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**MAYOR'S COMMITTEE ON DISABILITY
THURSDAY, SEPTEMBER 15, 2016
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 18, 2016 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. NEW BUSINESS
 - a) SANRISA PARK AND ART SCULPTURE WITH ADA CONCERNS – RICHARD THOMPSON, PARKS DIVISION DIRECTOR AND JASON KLUCK, FACILITIES DIVISION PROJECT ADMINISTRATOR
 - b) SANTA FE COALITION FOR ALTERNATIVE TO PESTICIDES – DR. ANN MCCAMPBELL
7. OLD BUSINESS
 - a) MCD SUB-COMMITTEE REPORTS
8. INTEGRATED PEST MANAGEMENT UPDATE – MICHAEL WIRTZ & JULIE TAMBOURINE
9. PROW TRANSITION PLAN UPDATE – DAVID A. CHAPMAN
10. NCRTD AND SFT FEASIBILITY STUDY UPDATE – DAVID A. CHAPMAN

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

11. ADJOURN

NEXT MEETING OCTOBER 20, 2016

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 (505)577-6167 and/or David A. Chapman, ADA Coordinator/Liaison, at (505)955-2012 if you are unable to attend.**

**SUMMARY OF ACTION
MAYORS COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS, 200 LINCOLN AVENUE
THURSDAY, SEPTEMBER 15, 2016, 10:00 AM**

<u>ITEM</u>	<u>ACTION</u>	<u>DATE</u>
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF AGENDA	APPROVED	1-2
APPROVAL OF MINUTES AUGUST 10, 2016	APPROVED	2
PUBLIC COMMENTS	INFORMATION/DISCUSSION	2-3
<u>NEW BUSINESS</u>		
SANRISA PARK AND ART SCULPTURE WITH ADA CONCERNS	INFORMATION/DISCUSSION	3-7
SANTA FE COALITION FOR ALTERNATIVES TO PESTICIDES	INFORMATION/DISCUSSION	7-11
DISABILITY AWARENESS EVENT	INFORMATION/DISCUSSION	11-12
DISCUSSION OF COMMITTEE VACANCY	INFORMATION/DISCUSSION	12
<u>OLD BUSINESS</u>		
MCD SUBCOMMITTEE REPORTS	INFORMATION/DISCUSSION	12-13
INTEGRATED PEST	INFORMATION/DISCUSSION	13

MANAGEMENT UPDATE

**PROW TRANSITION PLAN
UPDATE**

INFORMATION/DISCUSSION

13

**NCRTD AND SFT FEASIBILITY
STUDY UPDATE**

INFORMATION/DISCUSSION

13-14

**ITEMS FROM MEMBERS
AND STAFF**

INFORMATION/DISCUSSION

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NEXT MEETING

OCTOBER 20, 2016

14

ADJOURN

ADJOURNED

15

**MAYORS COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS, 200 LINCOLN AVENUE
THURSDAY, SEPTEMBER 15, 2016, 10:00 AM**

1. CALL TO ORDER

The meeting of the Mayor's Committee on Disability was called to order by Vice Chair, acting as Chair, Aureore Bleck at 10:00 am on Thursday, September 15, 2016, at the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Aureore Bleck, Vice Chair
Dave McQuarie
Michael Wirtz
Julie Tambourine
Coby Livingstone
Meriam Jawhar
Nancy Pieters

MEMBERS ABSENT

Marcia Bowman, Chair, Excused
Mary McGinnis, Resigned

OTHERS PRESENT

Jason Kluck
Dr. Ann McCampbell
David Chapman
Elizabeth Martin

3. APPROVAL OF AGENDA

Ms. Tambourine said in last months meeting we discussed putting on the agenda a discussion about the push for people with disabilities to be hired with the City.

Chair Bleck said it will be added as item 6C.

Chair Bleck said she would like to add as 6D, the discussion of a new member.

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

VOTE The motion passed unanimously by voice vote.

**4. APPROVAL OF MINUTES
 AUGUST 10, 2016**

Mr. McQuarie said on page 3, paragraph 3, the new shelter talked about is the one on Sheridan Avenue, on page 4, paragraph 6, it should say Mr. McQuarie suggested the overhang, on page 5, paragraph 3, it was David Chapman who said thanks to the Chair, on page 8 regarding the agenda for the next meeting it is Jason Kluck.

Ms. Pieters said on page 1, Miriam was not present

Ms. Tambourine asked that we add that Mr. Carter mentioned deed restrictions in a previous meeting and that they did not allow pesticides to be used on the Railyard. On page 6, paragraph 1, it should be half life and on page 6 check on the Board name.

Ms. Bleck said on page 1, it should say by voice vote, on page 4, 4th paragraph, is should say already using Alameda as a temporary stop, there is a misspelling of Chapman 3 times, on page 6 it should be being and on page 8 it is Sanrisa Park.

Ms. Tambourine asked to add the interns who attended the last meeting to the others present section.

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

VOTE The motion passed unanimously by voice vote.

Miriam Jawhar arrived at the meeting.

5. PUBLIC COMMENTS

Mr. McQuarie said he asked David Chapman to notify Casey Padilla and Mary McDonald that the sign layout for the bus stops is not acceptable and he has recommended that they not be accepted. Over the last few meetings he has noticed over and over that members of this Committee have referred to City staff not doing something because of a lack of money. That is not accurate and should not be included. Money should not be an issue. In one court case it was ruled that if money is a problem they can change the scope of the project, not do the project or find more money. As far as this bus thing goes, the Feds are paying the lump of it so it is Federal money. They must do shelters or have temporary shelters and they must be in

compliance.

6. NEW BUSINESS

A) SANRISA PARK AND ART SCULPTURE WITH ADA CONCERNS

Mr. Chapman said Sanrisa Park has a new art sculpture that is a hummingbird. Essentially the sculpture was erected recently and it sparked questions about our Committee's Resolution 2006-151. The Resolution states that the Chairman shall appoint a subcommittee to review the plans of City Public Works projects, including improvements to parks or recreational facilities that cost over \$25,000. The question was raised if all City projects qualify as Public Works projects. The sculpture was paid for by Arts in Public Places.

Chair Bleck asked is that private money.

Mr. Chapman said it is legislatively appropriated money. It is public money but not City money.

Mr. Chapman said the question that came up and that we worked with legal on is does this Committee want to more narrowly define Public Works projects by amending our Resolution. Jason and he went out to the park. You can see it from the road but for people with disabilities it is not accessible. That leads into the correspondence we have with the City Attorney that said she interpreted the Resolution as that it contains loose language and is not concise enough. If the Committee wants to look at that we can tighten up the Resolution.

Mr. Kluck said he is representing the Facilities Division. Often they manage projects that don't have project managers of their own. That is the case for Parks. This is a 2012 parks bond project. When this came to light he was curious about it and that led to this discussion. It is a City Park but in disrepair.

Ms. Jawhar asked would we want access to a sculpture in the middle of a plot of land?

Ms. Livingstone said disabled people are just as interested in art as they are in a walkable sidewalk.

Mr. Kluck said there is a path but it is not passable for mobile devices.

Ms. Tambourine said Coby brings up a great comment. Sometimes when we have impairments we don't see how others see the world. If vision is impaired they may

want to touch the structure. That is how they see the structure. How tall is this.

Mr. Kluck said 15 to 20 feet tall.

Ms. Tambourine asked Coby can you see this?

Ms. Livingstone said yes.

Ms. Tambourine said this is a beautiful structure to experience. They need to get up to it to do that.

Chair Bleck asked is this sculpture worth \$25,000.

Mr. Chapman said he is checking on that.

Mr. Chapman said the key question is do we want to more narrowly define our Resolution regarding Public Works projects. He feels that the Committee's scope and mission shows that it is all public.

Mr. McQuarie said his opinion is to update the Resolution. His estimation is at any stage work could be reviewed. Also Public Works are on City land so we should have some say so. This item may not fall into the monetary range, however we are concerned with the access of all disabled persons. If they build a walkway or pathway to this is it accessible. Let's say they don't build a pathway and just put up a sign. That sign has to be visible for those who are visually impaired. In the past there have been a few instances where we have made the decision to say "thank you for the plans it does not have to be reviewed by us but thank you". He wants to keep that process going. The question has come up recently on pest control. They say it is on Public Works. If they spray pesticides inside the building on the Railyard they do not have to notify this Committee but yet our Committee is very concerned about pesticides because it does effect those with breathing disabilities and others. They don't have to notify us but they should notify us out of common courtesy.

Mr. Chapman said Jason is very good at that and is consistently letting us know of items.

Ms. Tambourine said if we don't redo the Resolution we are not representing everyone who is disabled in Santa Fe. It would be great community education.

Mr. Kluck said to clarify some points, Arroyo Sonrisa Park is the name of the park. He wants to note that there has not been a clarification of what that sculpture costs. It is still to be determined if it should have come to this Committee or not.

Chair Bleck asked it is your opinion that it should if it is at the money limit.

Mr. Kluck said if Public Works is determined as general. If it is under \$25,000 it would not come here but that project is still bound to comply with ADA.

Mr. McQuarie asked is the sculpture worth more than \$25,000.

Mr. Kluck said he is not sure.

Mr. McQuarie said if it falls into the category it is a must.

Ms. Livingstone said it is a question of safety. If you ran into this it would hurt. If you had a nice path around it that would help.

Mr. Kluck said it has a quasi bench at the base of it.

Ms. Tambourine said is it a start.

Mr. Kluck said it is made out of sheet metal.

Ms. Livingstone said it is gorgeous. She hopes it stays in but with a bit of a path.

Ms. Tambourine said if we decide to amend our Resolution and it has to be approved by our Committee first we would have an opportunity to comment about the safety issues. We could have given our ideas. We may be able to eliminate some concerns about liability. If kids played around this they could get hurt.

Ms. Jawhar said she is always careful to be realistic. Having that pathway for access is one thing. Anything beyond that is at the discretion of parents. Even a pathway does not stop a kid from not following the rules.

Ms. Tambourine said that is true.

Mr. Kluck said it is not a play structure.

Ms. Tambourine said let's talk about do we want a bench there. That not a good idea. She wants to go see it first. Those are comments that could have come up and been acted on or not before the item was placed.

Chair Bleck asked is Deborah Garcia is in charge of Art in Public Places.

Mr. Kluck said yes.

Chair Bleck asked could we just approach Deborah first.

Mr. Chapman said she is approachable, but aside from this specific item, do we want to tighten up the Resolution. It will require Council sponsorship. He suggests that

they get some volunteers to work on rewriting the Resolution and he can get with whoever heads that Committee and work with them regarding Governing Body sponsorship.

Chair Bleck said that is a great idea but it seems long term. Can we approach Deborah and say did you know we are supposed to review anything over \$25,000.

Ms. Jawhar said we still need to see the value. Until we have that it is a moot point.

Mr. Chapman said in discussions with the City Attorney it was said that it did not have to go before this Committee due wording of the Resolution.

Mr. Wirtz said his concern is that any City park that invites people to it regardless of the art work and the money it costs, the money should not be the determining factor. It should be the safety, liability and accessibility angle for folks with disabilities.

MOTION A motion was made by Ms. Livingstone to appoint a subcommittee to study the Resolution and come back to the next meeting with suggestions.

Mr. McQuarie said if we change the Resolution It should read that any addition to a public land project regardless of the source of financing, should be reviewed. A couple of years ago they changed all the intersections on Zia Road because of landscaping. They did not contact us but when they landscaped the medians they altered the pathway from one side of the street to the other but did not contact us. It effected ADA they should have, at least as a courtesy, contacted us.

MOTION Ms. Livingstone amended her motion, which was seconded by Mr. Wirtz, to appoint a subcommittee that will study the wording of the Resolution, included the wording that Mr. McQuarie suggested, and come back with suggestions at the next meeting.

Mr. McQuarie said he would like to amend the motion to say Task Force rather than subcommittee and that the Chair should determine how many people on will be on the Task Force and make suggestions as to whom. Also try to have an odd number.

Ms. Livingstone and Mr. Wirtz agreed to the amendment.

VOTE The motion passed, as amended, unanimously by voice vote.

Chair Bleck asked for volunteers.

Mr. McQuarie, Mr. Wirtz, Ms. Tambourine and Mr. Chapman, as staff, volunteered to serve on the Task Force.

Chair Bleck and the Committee thanked Mr. Kluck for his hard work and for taking the time to join them today.

B) SANTA FE COALITION FOR ALTERNATIVES TO PESTICIDES

Dr. Ann McCampbell said she is representing the Santa Fe Coalition for Alternatives to Pesticides. This organization was formed after the Committee's May meeting where park staff presented and gave an update. A lot has happened since then and most of it is bad news. At the meeting in May, Mr. Lucero said he had sprayed the medians on Rufina Street but had not done anything else and had no plans to do anything else. It turns out that the City hired New Mexico Pest Control, who had been spraying buildings for two years, to work on contract with them. It was very discouraging. She has not been able to find out exactly what they have done. They are using Suspend and putting out anti coagulant baits for rodents. It is very discouraging that Mr. Carter and Mr. Thompson were at the meeting and they knew full well that this other thing was going on. Mr. Lucero did not know about it so he was sincere that he did not know it was going on. Also there was an application of a herbicide in the parking lot at the MRC. Mr. Lucero did not know about it. Mr. Thompson OK'd it and the golf grounds maintenance approved it.

Dr. McCampbell said we formed a Coalition when we started to find out how bad the situation was. It has brought together many groups. We had a petition warning people that the City had departed from the IPM Ordinance regarding the goal of not using pesticides to the maxim extent possible. There have been a lot of pesticides used on the golf course over the years but otherwise it has been used in pretty much a safe way. We got over 1,500 signatures on the petition saying we want the IPM Ordinance enforced. We were able to get a meeting with the Mayor. He seems quite supportive of us and the Ordinance. We have had two meetings with him. He has said he would like the Ordinance strengthened. The staff is trying to exploit the loop holes in the Ordinance.

Ms. Jawhar asked what does IPM stand for.

Dr. McCampbell said Integrated Pest Management. It looks at the prevention of pests including weeds. It was passed unanimously in 2001 by the Council after years of working on it. This has been a very disturbing departure. The Council is not as supportive of this Ordinance as the one who passed it.

Ms. Jawhar asked what does integrated mean.

Dr. McCampbell said the use of mechanical and biological methods and knowing the biology of certain insects. In terms of indoor buildings it means calking the cracks, making sure there are no water leaks and picking up the crumbs. They always say in the fire stations that they get their popcorn all over.

Dr. McCampbell said she has said let's not call it integrated. Let's call it a no pesticides Ordinance. Integrated Pest Management is a decision making process where if you cannot take care of this without a chemical you can use the chemical with restrictions. On the City website, under Parks, the last thing is the IPM. It shows you what you do first before getting to chemicals. The problem with the current approach is that they go to chemicals too soon.

A copy of the Ordinance along with information regarding pesticides and herbicides was handed out and is incorporated into these minutes as Exhibit "1".

Dr. McCampbell said we had a meeting with the Mayor on June 14th and it appeared the Mayor had declared a moratorium on pesticide use in the City and instructed the coordinator to develop plans until we could meet with him again. We met the second time on August 10th. At that time it appeared that he was extending the moratorium and instructed the staff to work with our group. They were going to continue to develop plans. If something came up where pesticides were to be used they were to consult with us. He also said we should be meeting with the City staff quarterly. After the meeting he asked staff if they heard that the moratorium was to be continued. Mr. Thompson laughed. Mr. Lucero said we will notify you if we hear anything. That was not what we heard. She has been in email communication with the Mayor saying that they did not hear the same thing. We are trying to set up another meeting. The next thing we hear is that they put Delta Dust in the prairie dog borrows at the Airport. They did not talk to us and gave no notice. On August 29th she sent a note to the Mayor to inform him that the pesticides issue has gotten worse. This email is incorporated into these minutes as Exhibit "2".

Dr. McCampbell said the Mayor is supportive but so far he has not been able to bring staff into line. Last night Councilor Trujillo introduced a Resolution and asked staff to come up with a plan for the medians and come back within 60 days. It does not mention pesticides. Councilor Trujillo has been pretty outspoken about saying that the spraying of more herbicides has to be on the table. He says that other cities do it and we need to take care of the weeds. He wants to mitigate the weeds so they don't grow back. That means spraying pre emergent herbicides and that is in conflict with the Ordinance. After our meeting with this Committee in May we found a notice at the golf course that they will be spraying every month. We cannot get records to verify that. The handout referred to earlier shows that \$4,000 of pesticides have been purchased and \$2,000 is for pre emergent herbicides. It has been purchased by Parks. She thinks they have been planning this for awhile. We worked with staff for 15 years and they would tell us what was going on. Now we are filing records requests. She wanted to show the Committee what they bought and to show what is in stock at the Parks Department, at the Parks Office and at the MRC. The list in the ordinance says for certain low toxic pesticides you don't have to post a sign. She drafted the Ordinance. She was not thinking of pesticides. Mr. Lucero thinks of it in categories. He thinks if it has a caution word on it that it is safe. Only two things on the list we would agree with. They are shown in the handout.

Ms. Tambourine asked could you explain acute toxicity and non acute. It is the non acute that disables people.

Dr. McCampbell said non acute can have delayed chronic effects such as cancer and neurologic issues.

Dr. McCampbell said she got the contracts from the pest control company with the City and they say that they have to keep detailed records for three years and those have to be available to the City. According to the IMP Ordinance you are supposed to find out within 24 hours if there will be a spraying. New Mexico Pest Control just sent an answer to our public records request with a overview. She filed a New Mexico Department of Agriculture complaint that they were not keeping the required records. They responded and looked into it. The records do exist. She wrote the Mayor that the records do exist. Several disability issues are coming back to this group. Historical information is essential. Not having it is an access barrier. Just the fact that they are using pesticides is an access barrier. They have circled the wagons. Mike has tried to reach Mr. Lucero and he has been unresponsive. They want to launch into changing the approach of pest management.

Ms. Jawhar said they are blatantly purchasing things that are more toxic instead of following the IPM Ordinance.

Dr. McCampbell said the stuff Mr. Lucero purchased is not as bad, but it is toxic. She thinks they want to spray the \$2,000 of non emergent. She is concerned this will go a legal direction if we can't get a response from the City. If they need more people to cut weeds on the median we can help, but we can't even get a dialogue on this. Councilor Trujillo's Resolution analysis says it does not have any financial impact and does not conflict with any other Ordinance, but it does. Chair Bowman has written a couple of really strong letters to the Mayor. Certainly you all could weigh in with the Mayor. The Mayor is on board but it is the Council that needs to hear more about this. These pesticides and herbicides are barriers to access and are unhealthy. She does not know what this Committee could do or feels like doing. Mr. Lucero has also not contacted the Santa Fe Beautiful people regarding those who adopt a median.

Ms. Pieters asked has there been anything in the newspaper.

Dr. McCampbell said Mr. Chacon with the New Mexican would not carry it unless they are violating something.

Ms. Jawhar asked what about Milo, the investigative reporter with the New Mexican. She has his card and will give it to her. He has picked up quite a few stories that effect the population at large.

Chair Bleck said try Julie Grimm at The Reporter.

Ms. Tambourine said these decisions come from management. You need to go outside of the New Mexican.

Dr. McCampbell said she thinks things will have to get worse before the City will act. Several companies have also been serving the convention center. Stomp It Out is one. She has not been able to find out how they are "stompin out." We don't know if there are others.

Ms. Livingstone asked who is spraying at Ft. Marcy.

Dr. McCampbell said we don't know if Ft. Marcy has been tagged. We know about the Golf Course, Geneva Chavez and Salvador Perez.

Ms. Livingstone said during a meeting last night some commented about the aroma.

Ms. Tambourine said she wants to clarify that Mike is the Co Chair of the Coalition.

Dr. McCampbell said yes.

Ms. Tambourine asked have you confirmed that at the Airport pesticides were applied without notice.

Dr. McCampbell said without notice to our group. We don't know if Lucero put anything up on his website.

Ms. Tambourine asked is it required to be posted on the property.

Dr. McCampbell said If it is an emergency it only has to be up while you are doing the application. If it is a non emergency it has to be posted 72 hours before.

Everyone thanked Dr. McCampbell for her dedication and hard work and for coming today to keep them informed.

Ms. Jawhar said long term neurologic things are happening to people. She sees it in her work.

Dr. McCampbell said we have been saying Roundup is bad for years. Now we are finding out how bad it is. It is worse than we thought. We have stocks of it here. The City uses a non POEA product. Roundup is a POEA product.

Ms. Tambourine said she would like to suggest that she periodically come and update the Committee.

Dr. McCampbell said she can come back at the November meeting.

Chair Bleck said she could come back anytime you want to.

Ms. Tambourine asked that Dr. McCampbell be put on the November agenda.

C) DISABILITY AWARENESS EVENT

Ms. Tambourine said she not able to do what needs to be done for the event in October due to her health and other issues.

Mr. Chapman said October is the month designated to push people with disabilities to be hired. It is a National effort to bring awareness.

Chair Bleck said so we could do something as simple as that.

Ms. Livingstone said there is a Barrier Free Futures program on Saturdays at 2:00 pm on KSFA radio. One of us could speak on that.

Ms. Tambourine said she has no one in her Media Committee. She is concerned that she does not have anyone on her Committee.

Ms. Pieters said she has some information. She wrote down last month to find out about this. She did some research last night. It is called National Disability Employment Awareness Month. It comes from the US Department of Labor, Office of Disability Employment Policy. They have a poster this year and the logo is #Inclusion Works.

Ms. Jawhar said last year David Chapman got posters for us and we put them up at libraries and other sites.

Ms. Pieters said the site says you can request them on this site. She printed out other things they suggested and passed around the articles.

Chair Bleck said there is probably a link on our handout that we produced.

Ms. Pieters said downloading or sending away for posters would be helpful.

Ms. Tambourine thanked Ms. Pieters for doing all that work. She will not be able to do this.

Mr. Chapman said he will check the information and get posters.

Ms. Jawhar and Chair Bleck volunteered to go together and distribute the

posters.

Chair Bleck and Ms. Tambourine will be on the radio show together.

Ms. Livingstone said he pre records it.

Chair Bleck said she will call the radio program and get with Ms. Tambourine to do the show.

Ms. Tambourine said she appreciated the Committee pitching in to do this.

D) DISCUSSION OF COMMITTEE VACANCY

Chair Bleck said Mary McGinnis has resigned from this Committee. She just has too much going on to serve right now.

Ms. Jawhar said that is wonderful for her but bad for us.

Chair Bleck said our Chair, Marcia Bowman, is traveling and will be moving soon as well.

Chair Bleck said she thinks it would be good to have a Veteran on the Committee. Can we contact Veterans groups regarding the vacancy.

Ms. Tambourine said she will do that.

Mr. Champan said they will have to apply for the position through him. He will work on the vacancy as well.

7. OLD BUSINESS

A) MCD SUBCOMMITTEE REPORTS

PLAN REVIEW

Mr. McQuarie said we reviewed two plans. The parking facility at the Salvador Perez pool and the restrooms and dressing rooms at Ft. Marcy. The Ft. Marcy plan was straight forward and we gave the ok. We were joined by a member of the Governor's Commission on Disabilities and they really nitpicked. He was happy to have someone independent of us who will do that. They are very strict. On the parking facility, they had parking near the emergency exit. The guidelines say that people enter in the main entrance not the back door. The City is still goofing off and not doing what they are supposed to even though our Chair wrote a letter to the Mayor. Monday he followed up

on the letter to Brian Snyder. A copy of the letter is incorporated herewith in these minutes as Exhibit "3".

Ms. Livingstone asked with all the work on Cerrillos are they planning a better entrance to bus stop.

Mr. McQuarie said yes. It will be ADA accessible.

Mr. Chapman said he did a site visit on that. We did review the plans and David McQuarie made substantial comments on it.

MEDIA

No report. The October event was previously discussed.

TRANSPORTATION

Chair Bleck said the Transit Advisory Board met. They are having staffing problems. Low pay issues and scheduled hours issues. Their on time performance had been sinking since November but it had a slight uptick last month. They have had two complaints on service dogs so David Chapman gave them a summary of the regulations.

Ms. Livingstone asked when folks are not picked up on time what are the reasons for that.

Chair Bleck said it could be traffic or other unexpected things.

Ms. Pieters asked are they more booked than they used to be.

Chair Bleck said they are servicing less people and there are fewer appointments to cover and fewer slots.

8. INTEGRATED PEST MANAGEMENT UPDATE

This was covered previously.

9. PROW TRANSITION PLAN UPDATE

Mr. Chapman said on September 1st when he checked, the contractor was well into the survey. \$130,459 has been paid to them so far. Further information is incorporated into these minutes as Exhibit "4".

10. NCRTD AND SFT FEASIBILITY STUDY UPDATE

Ms. Livingstone left the meeting.

Mr. Chapman handed out a time line as an update to the study. The time line is incorporated into these minutes as Exhibit "5".

11. ITEMS FROM MEMBERS AND STAFF

Ms. Tambourine said several years ago when she first went to the Community College she was advocating for Veterans who were unable to obtain their education and were discriminated against. As a result, the situation with Veterans was resolved by on campus Veterans Organization. Now it is a Nationally recognized organization. Before that it was intolerable. Unfortunately the discrimination and harassment has continued. Her first week back at school this semester, she met three people with different disabilities who encountered serious discrimination and harassment. The College, although being advised six years ago by her and given brochures about service animals and ADA, continues to ignore Federal and State law about service animals. After reporting continual violations of ADA this semester she was retaliated against and on August 30th without warning, she was escorted off campus by two security guards and told her service dogs could not come on campus. False accusations were made against her and her animals. This has had serious consequences for her. Financially, physically, health wise and emotionally, She is under a Doctor's care and is unable to return to school at the College. She is attempting off campus courses but struggling.

Ms. Pieters asked are there signs at the school that say service animals allowed?

Ms. Tambourine said she doesn't remember.

Ms. Pieters said there are signs at other places to allow service dogs.

Ms. Tambourine said even without signs you have to abide with ADA law.

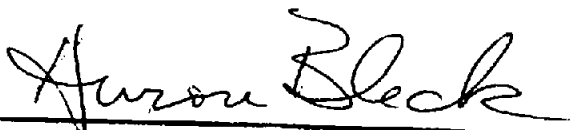
Mr. Chapman said John Romero acknowledged Mr. McQuarie's correspondence for the Committee to review the three Zozobra bridges as soon as the plans are available. We will be doing that review. Michelle Martinez also acknowledged Mr. McQuarie's correspondence. This information is attached herewith to these minutes as Exhibit "6".

12. NEXT MEETING


The next meeting of the Mayor's Committee on Disability will be on October 20, 2016.

13. ADJOURN

The meeting adjourned at 12:16 pm.

A handwritten signature in cursive script, appearing to read "Aurore Bleck", written over a horizontal line.

Aurore Bleck, Acting Chair

A handwritten signature in cursive script, appearing to read "Elizabeth Martin", written over a horizontal line.

Elizabeth Martin, Stenographer

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2006-151

INTRODUCED BY:

David Cos
Chris Cabrat
Rudie
Off. J. Brubaker

A RESOLUTION

RESCINDING RESOLUTIONS NO. 2002-20 AND 2005-9 REGARDING THE MAYOR'S
COMMITTEE ON THE CONCERNS OF PERSONS WITH DISABILITIES AND
ADOPTING A REVISED MAYOR'S COMMITTEE ON DISABILITY IN ORDER TO
CLARIFY THE DUTIES AND OPERATION OF THE COMMITTEE.

WHEREAS, since 1983, the Governing Body has adopted various resolutions regarding
the Mayor's Committee on Concerns of Persons with Disabilities; and

WHEREAS, these resolutions have not included all the basic provisions for operation of
the Committee according to the city of Santa Fe rules and procedures for city committees; and

WHEREAS, the Mayor's Committee on Concerns of Persons with Disabilities has
reviewed the current resolutions (No. 2002-20 and 2005-9) and have recommended changes to
these resolutions which have been incorporated into the body of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE that Resolutions No. 2002-20 and 2005-9 are rescinded.

AND BE IT FURTHER RESOLVED that:

EXHIBIT 1

1 Section 1. NAME. The Mayor's Committee on Disability.

2 Section 2. PURPOSE. The purpose of the Committee is to work with and for
3 people with and without disabilities to ensure access for all by eliminating physical, and
4 attitudinal barriers, improving participation in the Santa Fe community for enrichment of all.

5 Section 3. DUTIES AND RESPONSIBILITIES.

6 (1) The Committee shall study issues of disability in regards to city programs
7 including, but not limited to, those in the areas of housing, human rights, employment, recreation
8 and transportation.

9 (2) The Committee shall advise the Governing Body of city programs providing
10 services to persons with disabilities including, without limitation, those in the areas of housing,
11 human rights, employment, recreation, transportation services and access.

12 (3) The Committee shall make recommendations regarding short-range and long-
13 range priorities in those areas of housing, human rights, employment, recreation and
14 transportation services relating to persons with disabilities.

15 (4) The chairman shall appoint a subcommittee to review and comment on
16 preliminary plans of the following types of city public works projects:

17 A. Any new building;

18 B. Any building repair or remodeling that costs more than \$25,000;

19 C. Any new park or recreational facility;

20 D. Any improvement to a park or recreational facility that costs more than
21 \$25,000; and

22 E. Any new pedestrian structure that costs more than \$10,000.

23 (5) The Committee shall assist the city in community outreach and education and
24 staff training regarding issues of disabilities.

25 (6) The Committee shall cooperate with other city boards and committees, including,

1 without limitation, those in the areas of housing, human rights, employment, recreation and
2 transportation.

3 Section 4. **MEMBERSHIP; OFFICERS.** The Committee shall consist of nine
4 members appointed by the Mayor with the approval of the City Council. Members may be a
5 person with disabilities or may include persons who have expressed an interest in serving on the
6 Committee. The Committee shall elect a chairperson and vice chairperson. The chairperson shall
7 appoint sub-committees and sub-committee chairpersons as needed.

8 Section 5. **TERMS.** Of the initial appointments, four of the members shall be
9 appointed for two year terms and five shall be appointed for four year terms. Subsequent terms
10 shall be for four years to maintain staggering of terms. There shall be no limitation to the number
11 of consecutive terms a member may serve. The chairman shall serve for a two year term. After
12 three consecutive unexcused absences a committee member shall be automatically removed and
13 notified thereof by the chairman. Vacancies shall be filled in the same manner as initial
14 appointments and shall be for the remainder of the unexpired term. Any member of the
15 Committee may be removed by the Mayor with the approval of the City Council, with or without
16 cause.

17 Section 6. **MEETINGS.**

18 (1) Because of the special considerations of persons with disabilities due to health or
19 logistical problems the following shall apply:

- 20 (a) A quorum shall consist of four members of the Committee; and
21 (b) A member of the Committee may participate in the meeting by means of
22 a conference telephone or other similar communications equipment when it is otherwise
23 difficult or impossible for the member to attend the meeting in person, provided that each
24 member participating by conference telephone can be identified when speaking, all
25 participants are able to hear each other at the same time and members of the public

1 attending the meeting are able to hear any member of the Committee who speaks during
2 the meeting.

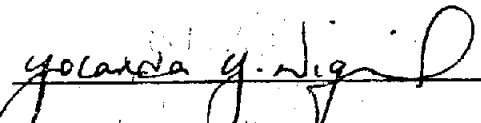
3 (2) The Committee shall comply with all applicable policies, ordinances, resolutions,
4 rules and regulations of the city.

5 PASSED, APPROVED and ADOPTED this 13th day of December, 2006.

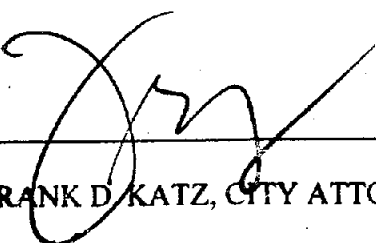
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8 DAVID COSS, MAYOR
9

10 ATTEST:

11
12 
13 YOLANDA Y. VIGIL, CITY CLERK

14
15 APPROVED AS TO FORM:

16
17 
18 FRANK D. KATZ, CITY ATTORNEY
19
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24

From: GONZALES, JAVIER M. <jmgonzales@ci.santa-fe.nm.us>

To: DrAnnMcC@aol.com <drannmcc@aol.com>

Cc: ninaz <ninaz@earthlink.net>; pecosbaldy <pecosbaldy@cybermesa.com>; tc.seamster <tc.seamster@gmail.com>;
loremcgrath <loremcgrath@gmail.com>; CAMPOSBIGGS, CRISTINA X. <cxcamposbiggs@ci.santa-fe.nm.us>

Subject: Re: City Pesticide Situation Is Worse

Date: Mon, Aug 29, 2016 8:23 am

Good morning Ann

I'm incredibly disappointed to learn this. I have followed up with staff my expectations and will monitor closely. Of course I'll be happy to set another meeting. With council this week it will be difficult but I'll work with Xochtil to find a time that works.

Javier

@javiermgonzales

On Aug 29, 2016, at 8:13 AM, DrAnnMcC@aol.com <drannmcc@aol.com> wrote:

Dear Mayor Gonzales,

I regret to inform you that the city pesticide situation has only gotten worse since our meeting with you on Aug 10.

Last week Victor Lucero applied a toxic insecticide Delta Dust to prairie dog burrows at the airport. He did this without discussing the situation with our group and without trying to use less-toxic methods of flea control first, as required by the IPM Ordinance. Diatomaceous earth is a reasonable less-toxic alternative.

Furthermore, Victor has been unresponsive to Mike Wirtz's attempts to contact and communicate with him.

We also suspect Victor is in the process of hiring another pest control company to resume spraying pesticides at Salvador Perez pool, as well as other recreation centers.

In our view, the behavior of staff is non-cooperative, out of control, and in violation of the Ordinance.

We would very much like to touch base with you ASAP to affirm and/or revise your "go forward" plans.

Ann McCampbell

Santa Fe Coalition for Alternatives to Pesticides (SF CAP)

EXHIBIT 2

September 15, 2015

To: Mayor's Commission on Disability

From: Ann McCampbell, MD
Santa Fe Coalition for Alternatives to Pesticides (SF CAP)

PESTICIDES PURCHASED BY VICTOR LUCERO

Mr. Lucero said he had no intention of returning these pesticide products, because he expects to use them. Total cost of purchase = \$3906.

2/24/16	24 units of Zaltys herbicide - \$1621 - for medians
	5 units of Semera herbicide - \$535 - turf and ornamental (sounds like parks to me)
2/24/16	5 units of Civets herbicide (contains 2,4,D) - \$795.96 (presumably golf course, but you never know where it might be used)
4/15/16	2.5 gallon Garlon 4 herbicide - \$155.28 - this is really nasty stuff
4/15/16	Phospho-Jet (phosphoric acid) - \$74 (kill gophers?)
	AzoSol insecticide - \$305 (inject in trees?)
	10 liters IMA-Jet (imidacloprid bee-killing insecticide) - \$420 - inject in trees?

EXHIBIT

2

7/10/2023

6/16

Pesticide Inventory - Storage Unit Parks Dept.

Product	EPA Reg. #	Qty	Active Ingredient
Avenger AG herbicide	82052-4	180 gallons	o-cimene
Heratige G Fungicide	100-1323	30 lbs.	azoxystrobin
Civitas Weed free herbicide	69526-15	30 gallons	2,4-D, mecoprop, dicamba
Semera herbicide	59639-120-91234	5 lbs.	flumioxazin
Zaltys herbicide	59639-120-91234	23 lbs. 14 oz.	"
Aquamaster herbicide	524-343	7.5 gallons	glyphosate
Garlon 4 ultra herbicide	62719-527	2.5 gallons	trifluralin
Rodeo herbicide	62719-324	4.875 gallons	glyphosate
Hot Pepper wax insect repellent	67238-1	1 gallon	
Purespray Green Hort Oil	69526-9	5 gallons	
Safer Wasp and hornet killer	40849-4-42697	7 cans, 16 oz each	tetramethrin
OK Summit B.t.i. briquets	6218-47	5.6 lbs.	B.T.i.
Terro liquid ant bait	149-8	19.8 ounces	boric acid
AzoSol insecticide	81899-4-74578	6 ounces	azadirachtin
Phospho-Jet fungicide	74578-3	1 liter	phosphoric acid
Ima-Jet insecticide	74578-6	1 liter	imidacloprid
Subdue Maxx	100-796	32 ounces	metconazole

LUCERO, VICTOR S.

From: HODGES, BRIAN D. - Golf Superintendent
 Sent: Monday, June 06, 2016 9:26 AM
 To: LUCERO, VICTOR S.; ROMERO, JENNIFER C.

Pesticide, all Herbicides (except Fungicide)

2.5 gallons ranger pro	glyphosate
2.5 gallons habitat	imazapyr
5lbs of semera	flumioxazin
7.5 gallons speed zone	2,4-D, mecoprop, dicamba, carfentrazone
7.5 gallons 4 speed	2,4-D, dicamba, pyraflufen
5 gallons daconil	chlorothalonil (fungicide)
2.5 gallons q4	quinclorac, sulfentrazone, 2,4-D, dicamba
8 pints quicksilver	carfentrazone

* Storage unit MRC / Golf

VICTOR'S LIST OF "SAFE" PESTICIDES

Category	Product Name	Pesticide Use Limitations	Target Pest	Click and Print	EPA Reg. No.	Ingredients	Potential site	Signal Word
Insecticide	Advion Ant Ball	DO NOT TREAT AREAS THAT ARE EASILY ACCESSIBLE TO CHILDREN AND PETS. Do not apply ant gel to areas where food/feed, food utensils or food processing surfaces may come into contact and become contaminated.	Broad spectrum: controls all key Sweet Feeders, PLUS additional species	View Label	352-748	Indoxacarb 0.05%	Used in building storage or office areas.	Cautions
Insecticide	Advion Cockroach Ball	Placement of 1-4 ant bait areas where ants are observed inadequate to control normal ant infestations.	large and small cockroaches	View MSDS	352-868	Indoxacarb 0.05%	Used in and around building areas as BAIT STATIONS	Cautions
Insecticide	Advion Ant Ball Arena		foraging ants. Fire ants or harvester ants, use a broadcast/direct mound treatment product.	View Label	352-884	Indoxacarb 0.1%	Used in and around building areas as BAIT STATIONS	Cautions
Insecticide	Advion Cockroach Gel Ball	DO NOT TREAT AREAS THAT ARE EASILY ACCESSIBLE TO CHILDREN AND PETS. Do not apply ant gel to areas where food/feed, food utensils or food processing surfaces may come into contact and become contaminated.	All prevailing pest species of cockroaches	View Label	352-882	Indoxacarb 0.0%	Used in building storage or office areas.	Cautions
Herbicide	Aquaster	May damage non-target plants. Use for emergent plants in ponds, lakes, drainage canals, and areas around water or within waterfowl areas. Only as a last resort when other management practices are ineffective.	Only effective on actively growing plants	View MSDS	524-343	glyphosate, isopropylamine salt 53.3%	Medians and pathways. Use in specific areas for required line of site applications or site visibility.	Cautions
Insecticide	Summit B.T. Biquela		Mosquitoes & Phlyothid Flies	View Label	6218-47	Bacillus thuringiensis subsp. israelensis	Used in reentry/containment water holding areas	Cautions
Herbicide	Trenline	no grazing neotridians following applications with Trenline when used at labeled rates.	Control of broadleaf weeds and woody brush in non-crop areas, forest sites, wildlife openings including grazed areas relative to warm- and cool-season high-of-key grasses including fescue, broms and native grass species. Excellent selectivity; allowing it to be used over many centers and hardwood species	View Label	62710-268	clopyrild 40.9%	Medians and pathways. Use to control broadleaf weeds and woody brush species. Safe to use around trees	Cautions
Herbicide	Pendulum 3.3 EC	Pendulum will not control established weeds, it is a pre-emergent. Yellowing agent can stain hard surfaces	OIL BASED formulation of pendimethalin and controls over 40 types of broadleaf weeds and grasses.	View Label	241-341	pendimethalin 37.4%	Medians and pathways. Use in specific areas for required line of site applications or site visibility.	Cautions
Insecticide	Andro Insecticide Ant Ball	2 - 6 tablespoons around mound	Mound Ant Control	View MSDS	241-322	Hydramethylnon .073%	Mound building Ant control in parks	Cautions
Herbicide	Tenacity		pre-emergence and post-emergence herbicide - weeds and grass species	View Label	100-1287	Mesotrione 40%	Medians and pathways. Use in specific areas for required line of site applications or site visibility.	Cautions
Herbicide	Quickliver		Control of alvery-thrived moss occurring on golf courses	View MSDS	278-3265	Carfentrazone-ethyl	Golf Course applications	Cautions
Fungicide	HERITAGE G	Do not apply directly to water, or to areas where surface water is present. Cautions must be followed when disposing of equipment washwater or rinsate.	Control of turf diseases in lawns around residential, institutional, public, commercial and industrial buildings. Turf areas of parks, recreational areas and athletic fields, and golf courses. See Label for specific fungal diseases and rates of application	View Label	100-1323	Azoxystrobin; Methyl(E)-2(2-(6(2Z-cyanophenonyl)pyrimidin-4-yl)oxyphenyl)-3-methoxyacrylate	For use as a preventive, must be applied prior to finding of a problem only in areas where history has been established	Cautions

Herbicide	Avenger AG	Avoid contact with desirable vegetation	Control of actively growing weeds less than 8"	View Label	View MSDS	82062-4	d-limonene 85%	non crop areas including driveways, sidewalks, border, green house, budding trees, flower beds	Caution
Herbicide	Seneca	Do not irrigate one hour before or after application; Do not apply more than 24 ounces per acre per year; Do not apply to saturated soils or prior to a rain event.	annual/perennial weeds pre and post emergent	View Label	View MSDS	59639-120-91234	flumioxazin 61%	non crop areas turf and ornamental	Caution
Herbicide	Zalys	Do not apply more than 24 ounces per acre per year; Do not reapply within 30 days.	annual/perennial weeds pre and post emergent	View Label	View MSDS	59639-120-91234	flumioxazin 61%	right of way, medians parking and storage areas, fence line, airports bare ground non-crop areas	Caution
Herbicide	Civitas WeedFREE	Do not irrigate 24 hours after application Do not apply prior to rain Spray when weeds are young and actively growing Delay mowing 1-2 days after application	Broad leaf weeds	View Label	View MSDS	69028-15	2,4-D dimethylamine salt 0.885% Mecoprop-P, dimethylamine salt 0.573% Dicamba, dimethylamine salt 0.109%	Pulling Greens and other improved turf sites.	Caution
Fungicide	Subdue MAXX	Do not apply more than the maximum season total for this active ingredient as stated on the label of the product containing the lowest seasonal total on that crop.	damping off and root-stem disease and foliar disease organisms	View Label	View MSDS	100-708	Mefenoxam 22%	Ornamental, greenhouse landscape, non-trail bearing container grown plants	Caution
Fungicide	Adirivato SP	Apply prior to disease onset; follow practices known to reduce disease development	Soil borne and foliar diseases	View Label	View MSDS	73314-1	Streptomyces lydicus WYEC 108 0.0371%	Greenhouse, nursery landscape, Interscape ornamentals, transplant dip soil drench	Caution
Insecticide	AzoSol	Medium Rate For preventative to medium infestations when pests are present) 2-3 tsp/1000 sq. ft.	Control of whiteflies, scale insect and caterpillar larvae, bark beetles.	View Label	View MSDS	81999-4	Azinphos 6%	Nursery, greenhouse, landscape plants, trees	Caution
Fungicide	Phospho-Jet	For terrestrial use only	For control of Root rot, Phytophthora, Anthracnose disease organisms	View Label	View MSDS	74578-3	Phosphoric acid 48.8%	Landscape (Deciduous and Pine) trees.	Caution
Insecticide	IMA-Jet	Do not apply this product, by any application method, to linden, basswood or other Tilia species in the State of Oregon.	For control of Leafhoppers, Leaf miners, Mealybugs, Psyllids, Soft scales, Thrips, Whiteflies	View Label	View MSDS	74578-3	Imidacloprid 10%	Ornamental trees	Caution
Herbicide	Redco	No Soil Activity: Weeds must be emerged at the time of application to be controlled by this product.	For control of herbaceous and woody vegetation as foliar or cut stump treatment.	View Label	View MSDS	62719-324	Glyphosate isopropylamine salt 53.6%	Right of way, industrial sites, railroads, airports, recreational areas, rangeland, other non-crop sites	Caution
Herbicide	Garlon 4 Ultra	Do not apply directly to water, to areas where surface water is present	Control of woody plants and annual and perennial broadleaf weeds in non-crop areas	View Label	View MSDS	62719-627	(triclopyr 60.48% triclopyr 60.48%	Cut stump application on non-crop areas including rights of way, industrial sites, and roadways.	Caution

This list is not inclusive of all pesticides that may be required to handle specific emergency weed and pest occurrences as per City of Santa Fe Integrated Pest Management (IPM) Ordinance. 2001-10-7, 10, 11

Health Effects of 30 Commonly Used Pesticides

From Beyond Pesticides

proposed to be used by M. A. ...

Proposed to be used by M. L. Anderson

		Health Effects						
		Cancer	Endocrine Disruption	Reproductive Effects	Neurotoxicity	Kidney/Liver Damage	Sensitizer/Irritant	Birth Defects
Herbicides								
*	2,4-D ¹	X ⁴	X ¹⁰	X ⁷	X ⁸	X ⁸	X ¹	X ¹¹
	Benfluralin					X ¹	X ¹	
	Bensulide				X ²	X ¹	X ²	
*	Clpyralid			X ⁷			X ²	X ⁷
*	Dicamba [*]			X ¹	X ²	X ²	X ¹	X ¹
	Diquat Dibromide			X ¹²		X ¹¹	X ¹	
	Dithiopyr					X ¹	X ¹	
	Fluazipop-p-butyl			X ¹		X ¹		X ¹
*	Glyphosate ²	X ¹²	X ⁸	X ¹		X ⁸	X ¹	
	Imazapyr					X ¹	X ²	
	Isoxaben	X ¹				X ²		
*	MCPA		X ⁶	X ²	X ²	X ¹¹	X ¹	
*	Metoprop (MCPH) ³	Possible ²	X ⁶	X ²	X ¹	X ⁹	X ¹	X ¹
*	Pelargonic Acid [*]						X ¹	
*	Pendimethalin ²	Possible ²	X ⁶	X ¹			X ²	
*	Triclopyr			X ⁷		X ⁹	X ¹	X ⁷
	Trifluralin [*]	Possible ²	X ⁶	X ¹		X ²	X ¹	
Insecticides								
	Acephate	Possible ²	X ⁶	X ¹²	X ⁹		X ²	
	Bifenthrin ^{2†}	Possible ²	Suspected ^{6,10}		X ⁸		X ¹	X ⁹
	Carbaryl	X ³	X ¹⁰	X ⁸	X ¹	X ¹¹	X ¹¹	X ⁷
	Fipronil	Possible ²	X ⁶	X ⁸	X ⁸	X ⁸	X ⁸	
*	Imidacloprid [†]			X ⁷		X ²		X ⁷
	Malathion [*]	Possible ²	X ¹⁰	X ¹¹	X ⁹	X ²	X ²	X ²
	Permethrin ^{2†}	X ³	Suspected ^{6,10}	X ^{1,7}	X ^{9,7}	X ⁹	X ¹	
	Trichlorfon	X ³	X ⁶	X ¹¹	X ²	X ²		X ²
Fungicides								
*	Azoxystrobin					X ²	X ²	
	Myclobutanil		Possible ²	X ²		X ²		
	Propiconazole	Possible ²	X ⁶	X ⁸		X ¹	X ¹	
	Sulfur						X ¹	
	Thiophanate methyl	X ³	X ¹	X ²	Suspected ¹	X ¹	X ²	X ¹
	Ziram	Suggestive ³	Suspected ²		X ²	X ²	X ²	
Totals:		16	17	21	14	25	26	12

*These pesticides are among the top 10 most heavily used pesticides in the home and garden sector from 2006-2007, according to the latest sales and usage data available from EPA (2011), available at http://www.epa.gov/opp00001/pestsales/07pestsales/market_estimates2007.pdf.

† EPA lists all synthetic pyrethroids under the same category. While all synthetic pyrethroids have similar toxicological profiles, some may be more or less toxic in certain categories than others. See Beyond Pesticides' synthetic pyrethroid fact sheet at bit.ly/TLBuP8 for additional information.

* Imidacloprid is a systemic insecticide in the neonicotinoid chemical class, which is linked to bee decline.

David McQuarie 2997 Calle Cerrada Santa Fe, New Mexico 87505-5393 Phone: (505)471-5785

September 13, 2016

Mr. Brian Snyder
City Manager
Santa Fe, NM 87504-9090

What is the status of the unresolved ADA complaint of December 3, 2014? There was a short reassignment to you on May 1, 2015. This action was due to Eric Martinez's resignation.

Recently, I informed Mr. John Romero, City Engineering Division Director that this curb ramp project needed to be resolved. He informed me that he did not have the inclination to do it and that I would have to do it. What authority does he have to assign work to a non-employee of the City?

You are hereby advised of the following: *FHWA has determined that based on 28 CFR 35.151(i), if there is sidewalk approaching the intersection (not necessarily touching the curb), the agency must install curb ramps to remove barriers between the street and the sidewalk when they alter either facility. If an agency believes it is unsafe to cross at a specific location, the crosswalk must be closed to all pedestrians and jaywalking enforced.*

Mr. J. Don Martinez, FHWA Administrator, please add the following intersections to the open ADA complaint in order that your office may be requested to verify that these intersections are improved according to the ADA guideline for compliance to the maximum extent feasible. The intersections are:

- East Zia Road / Old Pecos Trail
- Early Street / Topeka
- Early Street / Calle Grillo
- Early Street / Marquez
- Richards Avenue / James
- Richards Avenue / Louraine Street (3 different intersections)
- Eastbound Siringo Road / Valerie Circle
- Eastbound Siringo Road / East Valerie Circle
- Rodeo Road / East Paseo de los Pueblos
- Rodeo Road / Avenida de los Estrellas
- Rodeo Road / Zia Road (signalized intersection with ped-heads but no curb cut)

Please let me know of your inclusion of these intersections and your plan for their ADA compliance.

I do not have internet; therefore, please contact me by "snail mail."

Thank you


Dave McQuarie, MCD Member

Cc: Governing Body
MCD Members
J. Don Martinez, FHWA
Lisa Neie, FHWA

EXHIBIT

3

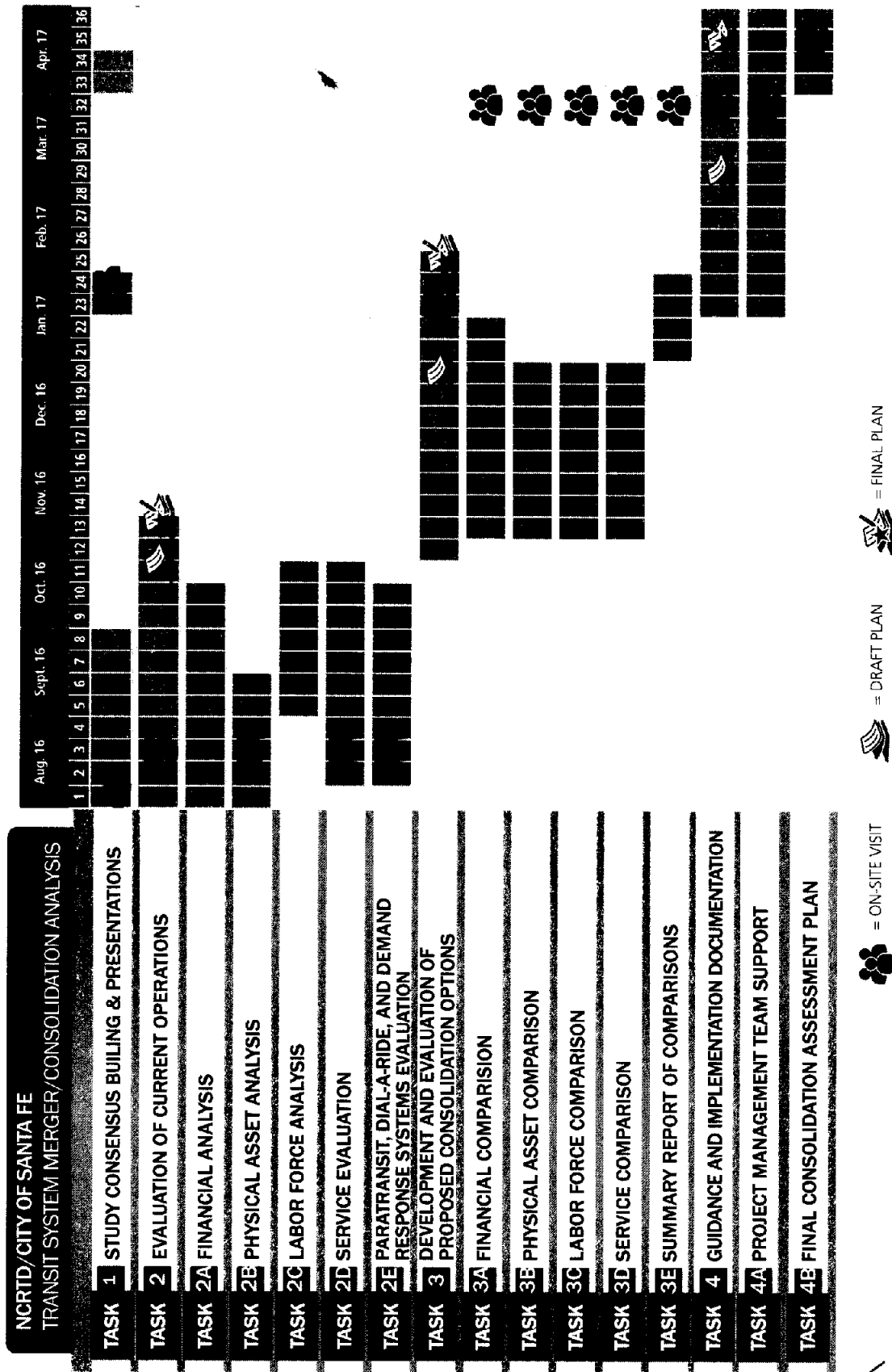


Figure 4: Project Timeline

EXHIBIT

5