

**SUMMARY OF ACTION  
MAYORS COMMITTEE ON DISABILITY  
CITY COUNCIL CHAMBERS  
200 LINCOLN AVENUE  
Thursday, May 19, 2016**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF AGENDA	APPROVED	1-2
APPROVAL OF MINUTES April 21, 2016	APPROVED	2
 <u>NEW BUSINESS</u>		
INTEGRATED PEST MANAGEMENT	INFORMATION/DISCUSSION	3-7
PUBLIC COMMENT	INFORMATION/DISCUSSION	7-9
 <u>OLD BUSINESS</u>		
MCD SUBCOMMITTEE REPORTS	INFORMATION/DISCUSSION	9-10
TAXI UPDATE	INFORMATION/DISCUSSION	10
COMMUNITY DAY SUMMARY AND GUIDE TO ACCESSIBILITY	INFORMATION/DISCUSSION	10
PROW TRANSITION PLAN UPDATE	INFORMATION/DISCUSSION	10
SECOND STREET AND CERRILLOS ROAD UPDATE	INFORMATION/DISCUSSION	11
NCRTD AND SFT FEASIBILITY STUDY UPDATE	INFORMATION/DISCUSSION	11

**ITEMS FROM MEMBERS AND  
STAFF**

**INFORMATION/DISCUSSION**

**11**

**ADJOURNMENT**

**ADJOURNED**

**12**

**MAYORS COMMITTEE ON DISABILITY  
CITY COUNCIL CHAMBERS  
200 LINCOLN AVENUE  
Thursday, May 19, 2016, 10:00 am**

**1. CALL TO ORDER**

The meeting of the Mayor's Committee on Disability was called to order by Marcia Bowman, Chair at 10:00 am on Thursday, May 19, 2016, at City Hall in the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Meriam Jawhar, Excused  
Coby Livingstone, Excused

**OTHERS PRESENT**

Councilor Rene Villarreal  
David Chapman, City of Santa Fe Staff Liaison  
Victor Lucero, Parks Department, Pest Management  
Rob Carter, Parks and Recreation Department Director  
Richard Thompson, Parks Department  
Sign In Sheet of Members of the Public Attending incorporated into these minutes  
as Exhibit "1"  
Elizabeth Martin, Stenographer

**3. APPROVAL OF AGENDA**

Chair Bowman asked that Public Comments be moved to below New 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**  
**April 21, 2016**

Chair Bowman said on page 1 it should say everywhere she looked in Ecuador.

Mr. Wirtz said page 13, the first sentence, it should say he may not follow the Resolution in its entirety.

Chair Bowman said on page 4 it should say David asked.

Mr. McQuarie said on page 1, under others present, it should say Joseph Maestas. On page 1 Chair Bowman said Ron Ortiz Dinkel, on page 7, strike register, on page 10, paragraph 7, it is an ADA compliant.

Chair Bowman said on page 8 please clarify by adding names.

Mr. Bleck said on page 5, paragraph 7, it should say will be in limbo. On page 8, first paragraph, it is Transit Advisory Board, on page 10, second paragraph, it is Transit Advisory Board.

Ms. Tambourine said we all appreciate our stenographer and her input, however it would be helpful if we could have more quotes and not summarizing. She would like to request verbatim minutes.

Chair Bowman said she did not want to read that much.

Ms. Tambourine said she would like to add that she has to speak for people who are homeless and homeless Veterans. She would like what she said in detail included in the minutes out of respect for them. There are many Veterans who are disabled by neuro toxins. Veterans tell her parks are their living room and that is relevant to this discussion. Also she spoke about a serious issue at the Chavez center. She would like the detail of those statements about the family bathrooms that the disabled have to use. She also spoke about working very closely with Rob Carter on issues and having regular meetings with him and staff.

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

**VOTE** The motion passed unanimously by voice vote.

## **5. NEW BUSINESS**

### **A. INTEGRATED PEST MANAGEMENT PROGRAM**

Ms. Tambourine stated that if Mr. Lucero used his video presentation she and others will have to leave the meeting due to sensitivity issues.

Mr. Lucero said he will do presentation without the screen part of the presentation. He introduced himself as the Integrated Pest Management Manager for the City of Santa Fe Parks and Recreation Department. He said he wanted to present to this Committee what he presented to the Public Works Committee with respect to Integrated Pest Management. He asked that the Committee bear with him as he reads to them what his slides indicated.

Mr. Lucero reviewed his presentation which is incorporated herewith into these minutes as Exhibit "2".

Chair Bowman asked what chemical controls have you used in the last month.

Mr. Lucero said since he started last year he has requested and initiated a herbicide application once and will provide the Committee with the exemption and documentation that was given to him. The application was on Rufina Street on the medians minus the medians at Thomas Ramirez Elementary School and far west median.

Chair Bowman asked what was used.

Mr. Lucero referred to his memo which is incorporated herewith to these minutes as Exhibit "3".

Elisa Boyles, a member of the audience, asked what weeds were you trying to eradicate and what time of day did you spray.

Mr. Lucero said it was on 4-23-16, the notice was on 4-19-16, the time was 8:15 am, it was terminated at 10:30 am, it was 51.5 degrees F, the wind velocity was 1.8 miles per hour from the east. It was annual grasses. He referred to his memo.

Ms. Tambourine said if you are not familiar with the IPM Ordinance he is reporting his record keeping, and is establishing that he has met those requirements.

Chair Bowman asked is this the only chemical you have used within the city.

Mr. Lucero said yes, since his employment

Chair Bowman asked have there been any contractors using chemicals in the City.

Mr. Lucero said the Railyard Corporation hired a contractor to do their landscaping services who sprayed the area by the restrooms. It was unknown by him until he received emails and phone calls asking him why he lied about his pesticide applications and why was he spraying near the public restrooms in the Railyard Park. He investigated. He then met with the Railyard Corporation and the contractor, went over the IPM Ordinance with them and informed them that they were in violation of the Ordinance.

Ms. Tambourine asked who was at that meeting.

Mr. Lucero said he was there with Bob Siqueiros the City Project Manager for the Railyard and Railyard Corporation representatives.

Ms. Tambourine asked who is the contractor.

Mr. Carter said we cannot divulge the name of the contractor.

Mr. Lucero said after explaining and working through the details, they admitted what they did and we immediately ordered a cease and desist.

Chair Bowman asked as far as you know that is the only other application in the City

Mr. Lucero said on his charge yes. They have to go through his office to do that.

Ms. Tambourine said we do have an Ordinance and need to abide with it. When you are implementing IPM it takes cooperation among everyone. We have to have our citizens involved in this too. She has worked with the City to get volunteer weeders together. Thank you for being here today from the City. She and Rob are working on getting a volunteer task force together to recruit and get volunteers to weed and support the City in this. In the IPM Ordinance, which is a law, the City is to have a strategy in place on City owned property. It says the IPM Coordinator shall keep records of all pesticide activities for two years in his department and five years in the archives. That includes the name and address of the pesticide applicator. The City is not disclosing who the contractor was at the Railyard. Under the City Integrated Pest Policy it talks about pest elimination on City property. It says the City exercises its power to ensure purchases and public monies are used in compliance with the Ordinance. That would apply to the lease agreement.

Mr. Lucero said that is correct and that is why he met with the Railyard Corporation. They are the lessee.

Ms. Tambourine said you talked about the City's ongoing responsibility for conducting education programs.

Mr. Lucero said he is having an IPM event this Saturday at the Railyard Park on identifying pests and other items. Everyone is welcome.

Ms. Tambourine said the implementation of the City Integrated Pest Policy has to comply with the Ordinance. It gives thirty days to have a revised plan. Regarding lease agreements, when the City enters into a new lease agreement or extends terms, they have to require the lessee to comply. One of the things listed is that the lease shall identify their IPM contact person. When did the Railyard last do that.

Mr. Lucero said during his tenure, on May 9<sup>th</sup>. He is the IPM contact person.

Ms. Tambourine said it appears that there needs to be an IPM contract person with the Corporation that is leasing. If you are unaware of one the City should have taken action to get one.

Mr. Carter said Victor is the IPM Manager for the City of Santa Fe so he oversees all of the properties of the City. He maintains every piece of IPM needed for the City.

Ms. Tambourine said so Victor is responsible for the failure by not knowing about it.

Mr. Carter said no, this was the Corporation and the contractor who were unaware and we took care of the situation as soon as we could.

Ms. Tambourine said the lessee shall comply with the Ordinance. Obviously the Railyard did not do that. This is what happens when we don't work together and point fingers. You can point all kinds of ways that the City did not do what they should. Do you have the date.

Mr. Lucero said no, not with me.

Ms. Tambourine asked are they telling you it was just one application or more.

Mr. Lucero said they are telling me one application.

Mr. Tambourine said the difficulty is that within twenty four hours of the time that the information is requested, the City is supposed to provide it. Pest management records shall be made available to the public within twenty four hours. You now have information about what happened three weeks ago. She is the one who was poisoned by the pesticides that were put down. You have this information and it should be provided within twenty four hours which you have now been given. She has been working with Rob very closely and has a great rapport with him. She has 100%

confidence in him and his staff, but we have a major problem here that has already caused serious consequences. She is not represented by an attorney. She cannot get the City Attorney to meet with her. She needs help. She cannot get this information and it should be available. It is not being given.

Mr. Carter said we are waiting on the information from the contractor and the Railyard Corporation so we can add it to our records. Please understand they have been notified, told to cease and desist and they cannot use any pesticides on the property in the future.

Ms. Tambourine said this is a case in point and shows what happens when we don't all work together. It is a much bigger problem in communications than just Mr. Lucero. She is being given two dates from the Railyard and has not been given any other information. She is being told it was Round Up that was used and that is toxic to bees. It persists in the soil. She doesn't know how many other people are being exposed. She thinks someone needs to hear that yesterday she was trying to get information from the Railyard to give to her Doctor. Her Doctor told her she needs to be in bed or hospitalized immediately and it is life threatening. She can't get information. We need to all work together. She is employing those of us who can take action to support Mr. Lucero and the City and give them crews to help pull these weeds and avoid these pesticides if possible. If not, Rob Carter and his crew are going to do their job.

Mr. Lucero said the types of control efforts in IPM are not going to go away. He wanted to remind everyone that Integrated Pest Management is just what its name says, integrated. He has created a website and would like to point out that from that website he has had several people call him and deal with him one-on-one on issues. The website has information about what IPM is and about notifications and the Ordinance. One day prior notice is to be given, however, he puts notices up 72 hours ahead. Some concerns have been misinterpreted and miscommunicated. Everything he does in the public sector is public information. He has nothing to hide and is trying to be as transparent as possible.

Ms. Bleck asked might there be other lessees who are not aware of the Ordinance.

Mr. Lucero said he does not know of any but will do his best to contact Department Heads within each City Department and investigate.

Mr. Wirtz asked what is the website.

Mr. Lucero said go to the City of Santa Fe, Parks and Recreation, then scroll down to IPM and click there. It is there. It also suggests links like the Environmental Protection Agency, insect ID websites and others.

Ms. Tambourine said she would like to make a statement to think about and talk

about in the future. On the memo it says request for pesticide exemption and it says these manual efforts have failed to remove growing points thus the request for an exemption. She suggests in the future that you explore the volunteer continual weeding and use that. Can you get the information on who the contractor was and how much chemical was used.

Mr. Lucero said it is a legal issue.

Ms. Tambourine said when she went to the City Attorney's office she was told that the City Attorney can't talk to you. The City Attorney's job is to protect the City. Think about what it means to protect the City. When you have someone who has been poisoned and you won't give them the information they need we are not helping the citizens. We want to get well. We are really sick. We need to stand down from our anger. Please use this situation as a means to come together to work with the City and make our City clean, attractive and pest free.

Ms. Tambourine asked if she could have permission to send around a sign up sheet for volunteers weeders.

Chair Bowman said yes you can.

Chair Bowman said we will now open this up to public comment. We have a long agenda and have fifteen minutes set aside for public comment. No one will be given more than two minutes.

## 6. PUBLIC COMMENT

**David Curley** said you defined a pest as something that harms people, animals or the environment. The purpose of any use of chemicals is pestilent. It kills bees and sickens dogs. It harms people susceptible to pesticides. That needs to be removed from your tool box.

**Paul Paryski** said he thinks the Sierra Club would like to be assured that no toxic chemicals have been used and suggests that the City might consider adopting a precautionary principal in the products bought and used. The products should have to be proven nontoxic and perhaps consider a ban on such products as Roundup.

**Arthur Firstenberg** said what he is not hearing so far is what are your plans for using cautionary pesticides. Are you planning to use more of it on medians and parks. You said in Public Works that you are planning on using it north of the Convention Center.

Mr. Lucero said the plans for using pesticides are per the IPM guidelines and

used if the pest population deems a need for a pesticide. He can't tell you where because it would be in areas where perennial weeds are targeted. He is glad to post on the website when we may do it. Today we don't have a plan to spray pesticides. If we do, we guarantee they will be based on the protocol guidelines at IPM.

Mr. Firstenberg asked will you be using any at the Convention Center.

Mr. Lucero said we are using manual labor and thermal cultivation. It will probably be an area to evaluate. Plans change. With respect to the injection of tree pests it is disturbing to see spray drift. The technology exists to completely eliminate that drift. One of the intended pesticides he would like to test on elms is Azidicthin. The Intent is not to make a toxic environment. He loves this town but as an IPM professional he has to follow the signs. Our elms are in decline. This is an opportunity to intervene on their behalf with injections of low doses.

**Sondra Goodwin** said even though plants are wind pollinated, bees will collect pollen from them. The bees get on the corn she grows in her garden. When she sees all the dandelions she thinks they are beautiful. She collects the seeds and brings them to her garden. The grass here is a plant out of place. It uses a ton of water. We need to rethink and educate the public. Bees are important. If people can't enjoy their basketball game because they get pricked, she can't enjoy her parks because she can't sit down due to poison. She would like a citywide ban on all pesticides and chemicals. It needs to change.

**Ann McCampbell** said she has been head of the IPM Taskforce, a citizen group who works with the City. We helped develop the Ordinance. We went through two years of Resolutions and three years of meetings on managing weeds. The decision was that the City was not going to manager their weeds with pesticides. She is impressed with the credentials of Victor. Except for bringing nonnative agents to kill weeds. Santa Fe does not want classical management. We don't want pesticides of any kind. Former Councilor Bushee was the sponsor of the Ordinance. There was an email from her to Mr. Carter that the intent was not to use pesticides to deal with weeds. Mr. Carter responded that he would do everything in his power to not use harmful things. This is a departure from the intent of the Ordinance. We have always worked with the IPM Coordinator. Victor did not come to the meeting they arranged. We were told we have to file a public information request to the Department for information.

**Caline Wells** said she is a native New Mexican. She grew up with goat heads and choyo. Now she has a child she takes to the park but it is often impossible. When she heard of the possibility of parks being spayed she was alarmed. She is a substitute teacher and is at the schools often. A few people she talked with who are parents are very concerned if playgrounds are an option for pesticides. It is a real concern.

Chair Bowman said they said there are no plans to do that.

Ms. Wells said she would like a guarantee.

Chair Bowman said they said they would give a 72 hour notice.

Ms. Wells said she read last night that these chemicals should not be near a public water supply. We need notification for four hours after spraying as well.

**Adele Rosen** said we are like a little microcosm of the world here. When you walk into big stores all you see are chemicals. It goes far beyond the City and what they are doing. There is no separation between a drop of poison going into water and insects on the water. The world is in an extreme state.

**Elisa Boyles** asked regarding Adopt the Medians does that fall within the IPM as well.

Mr. Carter said the Adopt a Median program is run through the Keep Santa Fe Beautiful part of the Public Works Department. We work with them diligently to make sure they are following the Ordinance. We are working right now on developing a new program called an Adopt a Park program. Maybe some of you would like to adopt a park to help maintain and pull weeds to keep us from having to use anything. We are looking at ways to not use pesticides. We would love to get rid of the use of pesticides and herbicides.

**Luka Boles** said pesticides should not be used. They kill bees and they hurt bees who come to the parks. Stop spraying pesticides. Burn up the pesticides and try to stop using them.

Chair Bowman said she is an organic gardener and beekeeper but she does believe these guys are trying. Thank you all for coming.

## **7. OLD BUSINESS**

### **A. MCD SUBCOMMITTEE REPORTS**

#### **Transportation**

Ms. Bleck said she has nothing to report except that the members of the Transit Advisory Board have not been renewed except for Mary. We are continuing to serve.

#### **Media**

Ms. Tambourine said she had a meeting with Rob Carter about the issue at the Chavez Center. David is involved too. We have been talking about the issue of the

Supremacy Clause. Under that any state law or Ordinance that becomes law, if there is a conflict or interference with Federal law that makes any state law or city Ordinance unconstitutional and unenforceable. The issue is the three family bathrooms with showers in them. They have disability placards on them. They are for people with disabilities. We need those family bathrooms for access.

Chair Bowman asked what does this have to do with publicity.

Ms. Tambourine said she should have made these statements under comments.

### **Plan Review**

Mr. McQuarie said we have not reviewed any plans this month. Regarding the bus center we reviewed previously and gave a negative review, we cannot approve plans without knowing about the shelters. We have to know. He understands from some city employees that different divisions are going ahead and doing the street. They will not be compatible with regulations. Federal regulations say they cannot make a barrier. He has requested this Committee notify the City that they are in violation of Federal regulations and that they need to return the grant to the Department of Transportation. They are not making the area accessible. They are starting to do things without our review and comment like the bus center at the mall. We have not received the plans. Where is it going.

### **B. TAXI UPDATE**

Ms Bleck said Mr. Martínez offered to help train the cab drivers for the accessible cab. We sent an email to Mr. Knowles and he wrote back that he can take care of it. It is up and running. Maybe David can contact the lady with Highlights to take pictures of the accessible cab for the City website.

### **C. COMMUNITY DAY SUMMARY AND GUIDE TO ACCESSIBILITY**

Ms. Bleck said she was there from 9:30 to noon. Everything went well.

Mr. Chapman said it all went extremely well. He appreciated everyone's participation. He gave out almost all of the brochures.

### **D. PROW TRANSITION PLAN UPDATE**

Mr. Chapman said we have a summary of the kickoff meeting we had. He has prepared a dictionary of terms. The group will be reviewing that via a conference meeting next week and he will keep Mr. McQuarie in the loop on that.

## **E. SECOND STREET AND CERRILLOS ROAD UPDATE**

Mr. Chapman said we had a meeting and looked over the plans. It is 60% to 70 % complete. He has given it to Mr. McQuarie for review and will get with him. It is happening. The project is scheduled to start next July, 2017. They expect it to take 90 days.

Mr. McQuarie said he looked quickly at the plans and for the most part they look pretty good. They don't show clarity on the plans of where the pedestrian walkway will be in reference to the location of the bus stop. The shelter takes up the whole space so there is no pedestrian route. That may have to be corrected some. It is mandatory to have certain signs at a bus facility. There is no indication of that required signage. They need to include it. It shows the western curve of the road. They don't locate the eastern curve. Where is the bus stop for there.

## **F. NCRTD AND SFT FEASIBILITY STUDY UPDATE**

Mr. Chapman said an RFP was issued May 9<sup>th</sup> and is due back by June 6, 2016 for the study. The evaluation will be done between June 13<sup>th</sup> and June 18<sup>th</sup>. July 8<sup>th</sup> is the anticipated date for the award. There is a link to that RFP he can give to the Board. It is 48 pages.

## **8. ITEMS FROM MEMBERS AND STAFF**

Mr. Wirtz said he is sure glad he asked Victor Lucero to show up today. It was a fantastic meeting. We will go from there.

Ms. Tambourine said it was a tough meeting . Everyone did excellent.

Ms. Bleck said last month we talked a bit about people complaining about the Pacheco Post Office. She called in a detailed complaint. They took out the benches.

Ms. Pieters said they just put them out back and are not even using them.

Ms. Tambourine said she had a meeting with Deputy Chief of Police Andrew Padilla. It is important that people explain why it is important for people with disabilities to participate in active shooter training. He gets it. We need to be present to explain to officers and people getting training to make sure they know about disabled people getting out of buildings. We all have invitations to participate in the meetings. She will get that information to the Board.

Chair Bowman said her class is starting up again Wednesday, May 25th.

**9. ADJOURN**

The meeting adjourned at 12:00 noon.

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Marcia Bowman, Chair



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Elizabeth Martin, Stenographer