



Agenda

DATE 9/7/17 TIME 3:39-

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**MAYOR'S COMMITTEE ON DISABILITY
THURSDAY, SEPTEMBER 21, 2017
10:00 A.M.
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE, SANTA FE, N.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF MINUTES: FOR THE AUGUST 17, 2017 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. NEW BUSINESS
 - a) None
7. OLD BUSINESS
 - a) MCD SUB-COMMITTEE REPORTS

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

8. ADJOURN

NEXT MEETING OCTOBER 19, 2017

PERSONS WITH DISABILITIES IN NEED OF ACCOMMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 955-6520, FIVE (5) WORKING DAYS PRIOR TO MEETING DATE.

THIS IS A FRAGRANCE FREE MEETING

****Please notify Aurore Bleck, Chair at (505)473-2060 and/or David A. Chapman, ADA Coordinator/Liaison, at (505)955-2012 if you are unable to attend.**

**SUMMARY OF ACTION
MAYOR'S COMMITTEE ON DISABILITY
CITY HALL, CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, SEPTEMBER 21, 2017, 10:00 AM**

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**MAYOR'S COMMITTEE ON DISABILITY
CITY HALL, CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, SEPTEMBER 21, 2017, 10:00 AM**

1. CALL TO ORDER

The meeting of the Mayor's Committee on Disability was called to order by Aurore Bleck, Chair, at 10:00 am, on Thursday, September 21, 2017, at City Hall, in the City Council Chambers, 200 Lincoln Avenue, Santa Fe, NM.

2. ROLL CALL

MEMBERS PRESENT

Aurore Bleck, Chair
Dave McQuarie, Vice Chair
Michael Wirtz
Kathlyne Gish
Richard Mohr-Kelly
(2 vacancies)

MEMBERS ABSENT

Meriam Jawhar, Excused
Nancy Pieters

OTHERS PRESENT

David Chapman, ADA Coordinator, Staff Liaison
Robert Frances Johnson
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

Mr. McQuarie said he would like to add an item to discuss why the City manager did not show up last time.

Chair Bleck said we will add it under old business.

MOTION A motion was made by Mr. McQuarie, seconded by Mr. Wirtz, to approve the agenda as amended.

VOTE The motion passed unanimously by voice vote.

**4. APPROVAL OF MINUTES
 AUGUST 17, 2017**

Chair Bleck said on page 2, under number 4, it should say other interpretations; on page 5 and 6, 3 times it should be Ms. Pieters; on page 6 mid way it should say Bleck said 24 hours out and in the last paragraph 14 days ahead; on page 10, 1st para, 6th line she has a personal trainer and in the next paragraph it should say City Manager.

Ms. Gish said on page 5, under gish it should say classes.

MOTION A motion was made by Mr. McQuarie, seconded by Mr. Wirtz, to approve the minuets as amended.

VOTE The motion was passed unanimously by voice vote.

5. PUBLIC COMMENTS

Mr. Johnson said he came to this meeting months ago wishing to get some help with being shunned and bullied in his life. He was serving as a substitute teacher and sniffed glue from a roof repair for 6 months and that contributed to his brain injury. His Cognition has been healing but not his heart. A cover up of this incident happened. No one would talk to him. Lawyers advised the school board members to not talk to him. 100 children were also harmed that day. Sniffing that glue he got high and then sick. He is frustrated. He is an artist and Paul White took him off all the lists having to do with art. He says he is not an artist. He has also stopped him from attending "Meet Up." A couple of months ago Constituent Services here at the City said they were tired of hearing about my story. He is the artist who designed the labyrinth at Frenchy's Park. He is not getting any work now. A site called altnet.com says shunning is a death wish and a capital crime that is legal along with bullying in New Mexico. He has called lawyers for help and receives no help. He feels like it will never stop. It is an epidemic of not helping. A therapist friend of his came to visit and had dealt with the folks at Sandy Hook and said people who are shunned have a 90% suicide rate. The woman who was responsible for having the roof repair done during a school day is now in Espanola as a Superintendent. The schools bought back her contract. She was recently in the news for hiring back a coach who was abusive to children. We can do something about this, but we have to start standing up. People wonder about the Nazis and supremacist, and why they do what they do. They want a hierarchy. If people are hurt and don't speak up they get angry with themselves. Moral integrity 2017 is 'give me liberty or give me a bribe so large that it silences my conscience'. Everyone is human. The people who are bullies most likely had a violent childhood. They take it out on other people.

Chair Bleck said all the chemicals we have now that effect us are part of your pain as well.

Mr. Johnson said he found out that agent orange is used in many things because it kills mold and mildew. He would like you to think about this. Our corporations do not have moral values. We can't impose that on them, but if we have reasonable moral values we can ask the corporations to accept moral values and if not watch where we spend our money.

Mr. Johnson said we live in the holy city of St. Francis. Make us all instruments of peace so we can make a world worthy of our children's love and respect. Thank you for listening to him.

Chair Bleck said best wishes.

6. OLD BUSINESS

A. CITY MANAGER NON ATTENDANCE AT MEETING LAST MONTH

Mr. McQuarie said last month the City Manager was supposed to come to our meeting at our request. We were never told that he was not coming or why he did not come. At a previous Council meeting he was directed to send a letter to this Committee saying why he put the ADA Coordinator position under Engineering. That was one of the first questions we wanted to ask. The position should answer to the Mayor and the City Council. When we ask questions we expect a response and we have yet to have been treated with common courtesy. We don't exist or count for anything in his mind. We are here for the City. Over and over we have asked the City Manger for a response on ADA complaints. He has never responded. He was supposed to respond to the Department of Justice with a copy to us, and he has not done that. There is so much stuff left over from 2010 Transition period that has not been done or looked at. He is the only one to answer and he will not do that. He has asked the Council to allow us to ask DOJ to intercede becasue we can't get assistance otherwise. He has not received an answer. He thinks this Committee should go to DOJ and ask why the City will not assist us.

Chair Bleck asked why would he be the only one who knows why transition stuff is not being done.

Mr. McQuarie said the head of the Agency is the only one who can respond. He may delegate it to a person with financial control of the area. No matter what it cannot be a response any lower than a Department Head. It was our current City Manager who was notified of the regulation and it was ignored. That is a flat rule of the DOJ. It has to be the City Manager or his designee of a ranking Department Head.

Chair Bleck asked should we go through the City Manager's office and ask to have the people we want come answer questions.

Mr. Chapman said there are 2 Transition Plans. One Joe initiated on the buildings. Mr. McQuarie's contention is that it did not capture all the buildings and the City took the work off of the scope of work for the contractor and said they would train staff to do the work and bring it up to code. That was not done. Then the second plan is the public right of way part of the transition plan which was not done on the original transition plan. He got a contract out to bid and got KFH to do the plan. That plan has been completed. He just got the final on Monday. He has communicated that to DOT. His next time line is between now and December when he needs to provide DOT with the list of intersections and sidewalks we will be working on and a plan that will be put in a time line sequence when those will be done and to do the ongoing work that is necessary. There are notes in the report that comment on the compliance shape of all the City roads, intersections and sidewalks.

Mr. Chapman said one of Mr. McQuarie's biggest concerns is the Convention Center. The ADA coordinator at that time thought since it was a new building it would have been in compliance. It is not. He wants to coordinate that with the Governor's Commission. They have 5 or 6 staff and can help him get it done.

Chair Bleck asked is it a funding issue.

Mr. Chapman said we have done a lot. We have made a lot of changes through CIP projects throughout the City that have remedied many ADA infractions. His belief is that when the new person has the time to work on this a case could be made that we have been working on the 2010 Transition Plan, but we really need to get it on board and done. When he talks to his replacement he will inform him. The public right of way plan is something the City has been talking about a lot. There is not FY 2018 money in the pot right now. In talking with the Finance Director there are mechanisms to put it into the funding for FY 2018. He met with John Romero, his new boss, and he wants everything up to date on the Transition Plan part 2 analysis. He has to do that so that it will be a clean slate for the new person. He is not concerned about money. They have already expressed a desire to do that. He feels it will come. He has to do this last item for his boss and DOT that will include the sequence and prioritization. The project included a cost matrix identifying the cost.

Chair Bleck asked was there an estimated cost in the report.

Mr. Chapman said yes, but Engineering did not agree with the costs given in the report. KFH said they got the numbers from Engineering so we have to look at that. He is working with them on this.

Chair Bleck asked so we are in good shape.

Mr. Chapman said the second plan is current. In a broader perspective these were mandates set up by DOT in 1992 that the municipalities who employee over 50 people needed this plan in place in 10 years. That was the mandate Nationwide. At the last ADA National Symposium they asked how many people were current on their ADA Transition Plan. There was one municipality who was. Identifying barriers, what it will take to fix it and a time line was discussed. Now it is 2017 and here we are. He is working on a project for MPO. He contacted the State and asked if they had a transition plan. They said no, but they had promised NMDOT that they would have one by the end of December. Most entities are not current with this mandate. It takes a long time. There was a software program that was part of the initial billing on the transition plan. We were supposed to be able to go into it and update it to stay current. That was never done. When Kathlyne was his intern he asked her to try to understand the program. It was very difficult.

Mr. Chapman said he has asked that the second plan be GIS acceptable.

Chair Bleck said you guys fixed some things on the plan on Earth Day.

Mr. Chapman said yes, minor things like gravel on the sidewalk, brush over grown on the sidewalk and things like that. We cleaned up a certain section at Los Solana.

Chair Bleck asked did those things get entered into the system.

Mr. Chapman said no.

Mr. Wirtz asked how do you prioritize the projects.

Mr. Chapman said he has books that he can give out that describe the prioritization process. He wanted input on the matrix where if people were complaining about a certain area it would be noted.

Mr. Wirtz said safety issues should come first.

Mr. Chapman said safety is first overall. He will be working on the final edition of what John Romero wants him to do.

Chair Bleck said we asked the City Manager to talk to us about the ADA Coordinator.

Mr. Chapman said he is starting to see movement on our issues by Councilor Ives, Councilor Maestas and Mr. Romero.

Chair Bleck asked will we get input into the priorities.

Mr. Chapman said we will give feedback.

Mr. McQuarie said he would like to correct some things David said. The 2010 Transition Plan was certain buildings and at that time this Committee was funded and hired the consultant to do it. It was decided by us at that time that we would not do new buildings under construction. We recommended public rights of way. It came to pass that everything was done except public rights of way. We talked to the consultant and they said that is alright. DOJ got wind of that and they said that was wrong, you must do it for all public rights of way. That is what brought about the 2nd update. Newer things were to be reviewed by staff and they were to make a transition plan out of them. That was never done. The original plan was approved and accepted by the Governing Body, but it was at a cost of over \$5 million and had a time frame of over 8 years to accomplish. We got hit by a recession so everything was put on the shelf. Some buildings and parks were not done but we had good people in Parks and they did a Park Bond and did the parks. A good example of a project partially done was the Airport. We had things in the transition plan and they remodeled the Airport and we asked them to take care of the transition plan at that time. Mary McDonald said no, we don't have the money. Who gave her the authority to say that. They did do the main library, but we, as overseer, have never been notified what was done so we can't verify it. Another building on the list was City Hall. They have not done the basic items yet. He is still hollering about that. The recession is over with. Things like kick plates for doors, signs, bathroom doors and small things can be done. How expensive can those things be.

Chair Bleck said when a new person comes and does a survey we need to make a priority list of what needs to be done first.

Mr. McQuarie said that is why he is frustrated. New buildings were not reviewed by staff.

Chair Bleck said we did have the City Manger on the agenda as tentative. After we waited for him we found out he was in Albuquerque.

Mr. Chapman said we had him listed as tentative because he said he had other things scheduled, but was going to try to work out attending.

Mr. Chapman said on another note, the ADA position has been advertised. It Closes on the 29th. It has a good salary range. The appropriation for the position is \$100,000 and that included benefits and everything.

Mr. Mohr-Kelly said let me get this straight. In 1992 the Justice Department gave the Nation 10 years to have a plan so it was to be done by 2002. After 2002 everyone had a length of time to put the plan into place.

Mr. Chapman said yes. The municipality approved the plan and then worked on those issues.

Mr. Mohr-Kelly said it seems like a lot of things over that period of time have changed. We are not static. A lot could change over a 10 year period. It seems like to expect we are going to have an accessible City in every fashion is unrealistic expectation. Things are constantly changing. The world is nice, but it is not fair.

Chair Bleck said we do have a plan. Given the scope of the plan it could take 20 years to do it all. Things will change. You do what you can.

Mr. Chapman said some things will be done through the CIP Plan and the MPO.

Mr. Mohr-Kelly said if you are in a wheelchair or carrying a white cane the world is not fair. We try to improve. He believes, for the most part, our City officials are decent people trying to do the best they can.

Mr. McQuarie said originally when the DOJ came out with the ADA they said to develop the transition plans. They also realized the world does not stay the same. They said when you change and update your plans let them know and give a reason. Don't do it on a whim. Everyone was supposed to do that. In Santa Fe some was done but we purposely left off the new buildings that were built in the last couple of years. It was supposed to be that if they were not brought up to the construction plans then do a transition on them. That was never done. They are trying to make the United States more accessible to the disabled in various ways. If you can't do it give a reason why. New technology may come up where you can do something easier and better. If you are building something new take care of it at the start and make it accessible. City Engineering has a habit of making something brand new and using the old 1950 accessibility idea instead of using the 2017 standards. We have Paseo de Peralta where the crossing should be at the corner. They won't do it. That is an example.

Mr. Chapman said on Paseo de Peralta and East Alameda the project is on the plan but is a multi million dollar project because it effects the bridge. He is finding that a lot of the things that are brought up that are not compliant the City does in their plans to remedy. They just take a lot of time. It would be good to get the new person directed to do research on that and find out project by project where we are. He will advise him to seek advisement from this Committee.

Mr. McQuarie said regarding the corner of Alameda and Paseo de Peralta, they overlaid the street and anytime they make a physical adjustment they are supposed to take care of accessibility issues. The signal for crossing the street is not accessible because the fire hydrant is in the way. They did not do it. Why. They said they were going to redo the entire intersection in a few years. So in the meantime people who are disabled have to cross at their own safety. That is discrimination.

B. MCD SUBCOMMITTEE REPORTS

MEDIA

Ms. Gish said we are planning to set up a Facebook site. It is in the works.

Mr. Chapman said yes, we are meeting on the 29th to set that up.

Chair Bleck asked when is Disability Month.

Mr. Chapman said October. He will follow up on the posters for that.

PLAN REVIEW

Mr. McQuarie said it is stagnant at this time. We only had one plan. It is the Tourist Bureau at the Convention Center. They are not doing a whole lot. Most of the plan involves the ceiling and lighting which does not impact us. One point he brought up was that this Tourist Bureau does not mention items that have been reported for accessibility. In your packet you have copies of the report. There is a reference to 28CFR35 .250 that has been repeatedly requested. It is a Federal regulation where any transition on a facility must address issues of ADA. That has not been done to his knowledge. It is very plain. The City has ignored the Federal regulations. Again it is 28CFR35 .250. So now there is an official record that there have been repeated requests.

Mr. McQuarie said there were a couple of inspections of a bridge by the Governor's Commission. They found it acceptable with modifications. He called them and asked them to please explain. They said they reviewed items they knew about. First of all the rule that an inspection of the area will be conducted prior to use was ignored and was pointed out in a previous plan review meeting. It was not a full blown inspection. He called the City and left a message for Dave Quintana. He did not get back to him. John Romero did get back to him and said the report was received and it says it was approved to be ADA compliant. He said yes, but what is the second part of the sentence. He would not say. The second part says there is acceptance, but it is not according to ADA specs. In the meantime someone else did an inspection and they did even less. There are different types of disability. Crutches, wheelchairs, blindness are a few. We need to be aware of all types. In his estimation this was not an inspection and he told that to the Governor's Committee and advised them it was not complete. What they did do was a good job but was not complete.

Mr. McQuarie said the Ft. Marcy Zozobra bridge has not been inspected and does not meet ADA compliance. Also a Transition Plan for the Convention Center is needed.

Chair Bleck said in the past you have offered parts of the City sensitivity training. Do you think the Public Works Department and Engineering would like to see what it is

like to go around in a wheel chair.

Mr. Chapman said we could recommend that from the Committee.

Chair Bleck said and it needs to show how their work effects the community.

Chair Bleck said put this on the agenda for next month to vote on it.

Mr. McQuarie said he would like to see it include all known types of disability not just wheelchairs.

Mr. Chapman said that was brought up by a member of the public at our last meeting regarding the Southside library. The Governor's Committee has a staff person who is legally blind who makes this presentation. They were going to reach out to the library to see if they were interested in training. It requires a signing person and they could not find budget for that. In our request for sensitivity training he would like to put something in that to say that funding for an interpreter be provided. He will work on this in the meantime.

TRANSPORTATION

Chair Bleck said the Transportation Advisory Board met in August. She mentioned the issue that Kathlyne brought up. They just hired 2 new drivers who were about to start and have 3 temporary positions open and more driver positions open on the bus side. The rides they provided in July were down over 200 because they did not have drivers. She will keep bringing it up. Let us know if there are issues. Some of the new bus stops are not ADA compliant. They are looking at a way to fix that.

Mr. Chapman said he wanted to compliment Aurore for bringing up the issue that Kathlyne presented to us. He had Tomas Martinez and Keith Wilson go to him with concern about that and they said they were going to be taking the appropriate steps to correct that. He would be interested in hearing from Kathlyne as to how that is working now. It made a difference.

Ms. Gish said thank you Madam Chair.

Mr. McQuarie said he was at that meeting and he agrees. Since it was brought up by a member the Board the powers that be paid attention. It has been his experience in the past that if it is not a member of the Board that brings something up 9 times out of 10 it is forgotten about or dismissed. Thank God we have Aurore to speak up for us.

7. ITEMS FROM MEMBERS AND STAFF

Mr. Mohr-Kelly said regarding the disability art show, David talked to him about

using the Community Gallery. He is going to go over there and make contact and talk with folks at the Santa Fe Community College as well. What he is running into is the chicken or egg situation. Lots of times they want to know if we want wall space. The one he saw was not about wall space. They what to know what kind of room or art show do you want to have. He is not sure about type of room or space. The next thing is how many disabled artists will you have. He has no idea.

Chair Bleck said we need to take our time to start this project. Once we have a Facebook page we could put a note there and see who is interested. Then we will know more about needs.

Mr. Mohr-Kelly said that is a good idea.

Mr. McQuarie said years ago he learned at a seminar by DOJ that when people say no disabled people will come is not an excuse. You make it accessible because you never know who will come and may need it. The accommodation is for the next person. They can't deny their right to come.

Ms. Gish said she has an accessibility issue with the minutes not approve yet. What is happening with her is her eyes are so tired form over use that she has been having to blow them up big or use test readers, but that is hard to do with physical copy. Can we get digital copies of the minutes.

Mr. Chapman said he puts them on the Board website in PDF.

Ms. Gish said please show her where to find that.

Ms. Gish said she and 19 other Master of Social Work students created a student association. She is President. It is very exciting.

Chair Bleck said congratulations.

Mr. Wirtz said he can identify with Mr. Johnson in terms of the glue. His wife got sick from a new school house in Pecos. The other item he has is that El Dorado had, a couple of weeks ago, a critical issue with an herbicide spray in the cracks of the sidewalks. He is working with a couple of women out there to rewrite the policy the HOA has out there. He is going to try to get them to adopt the City IPM. It will not be easy.

Mr. McQuarie said as a rule the last few months we have had the assistance of the Governor's Commission people in reviewing some of the plans and comments. One negative comment he has on that is they keep asking why there is never a follow up on their remarks from the contractor or City personnel. He said that is because unfortunately we rely on the City staff integrity and let that be your answer. He said it is like the issue of the plans that are supposed to be subject to and approved by New

Mexico State Construction Industries and the last few years we have yet to see them review any plans. He has been told by Construction Industries that it because the City never notified them.

Mr. Chapman said when we do the next plan review he will put that in the requests. Good idea.

Mr. Chapman said he did send out last night the notice for vacancies (2) on the Committee. The other notice just ran out. This one has a deadline of November 15th. Hopefully we will get some interest. We had one person who applied for the last one but she was a County resident. Regarding the Resolution we worked on, he got a response from the City Attorney on August 23rd after he asked about the status. She said they had met that afternoon with Councilor Villarreal and concluded that we need to wait until the new ADA Coordinator is on board to amend the Ordinance.

Chair Bleck said that seems like a flimsy excuse.

Mr. Chapman said Councilor Ives missed that meeting. He doesn't know if that would have changed anything.


Chair Bleck said a member of the public worked on and got a bench at the Post Office. The buttons to open the heavy doors at Santa Fe Place are inconsistent. Sometimes they work and sometimes they don't. She called and talked to them and they said they turned in a work order. It has been 2 weeks so she will go back and check on that.

**8. NEXT MEETING
OCTOBER 19, 2017**

9. ADJOURN

There being no further business before the Board the meeting adjourned at 11:55 pm.


Aurore Bleck, Chair


Elizabeth Martin, Stenographer