

MAYOR'S COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, JULY 21, 2016

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF THE AGENDA	APPROVED	1-2
APPROVAL OF MINUTES JULY 16, 2016	APPROVED	2
PUBLIC COMMENTS	INFORMATION/DISCUSSION	2-4
<u>NEW BUSINESS</u>		
PROW TRANSITION PLAN UPDATE	INFORMATION/DISCUSSION	4-6
<u>OLD BUSINESS</u>		
MCD SUBCOMMITTEE REPORTS	INFORMATION/DISCUSSION	6-8
TAXI UPDATE	INFORMATION/DISCUSSION	8
NCRTD AND SFT FEASIBILITY STUDY UPDATE	INFORMATION/DISCUSSION	8
ITEMS FROM STAFF AND MEMBERS	INFORMATION/DISCUSSION	8-12
NEXT MEETING	AUGUST 18, 2016	12
ADJOURN	ADJOURNED	12

MAYOR'S COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, JULY 21, 2016, 10:00 AM

1. CALL TO ORDER

The meeting of the Mayor's Committee on Disability was called to order by Chair Marcia Bowman, at 10:00 am, on Thursday, July 21, 2016, at the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Marcia Bowman, Chair
Aurora Bleck, Vice Chair
Dave McQuarie
Mary McGinnis
Nancy Pieters
Michael Wirtz
Julie Tambourine
Coby Livingstone

MEMBERS ABSENT

Meriam Jawhar, Excused

STAFF PRESENT

David Chapman

OTHERS PRESENT

Mark Tibbetts, MPO Officer
William Sutton, Transit Planner, KFJ Group
Maggie Rasmusson, Survey Team Supervisor, KFJ Group
Robert Francis Johnson
Elizabeth Martin, Stenographer

3. APPROVAL OF THE AGENDA

Mr. McQuarie said the next meeting is August 18th.

MOTION A motion was made by Mr. Bleck, seconded by Ms. Pieters, to approve

the agenda as amended.

VOTE The motion passed unanimously by voice vote.

**4. APPROVAL OF MINUTES
JULY 16, 2016**

Ms. Bleck said on page 1 Aurora is misspelled. On page 8, last paragraph they said to not give the public.

Chair Bowman said on page 11 it should be La Montanita Co-op. On page 14 is should be the braking system.

Mr. McQuarie said on page 8 last paragraph, 2nd sentence it should say a non accessible level and therefore the Finance and Public Works Committees recommended not to approve the project for construction. On page 14, paragraph 1, a motion was made by Ms. Tambourine should be "by" not "buy."

Ms. Pieters said on page 11, 3rd paragraph, the name should be spelled Nina Zelevanski.

Ms. Tambourine said on page 6 near the bottom scratch not to get what they can get, change to get what they can get.

Ms. Tambourine had to continue to review the minutes before she said she was finished with corrections.

Chair Bowman said we will go on with approval as amended and will come back to you if you have additional corrections.

MOTION A motion was made by Mr. Wirtz, seconded by Ms. Bleck, to approve the minutes as amended.

VOTE The motion passed unanimously by voice vote.

5. PUBLIC COMMENTS

Mr. Johnson said on December 15th, 2009 he started his new job as a substitute teacher at Santa Fe High School. He had previously taught art and designed and helped build the labyrinth at Frenchy's Park. On that they were putting on a roof. It smelled strongly of toxic chemicals. He talked to Stan Mescalero, Dean of Students, who said ok, we will find a replacement for him. He waited six hours for Mr. Mescalero

to return. In the meantime the class became high and sick at the same time. There were one hundred kids there. He said he became high and sick at same time. The kids left after two hours, he was there for six hours. He called the principles to report what happened. They said the roofing company would not use anything dangerous. Traumatic Brain Injury effects people in several ways. He was sure he had been effected. They did not take it seriously. His blood pressure was 180 over 140 and he collapsed. He called and cancelled for his substitute position the day after. He now has trouble with words and memory. He always planned ahead what he was going to do in class each day. He forgot what he had in mind to do at school and realized something as terribly wrong with his brain. He called the school nurse. She told him she was very busy and asked him to come back the next week. He said he needed someone to look at him. She sent him to workers comp. It took them five days to find out what chemical they were using. There was a court case. He has no memory of that. They said he settled for \$4,000. The roofers were all wearing respirators. Yesterday he had his first cognitive test. It showed deficits. It has been six years. He has gotten very little care. The traumatic brain injury people said they would charge him for all his care if he kept pestering them about his care. They said ADA is broke. Mary, who is one of your members, he knows from three years ago. He had decent social workers but when they tried to get him help they were fired. If you get services at Goodwill you can be prosecuted if you reveal anything about your care there. A bullying story is told about him but that was insult on top of injury. His labyrinth at Frenchy's Park has been taken over by City Parks as care giver of it even though he designed it as the artist. They even took down the sign that talked about his part in the labyrinth. He is interested in working on World Peace. He is still trying to get basic healthcare. He is very grateful and humbled by God that he is here and able to talk to you today to maybe touch some of your hearts that violence begets violence. He wanted the kids from that day to get some help. They may have behavioral problems now or other issues. Mr. Wirtz talked to him over the phone about coming here today. It is heavy on his chest. He has worked with children as a teacher and artist. We need to create a world worthy of our children's respect.

Chair Bowman said thank you. You were very coherent. This Committee has been working with the City recently on pesticide issues and there is, at the moment, a moratorium. We do not have authority only recommendation capabilities and only on City properties. We are grateful for your story.

Mr. McQuarie said he agrees with the Chair. Santa Fe High is City property but the City has no control over the schools. That is the School Board. But they did make a threat about him losing his job. According to ADA that is retaliation. He may want to get some advice on that from Washington.

Ms. Tambourine said there is an actual section in the ADA law that specifically applies to any type of retaliation or harassment after you have notified them of a complaint. New Vistas may be able to help you with looking that up on the Internet.

Mr. Johnson said there is a movie about how the ADA came about. It is heartfelt and real. So many people are getting injured from chemicals. Richard Thompson has not told me many truths. He has been told that our legal system in New Mexico is such that if you try to take a lawyer to court for being unethical, it goes to the Supreme Court.

Ms. Livingstone said thank you for coming. Is there any way we could give you any resources.

Mr. Johnson said just tell the story. If you know of any resources please let me know. You don't have to do anything but stand with the person. It is helpful and healing for me. Just listen. He felt heard.

Ms. Tambourine said your story is important to all of us on the Committee. There is an avenue through the New Mexico Bar Association. There is, under the New Mexico rules, a section about attorneys and their conduct. The section is called professional conduct. It lists the standards and everything you have mentioned is covered. You can go to the Supreme Court Library as a citizen and ask the librarian to show you the New Mexico Rules Annotated book. They can open it to the section that you need. The bar does take action on these kind of issues.

6. NEW BUSINESS

A. PROW TRANSITION PLAN UPDATE

Mr. Chapman introduced William Sutton, Transit Planner, KFH Group and Maggie Rasmusson also from KFH Group.

Mr. Sutton passed out a handout. We put this together to show the progress we have made with this. The field survey project is curb ramps in the beginning then will move on to sidewalks and intersections. He reviewed the handout which is incorporated herewith into these minutes as Exhibit "1".

Mr. Sutton said he would like to come back in October to let you know what we found with sidewalks and intersections and our recommendations. We estimated full completion at the end of this year or in January 2017.

Chair Bowman said you will be presenting a report on what needs we have that must be addressed then it is up to the City as to how to address them.

Mr. Sutton said yes. He has spoken to the City Engineering Office. They provided us with prices for repairs so we can put what the expenses would be.

Ms. Tambourine said she has access issues due to her service dogs. When you, David McQuarie, see the parallel ramps are they somewhat accessible. It looks

dangerous.

Mr. McQuarie said as a rule he prefers parallel ramps to perpendicular because they are usually more accessible.

Ms. Tambourine said thank you. Not being in a wheelchair or on a scooter herself she did not know that but she does know that some folks have problems driving their mobility device. It is a lot more important than meets the eye visually. It appears that the numbers of people using devices is increasing dramatically.

Chair Bowman said it does not matter how many. If one person can't get where they need to go it is a problem.

Ms. Livingstone said for delivery men, mothers with strollers, people with balance issues and sight issues, a ramp is a universal design. It is good for able bodied folks as well.

Ms. Bleck asked in looking at the picture with the fire hydrant could you go around it.

Mr. Sutton said that would be the most affordable way but you might lose some space.

Ms. Livingstone said they teach mobility to people who are visually impaired and what you can expect on a sidewalk. It needs to be there.

Ms. Bleck said she is talking about making it more all encompassing not reducing space.

Ms. Tambourine said she fell walking across a ramp recently on private property in a parking lot. On one side of the ramp the yellow line was on the ramp and on the other side it was on the ground. The owners of the property said the City was responsible to paint that. She was injured and broke some fingers. It was a church. Is that true.

Chair Bowman said no. The City is not responsible for private property.

Mr. McQuarie said in answer to your questions, in general ADA is not applicable at churches or on Indian land.

Ms. Tambourine said but if you get injured because someone marked something incorrectly you should be able to get help.

Ms. McGinnis said she is wondering, it seems like some churches have made an effort for accessibility. Specifically St. Bedes who went above and beyond the law.

Ms. Tambourine said you would think if someone puts a ramp in and paints lines there is some intent there. They say the City painted it.

Ms. Livingstone said if they did that is a whole other issue.

Mr. Wirtz said he is a member of St. Bedes. They spent extra dollars to make the men and women's bathrooms accessible. We did go out of our way inside and outside. We are in the process of doing a major remodel of the church and ADA compliance is a high priority with the builders.

Ms. Bleck said it seems most churches have elderly populations and it would be worthwhile.

Ms. Livingstone said the Methodist church has a national model and the First Church of Santa Fe is totally accessible.

Mr. McQuarie said earlier when he said churches are exempt from ADA, that is true, but most churches in Santa Fe feel that it is morally imperative to provide access to all.

Mr. McQuarie asked can this Committee get a copy of the final report. He would like to have it to see the general recommendations.

Mr. Sutton said yes.

Mr. Wirtz recommended that Mr. Sutton be invited to the meeting in October.

Mr. Chapman said he will put him on the agenda.

Chair Bowman said thank you.

7. OLD BUSINESS

A. MCD SUBCOMMITTEE REPORTS

PLAN REVIEW

Mr. McQuarie said we did not do any plans since the last meeting. He brought up the bus shelter and bus stop plans that have been items and that are not ADA compliant. He was told they did not have the money. He went to the TAB meeting and this morning he was handed a colored rendition of the proposed shelters. They are

probably not compatible to ADA regulations. He has not had a chance to review them. The way they seat people with their backs to on coming buses, the signs, the space inside the shelter and non acceptable colors are issues. The City should not pay a contractor to do these. If they do they need to rip them out and replace them.

Chair Bowman asked are you planning to do a full review of this.

Mr. McQuarie said yes, but we never got the full plans.

Mr. Bleck said they gave us this instead, indicating the color plan outline. The next TAB meeting has been cancelled due to a lack of a quorum.

TRANSIT

Ms. McGinnis said she did not have really anything. It looks like they are going ahead with the study to merge with NCRTD.

Ms. Bleck said they are still having stacking issues. The Santa Fe Ride time to respond to requests has increased every month.

Ms. Livingstone said they just sent out information on current ride passes. With Santa Fe Ride we have to renew every two years. She understands that has changed. There will now be a permanent card.

Ms. Bleck said if you have a permanent disability they removed the necessity of having to go to a Doctor for certification every three years.

Ms. McGinnis said now they have a permanent card but for some reason she had to fill out information again. It took her awhile to get the card. She had to make several calls.

Ms. Livingstone said she did too.

Ms. McGinnis said she got some unhelpful responses then they sent her a card that belonged to someone else. It took a bit longer to get that switched.

Ms. Livingstone said she really values Santa Fe Ride. It is the best program she has ever encountered. This renewal thing has made her more realistic. She took her application to the Doctor to complete and then to the transit place. They said the Doctor did not fill out their part because it looked like her hand writing. She had to go to another Doctor to have it filled out.

Ms. Bleck said the medical marijuana appellation is the same. You can't fill out anything. The Doctor has to do it all.

MEDIA

Ms. Tambourine said she understands that there will be a push in October from the City for jobs for the disabled. She is going to need assistance on that. She is struggling with serious health issues related to pesticide exposure at a City facility. She has not been able to get assistance with her medical bills. Her Doctor has recommended hospitalization. She is going to need major assistance with the event.

Chair Bowman said we have not typically done a great deal. We can try to get something on the radio and TV maybe put some posters up. Don't worry about making a big deal of it. We have not had much luck getting anything on the radio.

Ms. Tambourine said she will work on the radio and the paper.

8. TAXI UPDATE

Ms Bleck said we have it done.

Chair Bowman said we are happy it is there.

9. NCRTD AND SFT FEASIBILITY STUDY UPDATE

Mr. Chapman said upon a review of the NCRTD agenda it indicates that the NCRTD received three proposals. After a review process they recommended the actions outlined in this summary. The summary was distributed and it is attached herewith to these minutes as Exhibit "2".

Mr. Chapman said this will be ongoing. He will continue to provide updates.

Ms. Bleck said they are already underfunded.

Mr. Chapman said he was impressed that one of the key evaluation meters that they were adamant about in the Review Committee is that they will not direct the people doing the study where to go. They want them to tell them what makes sense.

10. ITEMS FROM STAFF AND MEMBERS

Mr. Wirtz said he received letter from one of our constituents regarding a letter she emailed to the Mayor having to do with International Folk Art Market. It said she was stunned to see the amount of smoke emitted from the BBQ food stands. She supports food vendors; however the excessive smoke was effecting her health and others in the area. An elderly woman on oxygen had to leave and so did she. She is a nurse and is disabled. A copy of her letter is attached herewith to these minutes as Exhibit "3".

Mr. Wirtz said regarding IPM, there was a meeting he was unable to attend. The 2nd meeting is set up for August 10th with the Mayor and the City Attorney. It will be here in the chambers. The moratorium is through the end of July.

Chair Bowman said thank you for your work on this.

Chair Bowman said she was so sorry about your mother's passing David Chapman.

Mr. Chapman said thank you, she had a long life. She had a gentle passing. Thank you for all your condolences. We had moved her to Advanced Health Care in Albuquerque. The plan was to get her strength up so she could go back home. She got to the facility and perked up. She was ninety eight years old and cognitively very sharp. She passed and the family met at Advanced Care. You are somewhat prepared but never prepared. It hit him hard there. He knelt down at her bed and said a prayer asking the Lord that his mom be joined with his dad. In a moment something just got taken off his shoulders. It was amazing. He feels in his heart that she is with his dad. They had a nice service at St. Francis Cathedral and a reception at the Elks. It has brought his family closer together. Thank you all for letting him share.

Ms. Bleck said they say when you lose your mom it is very hard.

Ms. Tambourine said we have a great group of people here, great hearts.

Mr. Chapman said you are beautiful people and he considers everyone like family.

Ms. Tambourine said this is a good reminder that we should never give up on prayer.

Ms. Tambourine said it would be great if we could get some clarity on a couple of things. Thank you Mike for Chairing that committee in IPM. So many people are so grateful. The moratorium, is it till the next meeting or the end of July.

Mr. Wirtz said until the end of July. The meeting will be on August 10th, from 10:00 am to 11:00 am but it is a closed meeting. There are only five invited people.

Ms. Tambourine said she did have a few things on the minutes. On page 6 it says that she said if people are smart they would go to school. Did she say smart. Please check that. On page 11, to clarify the issue, it is that they went from only selling organic to now selling the Clean 15. Clean 15 are the top 15 items that have the least pesticide use but they are not organic.

Ms. Bleck said there are also the dirty dozen that are the worst.

Ms. Tambourine said she wants to thank the Committee for the last several times when she struggled terribly. Everyone has been very kind to her. Her dogs are calm today. Thank you for being gracious to her. It is embarrassing not being able to function and think clearly.

Ms. Tambourine said the City has continued to refuse to give her the information that she requested through the Freedom of Information Act. It is supposed to be given to the public within twenty four hours.

Chair Bowman said she sent a note to Mr. Chapman asking him to look into it and share the information with you.

Mr. Chapman said he will follow up on that.

Ms. Tambourine said she will work with Mr. Chapman to follow up on that. It is baffling that the City is refusing to give the information requested. They admitted at a public meeting at this Committee that they have the information.

Chair Bowman said we will do our best to follow up for you.

Mr. McQuarie said recently at a City Council meeting he asked the City Attorney if we as a Committee are allowed to review plans of buildings within the Railyard because the previous administration said this Committee was not to look into the Railyard commercial buildings. They said they would get back with him. The City owns the land so why can't we. If we are not allowed to look in the buildings for access that means this Committee is not allowed to look into IPM within the buildings. Outside the building yes, inside no. He would like you, Mike, to find out and get a decision from the City Attorney when you meet with the Mayor if we have any jurisdiction within the Railyard. If we can for IPM but can't for access he wants to know why.

Mr. Wirtz said he will do that.

Ms. Tambourine said ADA is involved. The City Attorney can't change that.

Mr. McQuarie said if a building is rented or owned by the City the IPM Ordinance applies. If it is a private building we have no control.

Mr. McQuarie said we don't have control on commercial land either.

Mr. Wirtz said he will see what we can find out.

Ms. Tambourine said the City is not assisting with access to people with disabilities by not giving information that has been formally requested. It is a violation of ADA and New Mexico laws.

Ms. McGinnis said she has come to the conclusion that she needs to take a break from the Mayor's Committee. She has a lot going on with her business and lots of referrals. She needs to take break for the next month and may have to resign. She is finding she has a need of energy and maybe when the heat comes down she can deal with everything. She needs a break in August and will let you know what she decides to do. She likes everyone on the Committee and what everyone does. She is just finding she is not having the energy for everything.

Chair Bowman said please take care of yourself.

Ms. Tambourine said we will miss you but we want you to take care of yourself.

Ms. Tambourine said back to the minutes for a minute, on page 9 near the bottom put in Padilla. There are more than one Deputy and she wants the right one to be recognized.

Ms. Bleck said she called Victor Lucero about a neighbor of hers who sprayed and over sprayed onto her property and into her organic garden. He told me what to do. He said to report it to the Department of Agriculture. She did and they sent an inspector. She is now waiting for the report. A lot of her organic vegetables have died.

Ms. Bleck said she took her granddaughter to Meow Wolf. It was not very accessible. Parts of ground floor and all of the second floor are not accessible. They are very creative and it seems they could find ways to make accessible.

Mr. McQuarie said there should be some mechanism where the City can hold up releasing a business license renewal if the businesses are not accessible. The City Land Use Office ought to work on that issue.

Ms. Tambourine said that is an excellent idea. We should look at pulling something like that together.

Ms. Tambourine said she was told by one of the owners of the Santa Fe Spa that one of the principals is a participant in Meow Wolf. The Santa Fe Spa does not allow some people to bring in service dogs and some of their employees park in the disabled spaces.

Ms. Bleck said they do plan to do future installations at Meow Woof.

Chair Bowman said she can send them a letter letting them know it is challenging for the disabled to attend and enjoy Meow Woof.

Mr. Wirtz said he thought there was a recent letter in the paper about Meow Wolf where they acknowledged that parts of their installation were not accessible.

Ms. Bleck said they could have done something and chose not to.

Mr. McQuarie said he agrees with Mike. All commercial buildings are under Title 3. The City does not have jurisdiction over them except for parking. By state law the City can enter a parking lot if someone is illegally parked in a disabled space and they can be ticketed.

Ms. Bleck said that is not what was going on there. They had a whole row of disability spaces in front of the facility. There are cute areas for kids that are not accessible.

Ms. Pieters said when you write a letter you might make suggestions that would be easy to do.

Ms. Bleck said they are so creative it would be easy to do.

Chair Bowman said she thinks so.

Chair Bowman said Sunday is her first big yard sale. There will be lots of stuff. They are going to Panama in October but will be back in November. We liked Equador but Panama might be better. The sale will be from 8:00 am to 2:00 pm.

Ms. Tambourine said for your information, Cimarron Storage in El Dorado is a one year old facility and they do not use pesticides or herbicides. She has been working with them. She told them she will bring out her gardeners and work on landscaping for them or whatever they need.

Mr. Wirtz said there is one more he thinks.

Ms. Tambourine said there may be. If there is anyone chemically sensitive that needs to store things this is a good place.

11. NEXT MEETING - AUGUST 21, 2016 (Corrected to August 18, 2016)

12. ADJOURN

The meeting was adjourned at 11:45 pm.

Marcia Bowman, Chair



Elizabeth Martin, Stenographer