hernando III, Manny Razo, and Mary Castillo.

NAYS: None.

ABSTAIN: None.

Item 4. DISCUSSION AND ACTION

A. Election of Officers

Arne Schonberger nominated Rafael Hernando III to be Chair. No other nominations were made. The vote was taken and Rafael Hernando was unanimously elected Chair.

AYES: Arne Schonberger, Fred Gromand, Rafael Hernando III, Manny Razo, and Mary Castillo.

NAYS: None.

ABSTAIN: None.

Arne Schonberger nominated Mary Castillo to be Vice Chair. No other nominations were made. The vote was taken and Mary Castillo was unanimously elected Vice Chair.

AYES: Arne Schonberger, Fred Gromand, Rafael Hernando III, Manny Razo, and Mary Castillo.

NAYS: None.

ABSTAIN: None.

B. 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, Arne Schonberger, Mary Castillo, John Eger, Leticia Jimenez, Manny Razo, James W. Peterson, Rhoda Tillman, Fred Gromand, Rafael Hernando, Olivia Chavez, and Mark Shoemith.

No action was taken on this item.

C. Presentation by Fair Housing Officer about the office, Task Force Duties, and current Impediments to Fair Housing.

Comments were made by Rhoda Tillman, William Bennett, Arne Schonberger, Rafael Hernando III, Leticia Jimenez, Olivia Chavez, and Mary Castillo.

D. Curb Ramp on Request Program

Comments were made by William Bennett, Leticia Jimenez, Arne Schonberger, Fred Gromand,

No action was taken on this item.

E. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

Comments were made by William Bennett and Mary Castillo.

No action was taken on this item.

Sensitivity Training

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

No action was taken on this item.

Barrier Free Construction

Comments were made by William Bennett.

No action was taken on this item.

F. Formal complaints regarding ADA/Accessibility Compliance

Comments were made by William Bennett.

No action was taken on this item.

G. Plan Reviews

Comments were made by William Bennett.

No Action was taken on this item.

H. Next Meeting Agenda, Date, and Location (2- 25-2010, or 3-4-2010, or 3-11-2010, or 3-8-2010, or 3-25-2010.)

The next meeting will be on February 25, 2010.

Item 5. ANNOUNCEMENTS

This is Arne Schonberger's last meeting.

Item 6. ADJOURNMENT

A motion was made by Mary Castillo, seconded by Olivia Chavez, and unanimously approved to adjourn the meeting at 3:35 p.m.

AYES: Arne Schonberger, Olivia Chavez, Fred Gromand, Rafael Hernando III, Manny Razo, and Mary Castillo.

NAYS: None.

ABSTAIN: None.

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- 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 September 3, 2009, October 22, 2009, November 12, 2009, and December 17, 2009.

The minutes of December 17, 2009, are not complete, but the others were sent out for review last week.

A motion was made, seconded, and unanimously approved to approve the minutes for September 3, 2009, October 22, 2009, and November 12, 2009

Item 4. DISCUSSION AND ACTION

A. Election of Officers

The election of officers is usually done in December, but was not put on the agenda.

Rafael Hernando was nominated and unanimously approved to be Chair. Mary Castillo was nominated and unanimously approved to be Vice Chair.

B. 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.

This item may be coming up in council this next month, but it is not for sure. The apartment survey being done by Building Permits is not complete. The recommendation to take the item to council and have it postponed was not done, because it is better to wait until it comes up and then request a postponement. What is wanted is to make sure all of the time is exhausted before it comes back up. The proposed ordinance may not come back up depending on other items. Is there a status of what Volar is doing? The Monday meeting was not attended by Arne Schonberger, Bill Bennett, or Rafael Hernando III. John Eger went to the meeting, but Luis was out of town. Maria Perez conducted the meeting. A lady from Fort Bliss was there, a lady from Bohannon's office was there. There was general discussion. Are there any numbers that show the need for accessible housing are going up or going down? The answer is not clear. A lot of people that are coming to Fort Bliss are going to need accessible housing. They will also bring individuals that have disabilities with them. They are expecting 80,000 people to be coming in to Fort Bliss. There does seem to be a lot of information on this subject, but someone at Fort Bliss should have the information on how many individuals with disabilities are coming into El Paso. There is no reason to believe that the number would be much different than what is in the general population. If it is 10 percent of the population then if 50,000 people come in it would be expected that 5,000 people would have disabilities. The soldiers may not have disabilities, but the wives and kids could. There are two departments at Ft. Bliss that the Transition Family Unit, that is in charge of bringing in the families of the soldiers. There is the Wounded Warriors that take care of the soldiers coming back from war and the Paralyzed Veterans of America, that does not have a strong presence in El Paso, but they are starting to get organized. Individuals from these organizations need to come to City Council to explain the need for accessible apartments. There was a meeting at Temple with the Wounded Warriors because of a project that is being done. They say they don't have a problem getting housing because they are living at a center where they stay for six months or longer. The families do come visit them or they get leave to go with the family and at that point they would need accessible housing, but they had not thought about that. There is a lot of issues for disclosure of the information about the number of individuals with disabilities. They will not tell you who they are, or how many, and they won't let you contact them. It is up to them to try to solve. Another thing is that El Paso is making an

effort to keep retirees here. It came out that El Paso is not being sold as a retirement city. The Sunday paper said that it had not even been thought of to have El Paso as a retirement city. It has been pushed as a retirement center for a long time. Who said it? It was the lady from economic development. Additional information, is that in 2030 when all the baby boomers will 65 or older nearly one in five U.S residents is expected to be 65 and older and is expected to increase to 88.5 million in 2050, more than doubling the number in 2008 which is 38.7 million. The population over 85 is expected to more than triple from 5.4 million to 19 million between 2008 and 2050. The data came from the Alliance for Aging Research. This information is not taking into account veterans or individuals with disabilities. That is where the census information will be important. The memo to mayor and council, that was requesting the information to prove financial hardship, is ready. There was no talk about getting the item postponed for another six months. The apartment association has not submitted information on how many accessible units are available and building permits has not completed the inspection of the accessible units. They are about 60 to 70 percent complete. There is one person working on the inspections part time in addition to other things. The data base has information on Bohannon's properties and Monterrey's properties only. No else has entered information. Ray Baca has one of his Type A units rented out. There are seven that have not been rented out. He is about 80 percent occupied. There are several properties being constructed. There is one being constructed on the east side that is not Bohannon's. There is a big complex going on in Northeast from an out of town developer. Every thing is about the same as it was three months ago. All of the information is not available and is probably not be complete when it goes back to council. What is being found is that the apartments are occupied whether with individuals with disabilities or not. They are occupied. The inspector upstairs is finding that there is a need for the accessible units. The individuals may not be using a wheel chair, but they are elderly or they have mobility issues. If there are over 70 thousand individuals with disabilities in El Paso, where are they living now? Are they living in their own houses? They are not living in accessible apartments because they don't have any accessible apartments available. Are they living in non accessible apartments or with relatives? There is a combination of different places that are being used. In order to impact the regulations, data needs to be shown for what is wanted. A majority of the Ready One employees live with either their families, in public housing, or some sort of subsidized housing. There is a small percentage of the individuals that live elsewhere. A survey can be made to determine who will or might be impacted by the ordinance amendment. At Ready One a lot of information is trying to be captured even though it is not being used. Listening to other initiatives, such as the health care issue going on in Washington, there is not enough data to provide adequate information. It is going to be important to capture the numbers, so that the information is complete. There was information from the Census provided. How many people that work at Ready One, living with their parents, looking for housing, and if they could find an apartment, they would move out? There is nothing around the Ready One facility to rent. The closest one is Bohannon's on George Dieter. They are just putting them up now. They are not even within walking distance. A person cannot be asked what type of disability that they have. Some of the data that is shown is whether a person has housing or not. It does not matter if there are numbers or not, this is not a shrinking city. It is a growing city. They may say that these people are not renting the apartments, but more people are moving here and with the awful weather that is occurring on the east coast, more people will be coming. A lot of people want to stay in their homes so they find a way to adapt the house. There is a reason why the five percent was adopted. Was there a study done back then to determine the need for five percent? The justification was that there was a shortage of accessible housing and that it was needed to catch up with the shortage. The two percent had not been enforced and that it was necessary to catch up

from the shortage. It was also because other places required five percent, the federal government, the state, and anyone using federal funding to construct apartments. It seems that because the city is giving breaks to the developers and that we get federal funding then they should be constructing five percent. The accessible apartments that are close to ready one would be rented pretty quick because of the need and proximity to the apartments. If transportation is provided from North East then there would not be a problem renting the apartments in North East. Part of the issue is transportation. A lot of the people who work use the lift. A speech therapist called Olivia Chavez and told her about a family that wanted accessibility in their apartment. The therapist was told to call Volar and that they could possibly help. The daughter needed an accessible shower. Apparently the person did call and got the information that was needed. The request was for an apartment in a certain area, because of transportation issues. Council chambers needs to be filled with people needing accessible apartments, so that when Mr. Bohannon or Baca says that they have a number of apartment, it can be shown that the apartments are needed in other locations. They are building in certain areas because of the military. The ordinance that was proposed for Chapter 11, had been taken care of in September. The items being proposed for the building code is for all of the other sections of the code (i.e. Chapters 1-10 and 12- ...) The newest proposal is not touching Chapter 11, except for the proposed change from five percent to two percent. If an exemption from TAS is granted, then it is accepted by El Paso. That is still in the proposed ordinance, as it was in the existing ordinance. There is not a change. The exemption from TAS does not exempt the builders from complying with the ADA. The ADA does not regulate apartments and TAS does not regulate apartments. The ADA and TAS regulate the public and common areas. The word from Bob Posey (Architectural Barriers Director) through the president of the Texas Registered Accessibility Specialist Association is that TDLR will not give a variance on new construction. If a construction project not done right, don't bother to send in a variance application, because it will be turned down, and the construction will need to be corrected. They will issue waivers or variances on items like existing structures build before 1990, that do not have a elevator. The waiver would be for a lift type device or a limited use limited access device lift. These are similar to elevators and have to meet the requirements also. On new construction a variance or waiver will not be given. The city applied for and was granted a variance a number of years ago to have the truncated domes on the curb ramps to be the two feet by the width of the ramp, which is how the proposed ADA Accessibility Guidelines is going to be when it is finally approved. The state standards were changed a couple of years ago to require the domes on the ramps in the right of way to be two feet by the width of the ramp or landing and if it is inside the facility, then it should be the full length and width of the ramp or landing. There may be statistics under the census information that tell how many individuals with disabilities own their own house or rent. The subject will be researched. Would Sun Metro have anything in the database that would indicate this number? They would and do have some information that could possibly be used. Statistical information was provided at one of the council meetings, based on the Sun Metro client data base. Just based on the lift clients, which wouldn't include any body else in the city, that there was sorely a lack of accessible apartments even at five percent. The total number of housing units that they needed to build to accommodate those customers in the Sun Metro data base at five percent is not adequate, then the number of apartments that are needed at two percent is very much inadequate. The council did not grasp what was presented. Just based on Ms. Jimenez's folks, 718, less than then half of those are 350 and at two percent then the city would need 17,500 units to meet the demand of the 350 people. At 5 percent they would need 7000 accessible units to provide units for 350 people. That is not counting elderly individuals. It is know that there are eight percent of the individuals with disabilities have mobility disabilities between the age of 16 and 64. Once you hit the

age of 64 and above the number jumps to 32 percent. There are also numbers on existing housing units in the city and those numbers, and with those numbers what council did not hear that there is a lack of accessible housing in the city. At the Phoenix apartments, it seems that there are a lot of people that ride the lift. These apartments were built after 1990. A lot of people who use wheel chairs live at the Phoenix apartments. Is it a regular apartment complex or is it constructed for individuals with disabilities? They are at 98 percent occupancy. It is the same with all of the apartment complexes. Mr. Baca stated that his apartments are at about 80 percent after 4 months. All of the apartments are going to be rented because there are other people coming in to El Paso in addition to the troops. The accessible units will be rented anyway. There have been meetings about every two weeks at Volar on Monday. There was one last Monday. In the code the number of Type A units can be reduced in accordance with section 1107.7. It is not included in the section. The way the units can be reduced under that section is based on topography. The code has been that way for a while. It has not been put on the agenda yet, but will probably be coming up. No action was taken on this item.

C. Presentation by Fair Housing Officer about the office, Task Force Duties, and current Impediments to Fair Housing.

Rhoda Tillman is the CDBG Contract administrator and also serves as the Fair Housing Officer. The Fair Housing Law is very interesting. Back in 1968 fair housing was a big issue with President Johnson and not discriminating in the choice of fair housing whether it was rental, sales, or mortgage financing. Martin Luther King was killed on April 4, 1968, and as a result of that, President Johnson stirred up congress's schedule and told them that he wanted the Fair Housing Act signed before King's funeral. President Johnson never got to assign the first secretary to Housing and Urban Development because he was out of office. President Nixon made the first appointment who's name was Romney, a senator from Michigan. As a result of the Fair Housing Act, the top section on the right of the handout has seven categories which cannot be discriminated against. These are race and color, national origin, religion, sex, family status, particularly families with children under 18, or pregnant women, and persons with disabilities. In reading where litigation has happened, one of the primary problems in renting is no children. In the booklet if someone puts in a formal complaint that complaint will be handled out of one of the regional offices. There are a few exemptions to the fair housing which are listed on the first page. When a claim is filed, typically it will end up in a fine. There was one of the apartments on Missouri where the landlord was fined because he advertised that no children were allowed. Before 1998 HUD came to Community Development and told CD that they wanted them to identify the impediments or the barriers to people's fair housing choice. As a result the CD staff, with input from the community, identified seven impediments. One of the suggestions was to create the Fair Housing Task Force. The Fair Housing is made up of nine voting and nine non-voting members. The Fair Housing Task Force was established by ordinance and a staff person was needed and that is how the Fair Housing Officer came to be. Who ever ends as the contract administrator also wears the Fair Housing Officer hat. The task force addresses the impediments, based on impediments that the community has submitted, looks to see if they valid, do research, and then try to find ways to address the impediments. There is no budget, but there are a lot of free handouts that the department gets, that helps to further the message of fair housing, what it is, and what it means. A little history, after Nixon was appointed, the staff for the Fair Housing had a gala at the Plaza in New York. There was a lot of publicity and enthusiasm at the time this took place. The Fair Housing Officer is involved with four major activities. One is that she is on the city's web site and in numerous other areas where people who think that they have a legitimate fair housing complaint can call and assist them in getting the information and if there is a

valid complaint will assist them in filling out the complaint form. This also provides an educational situation, because they feel they have a complaint and explaining the fair housing act they will understand that it is just a tenant landlord issue or they will not be able to get repairs done, and it is not actually a fair housing complaint. One year there were 137 calls, and it is sometimes hard to get to the bottom of what is really needed. Out of the 137 complaints, only 14 seemed to have a legitimate claim. They are told that this does take time because it is filed with the regional office and they have to do an investigation. HUD will investigate and will try to negotiate and try to come to some sort of agreement with the parties. They can go to federal court if an agreement is not reached. The Border Fair Housing and Justice Center is missed because they were able to work with individuals with fair housing complaints. Another area, other than being the fair housing officer and contact point, is that the office does affirmative marketing. This is important because the city gets HUD funding. There are a number of apartment complexes in the city that have been constructed using HUD funding. If the funding is for rehab the affordability of the complex is monitored for 15 years and if it is new construction it is monitored for 20 years. The department makes sure that the appropriate rents are charged because the housing is for low income families or individuals. Several new projects are being looked at in Northeast El Paso. Education and outreach is the third major function of the fair housing office. The office does fairs, ribbon cutting, and public speaking so that information gets out to the public. The fourth is manning and providing staff to the Fair Housing Task force. The task force has been active since 1998, and have tried different approaches. The task force is getting back up to speed. There was a problem with losing members and not getting them reappointed by the representatives. If there is a vacancy on the task force the Accessibility will be notified so that recommendations for the task force can be made by the representatives. The seven impediments are national origin, race and color, religion, sex, family status, and individuals with disabilities. There were eleven impediments that were identified and six of them have to deal with safe. One of the impediments was not finding enough housing or accessible housing. If you go to one of Bohannon's properties and the unit is rented to an individual that does not have a disability. There used to be 13 impediments and some of the impediments were combined and ended up with 11. One of the impediments to fair housing was predatory lending. Another was not enough units. Nimbysism or not in my back yard is one. This particular impediment came up the other day, on the west side where an individual wanted to change the zoning of a piece of land to build apartments and all of the neighbors said that it would create too much traffic. The list of impediments was developed from community input. The accessibility coordinator attends the fair housing meetings. The survey coming up will determine any other impediments. This is tied in with the apartment association and not knowing the number of accessible apartment units that are needed. There is a fair housing conference coming up. The impediments are brought up by community input and are updated periodically to determine if they are still valid. The task force will divide into subcommittees and will research and address the impediments. There are a couple of impediments that the whole committee will do the work on. The next taskforce meeting will be February 23, at 2:00 on the 8th floor. The information on the meeting will be sent out to the committee. No action was taken on this item.

D. Curb Ramp on Request Program

There is about \$110,00 left under the American Revitalization and Reinvestment Act (ARRA). It started out with \$256,000 for construction. 64 ramps have been installed so far. There will be about 44 ramps installed with the remaining funds. The curb ramp on request regular CDBG has had around \$39,000 spent, leaving about \$480,000 plus left. ARRA was concentrated on. The application for next years program has been submitted and there will some hearings pretty soon in front of the CD Steering Committee to

determine how much will be given for next year. When an individual requests a ramp, the intersection is put list in first come first serve basis, for up to eight per person, and when the money runs out, the remaining ramps are carried over for the next year. There is an application on line that can be filled out and sent in or just call and the ramp will be put on the list. There are certain rules that we are going by. If there is not an existing sidewalk a ramp will not be installed or if there is an existing ramp that is not compliant it cannot be replaced. If all that is missing is the truncated domes, we have installed the truncated dome tile to make it compliant. That rule was suspended by the Federal Government for a while. That is why you may see the ramp, but it doesn't have the contrasting color and domes. If the ramp is on a Sun Metro route, Sun Metro can install ramps under their program. The street department also installs ramps on resurfacing projects as required under the ADA. They also have some funding to install ramps at locations where there is an extreme need. There are four programs that put in ramps. If a request comes in on a state highway the request is sent to TxDot, on a Sun Metro route it is forwarded to Sun Metro, and I let it sit on my list until it gets done. A problem that occurred with the ARRA list is that the requested ramps are not looked at until the beginning of the year and just before construction was about to begin and it was discovered that ramps had already been installed at some of the intersections. Ultimately an amended list will probably have be sent to HUD so that corners can be added in order to complete spending the money. Previously HUD had not required the list in advance and construction continued with corners that came in during the year.

No action was taken on this item.

E. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

The number of contract applicants that the city is using is being worked on and they will get me the information. The Governor's Committee sent out an email that the federal government is putting out some new incentives to hire individuals with disabilities.

No action was taken on this item.

Sensitivity Training

This is still being worked on and am hoping to have something put together this next month. Some additional duties have been added to what I have been doing. Most of the information has been gathered and it just needs to be put together. People first language is one of the first items that will be covered. Then there will be different situations on how to treat people with disabilities. It is a lot of the same type of information that was presented to council. The goal will be to start presenting the information to employees on a regular basis.

No action was taken on this item.

Barrier Free Construction

This item has been looked at under the building code issue. After the apartment issue is completed maybe it is time to look at trying to make all housing barrier. There are five items for the construction of barrier free housing. Two or three of the items are already required under building codes.

No action was taken on this item.

E. Formal complaints regarding ADA/Accessibility Compliance

There have not been any formal complaints submitted in writing. There have been a couple of complaints on parking. One is that the signs have been removed from the accessible parking spaces. Another complaint was that the sign had been installed but, an access aisle was not installed. There was a lady that called to find out about reasonable accommodation from one of the school districts.

F Plan Reviews

A few plan reviews have been done. The majority of plans are being sent in on the computer and the review is done on the plans and comments are saved. The program that is being used is called Project Dox. Several subdivisions have been reviewed. One of the issues is at street crossings in subdivisions. The accessible route cannot exceed 2% cross slope. The option is to not cross at every intersection.

G. Next Meeting Agenda, Date, and Location (2- 25-2010, or 3-4-2010, or 3-11-2010, or 3-8-2010, or 3-25-2010.)

The next meeting will be on February 25, 2010.

Item 5. ANNOUNCEMENTS

This is Arne Schonberger's last meeting.

Item 6. ADJOURNMENT

A motion was made, seconded, and unanimously approved to adjourn the meeting at 3:35 p.m.