

**CITY OF PASADENA
ACCESSIBILITY AND DISABILITY COMMISSION
MEETING AGENDA**

THURSDAY, JULY 25, 2013 AT 4:00 PM

JACKIE ROBINSON COMMUNITY CENTER, 1020 N. FAIR OAK AVENUE, ROOM 310

- I. CALL TO ORDER AND COMMENTS FROM THE CHAIR**
- II. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
- III. APPROVE MINUTES OF APRIL, MAY AND JUNE 2013**
- IV. REVIEW STATUS OF GOAL ACHIEVEMENT FOR FISCAL YEAR JUST ENDED**
- V. FORMULATE COMMISSION GOALS FOR CURRENT FISCAL YEAR**
- VI. REVIEW AND APPROVE ANNUAL REPORT**
- VII. UPDATE ON COMMISSION FUNDS**
- VIII. UPDATE ON PARTICIPATION IN AUG 3 BLOCK PARTY**
- IX. REVIEW DRAFT PLAN TO IMPROVE ASSISTIVE LISTENING AT CITY FACILITIES**
- X. REPORT FROM DISASTER PREPAREDNESS COMMITTEE**
- XI. DISCUSS ISSUE ON WHICH TO COLLABORATION WITH SENIOR COMMISSION**
- XII. DIRECTOR AND STAFF REPORTS**
- XIII. ADJOURNMENT**

I certify this agenda was posted on bulletin boards at Council Chamber, Room S249, and the rotunda area of City Hall, 100 N. Garfield Ave., and provided to the Information Service Department, Main Library, by 5:30 PM on July 22, 2013. For information on accessibility and to request reasonable accommodations at least 3 days in advance, contact Robert Gorski, Accessibility and Disability Issues Coordinator at 744-4782 or 744-4371 TTY. Documents distributed to the Commission about items on this agenda and materials related to items on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Department of Human Services, Room S220, at City Hall during normal business hours.

Robert Gorski, Accessibility Issues Coordinator

ACCESSIBILITY AND DISABILITY COMMISSION
MEETING MINUTES
APRIL 20, 2013
Revised Draft

Members Present: Eugene Brooks, Dolores Gibbs, John Orr, Judy Post, Xilian Chen Stammer, Michael Warner

Members Absent: Jennipha Lauren Nielson

Others Present: Mayor Bill Bogaard, Robert Gorski (Human Services and Recreation)

- I. **CALL TO ORDER AND REMARKS FROM CHAIR** Dolores Gibbs called the meeting to order at 8:55 am and announced the purpose and scope of the commission retreat.
- II. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** There were no public comments.
- III **WELCOME FROM MAYOR BOGAARD** Mayor Bogaard welcomed the continued good efforts on the commission on behalf of the City and people with disabilities, and he praised the commission for past unique contributions to the community.
- IV **REVIEW OF CITY ORDINANCE 6370 ESTABLISHING THE COMMISSION** Dolores Gibbs facilitated discussion of Ordinance 6370 with particular attention on the purpose of the commission listed in the ordinance. The commission agreed that its establishing ordinance needs to be updated.
- V **REVIEW OF CITY ORGANIZATIONAL CHART** Dolores Gibbs facilitated a review of the City organization chart. Commissioners agreed to request staff to prepare and distribute to commissioners a list of City commissions grouped by the departments which support them.
- VI **REVIEW OF AMERICANS WITH DISABILITIES ACT** Robert Gorski facilitated a review of the Americans with Disabilities Act and its implementing regulations and Accessibility Standards. The major focus on discussion was Title II-A (Local Governments) of the Act and associated regulations and standards.
- VII **REVIEW OF COMMISSION 2013 GOALS AND PLANS TO ACHIEVE THEM** Dolores Gibbs led a review of the commission's current fiscal year goals and a discussion of achieving them by the end of the fiscal year. Michael Warner reported on progress with designing an information seminar on accessible

website design. Conversation also touched on possible goals for the coming fiscal year.

VIII A WRAP-UP DISCUSSION, EVALUATION OF MATERIALS, AND DISCUSSION OF THE ADA 25TH ANNIVERSARY IN 2015 During lunch, the commission reviewed discussion on topics and materials included in the retreat. Robert Gorski reported on the inception of a national effort by a network of disability advocates to promote and coordinate a nation-wide recognition in 2015 of the ADA's 25th anniversary. The commission agreed to cancel its regular meeting for April.

IX ADJOURNMENT The meeting adjourned at 1:20 pm.

Submitted by Dolores Gibbs, Chair, Accessibility and Disability Commission
Prepared by Robert Gorski, Accessibility Issues Coordinator, Human Resources

ACCESSIBILITY AND DISABILITY COMMISSION
MEETING MINUTES
MAY 28, 2013
Revised Draft

Members Present: Eugene Brooks, Dolores Gibbs, John Orr, Judy Post, Michael Warner *Michael Warner Campos*

Members Absent: Jennipha Lauren Nielson^e, Xilian Chen Stammer,

Others Present: Robert Gorski (Human Services and Recreation), Loren Pluth and Dan Rix (Public Works)

I. CALL TO ORDER AND COMMENTS FROM THE CHAIR Dolores Gibbs called the meeting to order at 4:09 pm. Gibbs reported meeting with the City Clerk and learning the Clerk is committed to installing a \$7,000 loop-type assistive listening system in Council Chambers by the end of June or early July. The city clerk also remarked that the commission should discuss enhancing assistive listening at City community centers and at the Wright Auditorium with the director of human services and recreation. Gibbs also reported attending the community swearing-in of Councilmember John Kennedy, and meeting newly elected school district board member Tyrone Hampton, who has personal experience with learning disability and expressed interest in working with the commission.

II. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA Michael Warner recounted his recent interest in the full meaning of the term development disability and that, when a child, he and other children with non-intellectual disabilities should have been deemed developmentally disabled and received a more integrated education experience.

III. APPROVE MINUTES OF APRIL 2013 Approving the minutes were tabled to the next commission meeting.

IV. WELCOME NEW COMMISSIONER DENNIS CAMPOS Dolores Gibbs introduced new commissioner Dennis Campos, and he described himself professionally as a state employee who provides medical eligibility examiner services to the federal social security program.

V. PROGRESS WITH ACCESS ISSUES IN CITY PARKS Loren Pluth, project manager for parks and forests, and Dan Rix, city engineer, reviewed progress on completing the portion of the City's ADA Transition Plan that covers City parks. They explained that addressing access barriers may not appear to be as consistently achieved over the years as the Transition Plan originally envisioned because generally one year is devoted to mostly to planning much of the barrier removal that the City accomplishes in the following year. Pluth and Rix highlighted current year achievements at San Rafael, Hahamongna, Brenner,

Defenders, and Washington parks, as well as work in progress at Victory and Washington parks.

In Fiscal 2014 major projects are intended for Villa-Parke and Central parks, and smaller projects for Brookside Area H, Memorial, Allendale, Grant, and Linda Vista (a portion of Linda Vista School grounds used as a public work after-hours).

Several high-cost projects may not be achieved by 2015, the end-point of the transition plan. An example of an item not likely not be completed by 2015 is an accessible walk around the perimeter of Hamilton Park; not only is the project's great length expensive, the park's location atop a major water reservoir may render walkway construction unfeasible.

When Robinson Community Center is rebuilt, Pluth hopes to avoid having to demolish the adjacent accessible child play area. In fact, the project when finally configured and approved may result only in demolishing the eastern half of the Center.

Commissioners urged that plans for rebuilding Robinson Center allow for additional accessibility, for example, assistive listening, needed when the Center is used for an evacuation shelter.

VI. UPDATE ON PLANNING A SEMINAR ON WEB SITE ACCESSIBILITY Michael Warner reported briefly on his effort to design a seminar on designing accessible web sites, and the commission agreed to schedule time on the next agenda for Warner to discuss the meaning and importance of "semantics" in website design.

VII. ESTABLISH AND APPOINT MEMBERS TO NOMINATING COMMITTEE Judy Post moved that the commission establish a Nominating Committee with Xilian Stammer Chen as chair and John Orr and Eugene Brooks as members. Michael Warner seconded and the motion passed.

VIII. APPOINT MEMBERS TO PROGRAMMATIC AND SENSORY COMMITTEE AND TO DISASTER PREPARATION COMMITTEE Judy Post moved that the commission continue Dolores Gibbs as chair of the Disaster Preparedness Committee, with Judy Post and Dennis Campos as members. John Orr seconded and the motion passed. The commission agreed to rename the Programmatic Access and Sensory Committee as the Sensory Disabilities Committee.

IX. DIRECTOR AND STAFF REPORTS Robert Gorski briefly reported on accessibility complaints received against public accommodations and against City programs.

X. ADJOURNMENT The meeting adjourned at 5:56 pm.

Submitted by Dolores Gibbs, Chair, Accessibility and Disability Commission
Prepared by Robert Gorski, Human Services and Recreation Department

ACCESSIBILITY AND DISABILITY COMMISSION
MEETING MINUTES
JUNE 25, 2013
Draft

Members Present: Eugene Brooks, Dolores Gibbs, John Orr, Judy Post, Xilian Chen
Stammer, Michael Warner *Dennis Campor*

Members Absent: Jennipha Lauren Nielsen^e

Others Present: Mercy Santoro, Human Services and Recreation, Michael Woolsen,
Transportation

I. CALL TO ORDER AND COMMENTS FROM THE CHAIR Dolores Gibbs called the meeting to order at 4:06 pm. Gibbs announced that all commissioners are invited to attend and to staff an information table at the August 3 Block Party sponsored by Assemblyman Chris Holden. Also Gibbs announced that the next commission meeting will be on July 23 and that one open seat remains on the commission.

II. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA There were no public comments.

III. APPROVE MINUTES OF APRIL 2013 Approving the minutes were tabled to the next commission meeting. Michael Warner requested the minutes reflect that during the April retreat the commission agreed to cancel its regular meeting for April. Xilian Stammer requested the minutes reflect that the commission agreed that its establishing ordinance needs to be updated.

IV. PRESENTATION BY VINCE BERTONI, DIRECTOR OF PLANNING The director was unable to attend the meeting.

V. UPDATE BY MERCY SANTORO, DIRECTOR OF HUMAN SERVICES AND RECREATION Santoro provided information on efforts to improve assistive listening in City facilities and to provide more accessible shelters after a disaster. She reported that the City is working with the Red Cross and the school district to find shelter sites and is considering developing a F.A.S.T. resource similar to what Los Angeles County is development. FAST is a team of individuals with different backgrounds in disability that would review the City's shelter equipment stockpiles, disaster service operations, and contracts related to emergency response and then advise how the City could better serve people with disabilities.

Santoro recommended that the commission suggest accessibility priorities for a reconstructed Robinson Park Center, which will be done in stages ending in 2017.

Santoro also reported that the City's Braille embosser became non-operational and a new embosser was ordered.

VI. ACCESS ISSUES IN CITY PARKING FACILITIES Michael Woolsen, City parking manager, reviewed the sections of the City's ADA transition plan covering parking facilities. He stated that while progress on addressing access issues may be somewhat behind the schedule established in 2009, he expects to have almost all issues addressed by the end of 2014. Nevertheless, a significant exception is the Holly Street parking facility, which has severe structural limitations and is scheduled to be demolished in the early 2020s and the area returned to the adjacent church, which owns the land.

Michael Warner observed that cars driving up a steep exit from underground parking serving the Soup Plantation on South Lake Avenue is hazardous because drivers and pedestrians crossing in front of the exit have poor views of each other. In response, Woolsen noted that the underground parking is not a City facility, and he observed that a mirror placed at the exit would assist drivers and pedestrians to better see each other.

VII. UPDATE ON PLANNING A SEMINAR ON WEBSITE ACCESSIBILITY Michael Warner reported viewing several social websites for accessibility and that Twitter seems to have a standard web page while Facebook a webpage that fully depends on a user's web browser meeting Facebook requirements or else no content is sent to the user.

Warner noted that JAWS seems to work fine on a Facebook approved web browser, but was not sure if that really meets W3C accessibility standards, since the semantic content fully depends on client-side scripting to generate it. According to Warner, scripting and styling tend to be inconsistent among various web browsers, and thus Facebook is completely dependent on carefully writing script for each browser supported.

John Orr recommended the planning for the commission's accessible website design seminar include producing a print document or reference disc with information useful for future City web developers.

VIII. NOMINATING COMMITTEE REPORT On behalf of the committee Eugene Brooks reported the committee nominates Dolores Gibbs for chair, John Orr for vice chair, and Michael Warner for secretary. While commission bylaws allow for a parliamentarian, Brooks said the committee recommended not to have one. The commission agreed to the recommendation and elected the three candidates unanimously.

IX. DIRECTOR AND STAFF REPORTS No additional information was provided.

X. ADJOURNMENT The meeting adjourned at 5:38 pm.

Submitted by Dolores Gibbs, Chair, Accessibility and Disability Commission
Prepared by Robert Gorski, Accessibility Issues Coordinator, Human Resources

**CITY OF PASADENA ACCESSIBILITY AND DISABILITY COMMISSION
WORK PLAN: 7/1/11 - 6/30/12**

MISSION: The purpose of the commission is to advise the council on accessibility issues in Pasadena. The commission shall:

1. Study and examine: (a) existing inequities in access to the physical, work, social and cultural environments for all residents of Pasadena, particularly those who have disabilities, and (b) policies, procedures, programs and legislation for eliminating those inequities.
2. Recommend policies, procedures, programs and legislation to promote and ensure the accessibility of the physical, work, social and cultural environments to all residents of Pasadena, particularly those who have disabilities.
3. Consult and cooperate with other public agencies and commissions on matters relevant to the commission.
4. Assist the accessibility and disability issues coordinator to carry out assigned programs and responsibilities.

The purpose of the Accessibility and Disability Commission is to advise and make recommendations to the City Council.

OBJECTIVES:

1] Promote Disaster Preparedness:

In January 2013 and June 2013 submit a written report to Council assessing the inclusion of people with disabilities in the City's disaster planning.

2] The City's ADA Transition Plan for Structural Changes:

In November 2012 and March 2013 submit a written report to Council on progress in implementing the City's ADA plan.

3] Raise Awareness of Accessible Computer Technology in Pasadena:

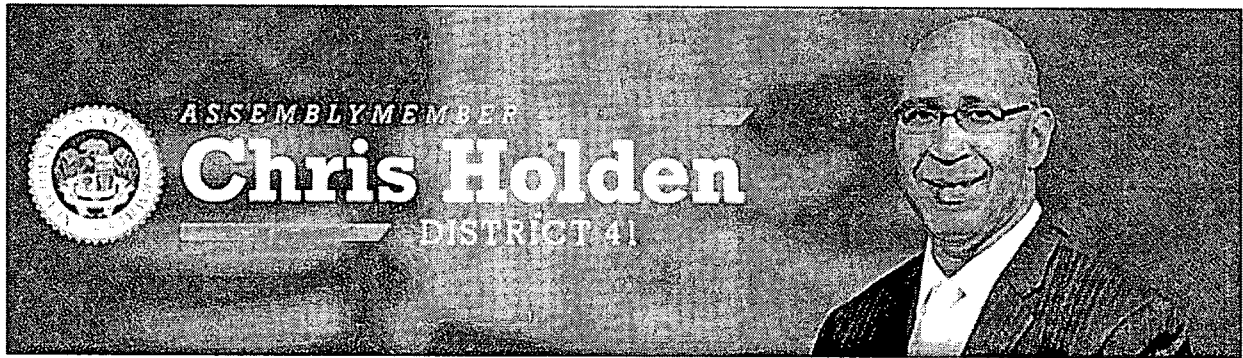
In May 2013 hold a public seminar on designing accessible Internet web sites.

4] Collaborate with the Public Health Department on Disaster Preparedness:

By June 2013 hold a seminar on disaster preparedness for caregivers of people with disabilities.

5] Work with Council Regarding New Commission Appointees:

Encourage Councilmember field representatives to attend at least one commission meeting between December 2012 and February 2013 and provide them with commission brochures, 2012-2013 vision statement, and an update on Commission activities during the fiscal year.



FOR IMMEDIATE RELEASE
June 11, 2013

CONTACT: Wendy Gordon
626.351-1917

Chris Holden's Community Resource Fair and Block Party

**Assemblymember Chris Holden invites residents of the 41st Assembly District
to his annual block party.**

**Saturday, August 3, 2013
11 am to 3pm
500 block of Jackson Street, Pasadena**

**Resource tables from state agencies, cities
and nonprofits will be available.**

**It's also an opportunity to meet Assemblymember Holden, and speak with his
staff on any state issue of concern.**

**There will be free activities including live music, food and entertainment for
the kids!**

**Don't miss the "Shakey-Quakey" earthquake simulator, and
grilled hot dogs provided by the Pasadena Fire Fighters**

**For additional information call 626.351-1917, or
email Assemblymember.holden@asm.ca.gov.**

FY14 Workplan re: Assistive Listening in City Facilities
July 15, 2013

- 1] Update coordinator's inventory of City assistive listening systems and components, public information about, and usage of
 - Council Chambers
 - City Clerk portable system
 - KPAS
 - Information Services (City libraries)
 - Rose Bowl
 - Civic Center
 - Access Coordinator portable system
 - Senior Center

- 2] Determine neck loops, FM receivers, omnidirectional microphones needed to enhance current FM-radio assistive listening systems

- 3] Evaluate locations where new systems (permanent or portable) could be made available and type of system preferred:
 - Jackie Robinson Community Center
 - multipurpose room
 - television lobby
 - television room
 - meeting rooms
 - reception counter
 - Villa-Parke Community Center
 - auditorium
 - reception counter
 - basketball court
 - meeting rooms
 - HEAD START center
 - Victory Park Community Center
 - Basketball court
 - meeting rooms
 - City Libraries
 - Wright Auditorium at Central Library
 - other assembly areas at Central Library
 - branch libraries
 - City Hall meeting rooms
 - Teen Center meeting rooms
 - Brookside Clubhouse meeting rooms
 - Civic Center meeting rooms
 - Rose Bowl meeting rooms
 - Other potential locations for emergency shelters

- 4] Determine feasibility of purchasing and installing new systems during the fiscal year.

Court Corner

Stadiums Required to Provide Access to Song Lyrics During Pro Football Games, 4th Circuit Rules

The National Football League's Washington Redskins must provide deaf individuals access to all audio content during games, including song lyrics, the 4th U.S. Circuit Court of Appeals ruled. One judge opposed the ruling, however, arguing that such a decree amounts to a requirement to provide "equal access" — something the Americans With Disabilities Act does not mandate.

When several deaf individuals complained that they were unable to use the assistive listening devices provided at games, the stadium began captioning most audio content on ancillary LED boards. The patrons, however, argued that all content should be captioned on the main Jumbotron and filed suit, alleging ADA Title III violations.

A district court granted summary judgment for the individuals, finding that the ADA requires defendants to provide auxiliary aids for the audio content broadcast over the stadium's public address system, including music lyrics. However, it declined to issue an injunction requiring captioning as the means of access for the lyrics because the ADA does not dictate a particular auxiliary aid, the court explained. The stadium appealed, arguing that the ruling went beyond what the ADA required, but the 4th Circuit agreed with the lower court.

Title III of the ADA states that individuals may not "be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation" (42 U.S.C. §12182(a)). The U.S. Department of Justice's implementing regulations require that public accommodations "furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities" (28 C.F.R. §36.303(c)).

In an unpublished opinion, the 4th Circuit agreed with the lower court that the "effective communication" provision requires the stadium to provide auxiliary aids beyond assistive listening devices to convey game-related information, emergency announcements and lyrics to songs. Patrons "need access to this aural content to have full and equal access to the goods and services that defendants provide," the appellate court said. The entire entertainment experience includes "aural and visual components that, although not part of the game action, play an important role in generating support for the game and promoting spectator attendance," the court reasoned. "Full and equal enjoyment of defendants' goods, services, privileges, and facilities

includes aural access to the lyrics to music broadcast over the stadium bowl's public address system."

One judge, however, disagreed. "In my view, the district court in this case erred by announcing a broad declaratory judgment that required 'equal access' to all 'aural content' ... rather than focusing on whether the auxiliary aids provided by Defendants were sufficient to ensure 'effective communication,'" Judge James A. Beaty, Jr., said in a dissenting opinion. "By setting out an 'equal access to aural content' standard, the district court set out a rule that would potentially require that all content broadcast over the public address system at an athletic event at a public stadium be captured and provided to deaf or hearing impaired individuals in order to comply with the ADA, even though the ADA itself does not include such a requirement, instead of following the 'auxiliary aid' analysis set out in the applicable statutory and regulatory provisions."

Captioning on the LED boards met the "effective communication" requirement, Beaty wrote in his dissent. "Of course, even this conclusion does not mean that captioning is required for all stadiums," because other auxiliary aids could be sufficient or other stadiums may be able to invoke undue burden or fundamental alteration defenses (see ¶525 of the *Guide*). (*Feldman v. Pro Football, Inc.; WFI Stadium, Inc.*, Nos. 09-1021, 09-1023, 2011 WL 1097549 (4th Cir. March 25, 2011)(unpublished))

Human Resources Series

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