1. January 8, 2019 Agenda
   Documents:

   JANUARY 8 2019 AGENDA.PDF

1.1. October 9, 2018 Meeting Minutes
   Documents:

   OCTOBER 9 2018 MEETING MINUTES.PDF
Comments by the public will be taken on any agenda item before action is taken by thePhysically Challenged Board of Appeals. Persons speaking on any matter are asked to state their name and address for the record. Public testimony is subject to reasonable regulations, including but not limited to time restrictions on particular issues and for each individual speaker.

Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9(b)(1) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to an item on this agenda submitted to the Physically Challenged Board of Appeals after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of Administration at City Hall, 7351 Rosanna Street during normal business hours. These materials are also available with the agenda packet on the City website at www.cityofgilroy.org
KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE

Government’s duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people’s review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204 OR E-MAIL shawna.freels@cityofgilroy.org.

City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Secretary of the Board 72 hours prior to the meeting at (408) 846-0230. A sound enhancement system is also available for check out in the City Council Chambers.

I. OPENING

- REPORT ON POSTING THE AGENDA AND ROLL CALL

- PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA, BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD. Please limit your comments to 3 minutes. (This portion of the meeting is reserved for persons desiring to address the Board on matters not on this agenda. The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the Board may place the matter on a future agenda. All statements that require a response will be referred to staff or reply in writing.)

II. APPROVAL OF MINUTES FOR THE QUARTERLY MEETING OF OCTOBER 9, 2018 (Report Attached)
III. NEW BUSINESS

- COMMENTS AND REQUESTS FOR BUDGET APPROPRIATIONS PROVIDED BY PHYSICALLY CHALLENGED BOARD OF APPEALS BOARD MEMBERS TO BRYCE ATKINS, CITY OF GILROY FINANCE MANAGER. AN ACTION TO APPROVE RECOMMENDATIONS IS ADVISABLE.

V. ADJOURNMENT TO NEXT QUARTERLY MEETING OF APRIL 9, 2019.

**BOARD MEMBERS, PLEASE CALL THE BUILDING AND LIFE SAFETY DIVISION AT (408) 846-0451 ONE WEEK PRIOR TO THE SCHEDULED MEETING DATE REGARDING YOUR ATTENDANCE.
PHYSICALLY CHALLENGED BOARD OF APPEALS
QUARTERLY MEETING

October 9, 2018 Meeting Minutes

<table>
<thead>
<tr>
<th>Members Present</th>
<th>Staff Present</th>
<th>Members Absent</th>
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<tbody>
<tr>
<td>Marco Machado</td>
<td>Gloria Gilleland</td>
<td>Mercy Mollinedo-Goold</td>
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<tr>
<td>Martha Johanson</td>
<td>Rob Allen</td>
<td>(Unexcused)</td>
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<td>Stephanie Okada-McCabe</td>
<td>Hipolito Olmos</td>
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<td>Domingo Chavez</td>
<td>Bryce Atkins</td>
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<tr>
<th>Others Present</th>
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<tr>
<td>Marisol, Connie - Employees</td>
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<td>Safeway Store</td>
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I. OPENING

- REPORT ON POSTING THE AGENDA AND ROLL CALL

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City of Gilroy Finance Manager, Bryce Atkins stated City staff is in the initial phases of budget development for FY 2019-20 and FY 2020-21 and City Council asked staff during the 2017 budget process to seek input from Board Commissions for future budgets. Staff is requesting any budget requests from commissions early in the process to receive input on what commissions would like to see funded in the upcoming budget
cycle. All comments will be compiled and City Council will see all requests in the staff report. Each commission is to identify what they want funded, and an estimate of the cost to accomplish the request. Bryce stated he will attend the next quarterly meeting to receive the comments and requests collectively from the Board for budget appropriations.

1. Public Comment
   None

2. Board Review and Comment
   All Board Members were in agreement with discussion on the above.

II. APPROVAL OF MINUTES FOR THE QUARTERLY MEETING OF APRIL 10, 2018 (Report Attached)

A motion was made by Board Chair Johanson to approve the minutes of the April 10, 2018 quarterly meeting as written. The motion was seconded by Board Member Chavez and was approved by unanimous vote.

1. Public Comment
   None

2. Board Review and Comment
   All Board Members were in agreement with discussion on the above.
III. NEW BUSINESS

- PRESENTATION OF CITY POLICY GOVERNING BOARD, COMMISSION AND COMMITTEE ATTENDANCE (REPORT ATTACHED)

Rob Allen, Building Official, referred to the attached policy established by the City Charter outlining the attendance standards for regular meetings of City of Gilroy Boards, Commissions and Committees. This policy creates a systematic procedure for reporting absences to members appointed by the City Council or City Administrator. Board Members were encouraged to read this policy.

1. Public Comment

None

2. Board Review and Comment

All Board Members were in agreement with discussion on the above.

- REPRESENTATIVES FROM GILROY SAFEWAY STORE TO ITEMIZE ACCESSIBLE SERVICES

Board Chair Johanson introduced two representatives from the local Gilroy Safeway store that gave a brief presentation to the Board Members as to the special services and accommodations the store offers for individuals having physical challenges and/or disabilities. These services include the use of two motorized shopping carts, ADA accessible parking stalls in the parking lot, on call employee assistance for shopping and/or carry out services, accessible check stands and restrooms.

Board Member Machado expressed his concern with going to the store in rainy weather. Marisol informed him he can call the store beforehand and make arrangements to have an attendant meet him in the store’s parking lot with a large umbrella to assist him into and out of the store.

Marisol stated building plans were recently submitted to the City for an interior remodel of the store and questioned about the
number of required accessible parking spaces for Safeway. Hipolito advised her that the number of parking spaces allocated for Safeway and the minimum number of accessible parking spaces required will be determined upon review of their building construction plans. Path of travel from the parking lot stalls to the entrance of the building will be reviewed for ADA compliancy.

1. Public Comment

None

2. Board Review and Comment

All Board Members were in agreement with discussion on the above.

- DISCUSSION REGARDING ALTERNATE TITLE FOR NAME OF PHYSICALLY RECOMMENDATIONS FROM THE PHYSICALLY CHALLENGED BOARD OF APPEALS.

Rob Allen stated he met with LeeAnn McPhillips, Human Resources Director and was informed the title name of this Board has been in effect for a very long time. Hipolito Olmos stated the name of the Physically Challenged Board of Appeals Board was adopted by City Ordinance in March 1990 and created to act as a regulating body having the authority to act. The Board was given this name because State law authorizes this body to act as a governing entity to hear appeals of determinations on buildings made from the City, County, or State.
Hipolito Olmos gave a presentation on the history of the Physically Challenged Board of Appeals. The Disabled Access Appeals Board was created by Council through the adoption of Ordinance 90-4 on March 5th, 1990. With the passing of this ordinance, the City Council designated the Disabled Access Appeals Board with the authority to set, notice, and conduct public hearings to decide appeals of orders, decisions, or determinations made by the Building Official or the City's ADA Coordinator relative to the application, interpretation of unreasonable hardship requests, or the alternate means of compliance with both State and Federal disabled access regulations.

Under the authority of Gilroy Charter Section 920, the Disabled Access Appeals Board for the City of Gilroy was created, as described in Health and Safety Code section 19957.5.

The Health and Safety Code Section 19957.5 describes the creation, the board’s composition and their authority to act.

(a) Every city, may appoint a local appeals board composed of five members to hear written appeals brought by any person regarding action taken by the building department of the city, in enforcement of the requirements of this part, including the exceptions contained in Section 19957.
Section (c) Describes the authority of the Appeals Board

- Shall conduct hearings on written appeals made under subdivision (a)
- May approve or disapprove interpretations of this part and enforcement actions taken by the building department of the city.
- All such approvals or disapprovals shall be final and conclusive as to the building department in the absence of fraud or prejudicial abuse of discretion.
- The Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties under this part. See the (Physically Challenged Board of Appeals Bylaws, Rules and Regulations) handout.

Also the City of Gilroy Ordinance No. 90-4 under Section IV reiterates that the Appeals Board shall meet as necessary to conduct hearings on written appeals brought by any person regarding action taken by the Building Department in enforcement of the requirements of Health and Safety Code Division 13, Part 5.5 entitled, “Access to Public Accommodations by Physically Handicapped Persons”, and consisting of Sections 19955 to 19959 of the Health and Safety Code inclusive as it now exists or may hereafter be amended, or for the interpretation or application of any other state or federal regulation pertaining to handicapped access.

Section V of the City Ordinance also describes how the Appeals Board adopts the regulations for its organization and for procedural rules and criteria for carrying out its duties. This is known as the Physically Challenged Board of Appeals Bylaws, Rules and Regulations that were created pursuant to and consistent with the City Charter.

1. Public Comment

None
2. Board Review and Comment

All Board Members were in agreement to the discussion above.

- REPORT TO GILROY CITY COUNCIL REGARDING ANY RECOMMENDATIONS FROM THE PHYSICALLY CHALLENGED BOARD OF APPEALS. THIS ITEM WILL BE ON THE CITY COUNCIL AGENDA FOR THE DECEMBER 3rd 2018 CITY COUNCIL MEETING.

Rob Allen reminded Board Chair Martha Johanson of the upcoming annual Physically Challenged Board of Appeals presentation to City Council scheduled for the December 3, 2018 Council meeting.

V. ADJOURNMENT TO NEXT QUARTERLY MEETING OF JANUARY 8, 2019.

**BOARD MEMBERS, PLEASE CALL THE BUILDING AND LIFE SAFETY DIVISION AT (408) 846-0451 ONE WEEK PRIOR TO THE SCHEDULED MEETING DATE REGARDING YOUR ATTENDANCE**