

# Mayor and Council Communication

DATE: 08/22/23

M&C FILE NUMBER: M&C 23-0672

LOG NAME: 08ADA CONSULTANT SERVICES

## **SUBJECT**

(ALL) Authorize Execution of a Professional Services Agreement with Kimley Horn, in an Amount Not to Exceed \$225,000.00, to Assess the City of Fort Worth's Compliance with the Americans with Disabilities Act and to Prepare the Scope of Work for an ADA Transition Plan, and Authorize Reallocating Appropriations in the Non-Departmental Department Budget in an Amount Not to Exceed \$225,000.00

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## **RECOMMENDATION:**

It is recommended that the City Council authorize the execution of a Professional Service Agreement, in an amount not to exceed \$225,000.00, with Kimley Horn to assess the City of Fort Worth's compliance with the Americans with Disabilities Act and to prepare the scope of work for an ADA Transition Plan and authorize reallocating appropriations in the Non-Departmental Department Operating Budget, as appropriated, in the General Fund budget in an amount not to exceed \$225,000.00.

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## **DISCUSSION:**

This Mayor and Council Communication is to authorize a professional service agreement with Kimley Horn in an amount not to exceed \$225,000.00 to hire a consultant to develop, as phase one of a multi-phased approach, an Americans with Disabilities Act (ADA) compliance plan. This plan would document the City's efforts related to Title II compliance; include an inventory of City programs, services, activities, and facilities to be evaluated in future phases; recommend a required community outreach strategy plan; and include a budget and schedule to complete a full ADA transition plan.

The City of Fort Worth is required to comply with Title II of the ADA. Title II covers a broad range of activities, including:

- Effective communication with persons with disabilities, including the provision of accessible documents, accessible websites and the provision of auxiliary aids or services.
- Accessible programs and activities, which includes making reasonable accommodations/ modifications in policies, programs, procedures, and activities to ensure that a person with a disability can access said programs and activities.
- Conforming to specific ADA standards in the construction of new public facilities and altering existing facilities.
- Accessible public transportation, including sidewalks, curb ramps, street crossings and more.
- Compliance procedures, including who may file a complaint, the time for filing a complaint, where to file a complaint, and compliance reviews.

ADA transition plans are required by the ADA and Section 504 for public agencies with more than 50 employees. Under the ADA, public agencies were required to submit an ADA transition plan within six months of January 26, 1992, and according to 28 CFR §35.150(d), required that the plan include, at a minimum:

- Identification of physical obstacles in the public agency's facilities that limit accessibility of its programs or activities to individuals with disabilities;
- Description, in detail, the methods that will be used to make the facilities accessible;
- A schedule specifying the necessary steps to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify the steps that will be taken during each year of the transition period; and
- Indication of the official responsible for implementation of the Plan.

According to the Federal Highway Administration and industry best practices, public agencies should routinely update their ADA transition plan to ensure that the ongoing needs of the community continue to be met. Additionally, in accordance with 23 CFR, 200.9(b)(7), the Texas Department of Transportation (TxDOT) is responsible for developing and implementing an effective subrecipient monitoring program that conducts reviews of cities, counties, consultant contractors, suppliers, universities and colleges, planning agencies and other recipients of federal-aid highway funds with whom it does business. The City is a subrecipient of federal funding through TxDOT.

As noted previously, the last formal update to the City's transition plan occurred in 1992. Since 1990, Fort Worth's population has almost doubled in population from 447,619 (1990 Census) to more than 956,000 residents today. Additionally, technology has also advanced rapidly since 1990 with the creation of the internet, email, smart phones, texting, social media, artificial intelligence, and more. Consequently, the City's 1992 plan does not take into account new facilities, streets, sidewalks, curb cuts, and more; nor does it take into account any new policies, programs, activities, procedures and/or practices implemented since that time or address all the new ways technology is used by the City for residents to access programs, activities and services.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendation and adoption of the Fiscal Year 2024 Budget by City Council, funds will be available in the Fiscal Year 2024 operating budget, as appropriated, in the General Fund. Prior to an expenditure being incurred, the Diversity and Inclusion Department has the responsibility to validate the availability of funds.

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Expedited