

## ACCESSIBILITY ADVISORY COMMITTEE MINUTES

Engineering Conference Room, 4<sup>th</sup> Floor City Hall

Thursday, March 25, 2010

2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:08 P.M. The following committee members and staff answered roll call:

Rafael Hernando	Karen Pharr
Manny Razo	Mary Castillo
Mark Shoemith	William Bennett
Jim Frazer	James W. Peterson

The following visitors were present:

None

The following members and staff were not present:

Olivia Chavez	Fred Gromand
Richard Sheldon	Martin Walton
Alejandro Campos	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 December 17, 2009, and February 11, 2010.
- 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
    - Sensitivity Training
    - Barrier Free Construction
  - D. Formal complaints regarding ADA/Accessibility Compliance
  - E. Plan Reviews
  - G. Next Meeting Agenda, Date, and Location (4-
- 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 December 17, 2009, and February 11, 2010.

The approval of minutes will be postponed until next meeting. They are not ready.

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 William Bennett, Jim Fraser, Rafael Hernando, Mary Castillo, Manny Razo, Karen Pharr, James W. Peterson, and Mark Shoesmith.

No action was taken on this item.

B. Curb Ramp on Request Program

Comments were made by William Bennett and James Fraser.

No action was taken on this item.

C. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

Comments were made by William Bennett, Mary Castillo, and Jim Fraser.

No action was taken on this item.

Sensitivity Training

Comments were made by William Bennett and Jim Fraser.

No action was taken on this item.

Barrier Free Construction

Comments were made by William Bennett, Rafael Hernando, Karen Pharr, and Jim Fraser.

No action was taken on this item

D. Formal complaints regarding ADA/Accessibility Compliance

Comments were made by William Bennett, Mary Castillo, James Peterson, Jim Fraser, and Rafael Hernando.

E. Plan Reviews

Comments were made by William Bennett, and James Peterson.

G. Next Meeting Agenda, Date, and Location (4-

The next meeting will be on April 22, 2010, in the 7<sup>th</sup> floor conference room.

Item 5. ANNOUNCEMENTS

Announcements were made by William Bennett, James Peterson, and Rafael Hernando.

Item 6. ADJOURNMENT

A motion was made by Mary Castillo, seconded by Manny Razo, and unanimously approved to adjourn the meeting at 3:10 p.m.

AYES: Rafael Hernando, Karen Pharr, Manny Razo, Mary Castillo

NAYS: None

ABSTAIN: None

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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.

On April 6, 2010, this item is going in front of City Council. The way it reads is "Discussion and action on the requirements of Title 18, Chapter 18, Building Code, Section 18.08.170, Accessibility for People with Physical Disabilities in the City of El Paso Code pertaining to the required number of multi family dwelling units that must meet the Texas Accessibility Standards and more specifically as follows:

A. Overview of the September 8, 2009, City Council action on the ordinance amending these requirements and the direction provided.

B. Summary of the audit conducted by Development Services Department on all multi family complexes, subject to these requirements.

C. Status on creation of a real time data base on ADA units by Volar and the Apartment Association."

The item will be on council April 6, 2010, This is where they are proposing to reduce the number of accessible units from five percent to two percent, which is a standard under the building code. There are places that require five percent or even higher. El Paso has required five percent since 1987. It was truly enforced probably until 1996 when there was a study done that showed that there were no completely accessible units. There is a study being done now. Fort Bliss is playing a roll in the development of the need for apartments. The development community went to the City Manager and told her this is what we would like to see to make construction of new apartments more cost effective. The reduction of accessible units is one of 22 items that they requested. In September, the City Council started the process to change the ordinance. The disabled community presented their information. City Council said come back in six months and prove to us there is a huge need, because the development community is saying that they are not renting the accessible apartments and they cannot be used. Development Services took the ordinance and amendment to council. Other items council wanted was for the Apartment Association and Volar to set up a real time data base to track the available accessible apartments. There is a national data base already that can be used at no cost to anybody. Only one group of apartment owners or developers have signed up on the data base. It is the developer's choice to sign up or not. At the last meeting for fair housing, it was determined that the city will do a study to determine the impediments to fair housing. The city, Developments Services, has been doing a study to determine the number of accessible apartments that have been constructed in the city. There will not be analysis of impediments will not be complete by the 6<sup>th</sup>. The purpose of the public meeting that was held about four weeks ago was to determine if there are additional impediments to fair housing that need to be analyzed. The Boarder Coalition to Stop Housing Discrimination has sent a letter to the Mayor and Council requesting that any action on reducing the number of accessible apartments be postponed until all the impediments to fair housing have been identified and analyzed in order to determine if two percent is adequate. Building Services has a study of all the apartments, which is almost finished, to determine if the are actually five percent are accessible for units build after 1994. What they have also determined is that all of the accessible units are occupied by individuals, with or without disabilities. The developers clamed that the accessible units were not occupied and it was creating a burden or financial hardship. With all of the units occupied, there is not a real financial burden. There are about 50 units left to inspect.

The one new apartment complex in the northeast, Ray Baca's, at the time of the hearing was occupied at about 10 percent, was 100 percent occupied in February or March. One of the individuals uses a wheel chair and one is elderly. The others he is not sure that the individuals need the accessible unit or not. One of the individuals has requested to be moved when an apartment comes available. The way the item is worked, they may not be able to decide on a reduction on the 6<sup>th</sup>. Victor Torres sent the agenda item and asked to have someone from the committee or Volar to appear and address item C. The Border Coalition is saying that it is a problem to reduce the number of accessible units without having an analysis of the impediments. One of the impediments would be the lack of accessible units for individuals with disabilities, specifically mobility disabilities. In the City of El Paso approximately 20 percent of all individuals have some form of disability. Of that number about eight percent have a mobility disability. The total is around 80,000 people. Where are these people living? It is not just individuals with mobility disabilities, but also individuals that are aging. The elderly population is going to triple by 2030. How many of the apartments are occupied by individuals with disabilities? The number is not known because it is not permitted to ask whether an individual has a disability or not. What Bill Stern has observed is that there are not so many in wheel chairs, but individuals that are seniors, people who use walkers, individuals that would have difficulty getting into a tub versus going into a shower. The Border Coalition for Fair Housing is having a Fair Housing Summit on the April 7<sup>th</sup>, the day after the council hearing, but it should be interesting. Registration is free and can be found on line. The second part of the flier is the registration form. One of the items that will be discussed is the reduction of accessible apartments. Volar was doing a study using an America Corp volunteer, but the information is not available yet. It should be ready for the Summit. The council hearing will be for gathering information and giving staff direction as to what to do next. They will have to submit an amendment. The item should not read whether the units comply with the Texas Accessibility Standards. It should that it complies city code accessibility standards. They cannot adopt an ordinance. They can give direction to submit an ordinance. The committee has recommended that the number of accessible units not be reduced and has also recommended that the developers be required to prove that they are facing a financial hardship. Community Development is in the process of putting out a RFP to determine the availability of accessible units and the need for these units. HUD does the enforcement of fair housing. They just finished an audit of the Housing Authority. They are going to have to modify 239 or so apartment units had to be modified to make them accessible. There are several different apartment units being built. Two of the individuals who are constructing apartments in town are from out of town. Community Development is going to hire a company to do the analysis of impediments. What was done in the past on the Fair Housing Task Force was that each district has an individual appointee and the mayor has an appointee similar to this committee. The impediments that had been identified were distributed to different sub committees and the sub committees researched the impediments. A few of the impediments were reviewed by the whole committee. These two committees need to push to get the impediments analyzed. The Fair Housing Task force has not had a quorum for the last four years because members had not been appointed by the Mayor and or Council. In the last six months there have been three meetings and four were canceled. It is like this committee. If the council members are not reminded continuously, they will not appoint members. They are looking to hire a company to do the analysis of impediments. The request will be put out by purchasing and advertised. The applicant that is best qualified and the least expensive will be awarded the project. Currently there are 11 or 12 impediments that have been identified. Six of them deal with individuals with physical accessibility issues. Affordable housing for the disabled is

also on the list, but as has been determined it is not really an issue. There was a meeting two weeks ago with the stakeholders at Volar, but Mr. Bohannon did not show up. There maybe another meeting before the item goes to council. At one of the meetings he stated that he is only speaking for himself, and not the rest of the developers. On the sixth. Council will give direction as to what they want done. If they want the ordinance amended the amendment will be drafted, introduced and a week or two later council will vote on the amendment. The committee has already made its recommendation on this item.

No additional action was taken on this item.

#### B. Curb Ramp on Request Program

This is a program that has been around for nine years. People request ramps in the right of way and the ramp is put on a first come first serve list, and if the location meets certain requirements (existing sidewalk, no ramp at the present time, etc.) then the ramp will be installed when funding is available. There are about 9,000 ramps that are needed to be installed throughout the city. Two crews are working. One crew is using stimulus funding and the other is using regular CDBG funding. The stimulus is about 60 percent complete and the regular funding has between 12 to 15 percent completed. Sun Metro has put in a bunch of ramps. They had \$500,000.00 this year that they have already spent. The Street Department resurfacing program, is putting in a lot of ramps. CDBG funding total for next year is about \$30 million, and all they have that can be distributed is about \$3 million. I am asking for \$500,000.00, but there is a good possibility that I will not get that much this year. The funding can only be used in the public right of ways and not on private properties. We have put ramps in at cross walks at schools. What is mostly done with the funding that is received, is the installation of ramps in residential districts which are the lowest priority of the ADA. The larger streets are usually have ramps installed by Sun Metro, the Street Department, or TxDot if on a highway. TxDot has installed ramps on most of Dyer, the Gateways, and they are working on Mesa. They will put the curb ramp in, but in a lot of cases there will not be a sidewalk attached. If there is not a sidewalk in place, curb ramps will not be installed using CDBG funding. CIP funding to install sidewalks and curb ramps where there is not a sidewalk.

Applications for the Curb Ramp on Request Program and the Audible Pedestrian Signal program have been submitted and there should be a decision on the amount of funding to be granted in the next month or so. Then it will go to council for approval.

No action was taken on this item.

#### C. Subcommittee reports for Goals and Objectives

##### Employment of People with Disabilities

Is it known how many people are working on contract with the City? Still trying to find out, but there are a large number of people working for the city on contract. There is a permanent employee in engineering that uses a wheel chair. She is a permanent employee and was promoted to the position after passing a test. We are looking at how many were hired on contract and how many were hired based on disability.

No action was taken on this item.

##### Sensitivity Training

The training is still being worked on. Hopefully it will be completed soon.

No action was taken on this item.

##### Barrier Free Construction

This item is included with the apartment issue. The other thing that is being looked at is universal design for all housing where it is visitable. This would include a no step entry, a doorway that is 36 inches wide, light switches at 48 to 54 inches, 15 inches on the

outlets, 36 inch doors into bathroom, 36 inch hallway, and blocking behind the bathrooms that grab bars can be added when needed. Building permits reviews the commercial plans and apartments for compliance with the building codes and TAS. The state also requires an inspection for TAS from a Registered Accessibility Specialist for the commercial facilities and the common areas for apartments. Federal buildings are exempt from the Texas Standards, but must comply with the Uniform Federal Accessibility Standards.

No action was taken on this item.

D. Formal complaints regarding ADA/Accessibility Compliance

There have not been any formal complaints. There was a verbal complaint that a sidewalk and curb ramp had been removed in a private area. They had removed an accessible route that allowed access to a swimming pool. They are looking into what will need to be done to reinstall the accessible route, so that the individual that wants to sit by the pool. It a planned unit development with single family dwellings which are single owned. They have common open areas, which fall under ADA for individuals in the community and their visitors. The driveways and sidewalks in the public and private parking areas are about to be worked on to correct slope issues and accessible route issues. There was a complaint about an elevator not working, which is really a code enforcement issue. There was one about an automatic door opener not working, and the door is heavy. Because it is an exterior door the opening force is not regulated. There are not too many PAR officers any more, so who would enforce parking on sidewalks? The code enforcement/building permit inspectors used to do some parking on sidewalk enforcement. Usually on Saturday sweeps. If we were with P.D., the vehicle was towed if no one was around. A citation was issued if the vehicle owner was present. Call the regional command center to report the violation. The volunteer parking patrol issue citations to people who park in accessible parking spaces without the proper tags.

E. Plan Reviews

One street and drainage project was submitted to be reviewed. There have been two buildings that are about to go out to bid. They were reviewed by a Registered Accessibility Specialist. There are three sets of buildings, the transit terminals that are under construction. The one on the west side is about to open on Sunday. The lower valley transit terminal is under construction as well as the Glory Road transit terminal. They are installing sidewalks and curb ramps on the Remcon and Mesa for the Westside Terminal so that it can be accessed by pedestrians. The street is being redone. There are going to be some more plans coming out because design firms have been hired. There are some projects that the Accessibility office is about to put out for city facilities to remove barriers.

G. Next Meeting Agenda, Date, and Location (4-

The next meeting will be on April 22, 2010, in the seventh floor conference room. Usually the meetings are held in the 4<sup>th</sup> floor but the engineering conference room is being used.

Item 5. ANNOUNCEMENTS

Ms. Pharr was welcomed to the committee. The Border Fair Housing Conference will be held on the 7<sup>th</sup> at the Community College Conference room on Viscount from nine to four.

Item 6. ADJOURNMENT

A motion was made seconded and unanimously approved to adjourn the meeting at 3:10.