

City of Bend
City of Bend Accessibility Advisory Committee
September 28, 2023
Meeting Minutes

Chair John Heylin conducted and called the City of Bend Accessibility Advisory Committee (COBAAC), September 28, 2023, hybrid meeting to order at 1:01 PM, at City Hall in Council Chambers, 710 NW Wall Street, 97703. Watch the [COBAAC September 28, 2023, YouTube livestream recording](#).

1. Roll Call: Committee Members

Members Present Virtually (6)

- Aaron Rivers, He, Him
- Amanda Hamer, She, Her
- Vice-Chair Carl Burnett, He, Him
- Liz Diether-Martin, She, Her
- Nicholas Radon, He, Him
- Stephanie Utzman, She, Her

Members Present In-Person (3)

- Chair, John Heylin, He, Him
- Derek Hofbauer, He, Him
- Kori Sparks, She, Her

Members Absence Excused (2)

- Liz Woodfin, She, Her
- Whitney Bennett, She, Her

City Staff in Attendance:

- Cassandra Kehoe, She, Her, Accessibility and Equity Manager & COBAAC Staff Liaison
- Andrés Portela, He, Him, Equity, and Inclusion Director
- Barb Campbell, She, Her, Hers, Councilmember and COBAAC Council Liaison
- Stephanie Betteridge, She, Her, Chief Innovation Officer, and Assistant City Manager
- John Condon, Project Management Office Manager
- Andrea Wickberg, She, Her, Hers, Project Manager II, Project Management Office
- Thomas Kissinger, Project Manager II, Project Management Office
- Kathi Barguil, She, They, Community Relations Manager – Virtual
- Mellissa Kamanya, She, her, Affordable Housing Coordinator
- Lisa Larsen, She, Her, Administrative Support Specialist, Accessibility & Equity

Community Member (Testimony):

- Kayla Wopschall

2. Land Acknowledgement: [Live timestamp 3:08](#)

COBAAC Chair Heylin, He, Him, read the City of Bend Land Acknowledgement

3. Approval of July 27, 2023, Draft Minutes: [Live timestamp 3:59](#)

Motion: Member Sparks motioned to approve the COBAAC July 27, 2023, Draft Minutes as read, with no corrections. Member Hamer seconded the motion. The motion approved to move the July 27, 2023, draft minutes to final, and unanimously passed by all voting members who attended today's meeting, in person (3) and virtually (6).

4. Public Comment: No public in person and no virtual in attendance.

5. Service Request System Presentation: Live timestamp 5:20

- Stephanie Betteridge, She, Her, Assistant City Manager and Chief Innovation Officer
- John Condon, Project Management Office Manager
- Andrea Wickberg, She, Her, Hers, Project Manager II, Project Management Office
- Thomas Kissinger, Project Manager II, Project Management Office

Assistant City Manager Betteridge, Project Management Office Manager Condon, with the support of the Project Management Office team members are here to share an update on Bend Works app, which is a community service request system to submit issues of concern. The Bend Works app is free of charge and available to everyone.

The team is asking COBAAC members for feedback on how members see this system support the work of the City of Bend Accessibility Advisory Committee (COBAAC) and meet the needs of the community members. They want members to share suggestions that will make this a valuable tool, to assure it is aligned with the needs and expectations of the community.

Assistant City Manager Betteridge presented and spoke about the following slides:

Slide 1 - Bend Works Service Request System: City Goal - Accessible & Effective Government

Slide 2 - A System for the Community to Make **Non-emergency** Service Requests

Slide 3 - Demonstration/Virtual Tour of Bend Works Software - On the Web and Mobile App

The Bend Works free app is replacing an existing web-form for **non-emergency** service requests. The Bend Works, web portal and mobile, app is a two-way dialog between community members and the city, where you can submit, track the status, and receive updates on service requests submitted by you or receive information from other community members service request submittals in your neighborhood or around the city.

Not everybody is comfortable using technology or has access to technology. It was important to approach this project, assuring there is a way to call the city or walk in and share issues seen in the community, with the city, they would like the city to address. Assistant City Manager Betteridge introduced Project Management Office Manager Condon to give a walk-through demonstration of the Bend Works software.

COBAAC questions, comments, and suggestions:

Chair Heylin: Is it anonymous. Assistant City Manager Betteridge: To be able to have dialog with those who are submitting requests, we require that sign up for an account, then requests are tied to the account holder. That allows us to provide them with status updates, ask questions, and track what is happening during the request process.

We do allow a couple of service request types to remain private when they are not conducive to including a name with the request. When there are privacy concerns, we are thoughtful about which to keep public or keep private.

6. Kayla Woputz, Community Member Testimony: **Live timestamp 39:19**

Kayla Woputz is a wheelchair user and here to talk about the property at 21175 Southeast Reed Market Road, part of new South Reed Market Road development and currently occupied by Cascade Lakes Pub and owned by Ryan Spencer LLC.

Kayla was excited to hear about the Cascade Lakes Brewery's new location, its transition to nonprofit status and the resource it is for our community. Kayla was encouraged to see, Andrew Ryan, the current general manager of Cascade Lakes Brewery and assuming part of the building ownership group, given the name. Andrew Ryan spoke directly to the Rooftop Bar area, as she quoted communal space available for fundraisers for both their nonprofit and nonprofit partners.

Kayla worked for several nonprofits in Bend, she has founded one herself and is deeply entrenched in the fundraising events in this community. And with the anticipation for this new space on a personal and philanthropic level being high.

Kayla and her family visited Cascade Lakes Brew Pub on August for the first time. At the time of our visit, there were no accessible indoor seating options, as all tables were, high tops or raised booths.

When the family arrived, they looked for an elevator to go up to the anticipated and hyped Rooftop Bar. Not able to find an elevator, they asked where an elevator could be found and told there was no elevator at this location.

Due to Kayla being a wheelchair user with a degenerative neurological condition, she is not able to navigate long flights of stair safely. Kayla was both disappointed she was unable to join friends and family on the rooftop and embarrassed to request her family and friends to relocate downstairs because she was unable to join them. They wound up eating downstairs and she was able to transfer, with difficulty, into a raised booth.

Kayla has not returned since, to see if the lower-level seating issues were addressed. Since this is in the initial stages of opening, Kayla is hopeful that this was just transitional layouts before their final layouts.

Kayla contacted the City of Bend about the ADA legal requirements for the absence of an elevator. There was correspondence between the Kayla and City of Bend, Assistant Building Official, Brad Mandal about the following building codes and this project:

- **2019 Oregon Structural Specialty Code - CHAPTER 11 ACCESSIBILITY - 1104.4 (5) Multistory buildings & facilities**
- **2010 ADA Standards for Accessible Design 206.2.5**
- **ORS 447.247 (b) – Elevators required**

Due to there being three different codes, Assistant Building Official Mandal reached out to the Building Code Division, Structural Program Chief Tony Rocco for to clarify which code to use and supersedes the others. Kayla has documented Tony Rocco's response, was to use the 2019 Oregon Structural Specialty Code - CHAPTER 11 ACCESSIBILITY - 1104.4 (5) Multistory buildings & facilities does not apply, and this facility, Cascade Lakes Brewery, is not required to have an elevator.

Kayla mentioned that this sounds confusing and the takeaway message here is: While the ADA recognizes the importance of having unique spaces in all areas of a restaurant accessible. The Oregon code as it stands, allows the establishment in question to pass existing code. Because the second floor the rooftop bar and the proposed communal space is only 2,300 ft, instead of 3,000 ft and therefore that meets the exception in code 114.4.

So here we have a situation where the ADA grapples with the balance between cost effectiveness for businesses and accessibility for community members. Accessibility clauses in the ADA, like Title 3 section 206 2.5. Focusing on having accessible spaces and routes in all distinct and unique spaces of buildings designed with the intention of preventing separate but equal scenario. It is not sufficient for restaurants to only have accessible eating that allows participation in the same spaces and experiences as other community members. This an important future for the ADA.

However, there is a place for building exceptions that are understandable. Exceptions are derived from the desire to prevent barriers for small businesses and small builds to create financially successful spaces. To not overburden small space build outs with excessive costs, like an elevator.

Kayla's question to the City of Bend Accessibility Committee:

Does this financial burden exist in a large development, with multiple buildings, such as Reed South. Where the developers are not the small business scenario intended for this exception.

Kayla understands that having all spaces is a big ask. Renovating existing structures is costly and with historic properties at times is an unreasonable expectation and it is not expected Those of us with mobility issues understand this and live with this every day. There are many businesses or places that Kayla cannot access or places she cannot live in this town, as a wheelchair user.

However, to visit a brand-new building and not be able to join her friends and family for a meal, due to an accessible route and lack of an elevator to a vista is shocking, embarrassing, frustrating and very demoralizing.

Kayla stated this is not only an issue for wheelchair users. Her father's mobility issues solely stem from age; he could not ascend the stairs at this location and could not join the rooftop bar.

The marketed Rooftop Bar, the first of its kind in Bend, and a space intended for positive use to support the community nonprofits is thus blocked many of its community members from its use.

Kayla urges the City of Bend Accessibility Advisory Committee and the City of Bend to consider:

- The intent in which these exceptions to the ADA are written.
- Review situations where the intent may not match the build at hand.
- Consider ways, as a city, we can maximize accessibility while still maintaining the consideration for small business owner needs.

Kayla expressed she will be reaching out to General Manager, Ryan, to ask him to consider ways in which the space may be modified to serve the community, in the ways it has been marketed.

Kayla understands that unless you have experienced mobility limitations, these situations are not always top of mind. Accessibility is absolutely something that unless you know from experience, can be easily overlooked.

Kayla is looking forward to assisting in any way she can help this space reach its full potential. Kayla thanked the committee for their time.

Committee members thanked Kayla for sharing this experience and conversations shared.

Accessibility and Equity Manager Kehoe thanked Kayla for sharing her important testimony. We look forward to talking with COBAAC on how to work around Vice-Chair Burnetts question about when we have no jurisdiction, having the capacity to advocate on behalf of community members, and adding this to the COBAAC workplan.

COBAAC Councilmember Liaison Campbell thanked Kayla for sharing her impactful testimony and appreciated her thoughts on the difficult space this is for small businesses. And apologized for the negative experience Kayla and her family had at Cascade Laked Pub.

7. COBAAC Work Session: Equity Conversation & Definition, Andrés Portela: **Live timestamp 52:21**

Equity and Inclusion Director Portela and the commissioners discussed what a working definition of equity, for the City of Bend, would look like using the council goal below:

- Develop and pilot and equity framework.
- Develop and implement A supplier diversity (community benefits) program.
- Develop a process to connect community members who have experienced acts of discrimination with resources and assistance.
- Develop and implement a language access policy and program.

Director Portela list of three definitions to discuss and to choose from:

- **Definition 1:** Working toward fair outcomes for people or groups by treating them in ways that address their unique advantages or barriers. (OHU Language Inclusion)
- **Definition 2:** Ensures that outcomes in the conditions of well-being are improved for marginalized groups, lifting outcomes for all. Equity is a measure of justice. (Race Forward)
- **Definition 3:** "It has two parts: One the presence of wellbeing and success across all groups; and two, the absence of discrimination and mistreatment for all groups." (Lily Zheng, DEI Deconstructed)

Director Portela shared the **State of Oregon Definition:** Equity: Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those community.

None of the definitions seemed to work but pieces of some could fit in with the other definitions. There was a lot of talk about the language in the definitions. A lot of talk about liking the third definition. However, there was no ultimate decision made on which definition works best and some of the commissioners wanted to think about the definitions more.

Director Portela wants to ensure that we are on the same page and move towards equitable outcomes.

8. COBAAC 2022-2023 Strategic Plan Review | Subgroups October Meetings: **Live timestamp 1:17:06**

Chair Heylin tabled agenda item eight until October 26, 2023, COBAAC meeting, due to the limited meeting time, and the three subgroups capacity to meet before today's scheduled meeting.

Accessibility and Equity Manager // COBAAC Staff Liaison gave the Captains of the Subgroups an assignment to complete before the next meeting.

Organize a subgroup meeting during October to create:

- A timeline of work / update as needed)
- Assignments to group members of who will be tasked with what parts.
- A list of what will be accomplished by the end of 2023.
- Identified timeline and tasks for 2024.

9. COBAAC Business: **Live timestamp 1:18:10**

Reminder: Election of Committee Leadership, Chair and Vice Chair in October:

Please come to the next meeting prepared to vote for the Chair and Vice-Chair positions. You can volunteer or nominate a fellow COBAAC member, with their prior authorization only.

10. COBAAC Round Table: **Live timestamp 1:18:59**

- **Member Diether-Martin:** Visited Drake Park and looked at the new accessible boardwalk. She met a wheelchair user visitor from Portland who was grateful that the boardwalk was completed and to hear that COBAAC exists.
- **Member Hofbauer:** Mentioned a soft of the CET's new route nine in Southeast Bend, and ADA accessible. Leads to Community Center, Alpenglow Park, Caldera High School, and they extended to route to include the mobile homes on Brosterhous where there are a lot of Spanish speaking residents. There will be an express bus back up third street.

11. Accessibility and Equity Manager Update: **Live timestamp 1:22:56**

Cassandra Kehoe She, Her, Accessibility and Equity Manager & COBAAC Staff Liaison

- Welcoming Week Recap: Thank you to, COBAAC members: Bennett (Commute Options), Chair Heylin, Hofbauer, Hamer and her family (Divers-ability, Inc.), and Woodfin (Full Access High Desert) for coming forward and taking part of welcoming week, for having booths and helping with its success.
- Featuring: Rebekah Taussig's Book, this month: *Sitting Pretty: The View from my Ordinary Resilient Disabled Body*.
 - Back to School Instagram Post was read aloud: **Live timestamp 1:25:23 to 1:28:13**
- Stipend Program Survey – email: Please complete the survey.

12. COBAAC Councilmember Liaison Update: Barb Campbell She, Her, Hers [Live timestamp 1:28:24](#)

COBAAC Council Liaison Campbell expressed how proud she is of all the work we are doing with diversity, equity, inclusion, and accessibility. But she is afraid that we are missing the space of the voice of the youth, and not being able to vote.

Council Liaison Campbell will ask for a work session on having a youth advisory council. A couple of high school seniors have come to her with this idea. Mentioning that twenty-three other cities have youth advisory councils.

Council Liaison Campbell still has concerns about the use of the Drake Park Footbridge being accessible. They may be able to use some funding from Transient Room Tax (TRT). She is also looking at the Columbia Bridge, as well.

13. The next COBAAC meeting is Thursday, October 26, 2023, from 12:00 to 1:30 PM. Please note the time change for this meeting.

14. Adjourn:

With no further COBAAC business, Chair Heylin adjourned the City of Bend Accessibility Advisory Committee (COBAAC), September 28, 2023, hybrid meeting at 2:32 PM.

Respectfully submitted,

Lisa Larsen
Administrative Support Staff
September 28, 2023, Regular Meeting



Accommodation Information for People with Disabilities

To obtain this information in an alternate format such as Braille, large print, electronic formats, etc., Please contact the Accessibility and Equity Manager Cassandra Kehoe at ckehoe@bendoregon.gov or call 541-693-2141. Relay Users Dial 7-1-1.