

**DRAFT
DISABILITY ADVISORY COMMISSION
MINUTES**

Monday, November 9, 2009
4:00 p.m. – 5:30 p.m.

San Jose City Hall – Room T550
200 East Santa Clara Street
San José, California 95113

Commissioners Present: Chair Otila Salazar-Torres, Commissioners Erik Kaeding, Daniel Newell, Susie Souza, Commissioners Emeritus Karl Vidt, Aaron Morrow and Emma Eljas.

Commissioners Absent: Vice-Chair Jackie O'Donnell, Commissioners Paiman Komeilizadeh, John Robinson, James Westman, Christine Wright and Commissioner Emeritus Susan Espinoza

Staff Present: Eileen Ewing, ADA Coordinator; Stephanie Holm/Councilmember Pyle's Office

There are not enough Commissioners present to constitute a quorum

1. Call to Order/Orders of the Day & Agenda Approval

As there are not enough Commissioners present to constitute a quorum, no motion on the item was heard.

2. Approval of October 19, 2009 Commission Minutes

As there are not enough Commissioners present to constitute a quorum, no motion on the item was heard.

3. Open Forum

Commissioner Morrow asked Ms. Ewing, the ADA Coordinator, if she had heard from a County Commissioner who wanted to attend the DAC Commission meetings. Ms Ewing stated that she had sent him a copy of today's agenda. She had also previously sent him a copy of the link to the City's website where the agenda's are posted as well as a schedule of all of the DAC meetings for the next year.

Chair Salazar-Torres stated that Commissioner Morrow is still the liaison for the DAC and the County Disability Commission; however, any County Commissioner is welcome as an invited guest.

Commissioner Newell stated that he received a comment from a concerned resident regarding the Disability Awareness Day empathy challenge. The resident did not feel that a wheelchair basketball event was representative of how a person in a wheelchair lives.

Commissioner Morrow stated that the County Disability Commission wanted to collaborate with the City on the Disability Awareness Day event. As the event was not a City event, but sponsored by Councilmember Constant and the Office of Therapeutic Services, they were told to contact Councilmember Constant's office, but never heard back. They were also told that it should be put on the Disability Advisory Commission's agenda. Ms. Ewing stated that she had never heard from anyone from the County regarding the event.

Chair Salazar-Torres stated that she will put the above two items in her report to the committee of the Disability Awareness Day event.

Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

4. Council Liaison Report (Stephanie Holm)

Ms Holm stated that Councilmember Pyle is working on three big budget issues: the VTA, the City of San Jose and the Redevelopment Agency (RDA). All three budgets are in trouble right now. Revenue from the sales tax has declined 25%, and the State has taken approximately \$75M from the RDA. There will be a public comment period tomorrow night regarding the RDA budget and the programs that the RDA is proposing to cut. The RDA is thinking of taking money from Housing.

Ms Holm also stated that the City Council Rotunda has been reserved for the World Aids Day event on December 1. The World Aids Day Proclamation will be presented at the 1:30 p.m. session of the City Council on that day.

5. Chairperson Report (Otila Salazar-Torres)

Chair Salazar-Torres reminded everyone of the Unison in Industries conference this Thursday, November 12th.

Commissioner Newell stated that the Disability Advisory Commission has a table at the event and, therefore, the Commissioners' admissions are free. Also, those persons with disabilities looking for jobs may attend free of charge. Currently, there are 150 registrations for the conference.

6. Santa Clara County Advisory Commission for Persons with Disabilities Liaison Report (Aaron Morrow)

Commissioner Morrow stated that he has asked County Supervisor Shirakawa to assist the Santa Clara County Advisory Commission for Person with Disabilities for help in streamlining the focus of the Commission.

7. Informational discussion with Planning and Code Enforcement on the Sidewalk Café Permitting process and how it is being enforced

The speaker for Planning could not make the meeting; however, they sent over handouts and notes to be read by the Ms Ewing.

The sidewalk café permit grants to an existing business the privilege to extend their business out into the public access way. The permit is not a development permit and, therefore, does not run with the land. If a business is sold, the new owner must apply for a new permit. The permits are revocable by the City at any time.

Carolyn Slezak from Code Enforcement spoke about how violations of the permit are addressed. While Ms Slezak is proactive about addressing any issues that she comes across on her own, most often violations are brought to Code Enforcement's attention when they receive a complaint from the public. Commissioner Emeritus Vidt mentioned that sometimes the signs that are put out in the sidewalk can be a hazard to the disabled. Ms Slezak stated that signs are not part of the sidewalk café permit. They are governed by the Sign Ordinance.

Commissioner Kaeding suggested that the Disability Advisory Commission try to locate the Downtown Streetscape Master Plan.

Chair Salazar-Torres suggested that the Sidewalk Café Permit Ordinance should have language that addresses disability issues. She has asked Ms Slezak if she could be a resource to the Commission for questions related to the issue.

8. Report on Standing Commission Items

a) Emergency/Disaster Planning for Persons with Disabilities

The Commission would like to have an update from the Department of Emergency Services on the Emergency Operating Plan.

b) "Strategic Plan, Services for Persons with Disabilities" Advisory Board

The Greenprint Document is about to go to Council.

c) VTA and Paratransit Service Issues

Commissioner Morrow stated that the VTA is in a lot of trouble financially. They are experiencing a \$98M deficit. They have already had an 8% cut in services. There has been a suggestion at the VTA to cut the VTA Commission due to overhead cost. If the Commission is cut, there will be very little input from any advisory boards. The VTA will hold a workshop on December 10th to discuss the budget process. Commissioner Morrow encouraged anyone to send a personal letter to the Council and Mayor to

express their concerns as to how these cuts will affect the disabled community.

- d) **DAC Workplan**
None

9. ADA Coordinator Report (Eileen Ewing)

Ms Ewing stated she received an email from the Director of Research Programs of the Water Reuse Foundation. They requested the ADA Coordinator to check with the Commissioners to see if they would be interested in taking part in a recycled water focus group study. The study will take place on November 17th. Ms Ewing will forward the information on to the Commissioners.

Ms Ewing stated that she received a call from Evelyn Velez-Rosario from PRNS. She would like to present to the Commission a presentation on Universally Accessible Playgrounds. The Commissioners would be very interested in hearing her presentation, and she will be scheduled on the January, 2010 agenda.

10. Announcements

Commissioner Newell asked where the Commissioners thought the Disability Awareness Month Proclamation received by the Commission last month should reside. It was decided that the Proclamation will be shared each month with an agency or organization that has exemplified it's commitment to the disability community. The Proclamation will also be displayed at events that the Commission participates in.

11. Agenda Development

- a. December – Work2Future Update
- b. December– Jacky Morales (Housing Dept) affordable housing update
- c. January – Evelyn Velez-Rosario (PRNS) Universally Accessible Playgrounds
- d. Joseph Carillo – Emergency Shelter update
The Commissioners will forward to the ADA Coordinator the issues they would like Chief Carillo to speak to at the Commission.
- e. Community center re-use – City's addition of 6 centers – nutritional sites
The ADA Coordinator will contact Rudy Navarro regarding the status of this issue and report back to the Commission.

12. Adjournment - meeting adjourned at 5:35 p.m.

To request an accommodation for this meeting or an alternative format for any related printed materials, please contact Eileen Ewing at 408-535-8326 or 408-294-9337 (TTY) or eileen.ewing@sanjoseca.gov as soon as possible, but at least three business days before the meeting.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Department of Public Works – Office of Equality Assurance at San José City Hall, 200 E. Santa Clara Street, Tower, 5th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

DISABILITY ADVISORY COMMISSION
COMMITTEE OF THE WHOLE MEETING

Monday, November 9, 2009
2:30 p.m. to 4:00 p.m.

San Jose City Hall – Room T550
200 East Santa Clara Street
San José, California 95113

1. U in I Conference