



Agenda Item:

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## COUNCIL COMMUNICATION City Manager's Office

### GENERAL INFORMATION

Agenda Date: 2/23/04

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Agenda Item Type: Resolution

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Communication

Roll Call

Submitted by: Donald M. Tripp, Park and Recreation Director

### SUBJECT—

ADA Transition Plan, Phase I

### SYNOPSIS—

Approve Phase I of the Americans with Disabilities Act (ADA) Transition Plan for the City of Des Moines' public facilities (see summary of facilities and an itemized list of cost estimates in Attachment "A").

### FISCAL IMPACT—

Phase I of the ADA Transition Plan is estimated to cost \$410,425 and is expected to be completed by the end of FY05. Funds are budgeted in both the FY04 and FY05 Capital Improvement Program (CPO34/ENG990000/BLD042) to complete Phase I of the Project. Total cost of completing all phases of the Transition Plan is estimated to be \$3,490,945 and will be completed over the next several years as funds become available.

### RECOMMENDATION—

Approval.

## **BACKGROUND—**

The Americans with Disabilities Act (ADA) of 1990 recognizes and protects the civil rights of people with disabilities. It covers a wide range of disability, from physical conditions affecting mobility, stamina, sight, hearing, and speech to conditions such as emotional illness and learning disorders. The ADA addresses access for three specific areas: 1) the workplace (Title I); 2) state and local government services (Title II); and 3) places of public accommodation and commercial facilities (Title III). To understand and comply with the ADA, the City of Des Moines must follow the regulations issued under Title II as issued by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT). These standards, which are based on the ADA Accessibility Guidelines (ADAAG) developed by the Federal Access Board, are enforced by DOJ, DOT, and the courts and apply nationwide. The regulations provide important information on which buildings and facilities are subject to the standards.

ADA guidelines required a Transition Plan to have been completed by all agencies by July 26, 1992. Members of the City's Access Advisory Board developed an initial Transition Plan in the early 1990's. The Plan was received and filed by Council at that time. The Plan was partially updated in early 2002 by the City Engineering staff (on file with the City Clerk's Office). On June 19, 2002, the City of Des Moines' Access Advisory Board approved and recommended to the City Council to send out a Request for Proposal (RFP) to hire a consultant to complete a Transition Plan for all public facilities and spaces for the City of Des Moines. On July 8, 2002, by Roll Call No. 02-1704, the City Council approved the issuance of an RFP. On December 16, 2002, by Roll Call 02-2977, the City Council awarded a contract to RDG-Bussard Dikis for the development of an ADA Transition Plan for the City of Des Moines.

A thorough assessment of almost all City buildings and facilities was conducted by RDG during the first six months of 2003 culminating in a report that includes: 1) The identification of each non-compliant accessible element listed in the ADAAG; 2) A brief description of each specific violation; 3) A proposed solution to bring non-compliant elements into compliance; and, 4) A conceptual cost estimate for completing the work required to bring the non-compliant elements into compliance. In an effort to assist the City's Access Advisory Board with ranking the urgency of repair, the consultant provided additional needs analysis in the report.

Following receipt of the facilities' assessment and suggested implementation plan from RDG, a Transition Plan Committee of the City's Access Advisory Board was formed. Its purpose was to rank the most urgent non-compliant items found in the assessment, and recommend to the full Access Board the items that should be included in the First Phase of the overall project. That ranking and estimate of cost is included in Attachment "A". The Committee based its selections on the guidelines noted above, particularly the criteria of the magnitude of the impact on disabled persons, ease of accomplishment, and cost. Phase I is expected to be completed by the end of 2005 and includes expenditure of all designated CIP funds for this project in FY04 and FY05.

Because of the magnitude of task and time it would have taken to complete, an inventory of needed ramps and curb cuts throughout the City's sidewalk system was not completed with the rest of the facilities assessment. That inventory is planned for later this year (2004) and will involve assistance from Drake University's Rehabilitation Program and the City of Des Moines'

Public Works and Parks and Recreation Departments. Once the inventory is completed, an implementation plan will be developed. Presently, the Public Works Department replaces and installs ramps and curb cuts in its sidewalk replacement and expansion program, but is limited in its impact based upon limited funds made available through the Community Development Block Grant program.

The recommended action in this roll call allows for the following: 1) The adoption of Phase I of the City of Des Moines Transition Plan; 2) Utilization of the funding already budgeted in FY04 and recommended for FY05 in the Capital Improvement Program for the recommended ADA repairs in Phase I; and, 3) The continuation of work by the Transition Committee of the AAB to rank all remaining non-compliant items in the facilities assessment. The AAB voted to endorse this recommendation at their meeting of January 21, 2004 by a unanimous vote.