



City of Pflugerville

Legislation Details (With Text)

File #: ORD-0572 **Version:** 2 **Name:**
Type: Ordinance **Status:** Approved
File created: 3/9/2021 **In control:** Engineering Dept
On agenda: 3/23/2021 **Final action:**
Title: Approving an ordinance on second with the caption reading: An ordinance of the City of Pflugerville, amending Section 3 - Sidewalks, Pedestrian and Bicycle Facilities of the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; Containing a savings clause; Containing a severability clause; and providing for a publication and an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Proposed Ordinance, 2. EDM Record of Rev Pavement Design, 3. Draft Presentation_ORD-0572

Date	Ver.	Action By	Action	Result
3/23/2021	2	City Council	Approved on Second Reading	Pass
3/9/2021	1	City Council	Approved on First Reading	Pass

Approving an ordinance on second with the caption reading: An ordinance of the City of Pflugerville, amending Section 3 - Sidewalks, Pedestrian and Bicycle Facilities of the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; Containing a savings clause; Containing a severability clause; and providing for a publication and an effective date.

As a follow up to the January 26th City Council Worksession presentation Staff presents an Ordinance for adoption of the addition of a new subsection to the Engineering Design Manual to address Americans with Disability Design Standards and Procedures as provided by the Federal Access Board.

In accordance with Section 3.14 of the City charter which requires an ordinance for the adoption or amendments to an administrative code or regulations pertaining to land use or development, Section 3 of the Engineering Design Manual has been updated to reflect current industry engineering and construction standards as related to the Adoption of the Americans with Disabilities (ADA) Transition Plan.

As a follow up to January 26th City Council presentation for the results of the City’s Self Evaluation and ADA Transition Plan report, staff has provided the request for formal adoption of the ADA Transition Plan and this Ordinance for city’s adoption of ADA Design standards and procedures associated with accessibility in the Public Right-of-Way.

The Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

Title II of the ADA requires that municipalities

1. adopt the Americans with Disabilities Standards for Accessible Design that provide accessibility, through pro-proposed structural modifications to remove accessibility barriers; and
2. recommends that municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of-Way that pro-vide accessibility, through proposed structural modifications to remove accessibility barriers; and
3. United States Department of Justice modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way for use by state and local municipalities

The City of Pflugerville recognizes the need to revise and update the Section 3 of the City's Engineering Design Manual to meet current industry standards related to accessibility in the public right-of-way. The proposed standards are based upon the Americans with Disability (ADA) Standards for Accessible Design (ADAAG) and the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) as referenced in the ADA Transition Plan. The Engineering Design Manual (EDM) will serve as a Guiding document for engineers and designers when proposing public pedestrian infrastructure in the City of Pflugerville.

Background. In April 2020 Council authorized Staff and Kimley-Horn Associates to Prepare a Self-Assessment and an ADA Transition plan, since the City of Pflugerville does not have an ADA Transition Plan. In accordance, all local Governments are required to meet the general requirements of Title II of the American Disabilities Act (ADA). To accomplish this cities are required to conduct a Self-Evaluation of all programs; policies/procedures; maintenance practices; and infrastructure; and identify those that are inconsistent with current ADA Standards. In addition, local governments are required to develop a Transition Plan.

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, as a civil rights law prohibiting discrimination against individuals on the basis of disability. Title II of ADA pertains to the programs, activities and services that public entities provide. Title II of ADA provides that, "**...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.**" (42 USC. Sec. 12132; 28 CFR. Sec. 35.130) As a provider of public transportation services and programs, the City of Pflugerville must comply with this section of the Act as it specifically applies to local governments.

Project Scope. The development of the transition plan included: Data Collection and Analysis of existing transportation and access features, facilitation of public involvement and input in to the process, self-evaluation/ analysis of the data collected and input received, the writing of the Transition Plan, and the incorporation of the data collected into the city's asset management system.

Prior City Council Action

City Council approved a professional services agreement with Kimley-Horn and Associates in the amount of \$149,997.50 for professional services associated with the Comprehensive Americans with Disabilities Act (ADA) Self Evaluation and Transition Plan at the April 28, 2020 meeting.

This ordinance was approved on first reading on March 9, 2021.

Deadline for City Council Action

Action on second and final reading is requested on March 23, 2021.

Funding Expected: Revenue ___ Expenditure ___ N/A X

Budgeted Item: Yes ___ No ___ N/A X

Amount: N/A

1295 Form Required? Yes ___ No X

Legal Review Required: N/A ___ Required X Date Completed: 2/26/2021

Supporting documents attached:

Proposed Ordinance

EDM Record of Revisions Section 3

Draft Presentation

Recommended Action

Approve an ordinance on second reading with caption reading: An ordinance of the City of Pflugerville, amending Section 3 - Sidewalks, Pedestrian and Bicycle Facilities of the 2014 Engineering Design Manual and Construction Standards, replacing all Engineering and Construction Standards in conflict; Containing a savings clause; Containing a severability clause; and providing for a publication and an effective date.