
PUBLIC MEETING MINUTES



Commission on Disability Concerns Thursday, December 02, 2010 at 6:30 p.m. Tempe Library, 2nd Floor Board Room 3500 S. Rural Rd.

REVISED MEETING MINUTES

Public Appearances: The Commission on Disability Concerns welcomes public comment at this time only for items listed on this agenda. There is a *three-minute time limit* per citizen.

* Note: At this time there are 9 members on this Commission.

(MEMBERS) Present: Chair Ed Mitchell, Co Vice-Chair Chelsea Chamberlain, Co Vice-Chair Frank Emery, José De la Torre, Martha Ashburn,

(MEMBERS) Excused Absence (notification): Kristoffer Kiefer, Aaron Edgell

(MEMBERS) Unexcused Absence (no notification): Tom Ringhofer, Nora Nuñez

Staff Present:
Karl Stephens, ADA Compliance Specialist

Guests: None

Public Appearances: None

Meeting Called to order: **6:30 pm**

1. Consideration of Meeting Minutes: 11/04/10 draft Commission minutes. [Motion to approve – José; second, Martha; unanimous vote.](#)
2. Status of Amendment to TCC 19-93: Martha Ashburn – [members reviewed draft revisions to City Code 19-93 with some discussion. The decision was to table this topic until the January meeting, after Martha and Ed have a chance to meet with the COT City Attorney later in December to discuss these draft revisions.](#)

3. Summary and outline of AZ Open Meeting Law: Related to Commission use of Strategic Work groups/Task force(s) to address needs and services of disabled community. Martha Ashburn – After considerable discussion, José made motion to approve, Frank second; unanimous vote to approve Procedural Guidelines for Project workgroups with additional language noted in blue in attachment 3 below.
4. Commissioner's Reports on Projects and interest:
 1. Downtown Tempe Accessible Parking: Review of discussion about Downtown Tempe Community (DTC) not providing enough accessible parking. The issue is more complicated than simply counting marked accessible spaces in DTC area. Ed will spend more time on issue later in January.
 2. Accessibility for Special Events update: No new update. Staff working on project to determine what best practices are in use in similarly sized communities in the nation. Frank interested in providing assistance as time allows with his busy season approaching. After discussion and motion by José, second by Martha, unanimous vote to establish Best Practices Project Research Group chaired by Frank Emery. Scope of work to determine what other cities are providing related to Special Events accessibility standards.
5. Update on architectural compliance concerns: SW Business Center – Discussion of the scope of the accessibility needs at this site and the need to get the City involved. Staff to continue to try to get pertinent contact information for the SW Business Center staff.

Additional discussion of need to thank the staff of the Fry's Store at Rural & Southern for the accessibility improvements made during the recent renovations. Motion by Frank, second by José, unanimous vote to send thank you letter to store Manager.

6. Prioritize and plan for COT Departments updates to Commission: Discussion about the priority list for coming year to have short presentations by the following groups to update the Commission about accessibility concerns related to their programs. Motion to approve Chelsea, second José, unanimous vote.
 - 6.1 Development Services – Michael Williams
 - 6.2 Public Works – (curb cuts)
 - 6.3 Parks & Recreation
 - 6.4 Downtown Tempe Community
 - 6.5 Special Events
 - 6.6 Tempe Community Council
 - 6.7 Education: Tempe Union High School Dist.; Tempe Elem. School Dist.
 - 6.8 Transportation
 - 6.9 ASU – ADA

7. Diversity/ADA Office Updates: ADA Compliance Specialist Updated Plan of Work – [Plan of work in Item Number 7 Attachment](#)
8. Adjournment: 7:45 p.m. Motion to adjourn, Frank; Chelsea, unanimous

According to the Arizona Open Meeting Law, the Commission may only discuss matters listed on the agenda. The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. Persons with disabilities may request reasonable accommodations with a minimum of 5 business days advance notice by calling 480-350-2704 (voice) or 480-350-2750 (TTY)

Item Number 2 – Attachment

Status of Amendment to TCC 19-93: Martha Ashburn

Sec. 19-93. Restricted parking areas reserved for the physically disabled; penalty.

(a) No person shall stop, stand or park a vehicle, or direct a vehicle to be parked, in a restricted parking area unless the vehicle has displayed thereon the international symbol of access special plates that are currently registered to the vehicle or a valid placard issued pursuant to state law. The provisions of this section shall not prohibit the driver of a vehicle without a placard or the international symbol of access special plates from temporarily stopping in a restricted parking area in accordance with other parking regulations while actually engaged in loading or unloading a physically disabled passenger.

(b) No person shall stop, stand or park a vehicle in such a manner as to block or deny access to an unoccupied restricted parking area, except that this provision shall not prohibit the driver of a vehicle from temporarily stopping in accordance with other parking regulations for the purpose of and while actually engaged in loading or unloading physically disabled passengers.

(c) No person shall stop, stand or park a vehicle, including a vehicle displaying international symbol of access special plates or a placard, in the access aisle of a restricted parking area.

(d) It is unlawful for a person to stop, stand or park in a restricted parking area any vehicle that displays a placard that is altered, forged or counterfeited.

[\(e\) It is unlawful for any person to block, use or otherwise occupy a restricted parking space in such a manner as to block or deny access to a vehicle displaying thereon the international symbol of access special plates or a valid placard issued pursuant to state law.](#)

[\(f\) It is unlawful for an owner of real property or other person responsible for real property, to allow a restricted parking space to be blocked, used or otherwise occupied in such a manner as to block or deny access to a vehicle displaying the international symbol or access special plates or valid placard issued pursuant to state law.](#)

[\(g\) It is unlawful for any person to block egress of any vehicle properly parked in a restricted parking space or for an owner of real property or other person responsible for real property to allow the egress of any vehicle properly parked in a restricted parking space to be blocked.](#)

(h) This section shall apply to those restricted parking areas that are clearly identified with the internationally accepted symbol of access, either by a clearly visible permanent sign that is mounted on a stationary post or object, or clearly painted within the boundaries of a parking space, or both.

(i) For the purposes of this section, the following words shall have the meaning given herein:

(1) Access aisle means a designated area within a restricted parking area that is marked by either spaced, crosshatched or diagonal stripes or a distinctive change in color or material, and that leads to an accessible route of travel.

(2) Placard means a permanently disabled removable windshield placard or a temporarily disabled removable windshield placard as defined in ' 28-2409, Arizona Revised Statute.

(3) *Restricted parking area* means a parking space and, if available, an access aisle set aside and identified for use only by persons with physical disabilities.

(j) A violation of subsection (a), (b) or (c) of this section shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not less than two hundred fifty dollars (\$250). A violation of subsection (d) of this section shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not less than three hundred dollars (\$300). If a person cited under subsection (a) provides the court with acceptable proof of a placard, and this proof is provided prior to, or at, any scheduled hearing, then the court may reduce the fine to an amount deemed appropriate by the court. (Ord. No. 86.45, 7-10-86; Ord. No. 2000.09, 2-10-00; Ord. No. 2009.31, 9-10-09)

Item Number 3 – Attachment

Summary and outline of AZ Open Meeting Law: Related to Commission use of Strategic Work groups/Task force(s) to address needs and services of disabled community. Martha Ashburn

Tempe Mayor's Commission for Disability Concerns Proposed Guidelines for Project Groups (Work Groups, Task Groups, etc.)

Procedural Guidelines for Project Groups

1. A Commissioner or Resident of Tempe submits idea for project to Commission.
2. The Commission, by majority vote, agrees that project is appropriate for the Commission and then takes action on the following:
 - A. If project submitted by Commissioner, the Commission, by majority vote, agrees that Commissioner heads that specific Project Group.
 - B. If project submitted by Resident of Tempe, any Commissioner can request to head the specific project, subject to ratification by majority vote of the Commission: or
 - C. The Commission can, by majority vote, designate a Commissioner to head the specific project. Said designated Commissioner may decline appointment. **In the event that no Commissioner will volunteer to head the project or accept the assignment the project will be tabled for no more than three months to determine if there is a Commissioner that will agree to head the project.**

Guidelines for Project Groups:

1. A specific Project Group is created for the period of six months subject to extension by majority vote of the Commission.
2. The Commissioner who is head of a Project Group must submit a monthly summary of the project by the Project Group at each Commission meeting. **Such report should be in writing, but may be verbal under approved circumstances.**

3. No more than two Commissioners may serve on any one Project Group.
4. No more than two Commissioners may be present at any Project Group meeting, function or activity. If more than two Commissioners wish to attend any such function, the Commissioner who is head of the Project Group must, in a timely manner, furnish that information to Staff so that the City Clerk may publish notification of such meeting.
5. The Commission and therefore each Project Group is an advisory body. Therefore no action may be taken by the Project Group without prior ratification by majority vote of the Commission.
6. The Commissioner who is head of the Project Group may recruit volunteers from the general public, expert witnesses, City Staff or from any other source. Each of those volunteers must be informed that the Commission and Project Group is advisory only and no action can be taken without ratification by the Commission.

Item Number 7 – Attachment

ADA Compliance Specialist work plan related to increased hours.

City of Tempe
31E. Fifth Street
Tempe, AZ 85281

480-350-2905
<http://www.tempe.gov/diversity>

Diversity Office

To: Jeff Kulaga, Assistant City Manager

CC: Mayor and City Council
Charlie Meyer, City Manager

From: Rosa Inchausti, Diversity Administrator

Date: September 28, 2010

Subject: **Updated: Work Plan Proposal for Increased ADA Hours through Residual Parking Fund**

In response to your request for a work plan proposal for the increased ADA Accessibility Specialist hours, I thought it would be helpful to first provide an overview of the position and its current responsibilities.

I. History:

The position was approved by the Mayor and City Council in 2004, as a .5 FTE and was hired in June, 2005. The first important responsibility of this position was to perform an ADA assessment of

all departments to determine compliance and/or areas of improvement as determined by the Department of Justice Title II. Title II of the Americans with Disabilities Act (ADA), which covers state and local governments, requires that each municipality complete a self-evaluation of the accessibility of its programs and services that are offered to the public. An ADA Task Force was assembled in December, 2005, comprised of a representative from each city department. A year-long comprehensive evaluation was conducted with a final report presented to Council in January, 2007. Additional accomplishments and duties of this 20-hour position since its inception include:

- Researched and created an online Department of Justice ADA Grievance procedure and Notice of Compliance Standards.
- Established a TTY communication network for the City. Provided staff training and purchased necessary equipment.
- Created the *Access Tempe Disability Guide*. The guide was designed to educate Tempe residents and visitors about the accessible features of the many public facilities, businesses, and amenities in our city. While a few larger cities such as San Francisco and San Diego have such a brochure, Tempe was the first of its size to create such a guide. The creation of this guide involved many staff hours of physically inspecting each participating restaurant, hotel and store to verify true accessibility.
- Established and manages the City of Tempe Lockbox program.
- Established and manages the Vial of Life Program.
- Serves as staff liaison to the Mayor's Commission on Disability Concerns.
- Coordinates the annual City of Tempe Disability Awards Program.
- Staffs the ADA hotline, which is a primary contact for all disability issues in the community.
- Conducts weekly plan reviews for new construction in private industry.
- Provides expertise to Special Events Task Force.
- Conducts site visits for City and private projects, as needed, often with code enforcement or City project managers in need of assistance on ADA concerns.
- Serves as a safe haven to the workforce on ADA accommodations; partners with other departments and unions to resolve reasonable accommodations requests.

II. Work Plan Proposal for Additional 10 hours

You have requested the following information for the work plan proposal:

"Priority tasks, expectations, timeline of tasks and milestones, collaboration with other departments and commissions, accountability, and defined achievements."

1. Priority Tasks, Expectations, Timeline and Milestones

The following items are expected to be completed by the end of FY 11/12, at which time new priorities will be determined:

- A. Review and update the 2007 ADA Task Force Report (per Dept. of Justice expectations for current 5 year plan). Requires extensive interaction with all City Depts., and Mayor's Commission on Disability Concerns.
 1. First meeting with Dept. Reps. in January, 2011 to discuss needs assessment.
 2. Updated Survey materials to Depts. in March, 2011.
 3. Mayor & City Council progress update in June, 2011.
 4. Final report to Mayor & City Council by end of December, 2011 to include CIP budget requests for needed facility ADA improvements.
 5. Quarterly interim progress reports to Mayor's Commission on Disability Concerns).

- B. Review & update the pedestrian right-of-way transition plan to determine the priorities for the next five years. (Requires extensive interaction with Public Works Dept. and Mayor's Commission on Disability Concerns).
 - 1. First meeting with Public Works Dept. reps. in February 2011. Monthly / Bi-monthly meetings, as needed, to determine priorities, funding, grants, etc.
 - 2. Draft report to Mayor & City Council by August, 2011.
 - 3. Final Report to Mayor & City Council by end of April, 2012.

- C. Review & update the transition plan for City-owned facilities to determine ADA priorities for the next five years.
 - 1. First meeting with Public Works Dept. reps. in January 2011. Monthly / Bi-monthly meetings, as needed, to determine priorities, funding, grants, etc.
 - 2. Draft report to Mayor & City Council by August, 2011.
 - 3. Final report to Mayor & City Council by end December, 2011.

- D. Finalize the current "Draft" document updating the ADA Standards section of the City of Tempe Special Events handbook, Section 10, relating to ADA standards by end of February, 2011.

2. Collaboration with other Departments and Commissions

Although the jobs and tasks have increased, the Diversity Office will continue our collaboration with all city departments, specifically:

- Public Works (pedestrian right of way, city facilities, transit, etc.) by way of regular meetings, at least quarterly, to review potential and existing ADA concerns.
- Development Services (building codes, review plans and construction sites). ADA complaints from the public are routinely forwarded to Building Safety for collaborative settlements.
- Police (ADA volunteer parking enforcement). Diversity able to provide direct ADA training assistance to provide better understanding of accessibility and ADA standards.
- Human Resources (ADA Specialist provides expertise on specific accommodations available in unique employment situations).
- Fire (Program management of Lockbox Program & Vial of Life Programs. Specific experience in many related mass casualty simulations in military and U.S. Forest Service. Emergency Management Exercise)
- Community Services (Special Events and Library)
- Mayor's Commission on Disability Concerns
- Special Events Task Force

Additionally we collaborate with:

- Tempe Chamber of Commerce (*ADA accessible programs, services & activities)
- Tempe Convention and Visitor's Bureau (*ADA accessible programs, services & activities)
- Tempe Community Council (*ADA outreach and peer support)
- Tempe Community Action Agency (*ADA outreach and peer support)
- National Association on Mental Illness (*training and community support)

- Arizona State ADA Coordinators Coalition (*ADA training & networking)
- Department of Justice
- Arizona Bridge to Independent Living (ABIL) (*training & peer support)
- Arizona Center for Disability Law (networking)
- Mill Avenue District (training and community development)
(*ADA Specialist)

3. Accountability and defined achievements

The *accountability and defined achievements* will be determined by the accomplishment of each item on the priority task list.

II. 1 A. 2007 ADA Taskforce Report for all City Departments will be updated and finalized for final approval by end of December, 2011.

II. 1 B. Pedestrian Right-of-way 5 year ADA transition plan Final Report for the Public Works Dept. will be presented for final approval by end of April, 2012.

II. 1 C. Public Works Dept. 5 year ADA transition plan for City Owned Facilities will be presented for final approval by end of December, 2011.

II. 1 D. Draft ADA Standards (Section 10) of Special Events Handbook will be presented for final approval by end of February, 2011

