

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
95814-2702

TECHNICAL SERVICES
DIVISION

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April 3, 2000

City Council
Sacramento, California

Honorable Members in Session

**SUBJECT: STAFF REPORT ON THE STATUS OF THE AMERICANS WITH DISABILITIES
ACT FACILITY MODIFICATIONS (VARIOUS CIP'S)**

LOCATION AND COUNCIL DISTRICT

Various locations throughout the City - All Districts

RECOMMENDATION

This is an informational report. No action is required.

CONTACT PERSON: Thomas Morris, 264-8460 *Assoc. Architect*

FOR THE COUNCIL MEETING OF: April 18, 2000

SUMMARY

This report summarizes the following:

- 1) Chronology of ADA activities and accomplishments;
- 2) Methodology used in identifying ADA Building Priorities (Exhibit C);
- 3) List of approved building priority (Top 20) (Exhibit C); and
- 4) Funding history to support compliance with ADA (Exhibit D & E).

COMMITTEE/COMMISSION ACTION

The City Disabled Citizens Advisory Group has been briefed on City of Sacramento A.D.A. upgrade program.

BACKGROUND

A Brief chronology of actions related to ADA projects includes:

- 7/26/90 The federal law, the Americans with Disabilities Act was signed by President Bush (Exhibit A).
- 12/17/91 Council Adopted Resolution for "Endorsing Quick and Efficient Implementation of the Americans with Disabilities Act" (Exhibit B).
- 2/92 - 7/92 356 City Buildings (5.2 million ± square feet) were surveyed to identify ADA deficiencies. This information was used to complete the Transition Plan before the deadline of July 26, 1992.
- 9/92 Two public hearings were held on September 2, 1992 and September 9, 1992 for presentation of city's ADA Transition Plan and to receive public testimony.
- 1/94 Scott Harger, High Rise Interiors, was contracted to consult on the city's ADA Facility Survey database and assist in prioritization of these City owned and leased facilities. Prioritized projects were approved by Council on January 25, 1994 (Exhibit C).
- 1/26/95 ADA Compliance Deadline. A "Good Faith Progress" approach for ADA compliance was initiated. Funding has been at the rate of approximately \$1 million per fiscal year with 50% from the general fund and the remaining 50% from other funding sources.
- 1/94 - Present The "Good Faith Progress" includes completion of:
 - Facility ADA surveys of all City Buildings
 - Required Transition Plan for ADA modifications
 - Selected high priority ADA corrections in 20 different facilities (Doors/closers/handles/thresholds)
 - City Hall Elevator and Ramp Access
 - Convention Center Exhibit Hall Refurbishment
 - Convention Center Activity Building Refurbishment
 - Land Park Golf Course Pro Shop And Restaurant ADA modifications
 - 6 of 9 Rental Space modifications in Lot H at 10th & L Streets
 - Clunie Clubhouse Refurbishment
 - Phasing program coordination with ADA Committee for Community Center Theater

- Formation and chartering of ADA/Historic Advisory Committee.
 - Central Library Modifications*
 - 1231 I Office Building Modifications*
 - Martin Luther King Library Modifications*
 - Memorial Auditorium Refurbishment*
 - Coloma Community Center Modifications*
 - Plaza Building Modifications*
 - 927 10th Street Office Building Modifications* (City-leased space only)
 - 1023 J Street Office Building Modifications* (City-leased space only)
 - Garden and Arts Center Modifications*
 - Oak Park Community Center Restroom Modifications*
 - Haggin Oaks Golf Course Facilities Modifications*
 - Bing Maloney Golf Course Facilities Modifications*
 - Staffing of Public Works ADA Coordinator*
 - Formation of Disabled Advisory Group*
 - * Completed since 1997
- Currently, work is underway to complete the Memorial Auditorium ADA Survey, Phase I - Convention Center Theater, Crocker Art Museum and Herold Wing , and Belle Coolegge Community ADA modifications.

Currently all modification work is charged against specific funds relating to the use of each type of building. The costs of some modifications are such that several years' accumulations are necessary prior to start of construction work. Nineteen of the top twenty priorities are either General or Convention Center funded (Exhibit C).

Due to economic hardship, the Convention Center defunded its 94-97 ADA contribution and skipped 97-98 funding. This action reduced funding available to proceed with work on the City's number 1 priority, the Community Center Theater. The first phase of approximately \$638,134 is almost complete with a funding pool created by borrowing from the Parking, Golf and General Funds (Exhibit E). The estimated cost for Phase II is \$ \$1.1 million. A portion of Phase II will be completed in FY 2000 – 01 and remaining work will await added funding.

Because of the difficulties associated with working in continuously occupied buildings, in May 1999 to expedite completion of access upgrades throughout the City, Public Works staff developed a process that allowed the use of Design-Build project teams to complete all access modifications and provide all required permits and as-built documentation required for City projects. By using this approach, it has been possible to minimize design costs and reduce construction time. In order to ensure that qualified project teams were selected to provide this service, an RFQ was advertised outlining the qualifications in coordinating the development of project scopes, construction schedules and budgets, secure all required permits and reviews, participate in all public hearings, and provide construction of various City of Sacramento building alterations to meet current building access requirements.

This process has been enormously successful. Accessibility projects completed or being completed by these firms are Phase I Convention Center Theater, Coloma Community Center,

City Council
Staff Report on ADA Facility Modifications (Various CIP's)
April 3, 2000

Garden and Arts Center, Plaza Building, Crocker Herold Wing and Crocker Art Museum, and Belle Coolege Community Center.

Accessibility projects to be undertaken in FY 2000 –2001 will include the Phase II Convention Center Theater, City Hall Signage, Discovery Museum (formerly the History Center) and Discovery Museum Education Facility (formerly the Science Center), Parking Lot Elevators, Parking Lot H, and Haggin Oaks and Bing Maloney Clubhouse Breezeways. Additional projects will be added to the scope of work consistent with the priorities set forth in the list of ADA Access Report approved by the City Council on January 25, 1994, and updated on May 27, 1997.

FINANCIAL CONSIDERATIONS

In 1994, the City Council approved annual project funding of \$1 million a year from various funding sources to work toward compliance. This commitment was reaffirmed in the 1996-2001 Capital Improvement Program.

The 1999-2004 Capital Improvement Program reduced the annual funding to approximately \$709,000 (Exhibit D). The primary fund reductions were implemented to enable the Convention Center to meet critical operational needs.

The pace of Public Use Pool A.D.A. upgrades is dependent on fund availability and the timing of the Convention Center reimbursement of the A.D.A. Pool Loan.

The current budget for all ADA related projects is \$4,980,936. The unobligated fund balance is \$1,062,635 of which approximately \$715,500 will be obligated in the upcoming months (Exhibit E).

ENVIRONMENTAL CONSIDERATIONS

Applicable environmental documentation for each project will be filed by the City's Environmental Services Coordinator with the County Clerk at the appropriate time(s).

POLICY CONSIDERATIONS

- Special Resolution - Endorsing Quick And Efficient Implementation of the Americans with Disabilities Act, Issued December 17, 1991 (Exhibit B).
- The City's Affirmative Action Program strategy is one of inclusiveness. Whereby, efforts or considerations once viewed as special programs are incorporated into our day-to-day processes and decisions. Resulting in a product that ultimately benefits all citizens of our city. Providing equal access to City facilities reflects that goal.
- City Policy - City Manager's Policy Statement on Disability Discrimination (Exhibit F).

ESBD CONSIDERATIONS

The four design-build contractors are meeting and exceeding the City's 20% ESBE participation goal. For instance, on Coloma Community Center, Harbison-Mahony-Higgins, Inc. generated 49.8% ESBE participation.

Respectfully submitted,



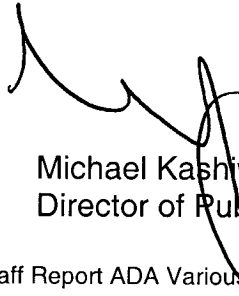
Duane J. Wray
Technical Services Manager

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

APPROVED:



Michael Kashiwagi,
Director of Public Works

P/Active/CC01 ADA Facility Mod (Various CIP's)/Council/Staff Report ADA Various CIP's

ADA Implementation History

ADA was introduced to the 101st Congress in May 1989. After completing numerous public hearings and congressional debates the final language was approved by the Senate on July 13, 1990 and signed by President Bush on July 26, 1990. On July 26, 1991 the Department of Justice issued the "Final Rule" establishing formal guidelines for implementation of the American with Disabilities Act ("ADA"). The guidelines provided direction for meeting Title I - Employment Requirements, Title II - Access to Public Services & Programs, Title III - Public Accommodations, Title IV - Telecommunications & Title V - Misc. Provisions.

Under the ADA all public entities were required to perform a self-evaluation by January 26, 1993 to determine if the services, programs and activities they provide were accessible to the public. Staff completed a survey of city facilities and reported conditions to the Council on July 27, 1993. Staff prepared an implementation plan identifying changes necessary to provide public access to all facilities maintained by General Services. The implementation plan included prioritization of city facilities and preliminary construction estimates to complete the work.. The implementation plan was presented to the City Council on January 25, 1994. The survey included 356 structures. The city's implementation plan is consistent with requirements set forth in the ADA establishing a "good faith effort to comply with requirements of Section 36.104". The city's implementation plan is also consistent with ADA requirements that a detailed implementation plan must be in place if compliance would require more than one year to complete.

Under Title II all government agencies were required to complete all structural changes to existing facilities no later than January 26, 1995. While the city exceeded this deadline the city complies under the "good faith effort" clause.

It should be noted that ADA does not require immediate compliance of all facilities provided all services, programs and activities are accessible to the public; however, Title III requires us to maintain a list of all facilities that do not fully comply with access standards and the city is required to review these facilities on an annual basis to determine if changes in use or technology will allow them to be brought into compliance. (i.e. this is an on-going project that will never be completed until all facilities are brought into total compliance).



Resolution

of the City Council

ENDORISING QUICK AND EFFICIENT IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the City Council of Sacramento recognizes the Americans With Disabilities Act (ADA) as a landmark civil rights law which will, when fully implemented, strengthen the democratic traditions of the United States of America; and

WHEREAS, the City Council recognizes that a fully accessible community will enhance the quality of life of all citizens; and

WHEREAS, the City Council looks forward to the opportunities afforded this community by the challenges of the ADA;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the City of Sacramento that

I. City services and facilities will be reviewed to ensure that the spirit, intent and letter of the ADA are implemented as quickly and efficiently as possible and all reasonable and productive efforts be made to involve the broadest cross section of citizens in this process; and

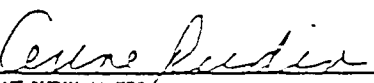
II. The Council will view the challenges of the ADA as opportunities that will enhance the quality and quantity of citizen participation in the social, political and economic life of this community; and

III. While the implementation of the ADA will result in costs, these costs are a necessary part of making services accessible to all members of our community; and

IV. The Council encourages the private sector to embrace this approach and sees full implementation of the ADA as a necessary and important step in achieving our vision of Sacramento; and

V. The Council congratulates and thanks the people with disabilities, whose perseverance and vision has moved us all a step closer to that state of humanness possible only in fellowship, in community, and in peace.

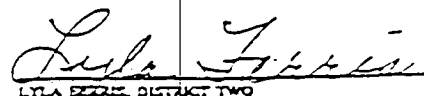
ISSUED: This 17th Day of December, 1991.



MIKE RUDIN, MAYOR



HEATHER FAROOQ, DISTRICT ONE




LYLA FERRIS, DISTRICT TWO



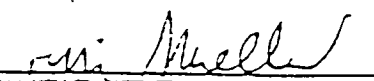
JOSH PAINE, DISTRICT THREE



TOM CHINN, DISTRICT FOUR



JOE FERRNA, JR., DISTRICT FIVE



TIM MUELLER, DISTRICT SIX



TERRY EASTANIS, DISTRICT SEVEN



LYNN ROGOZ, DISTRICT EIGHT



VALERIE BURROWS, CITY CLERK

EXHIBIT B 7

ADA PRIORITIES

(From EXHIBIT B, 1/25/94 City Council Report)

GENERAL COMMENTS

It should be noted, the main emphasis of the ADA is not only for public areas that are used by the public, but to enhance employment of persons with disabilities. Title 24 emphasized a primary building access, and a path of travel to major facilities used by the public. The ADA requires equal access to all portions of facilities.

This change is taken into account in the facility surveys. It does skew the facility surveys. Facilities that were inaccessible in the original report, and were modified to Title 24 standards, now are in violation of ADA.

It should be noted that the two survey teams used different formats. In the 1984 surveys minor deviations from the code were not cited. In the ADA survey all violations of the code were cited.

BUILDING PRIORITY VALUE

The building priority value was established as follows:

The city during creation of their database assessed an ADA PRIORITY NUMBER. A 1 is a high priority and a 10 is low priority.

Adhering to guidelines of previous reports, a NEEDS SCORE was assigned based on Public use, Uniform Building Code occupancy (i.e. office, assembly, warehouse), and number of employees. A 10 is a high need, a 1 is a low need.

The COUNT SUMMARY is the total deviations from ADA for each facility.

The Formula for the BUILDING PRIORITY VALUE is as follows.

The COUNT SUMMARY x NEED SCORE = BUILDING PRIORITY VALUE

Basis for Deficiencies Correction is:

- **Building Rank = Number of Deficiencies x Need Score**
- **Deficiency Classification - Immediate, High, Medium, Low**
- **Funding sources**
- **Other Priorities of City Council**

To Prioritize Deficiencies by Building

Step 1: Create a Need Score by Building

- Need Score - A value between 1 - 10 was assigned to each building. A facility having high need for accessibility was assigned a value between 8 - 10. The 3 Score factors are:
- Public Use of Building
- Occupancy Type - Office, Meeting, Shop/Warehouse, etc.
- Number of Employees at Building

Step 2: Rank the Buildings

- Building Rank = Number of Deficiencies x Need Score

Prioritization of Deficiencies

- Identified Four Deficiency Types
 - Immediate Action = Safety Concern 575
 - High Priority = Little or No Access 9,831
 - Medium Priority = Improve existing access 2,020
 - Low Priority = Minor Deviations 469

Total Deficiencies: 12,895

- Recommendations were by Consultant - Scott Harger,
Licensed Architect / Contractor

ADA Facility Summary

Facility Number	Facility/Site Name	Count Summary	Priority Summary				ADAPriority / Need Score	Building Priority Value
			Immediate	High	Medium	Low		
9.00	COMMUNITY CENTER THEATER 1100 14TH STREET Community Convention Center :	481	25	396	55	5	1 / 10	4,810
182.00	CENTRAL LIBRARY 828 I STREET Library :	563	12	494	49	8	1 / 8	4,504
8.00	COMMUNITY CENTER ACTIVITY BUILDING 1100 14TH STREET Community Convention Center :	364	24	280	52	8	1 / 10	3,640
432.00	COLOMA COMMUNITY CENTER 4623 T STREET Parks & Com. Serv. : Recreation South	278	13	212	44	9	1 / 10	2,780
1.00	CITY HALL 915 I STREET General Services :	263	4	232	22	5	1 / 10	2,630
851.00	SACRAMENTO THEATER CO. 1419 H ST. Community Convention Center :	260	18	186	51	5	1 / 10	2,600
431.01	13TH & I BUILDING 1231 I STREET General Services :	234	1	194	30	7	1 / 10	2,340
301.01	LOT H 11 RENTALS 11TH & L STREETS Public Works : Engineering	256	9	204	43	0	3 / 9	2,304
8.01	COMMUNITY CENTER EXHIBIT HALL 1100 14TH STREET Community Convention Center :	216	11	152	48	5	1 / 10	2,160
5.00	HALL OF JUSTICE 813 6TH STREET Police :	227	3	191	26	7	1 / 9	2,043
964.00	FINANCIAL BUILDING 927 10th STREET Public Works : Engineering	214	3	183	20	8	2 / 9	1,926
299.01	LOT E 8 RENTALS 13TH & J STREETS Public Works : Engineering	220	9	186	23	2	3 / 8	1,760
166.00	GARDEN & ARTS 3316 MCKINLEY BL. Parks & Com. Serv. : Recreation North	161	12	126	16	7	1 / 10	1,610
349.00	CROCKER ART HEROLD WING 216 O Street Parks & Com. Serv. : Museum & History	158	10	121	22	5	1 / 10	1,580
963.00	COOLEGE COMMUNITY CENTER 5699 SO. LAND PARK DR. Parks & Com. Serv. : Recreation South	174	7	122	35	10	1 / 9	1,566
446.00	SACRAMENTO HISTORY CENTER 101 I STREET Parks & Com. Serv. : Museum & History	155	4	116	29	6	1 / 10	1,550
452.00	SACTO. SCIENCE CENTER & JR. MUSEUM 3615 AUBURN BLVD. Parks & Com. Serv. : Museum & History	149	5	108	29	7	1 / 10	1,490
968.00	BALDWIN & HOWELL BLDG. 1023 J STREET Public Works : Parking	166	2	150	11	3	2 / 8	1,328
12.00	CROCKER ART MUSEUM 216 O Street Parks & Com. Serv. : Museum & History	131	3	102	22	4	1 / 10	1,310
1028.00	Plaza Building 921 10th Street General Services : Facility Management	134	8	107	14	5	2 / 9	1,206

Friday, May 14, 1993

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Ranking - Top 20 City Buildings

Building / Location

Fund Source

1.	Community Center Theater	Conv Ctr
✓ 2.	Central Library	General
✓ 3.	Community Center Activity Bldg.	Conv Ctr
✓ 4.	Coloma Community Center	General
✓ 5.	City Hall (a)	General
✓ 6.	Sacramento Theater Company	General
✓ 7.	13th & I Street Office Building	General

- (a) Some deficiencies may qualify for a Historic Building Exemption.
✓ High priority deficiencies completed or no longer required

Ranking - Top 20 City Buildings (Cont.)

<u>Building / Location</u>	<u>Fund Source</u>
----------------------------	--------------------

- | | |
|--|----------|
| ✓ 8. Lot H , 9 Rentals (6 complete) | Parking |
| ✓ 9. Community Center Exhibit Hall | Conv Ctr |
| ✓ 10. Hall of Justice (not in City inventory) | General |
| ✓ 11. Financial Building - 927 10th St. (leased) | General |
| ✓ 12. Lot E, 8 Rentals (not in City inventory) | Parking |
| ✓ 13. Garden & Arts | General |
| <hr/> | |
| 14. Crocker Art - Herold Wing | General |
| ✓ High priority deficiencies completed or no longer required | |

Ranking - Top 20 City Buildings (Cont.)

Building / Location Fund Source

15. Cooledge Community Center General

16. Discovery Museum History Center General

17. Discovery Museum Educational Facility General

✓ 18. Baldwin & Howell Bldg.-1023 J St. (leased) General

19. Crocker Art Museum (a) General

✓ 20. Plaza Building General

(a) Some deficiencies may qualify for a Historic Building Exemption.

✓ High priority deficiencies completed or no longer required

EXHIBIT C
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AMERICANS WITH DISABILITIES ACT MODIFICATIONS

PROJECT#:	CC00
FY Initiated:	92/93

Location
Various

Council District:

- Citywide 1 2 3 4 5 6 7 8

Neighborhood Area:

- Citywide 1 2 3 4 NA1 NA2 NA3 NA4

Planning Area:

- NA Citywide PA1 PA2 PA3 PA4 PA5 PA6 PA7 PA8 PA9 PA10 PA11

Project Description

Survey, classify, prioritize conditions in City facilities which do not comply with the Americans with Disabilities Act (ADA). Design and build the needed corrections.

Project Objectives

Comply with Federal Civil Rights Law. Eliminate physical barriers which cause discrimination to Americans with disabilities.

Existing Situation

The federal ADA was signed into law in July 1990. The ADA has far reaching implications for both public and private employers.

Operating Budget Impact

None.

Fund Source	Budget through 6/99	Estimated Balance 6/99	Five Year Funding				
			1999-00	2000-01	2001-02	2002-03	2003-04
General Fund	2,768,340	1,455,619	500,000	500,000	500,000	500,000	500,000
Parking	333,101	318,145	78,000	78,000	78,000	78,000	78,000
Water	76,686	65,364	0	0	0	0	0
Sewer	24,064	24,064	0	0	0	0	0
Solid Waste	64,575	64,575	11,000	11,000	11,000	11,000	11,000
Golf	131,906	102,805	42,000	42,000	42,000	42,000	42,000
Community Center	858,870	586,156	50,000	50,000	50,000	50,000	50,000
Fleet	151,455	114,876	28,000	28,000	28,000	28,000	28,000
Zoo	1,343	0	0	0	0	0	0
Capital Grants	26,421	2,544	0	0	0	0	0
TOTAL	4,436,761	2,734,148	709,000	709,000	709,000	709,000	709,000



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ADA Funding Pool Status

Fund Source	Contributions	Pool Loan	Completed or Contracted	Under Contract by 9/1/00	Balance
General Fund	\$3,583,532	(\$400,000)	\$2,983,532	\$200,000	\$0
Parking Fund	\$488,727	(\$196,000)	\$140,164	\$150,000	\$2,563
Golf Fund	\$269,000	(\$38,134)	\$125,108	\$102,000	\$3,758
Community Ctr Fund	\$323,426	\$634,134	\$619,042	\$263,500	\$75,018
*Water Fund	\$11,126	\$0	\$0	\$0	\$11,126
*Sewer Fund	\$4,000	\$0	\$0	\$0	\$4,000
Solid Waste Fund	\$75,575	\$0	\$0	\$0	\$75,575
Fleet Fund	\$179,455	\$0	\$26,579	\$0	\$152,876
Grants	\$46,095	\$0	\$23,876	\$0	\$22,219
Total	\$4,980,936	\$0	\$3,918,301	\$715,500	\$347,135

* Dept. of Utilities completing ADA corrections with Operations & Maintenance funds

POLICY STATEMENT ON DISABILITY DISCRIMINATION

Discrimination on the basis of disability against any individual, applicant or an employee who is a qualified individual with a disability, by a supervisor, management employee or coworker is not condoned and will not be tolerated. This policy applies to the job application process and all terms and conditions of employment including, but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, termination, and also in the provision of City programs and services.

All complaints of discrimination on the basis of disability will be promptly and objectively investigated.

Disciplinary action up to and including termination will be instituted for behavior prohibited by this policy.

Any retaliation against a person for filing a discrimination charge or making a discrimination complaint is prohibited.

Discrimination on the basis of disability means:

- to limit, segregate, or classify a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's disability;
- to participate in a contract which could subject an applicant or employee with a disability to discrimination;
- to use any standards, criteria or method of administration which could have the effect of discriminating on the basis of disability;
- to deny equal jobs or benefits because of a disability;
- to fail to make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;
- to use selection criteria which exclude disabled persons unless the criteria is job-related and consistent with business necessity; and,
- to fail to use employment tests in a manner that ensures that the test results accurately reflect the applicant's or employee's skills or aptitude for a particular job.

POLICY IMPLEMENTATION

Each department head is responsible for ensuring that there is no discrimination against individuals based on disability by: 1) having managers and supervisors inform all employees under their direction of this City policy; 2) ensuring that any instances or allegations of discrimination are immediately reported to the department ADA coordinator or the City Affirmative Action Officer; and, 3) posting this policy in conspicuous locations within the workplace.

COMPLAINT RESOLUTION PROCEDURE

The Affirmative Action Officer (or person designated by the Director of Personnel) will investigate and attempt resolution of complaints in accordance with the City's Discrimination Complaint Resolution Procedure. Individuals are encouraged to immediately report any act of discrimination to the Department ADA coordinator, supervisor, department head, or the Affirmative Action Officer.

Any retaliation against a person for filing a discrimination charge or making a discrimination complaint is prohibited.

William H. Edgar
WILLIAM H. EDGAR
City Manager