

**Minutes
Mayor's Commission on Disability Concerns
June 5, 2014**

Minutes of the MAYOR'S COMMISSION ON DISABILITY CONCERNS held on Thursday, June 5, 2014, 6:30 P.M. at Library Boardroom, 3500 S. Rural Road, Tempe, Arizona.

MEMBERS Present:

Chair Ed Mitchell
Vice Chair Rachel Phillips
Ben Campbell
Paul Bennewitz
Cathleen Goode
Robert Kizere
Irene Mochel
Diane Moran (on phone)

MEMBERS Absent:

Martha Ashburn
Sarah Kader
Tom Ringhofer

Guests Present:

Jeff Oats
City of Phoenix Det. Walter Olsen, Parking Accessible Compliance Enforcement

Diversity Staff Present:

Michele Stokes, ADA Compliance Specialist

Meeting convened at 6:30 P.M.

Public Appearances

Chair Ed Mitchell called the meeting to order and invited members of the public to address the Commission. None accepted.

Agenda Item 1 - Consideration of Minutes: MCDC – May 1, 2014 Minutes (Motion Required)

The May 1, 2014 MCDC Minutes were APPROVED with revision of comment on page 3 that was attributed to Robert Kizere. Correction: attribute comment to Paul Bennewitz, with a motion made by **Commissioner Irene Mochel** and seconded by **Commissioner Paul Bennewitz**.

Agenda Item 2 – Accessible Parking Presentation by Det. Walter Olson, Phoenix

City of Phoenix **Detective Walter Olson**, a Tempe resident, and Phoenix Police Detective presented information on the disability parking space enforcement program in Phoenix. **Detective Walter Olson** works with the Phoenix ADA Coordinator Peter Fischer. The program is enforced by police officers, police assistants and volunteers which are his 10 to 20 enforcement staff.

His expertise is in ADA and in disability parking specifically. He said his responsibilities are more than just disability issues as he wears many hats. He helped rewrite the ordinance to make it stronger and has done presentations in many venues on it.

He said his favorite thing was to catch people parking illegally in accessible spaces. He has worked with several commissioners to provide information. He feels that municipalities need to do a better job of managing the accessible enforcement; however Tempe has one of the best organized police departments.

One of the things that hurt the disability parking is the free public parking Tempe has, because it motivates able bodied people to get placards. Phoenix has metered parking that is paid for but those with placards get a 1 hour grace period.

Normally zoning enforces this but as with other cities, zoning is understaffed. Phoenix has one of the most progressive disability parking ordinances and enforcement around. You can Google accessible parking in Phoenix and find our

ordinance. I was looking and found Tempe's zoning ordinances but I couldn't find any parking ordinances on Tempe's website. There is a state statute that allows for volunteer ticket writers and Phoenix utilizes this. We outfit them and provide a gas reimbursement as well. Every parking lot by law is required to have disability parking. About one in three people with placards abuse the parking spaces. The mother may have the parking placard and her adult child may abuse it, in their shenanigans and they don't realize the value of that parking space.

A question was raised on the fine amount. Det. Olson said the Phoenix fine totals \$288. It's actually a \$150 fine, with a portion of that, a \$132 surcharge, going to the state. Some places charge \$500 for illegally parking in accessible spaces. Phoenix felt that was too much. The highest parking ticket is \$600 and it does no good to have high fines and no enforcement. So we focus on enforcement.

Commissioner Bennewitz asked how many parking tickets Phoenix issued on illegal accessible parking. About 3,000 tickets were written with about a third of those coming from volunteers. Of those about 2,000 are valid. When the placard may have fallen or is not otherwise visible, we tend to write those off if they provide a letter and picture of the placard. We understand this happens sometimes. You can find out from police or courts in Tempe how many were processed also.

Commissioner Phillips asked about their phone-in program. Phoenix has a phone program, "Save our Space," **602-534-7733** or **602-53S-PACE**, where caller can indicate illegal parking situation or take a picture to send in and provide the license number. Phoenix will send out a letter from PD and Equal Opportunity to warn them that they were identified. We send about 100 letters a month. If you are in the city and you see a disabled parking space with a car with no placard, call it in. The program is the ACE Accessible Compliance Enforcement program. This is the volunteer part of the program.

Commissioner Mochel asked if placards were ever confiscated. We do confiscate placards when folks are parking illegally and we send a letter to the holder of the placard that it was used illegally. They can get it replaced but it puts them on notice that the placard was used illegally. Illegal parking is a big problem at large events and ball games. And people will take advantage of the system.

Commissioner Phillips asked what more could be done. One thing that helps with enforcing disability parking is proper signage and layout. About 7 percent to 14 percent of the population has placards but only 2 percent to 4 percent of

parking is accessible, so there is always a shortage. When parking spaces fall into disrepair we can't enforce them. There is no "grandfathering" of parking lots non-accessibility. But there is no perfect system. It helps if you can work with the businesses about keeping their parking spaces in good repair. It takes a real knucklehead to park illegally in a disabled parking space because they don't realize the value of the space to people with disabilities. He could have parked 50 feet away and not get a ticket. Many people don't understand the value of where they park their car.

If someone wants to volunteer they have to be mature and able to work with people, you can't get into arguments. Our parking people have to go out with the idea that they are not going to get into confrontations. They are representing the police department and have to have the background to do that. They become advocates for the police, the city and the program.

Commissioner Bennewitz asked about the funding for the Save our Space program. The fines, \$150 each ticket comes back to the General Fund and a small percentage of that comes back to the department to cover mileage per diem. But the Police Department covers it. My volunteers drive about 3000 miles a month and average about 1 ticket per hour.

Agenda Item 3 – Accessible parking Placard Workgroup by Comm. Kathleen Goode

This was covered in the presentation by Det. Walter Olsen Officer.

Agenda Item 4 – Business Compliance Handout by Comm. Martha Ashburn

Commissioner Bennewitz moved to table this item until next meeting until **Commissioner Ashburn** is present, motion seconded by **Commissioner Mochel**.

Agenda Item 5 – Highlights and ADA Self Evaluation/Transition Plan RFQ Status by ADA Compliance Specialist Michele Stokes

Highlights for May 2014 included:

1. **Worked with the Fire Department** on Tempe's Emergency Operations Plan update with Maricopa County Emergency Services Planner Stella Sheridan and Deputy Fire Chief Gary Ells. Every city in the county updates their plan every five years. The county submits them to the state. The plan includes reference to actions for the "Access and Functional Needs Coordinator" which is a person who addresses the needs of people with disabilities and others during incidents or emergencies. More information can be found on line in Chapter 7 of the ADA Best Practices Tool Kit for State and Local Governments at <http://www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm>www.ADA.gov/. Additionally some brochures to share are included in your materials, from FEMA, that were provided by Maricopa County.

2. **Served on the team to facilitate the ADA Transition Plan Request For Qualifications for professional ADA Accessibility Self Evaluation and Transition Plan** has been distributed as of this morning. The CDC approved last month that the liaisons who will be involved with this effort will be **Commissioners Paul Bennewitz and Robert Kizere**. The RFQ responses are due to City Engineer Andy Goh, on July 1, 2014 at 4:30 PM. A copy of the document is in your materials. This will give us a list of companies who are interested in performing this work.

3. **Conducted presentation on May 23rd to the Tempe Center for Habilitation Advocacy group** of about 15 individuals on accessible parking, advocacy strategies and how to file a complaint with the City when they come across non-compliant parking spaces. They are dealing with a lack of van accessible parking.

Agenda Item 6 – Commissioner's Announcements

Staff Stokes announced that a draft resolution by City Council has been provided in the materials handed out for your information. The resolution authorizes transfer of 30 Housing Choice vouchers from the City of Tempe to the Housing Authority of Maricopa County for use at the Apache ASL Trails. This is required as part of the settlement between HUD, Apache ASL Trails and Cardinal Capital Management. **Chair Mitchell** said the transfer of vouchers is a good thing as Apache ASL Trails has been waiting for them. A lot of the people from Tucson and other places had vouchers but they weren't able to use them in Tempe because there weren't enough vouchers available due to priorities required. They have over 1,000 people on the wait list. So this is good because Maricopa County will be providing the vouchers.

Commissioner Bennewitz commented on a newspaper article about someone running council office, who brought up everything except serving people with disabilities – mental and physical disabilities. He mentioned gender, sex, and all the other things. He will be taking personal action to contact the writer to educate him on this. It was in this week's morning paper on page 3 in the tabloid section. The article was about people running for council. It would be good if they would include it and run a correction.

Commissioner Phillips and **Guest Jeff Oats** apologized for missing the last meeting. They also asked if any information was available on when they were going to add in new commissioners as Mr. Oats is interested.

Commissioner Bennewitz is interested in what Tempe is doing to promote people with disabilities getting hired. He asked: Is there way to identify those employers who are hiring people with disabilities, the number of people who get hired? **Commissioner Mochel** indicated that Fry's hires. Discussion brought forth that it would be great to recognize those that hire. We don't hear anything about whether the City of Tempe does anything. We are looking at establishing some way to identify businesses hiring people with disabilities. Do we need to ask the Mayor about this? **Staff Stokes** said that Phoenix has a Workforce Development, but Tempe doesn't have the equivalent but the information might be available through Vocational Rehabilitation for those that utilize them that might be a start.

Commissioner Bennewitz wants to take this on and wants this added to the agenda for the next meeting. **Staff Stokes** said there was a big push to hire veterans with disabilities who are working under any federal contracts. There is now a quota that must be met. Information will be provided on this at the next meeting. **Chair Mitchell** said that it's a great idea to recognize employers and perhaps we could do that in the Awards.

Discussion was held on whether to have a July meeting given that it is so close to Independence Day Holiday and many may be out of town. The July meeting will be cancelled.

Comment was made that the Transit representative Robert Yabes who presented earlier in the year would like to present again in August on the current plan and obtain additional comments. This item will be added to the August agenda.

Elections will be added to the August agenda also.

Motion to adjourn the meeting was made by **Commissioner Bennewitz**;
Seconded by **Commissioner Kizere**. Meeting adjourned at 7:45 p.m.

Prepared by: Michele Stokes

Reviewed by: Rosa Inchausti

Rosa Inchausti, Diversity Director

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