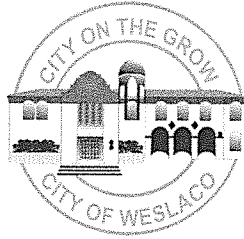


# City of Weslaco

"The City on the Grow"



David Suarez, Mayor  
Olga M. Noriega, Mayor Pro-Tem, District 3  
David R. Fox, Commissioner, District 1  
Greg Kerr, Commissioner, District 2  
Gerardo "Jerry" Tafolla, Commissioner, District 4  
Lupe V. Rivera, Commissioner, District 5  
Fidel L. Pena III, Commissioner, District 6

Mike R. Perez, Interim City Manager

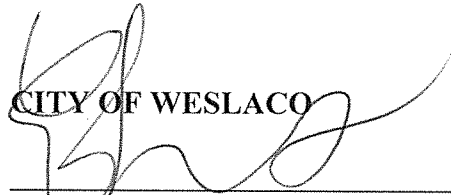
## CERTIFICATE

I, Elizabeth M. Walker, City Secretary of the City of Weslaco, Texas, **DO HEREBY CERTIFY**, that the Weslaco City Commission at their Regular Meeting of November 18, 2014, approved the following item under **VIII. NEW BUSINESS:**

- I. Discussion and consideration to adopt Sidewalk Transition Plan to provide means of compliance with Americans with Disabilities Act (ADA) standards.

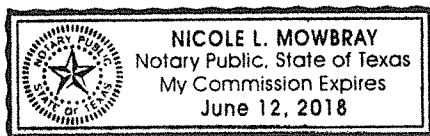
Such action of the Weslaco City Commission will be recorded in Volume 49 of the Weslaco Minute Book.

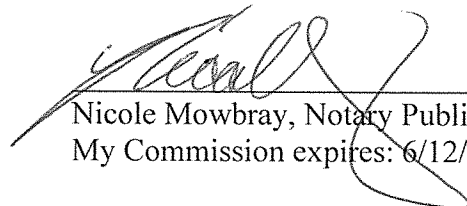
**DATED** this 26<sup>th</sup> day of December 2014.

  
**CITY OF WESLACO**  
\_\_\_\_\_  
Elizabeth M. Walker  
City Secretary

## NOTARY

**SWORN AND SUBSCRIBED** before me, this 26<sup>th</sup> day of December 2014 and that the above facts are true and correct to the best of her knowledge.



  
\_\_\_\_\_  
Nicole Mowbray, Notary Public  
My Commission expires: 6/12/2018

**STATE OF TEXAS**

CITY OF WESLACO ADA TRANSITION PLAN



November 2014

Planning & Code Enforcement Department

## CITY OF WESLACO ADA TRANSITION PLAN

November 2014

In accordance with the Americans with Disabilities Act (ADA), local governments are required to develop a Transition Plan, which includes a self-evaluation of a municipality's facilities, programs, policies and practices and their accessibility. The City of Weslaco's Transition Plan focuses on bringing all public buildings into compliance with the ADA and addressed policies regarding sidewalk and curb ramp improvements. In conjunction with the development and execution of this Transition Plan, the City of Weslaco will modify, as needed, all of its public buildings fully accessible and in compliance with the ADA.

The City of Weslaco provides service and maintenance to thirteen (13) facilities that have public access. These include City Hall, City Library, seven (7) Public Parks, Cemetery, and Police and Fire Department Buildings. Most of these might meet ADA based on the year of construction. However, requirements have changed with time. As part of the initial stage of this Transition Plan, the facilities will be inspected for ADA compliance and a plan of action will be implemented to adjust any inconsistencies. The City's goal is to have fully accessible facilities within two (2) years.

With respect to other facilities, such as sidewalks, the City of Weslaco hereby implements and adopts this revised Transition Plan in an effort to in good-faith comply with the ADA, and develop a plan whose goal is to bring all sidewalks within the City of Weslaco into compliance with applicable ADA standards. Based on previous improvements, and this Transition Plan, it is the desire of the City of Weslaco to provide accessibility for people with disabilities to the whole range of City services and programs. In conjunction with this, it is the intention of the City of Weslaco to remove all barriers to accessibility to all public facilities and sidewalks. The City recognizes that there are locations within the City that lack sidewalks or the lack of sidewalks with ADA- required curb ramps. Many of these conditions pre-date the ADA and any requirements under the ADA regarding accessibility, and thus, the City is not required to implement immediate improvements achieving ADA compliance. However, the City adopts this Plan to conduct a self- evaluation of its existing facilities and to develop a plan in order to achieve full compliance in the future.

### **POLICY REGARDING INSTALLATION OF SIDEWALKS/CURB RAMPS IN AREAS OF PLANNED ROAD RE-CONSTRUCTION OR RENOVATION**

With regard to any future intersection to intersection road reconstruction or renovation projects, it will be the policy of the City of Weslaco to prioritize the installation of ADA compliant sidewalks and curb ramps adjacent to said road reconstruction or renovation over installation of sidewalks or curb ramps in areas in which no road re-construction or renovation is occurring. In achieving this policy, the City will undertake an analysis, as to each planned road reconstruction or renovation, as to whether the adjacent sidewalks and street are adequately accessible as required by the ADA; whether any necessary or needed sidewalk construction or alteration work needed to make the sidewalk ADA-compliant is disproportionate to the overall planned road renovation/reconstruction/alteration; and whether any necessary or needed sidewalk construction or alteration work needed to make the sidewalk ADA-compliant would constitute an undue financial and/or administrative burden to the City

given the City's then existing financial situation.

This prioritizing and analysis will also include an analysis of: whether the area is developed or newly developing; whether the area is commercial or residential; whether there is an existing sidewalk; and whether any existing sidewalk has current ADA compliant curb ramps. Any project that ultimately calls for the installation of a sidewalk and curb ramps, based on the above analysis, will include installation of curb ramps to the maximum extent possible so that a clear path of travel is provided. This path of travel, including the curb ramps, should be free of all obstructions or barriers to accessibility, including such obstructions as signs, signal light poles, fire plugs, trees, etc.

#### OBJECTIVE REGARDING PLANNED SIDEWALK TRANSITION

It is the objective of the City of Weslaco, in this Transition Plan, to make all sidewalks accessible in the future, regardless of whether roadwork is planned or contemplated adjacent to said sidewalks. The City of Weslaco will modify its own Sidewalk Ordinance. This ordinance will include the installation of ADA compliant sidewalks on all new construction and on renovations exceeding 40 percent of current construction.

The City recognizes the need to ensure that all sidewalks are ultimately made fully accessible. Due to a limited budget and future budgetary uncertainties, the City cannot install all of the planned sidewalks and/or curb ramps at once and cannot produce a definitive timeline for total completion. It is the City's initial intention, subject to budgetary uncertainties, to make all identified sidewalks fully accessible with curb ramps within 15 years. In attempting to achieve this objective, the City agrees to prioritize the installation of curb ramps in the following order:

1. Walkways serving State and local governmental offices and facilities;
2. Walkways serving bus stops and transportation services;
3. Walkways serving private businesses offering goods and services to the public and employees;
4. Walkways serving solely residential areas.

With respect to said projects that are undertaken, they will include installation of curb ramps to the maximum extent possible so that a clear path of travel is provided. This path of travel, including the curb ramps, should be free of all obstructions or barriers to accessibility, including such obstructions as signs, signal light poles, fire plugs, trees, etc.

Any and all proposed curb ramp/sidewalk improvements are subject to budgetary constraints and funding availability. In providing program access, including sidewalks, the City is not required to take any action that would result in a fundamental alteration to the nature of the service, program or activity in question or that would result in undue financial and administrative burdens. For this reason, this Transition Plan regarding sidewalk/curb ramp installation, priorities and timelines is subject to the City's financial situation, both as it exists today and moving forward into the future. Additionally, all proposed sidewalk projects and priorities contained within this Transition Plan are subject to an analysis of whether or not the proposed sidewalk improvements will result in undue financial and/or administrative burdens to the City.

## OBJECTIVE REGARDING INSTALLATION OF SIDEWALKS/CURB RAMPS BASED ON CITIZEN COMPLAINTS/REQUESTS

Although sidewalk/curb ramp improvements and installation will be prioritized as discussed above, the City recognizes that citizens may request that certain sidewalks be addressed or curb ramps be installed to sidewalks that may not conform to or be on the City's current priority list of improvements. The City welcomes any citizen input or requests regarding proposed sidewalks that citizens believe need work or improvements from an ADA perspective. Any grievances regarding public facility ADA non-compliance or violations should be made and addressed to the City's ADA Coordinator, the Planning Director or designee in conformance with the City's ADA Grievance Procedure.

The City will conduct an evaluation of all citizen requests or grievances regarding sidewalk or public facility ADA compliance or violation, based on the factors and priorities discussed above in this Transition Plan. Depending on the City's financial situation/budget at the time, the feasibility of said work, any financial or administrative burdens to the City in performing the work, and an analysis of the order of priorities as discussed above, the City will determine whether or not the citizen ADA grievance has merit, whether or not to address the grievance, when, where and how to address it, and where to prioritize the grievance based on the then-existing list of sidewalk improvement priorities. The City will entertain all such citizen requests or grievances regarding sidewalk improvements or ADA compliance as discussed above and in accordance with the City's ADA grievance procedure.

## PLANNING AND CODE ENFORCEMENT DEPARTMENT

The Planning Director or Designee will ensure that all new subdivisions include an ADA compliant sidewalk along the exterior perimeter of such. In addition, all interior streets will include a sidewalk at the time a building permit is required. Furthermore, any subdivision that has not been platted recently under the proposed sidewalk ordinance will require a sidewalk for each lot that is getting developed. For home renovations, however, proposed ordinance requires a sidewalk when more than 40% of the building is being modified.