



Agenda DATE 5/7/13 TIME 4:56pm

APPROVED BY Joe Lujan

PREPARED BY [Signature]

**MAYOR'S COMMITTEE ON DISABILITY**  
**THURSDAY, MAY 16, 2013**  
**10:00 A.M.**  
**GENOVEVA CHAVEZ COMMUNITY CENTER**  
**3221 RODEO RD.**  
**CLASSROOM 1**

- 
1. CALL TO ORDER
  2. ROLL CALL
  3. APPROVAL OF THE AGENDA
  4. APPROVAL OF MINUTES: APRIL 18, 2013
  5. PUBLIC COMMENTS (15 MIN. TOTAL)
  6. OLD BUSINESS
    - a) MCD SUB-COMMITTEE REPORTS
    - b) COST ESTIMATE FOR PURCHASE & INSTALLATION OF TELE-COIL ASSISTIVE LISTENING SYSTEM FOR CITY COUNCIL CHAMBERS - JOE LUJAN
    - c) ACCESSIBLE PARKING SIGNAGE FOLLOW UP - JOE LUJAN
  7. NEW BUSINESS
    - a) SANTA FE HIGH SCHOOL KIVA PROGRAM WITH REGARDS TO INACCESSIBLE SIDEWALKS IN CERTAIN AREAS - JOE LUJAN
  8. ITEMS FROM MEMBERS AND STAFF (3 MINUTES)
  9. ADJOURN

NEXT MEETING JUNE 20, 2013

**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 Marcia Bowman, Chair at 438-4382 and/or Joe Lujan, ADA Coordinator/Liaison, at 955-4021 if you are unable to attend.**

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CITY OF SANTA FE  
MAYOR'S COMMITTEE ON DISABILITY**

**MAY 16, 2013**

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**MINUTES OF THE**  
**MAYOR'S COMMITTEE ON DISABILITY**  
**SANTA FE, NEW MEXICO**

**May 16, 2013**

A scheduled meeting of the Mayor's Committee on Disability was called to order by Marcia Bowman, Chair on this date at approximately 10:00 a.m. at Genoveva Chavez Community Center, 3221 Rodeo Road, Classroom 1, Santa Fe, New Mexico.

Roll call indicated a quorum as follows:

**Members Present:**

Marcia Bowman, Chair  
Roberta Hunt  
Ron Ortiz Dinkel  
Dave McQuarie

**Members Excused:**

Mary McGinnis

**Members Absent:**

E. Meriam Jawhar  
Dr. Charles Maynard  
Nancy Pieters

**Staff Present:**

Joe Lujan, ADA Coordinator

**Others Present:**

Arthur Furstenberg, citizen  
Jan Boyer, citizen,  
Santa Fe High School Kiva Program members  
Charmaine Clair, Stenographer

**APPROVAL OF AGENDA:**

**Mr. McQuarie moved to approve the Agenda as published. Mr. Ortiz Dinkel seconded the motion and it passed by unanimous voice vote.**

**PUBLIC COMMENTS** (Revised Agenda Order)

Mr. Furstenberg said he came to speak against the Tele-Coil system in the City Council Chambers. He said he is electrically sensitive and could not even be in the room because of the equipment and that makes the MCD Committee inaccessible to someone with his disability. He said his request for accommodations from the MCD in the past was not given.

He said the Tele-Coil system would accommodate people with one disability at the expense of people with another. He said the electrically sensitive people, of whom there are a couple of thousand in the community should be accommodated and shouldn't have further access barriers to their government.

Mr. Furstenberg said the T-Coil system should not be installed in City Hall; the Wi-Fi is already there. Most electrically sensitive people he knows don't bother to go to City Hall for Council meetings, etc. and the Tele-Coil system will install an additional magnetic field throughout the room and an additional barrier to access.

Chair Bowman said the MCD appreciates his input. She said if Mr. Furstenberg read the last month's minutes, he saw the extensive discussion by the Committee. Mr. Furstenberg replied he did not read the minutes.

Chair Bowman said the Committee expressed the same concern but, unfortunately although many of them recognize the disability, there is no legal recognition of electromagnetic sensitivity (EMS).

Mr. Furstenberg asked what the definition of *legal* is; he has collected Social Security disability for EMS electromagnetic hypersensitivity since 1992 but can't get accommodation by his local government.

Chair Bowman said there is nothing in the ADA about how to accommodate EMS. She said there are many people with hearing disabilities who would be...

Mr. Arthur Furstenberg interjected those people could walk into a room, EMS people can't.

Chair Bowman asked Mr. Furstenberg to please read the minutes.

Ms. Jan Boyer said she lives and works in Santa Fe as a psychotherapist specializing in trauma recovery. She has clients who come from around the country and many are electromagnetically sensitive. She said for them this is a huge issue and for every layer of extra EMS, the City is driving away tourists and people who come to work with healers like her.

She said those with hearing disabilities could solve the problem in other ways; with a hearing aid. She said to keep many people out of public facilities because of the layers and excessive amount of EMS; she would have thought the City would go with the "do no harm" prescription. She said she has many clients in town that cannot go into a public building.

She said to her this is saying this group of people [the hearing impaired] could have extra technology even if it excludes a few thousand community members and that is unreasonable and shocks her.

Chair Bowman asked Ms. Boyer if she read the minutes of the last MCD meeting.

Ms. Boyer said no, she had just learned about the meeting. She said in other countries they are much more careful about this [EMS] and she knew there would be others in the meeting if they had known ahead of time. She said she did not see anything publicized in the newspaper.

Chair Bowman said Ms. Boyer has already stated that many of her clients could not go into City Hall. She said the T-coil system was investigated and adds very minimal effect.

Ms. Boyer asked how many with a hearing disability the Committee has heard from. She said the City would close out thousands of people with EMS for a few.

Chair Bowman said Ms. Boyer is only the second person with EMS she has heard from. She said the agenda is published on the City website. She urged Ms. Boyer to read the minutes from the last meeting of the Committee's consideration of the T-coil issue.

Mr. Lujan said he is the ADA Coordinator for the City and the minutes are on line. He invited Ms. Boyer to feel free to call him. He explained that the purpose of the Mayor's Committee on Disability is as an advisory capacity and they do not make decisions.

He said the Committee made a recommendation that is for the greater welfare of a larger group of people- the hearing impaired. There was not a public hearing; however, there was a public open meeting on the topic. He pointed out that every agenda for the MCD is published on the City's website and only the largest committees such as City Council or the Planning Commission, etc. are in the newspaper.

Mr. Lujan said the meeting minutes of the last two meetings document the discussion of the Committee regarding EMS. He said this period was for Public Comment and not discussion, but the Committee appreciates her concern.

Jan Boyer asked if her comment would be taken as an official comment. She was told it would be.

Mr. McQuarie said Hope Reed couldn't be present and he would offer public comment for her. He said Ms. Reed requested an evaluation of the post offices in northern New Mexico. Someone turned in a complaint for 40 different post offices in the southern part of the state and that person suggests it would be helpful for someone from the northern part of the state to cover the post offices. He gave Ms. Reed's contact information at 476-0415.

#### **APPROVAL OF MINUTES: April, 2013**

Under Others Present: Samuel Castillo, ATS Resources should have been included

Page 8, paragraph 1 reads: "if a 12 inch stroke is used" and was changed to "if 12 inch letters with a two inch stroke..."

In the heading: *Chávez* is missing from Genoveva Chávez Community Center.

Ms. Courtney Asphrodites was not present and should be under Members Absent.

Mr. Maynard throughout the minutes should be reflected instead as *Dr. Maynard*.

Page 3, first paragraph: "she said drivers practice in an obstacle course..." was asked to be changed to "drivers in the rodeo *participate* in an obstacle course."

Page 4, fourth paragraph: ...the World Health Organization *says is* a concern the strength of the loop is very insignificant was corrected and should have been: ... the World Health Organization says would not be a concern.

**Mr. Ortiz Dinkel moved to approve the Minutes of April, 2013 as amended. Mr. McQuarie seconded the motion and the motion passed by unanimous voice vote.**

#### **OLD BUSINESS**

- a) MCD Sub-Committee Reports
  - Plan Review

Mr. McQuarie said the plans for the Santa Fe Mall Transit Center would be held until the written report is ready. He said they are not sure if they will get mall space or utilize other City property. He was also notified that the plans would be submitted for Defouri Bridge for review when the City receives them, which should be soon.

Mr. Lujan apologized on the marketplace transit station. He said there is a report and he failed to get it into the Committee packet. He offered to send an electronic copy and include a copy in next month's Committee Packet.

Mr. McQuarie asked Mr. Lujan to include the report in the June packet and he would wait, so it is official.

b) Cost Estimate For Purchase & Installation of Tele-Coil For City Council Chambers - Joe Lujan

Mr. Lujan said the Committee has the quote from the ATS Resources regarding the Committee's recommendations to the City administrators. He said the City Manager is open to the purchase and he will start the process for purchase this week.

Mr. McQuarie said he noticed two things in the quote: 1) there is no quote to include ear muffs or collars, etc. that might be required and if there would be a charge; 2) there is no specification for the layout of the signage.

Mr. Lujan said this is the basic cost of the system. The quote is for the amplifier and the Loop system; the FM system would remain in place. His understanding is that current headsets are compatible with the FM system and the (T-coil) Loop system. He said they can try the headphones and then see if other things need to be purchased and the additional items could be tacked on.

Mr. Lujan said he doesn't have detail on the sign, but could get that; the layout is yet to be determined.

c) Accessible Parking Signage Follow Up – Joe Lujan

Mr. Lujan said last month the Committee asked Anthony Alarid where the term *mandatory court appearance* came from. He said that is language directly from the Manual Uniform Traffic Code. He said that Mr. McQuarie had worked with Walter Roybal in parking on the proposed revision and that term was suggested to be on the signage.

Mr. McQuarie clarified that the manual is the Manual on Uniform Traffic Control Devices. He said the manual does not have anything about this type of sign or the term *mandatory court appearance*. The term came from the City Ordinance 12.9.9 and is backed by law.

Chair Bowman said she understood the City is moving ahead with the alternative proposed signage instead of what was used at the sign exchange. She asked if the City would make changes to the sign offered last month.

Mr. Lujan said not right now, but the signage is still being discussed in case another sign exchange is done so everyone is on the same page.

Mr. Lujan said he stood corrected regarding the language; he did find the information in the City Ordinance and has printed that and forwarded it to Anthony Alarid.

## **NEW BUSINESS**

### **a) Santa Fe High School Kiva Program: Inaccessible Sidewalks In Certain Areas – Joe Lujan**

Mr. Lujan asked that Kiva Program members introduce themselves for the record.

Mr. Joe Rochelle said he is a teacher. He introduced Jeremiah, Dino, Russell Ray and Victoria Cross. He said the program is a transition program; a community based instruction program that goes out into the community and volunteers at different businesses and workplaces. Kids are taught how to work and the life skills that most take for granted.

Mr. Rochelle said Kiva came today because they have encountered difficulties with access for wheelchairs when going into the community. He noted the booklet put together for the Committee members to show areas the kids have concern. He said the kids came to express their thoughts about the situation and how it affects them.

Miracle said she is directly affected by the situation as a student in a wheelchair. When going to certain job sites there are areas where she has to go into the street and some places she could get up on the curb, but not back down. There is not a true entrance and exit for wheelchairs.

Mr. Rochelle said part of being safe for Miracle would mean the ability to get onto a sidewalk and exit without being in the street.

Other students added their thoughts: Mary said she really wants the sidewalk to be good for the students because she has a bad knee and would be better if the sidewalks were good. A young man said they need sidewalks so Miracle would be able "to drive down them better." One student talked about his travel from the mall; the sidewalk had a lot of rocks and dirt and no sidewalk. Another student said we need the sidewalks to be fixed because a bicyclist just got hit by a car because there were no sidewalks on Agua Fria and that is dangerous.

Ms. Victoria Cross added this is needed not just for the disabled, but in the winter when they get off the bus or cross through a neighborhood. She said if the streets are not clear- people have fallen and slipped.

She said there was a great ramp through the park in front of the Boys Club to use, but when trying to get onto Agua Fria, it was hard to find a street. They are recognizing the difficulties people encounter and this is a major problem. The Kiva group wants to be helpful and point this out so the MCD could continue to pass the situation on to someone who could improve upon it.

Mary said the Salvation Army sidewalk has slippery gravel and one time she slipped and skinned her knee. She said that needs to be fixed and is very dangerous to walk in the street because you could get hit by a car.

Jeremiah said they encounter these problems every day and bring it up not just for their students, but for everyone's benefit. He noted that in front of the credit union on St. Michaels you can get up the curb but not down the curb.

Chair Bowman said the Committee has been discussing sidewalks for the four years she has been on the MCD. She said this Committee makes recommendations and recommends priorities. The Committee has recommended downtown sidewalks be considered because of the impact to people in general and tourists; but the whole city is a mess.

She said Kiva should take their comments directly to the City and thought that would have more impact than the Committee. She said the City is used to hearing about the sidewalks from the Committee.

Ms. Cross said Kiva did go to the City but was referred to the MCD.

Chair Bowman said the Committee plans to meet with people in the City in the future and talk about concerns that have been voiced to the MCD. These have been concerns of the Committee for many years and they could ask the City to take another look. She said she was sure it would take millions of dollars to make all of the City sidewalks accessible.

Ms. Cross asked if people were responsible to maintain the sidewalks in front of their houses; the City could make them shovel the snow. She suggested a public awareness effort to remind people of community involvement to assist people walking by.

Mr. Lujan replied that people are responsible for maintaining the sidewalks, but if there is no sidewalk there is no provision that would force them to put in a sidewalk. They are responsible to shovel the snow.

Chair Bowman suggested the Kiva group could work with MCD on something for October, which is a month when the Committee does public awareness.

Mr. McQuarie said he has tried for years to get improved access to sidewalks through curb cuts. He said until he raised Cain there were none in Santa Fe and now the downtown area has some, but there are federal regulations that must be followed.

Mr. McQuarie said the City should adopt a program to make all sidewalks accessible; the caveat is *if there is room*. He said if there is a wall or a building that goes up to a curb, then the City couldn't do anything because that is under a "grandfather clause."

He said there are other places with sidewalks and the corners at intersections must be improved by curb ramps. He said that is a relatively expensive program for a City this size with 3200 intersections and the costs would be about \$10,000 per intersection. The City wouldn't be able to do all of them right away; it is a long term effort.

Mr. McQuarie said the main work on sidewalks is by regulation like a street overlay when all of the intersections have to be done in the second part of the program. He said a program should be in place to address all intersections but that might take 15 to 20 years. He said the good news is that the corner of Cerrillos Road and Manhattan is on the overlay program and scheduled to be improved with curb cuts. That could take place in the next couple of weeks.



Mr. McQuarie suggested the group attend a City Council meeting and petition from the floor to present their situation to City Councilors. He said they could dismiss one person, but is difficult to dismiss a group. He said Kiva would need paperwork and documentation to back them and helps the ADA would listen more if they have a group.

He said the federal ADA usually passes the information on to the local federal highway that passes that on to the City maintenance. The worst case scenario is that federal would say the City has to make improvements or lose their funding.

Ms. Hunt asked who the primary partners are with the community-based employment and she could look at those sites specifically.

Mr. Ray said Kitchen Angels, the Luisa Senior Center, Salvation Army on West Alameda, Dogs of the West and the Thrift Store for the Humane Center and the Center for Self Advocacy.

Ms. Hunt said in an area like Aqua Fria where a house abuts the road, she understands there isn't anything that could be done by the City and is not for public access. She said in that part of town there is a lot of that in the neighborhood.

She said an interesting project would be to have students map the most accessible existing routes and problem solve with strategies on how to get around with the current situation. She said it behooves the MCD to look at businesses that support this program and take a closer look at those businesses access.

Ms. Hunt offered to look at the sites and map them out to see what needs to be done to prioritize. She thought after downtown, these areas could be another phase to look at.

Ms. Cross said Ms. Hunt's ideas were great. She said they know that they are very lucky to have access to City buses and the buses are all accessible, which is wonderful. She said if there were additional routes they may not have to cross Agua Fria and a bus going down West Alameda would be helpful.

Ms. Cross said Kiva wants to be advocates for a broader community and the Kiva Program is also concerned about people who live in the neighborhood and how they get around; how long that takes and how safe it is.

Mr. Rochelle said the group realizes not everything would get done at once, but major streets like St. Michael's should be done.

Mr. McQuarie said the City has no jurisdictions on some streets, like St. Michael's or St. Francis Drive, Cerrillos Road or Paseo de Peralta by DeVargas. He said there isn't jurisdiction because it is a state highway and the state highway falls in the same category that they have to do it eventually. He said the State might pay more attention to a group like Kiva.

McQuarie provided information on the next City Council meeting and said City Council meets generally the second and fourth Wednesday of the month.

Mr. Lujan commended Kiva for bringing the issue to the attention of the Mayor's Committee on Disability. He said from the City standpoint; the City is old and the streets talked about have been there for years and other municipalities throughout the country face issues like this.

Mr. Ray said they planned to go to City Council in the beginning, but thought since MCD exists would be good to try here first. He said Kiva sent a letter to the state because it is a safety issue and the students have accessibility needs and a lot of physical problems and this is a significant issue for them.

Mr. Lujan said as the ADA Coordinator, he would suggest Kiva follow Mr. McQuarie's idea to go to the City Council meeting evening session and speak. He said they should also distribute the handout to Councilors and have the students testify and is an opportunity to be one-on-one with the Governing Body and be on the record.

He said they should also consider the Public Safety Committee who has open meetings. Kiva could get on their agenda and possibly should write them a letter.

He said as Chair Bowman said, the MCD supports Kiva's cause and could possibly do a presentation in the future to the Governing Body regarding the issue. He asked the group to keep in mind that MCD is advisory only and has no authority to make decisions, only recommendations.

Ms. Cross asked about the acronym ADA. Mr. Lujan explained it is the Americans with Disabilities Act and provided Ms. Cross with information on how to find more information on the Act on line. He said the group could feel free to call him also as the ADA Resource and he invited Kiva to attend the MCD meeting every third Thursday of the month.

Mr. McQuarie said to remember this is election time and one way to put public pressure on is going to the City Council and another is the newspaper. He said this would be a perfect campaign to make the City aware of the issue.

Mr. Ray said he would take their recommendations and could possibly make City Council, but not the next MCD meeting because school would be out. He asked that Mr. Lujan stay in contact so Kiva could be a part of the work in October.

Mr. Lujan said they could call him any time and in the meantime, should continue to look for alternative routes. He said barriers are throughout the City and he knows each of them and they are a concern.

#### **ITEMS FROM MEMBERS AND STAFF**

Mr. Ortiz Dinkel said he couldn't speak for the state regarding Kiva, but could speak for his school. He said the school receives funding from the Public Schools Facilities Authority, which ranks improvements for all schools in the state. He said his school is number one as far as needing improvements on the grounds.

He said the School for the Deaf has started to make improvements and would move the wall back for greater access for the sidewalk in front. He said a lot of public entities are forced to look at the issue when changes are made. The School is an historical property and is grandfathered in and improvements have not been made for years.

Mr. McQuarie said he thought the current recommendation is a 6 foot easement between the back of the curb and the wall, but it would be good if the wall could be moved another foot to maintain compliance longer. A person needs a minimum of 42 inches and ADA requires 36 inches and the ADA regulations are a good average.

Ms. Hunt said at Community Day a citizen brought up an issue. He thought the City is making an area into a park down the street, but was not an accessible area. She offered to check on that and take photos to be sure if the City is considering a park there is no accessibility issue.

Mr. McQuarie clarified the area being discussed as the southeast corner of Don Gaspar and Water Street.

Mr. Lujan said part of his job is to investigate the barriers and look for alternative accessible routes. He surveyed the issues Kiva brought up and Agua Fria is old and has zero property lines and a lot of other factors such as utilities, signal mass, utility poles, etc.

He said regarding Calle Lorca, the Kiva Program is correct that the east side has barriers and curb returns with no curb ramps and credit unions and banks, etc. He said the west side of the street, however, is fully accessible and so there is an accessible route- though he isn't saying the curbs don't need to be addressed. He noted also that the issue of the fire hydrant does meet ADA requirements for access clearance with 34 inches between the corners of the intersecting sidewalks to the fire hydrant.

Chair Bowman said she wanted to mention a flyer that she received that asked that she share the information. The flyer invited people to "join the Santa Fe Indian community on the path to wellness" May 19 at Santa Fe Railyard Park and mentions that the trail is ADA accessible.

She said it was nice to know the city was doing good things. She thanked Mr. Lujan for catching the term "handicapped" used in an ordinance relating to human rights and for getting that corrected to *disability*.

Chair Bowman said she wants the Committee to do a presentation in the next few months that thanks the City for what they have been able to do on accessibility. She said she realizes that not everything has been done but wants to acknowledge the efforts made by the City.

**NEXT MEETING: June 20, 2013**

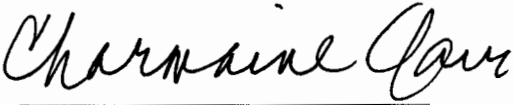
## **ADJOURNMENT**

*Having completed the agenda and no further business, the meeting adjourned at 11:33 p.m.*

Approved by:

  
\_\_\_\_\_  
Marcia Bowman, Chair

Submitted by:

A handwritten signature in cursive script that reads "Charmaine Clair". The signature is written in black ink and is positioned above a horizontal line.

Charmaine Clair, Stenographer