

**CITY OF ALBUQUERQUE  
MEETING MINUTES  
AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL**

**Date:** Tuesday, January 8, 2019  
**Time:** 5:30 p.m.  
**Location:** City Council Government Center, Room 9081

**Council Members Present:**

Terri O'Hare, Chair  
Daniel Strones  
Lisa McNiven  
Karen Cushnyr

**Nominee for ADA Advisory Council**

Sean King

**City Staff Present:**

Adam Leuschel, Assistant City Attorney and ADA Advisory Council Attorney  
Patricia Padrino, Assistant City Attorney and ADA Coordinator  
David S. Campbell, Director of Planning Department  
Carlos Contreras, Director of Marketing Department  
Dr. Shelle Sanchez, Director of Cultural Services Department  
Danyel Mayer, Paralegal

**Members of the Public:**

None in attendance.

**ITEM 1: CALL TO ORDER:**

The meeting was called to order by Chair O'Hare at approximately 5:35 p.m. with four members participating. Members Sacheen Smith and Matthew Loehman were not at the meeting. Sean King participated and identified himself as a nominee to the ADA Advisory Council.

**ITEM 2: APPROVAL OF AGENDA AND APPROVAL OF MINUTES FROM DEC. 2018**

Chair O'Hare made a motion to approve the agenda for tonight's meeting and the minutes from the December 2018 meeting. The motion was seconded. The motion was carried by the following vote:

*For: 4 – O'Hare, Strones, McNiven, Cushnyr*

### **ITEM 3: INTRODUCTIONS**

Chair O'Hare asked that everyone in attendance take a moment to introduce themselves.

### **ITEM 4: PUBLIC COMMENT**

There was not public in attendance at the meeting.

### **ITEM 5: ITEMS TO DISCUSS**

- A. Carlos Contreras, Director of Innovation & Marketing Department: Mr. Contreras is a marketing strategist, a position that was created by the current administration, to oversee the marketing efforts of all City departments. Mr. Contreras' focus is determining how to best disseminate information to the community, and he is also the force behind the One Albuquerque campaign. The One Albuquerque campaign's aim is to engage the community. Mr. Contreras has worked with the Department of Technology and Innovation (DTI) to make City websites ADA accessible. Chair O'Hare asks if the One Albuquerque campaign could apply to City boards. Nominee King believes the One Albuquerque campaign could help with getting more community members to attend and participate in City board meetings. Mr. Contreras said he would entertain the idea of expanding the One Albuquerque logo/campaign to City boards as it had not been asked of him before. Member McNiven asked Mr. Contreras about making sure the Mayor's speeches are captioned or have subtitles, and Mr. Contreras said he is working on that but sometimes there are limitations based on the technology available. Member McNiven offered to provide Mr. Contreras with assistance with captioning information. Mr. Contreras exited the Council Chambers.
- B. Dr. Shelle Sanchez, Director of Cultural Services Department: Dr. Sanchez was in attendance to give the Council an update on the recent site visits. Dr. Sanchez is working on a report that details the outcome of the site visits. The report makes comments on commendations and opportunities for each facility that was visited. Dr. Sanchez expects to finalize her report in the next 3-4 weeks after it has been

reviewed and weighed in on by a few other City departments. Her hope is the report will inspire other City departments regarding ADA compliance. Once finalized, the report will be posted on the City's website. There will also be a public video that is captioned that will go out on GovTV and other social media platforms. Member McNiven asked for a few highlights from the report. Dr. Sanchez talked about the Albuquerque Museum visit and how the tactile art exhibit in the sculpture garden provides an opportunity for the City to make the exhibit more accessible to persons with visual disabilities. Dr. Sanchez explained the City could explore adding braille signage or audio to the exhibit to make it accessible. Dr. Sanchez also explained that she was interested in meeting with the Council members who participated in any of the site visits to go over the report before it is finalized. Dr. Sanchez will have her assistant reach out to Chair O'Hare about scheduling this meeting and she will make sure Ms. Padrino is included on the meeting invitation.

- C. David Campbell, Director of Planning Department: Mr. Campbell talked to the Council about the e-scooter program that will soon begin in Albuquerque. In October 2018, the City Council passed an ordinance that set out broad guidelines for an e-scooter program (aka shared active transportation). The City's Planning Department, working with APD, Family and Community Services, Risk Management, and Transportation, have been developing regulations to regulate this program. As the City has drafted its regulations, it has also looked at how other cities have implemented their e-scooter programs. Mr. Campbell's group will be presenting their recommended regulations to the Mayor's office this week for approval.

The e-scooters will be dockless – which means they can be picked up or dropped off anywhere within the City. There is concern that when e-scooters are dropped off they will be placed in ramps or other places that create access issues.

Mr. Campbell wants to be clear about the City's role in regards to the e-scooter program. The City will regulate the private company which provides the e-scooters

("Permittee") and not regulate the scooter riders themselves. An e-scooter rider can be cited by APD just as if they are driving a motorized vehicle. E-scooter riders must be at least 18 years of age, and possess a valid driver's license. In instances where a rider may be blocking a ramp or other access area, the City will contact the Permittee to resolve the issue. If the Permittee does not resolve the issue, the City can impose a fine on the Permittee. E-scooter riders will not be required to wear a helmet, but will be strongly encouraged by the Permittee and the City to do so, as New Mexico does not have an enforceable helmet law. Riding e-scooters on sidewalks will be permitted, but not in places where they could create a dangerous situation. The regulations will be similar to the regulations that are in place for bicycle riders.

Mr. Campbell's regulations are still in draft form. Mr. Campbell will forward the draft regulations to Ms. Padrino and she can share them with the Council directly. Chair O'Hare expressed concern that the Council was not involved in the regulation drafting process. Chair O'Hare inquired as to how many e-scooters would be in the City and Mr. Campbell stated that each Permittee will be limited to 500 e-scooters each. There will be a per e-scooter, per day charge for each e-scooter within the City payable by the Permittee. The Permittee will also have to pay an application fee and permit fee in order to participate in the e-scooter program. The City is still working out how much these fees will be. The fees will be proportional to the cost of the City having to regulate the e-scooter industry. The Permittee will be responsible for having adequate insurance coverage.

- D. Silver Ave. and 6<sup>th</sup> Street Intersection Updates by Council Members: Member Strones said he had contacted two different apartment complexes near this intersection and told them to be expecting a flyer for posting in one of their common areas regarding participation in public comment on the effects of the removal of the traffic signal at the Silver/6<sup>th</sup> intersection. All the Federal facilities in the area that he visited referred him to the GSA.

Member McNiven said that the person who worked at her building that had been involved in a pedestrian-related accident no longer works there so she has been unable to reach out to her. Member McNiven will continue to try and contact the other person who was involved in a pedestrian related accident at the same intersection. ADA Council nominee King stated that he works at DPC, which is located at the Silver Ave./6<sup>th</sup> street intersection, and he is willing to give flyers to his employer.

Member Cushnyr made contact with Jeff Speck, the person who authored the Albuquerque, New Mexico Downtown Walkability Analysis (“Analysis”). Mr. Speck explained to Member Cushnyr that if there were true evidence to correlate the removal of the signal and an uptick in pedestrian related accidents at that intersection, he would update his Analysis. Member Cushnyr explained that we were the first city to contact Mr. Speck about ADA accessibility. Mr. Speck was concerned when he learned the City was piecemealing his Analysis and not implementing all of the suggestions.

Chair O’Hare is still working to obtain traffic data from APD related to accidents at the Silver/6<sup>th</sup> street intersection. She was told there was a 2-year lag and the data in their system is not current. Member Strones indicated he had previously been a dispatcher and he can help Chair O’Hare with who to contact in dispatch that may be able to easily look up accident data related to each specific intersection within the City.

- E. Open Meetings Act Info Per Member Matt Loehman: Mr. Leuschel explained that he had reviewed the Open Meetings Act and had determined that it does not apply to this Council. Mr. Leuschel further explained that by not following the Open Meetings Act, the Council would be able to communicate directly without having to worry about creating a quorum. The Open Meetings Act is a good guide on how to hold meetings even though the Act itself does not apply. Chair O’Hare was in favor of being able to respond to each other by email without having to go through Nikki

Joseph. Member Cushnyr handed out a copy of the Council's By-Laws, passed July 24, 2018. These By-Laws were approved and voted on by all the Council members and it states that the Council will be run in compliance with the Open Meetings Act. Member Cushnyr explained that the Council has a responsibility to run meetings in an open, transparent and professional manner, and violations of the Open Meetings Act could be a misdemeanor offense which is subject to a fine. Mr. Leuschel explained that he was not aware of the bylaws, and had he known of its existence, it would have affected his analysis of whether or not the Council must comply with the Open Meetings Act. Mr. Leuschel explained that he would like to re-analyze whether the Council must comply with the Open Meetings Act now that he has the Council's By-Laws. Member Cushnyr asked the Council to honor the document that was agreed upon. At this point, Chair O'Hare noted that time constraints prevented further discussion on this topic, and advised the Council that it had to move along to the next agenda item.

- F. Update on Meeting with Gary Lee, Assistant Mayor, and Top Three Priorities from IG Report on ADA/City Issues: Chair O'Hare said she wrote an email about what was talked about, and asked the Council if it had any questions. There were no questions. Member Cushnyr asked if anybody other than herself had responded to the email regarding the top three priorities. Chair O'Hare said there had not been any response from the Council members on the top three priorities. Member McNiven said she would like the opportunity to re-read the IG's report and discuss the top three priorities at the next meeting.
  
- G. In-Community ADA Council Meetings, March 2019 Goal for First in SW District: Chair O'Hare is working with Councilor Pena to get the first in-community Council meeting set up. Member McNiven recommended posting flyers to let the community know.
  
- H. 2<sup>nd</sup> Annual Council Planning Retreat/Workshop: Chair O'Hare advised the Council to plan on discussing this topic during their February meeting and to anticipate

having the retreat held sometime in March. Member Cushnyr asked Chair O'Hare if she had an agenda or any ideas for the retreat and Chair O'Hare said she did not.

**ITEM 6: NEW BUSINESS AND ANNOUNCEMENTS FROM MEMBERS**

Member McNiven reminded the Council that on February 4-5, 2019 is the Disability Rights Conference which is being held in Santa Fe at the Drury Hotel.

Ms. Padrino said she would provide the Council with an update at the next meeting regarding the complaints she is receiving and the issues she is seeing.

Ms. Padrino reminded the Council of the State of the City address which is happening this coming weekend at the Hispanic Cultural Center and if the Council would like to have one of their flyers out on one of the City's tables. The Council agreed to provide a flyer. Chair O'Hare stated she would update an existing flyer and send it to Ms. Joseph and Ms. Padrino right away.

Ms. Padrino told the Council that she would work with Ms. Joseph to get the year on the Resolution changed from 2018 to 2019.

**ITEM 7: ADJOURNMENT**

The meeting adjourned at 7:05 p.m.

***Next regularly scheduled ADA Advisory Council Meeting will be on Tuesday, February 5, 2019 at 5:30 p.m. in the City Council Committee Room.***

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Terri O'Hare, Chair

Date: \_\_\_\_\_