

## COUNCIL MINUTES

February 25, 2019

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 25, 2019 at 5:00 p.m.

### COUNCIL PRESENT

John Giles  
Mark Freeman  
Jennifer Duff  
Francisco Heredia  
David Luna  
Kevin Thompson  
Jeremy Whittaker

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen  
Jim Smith

1. Review items on the agenda for the February 25, 2019 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None.

Items removed from the consent agenda: None.

2-a. Hear a presentation, discuss, and provide direction on an update of staff recommendations for regulating shared active transportation vehicles (SATV) (commercially-rented bicycles, scooters, etc., with self-contained locking mechanisms).

Transportation Director RJ Zeder introduced Deputy Transportation Director Erik Guderian who displayed a PowerPoint presentation. **(See Attachment 1)** He commented that the City is only licensing commercially-rented scooters and bikes.

Mr. Zeder stated that Transportation and the City Attorney's staff are working on the insurance and indemnity requirements. He explained that staging is when vendors place the SATVs in the right-of-ways for rental use. He noted since vending is not allowed in City parks, staging of SATVs are adjacent to the parks. He added that the recommendation to the terms and conditions is to limit the number of SATV's parked near transit stops since there is a concern that the number of SATVs parked near public transportation hinders access. He recommended limiting the number of SATVs parked in the right-of-way near transit stops. (See Page 3 of Attachment 1)

Mr. Zeder explained that the majority of scooters are on the west side in the Downtown area along the transit corridor. He added that the defined area allows staff to evaluate the actual usage over time and if the program shows more demand in other areas there is a potential to expand. He clarified that the defined area does not prohibit SATV's driven outside the designated area. (See Page 4 of Attachment 1)

Mr. Zeder pointed out that the City would require the operators to provide a local staff member that can be contacted directly instead of using email or a national customer service hotline in order to address issues quickly. He commented that all vendors will be required to conduct public safety outreach and provide helmets. (See Page 5 of Attachment 1)

Mr. Zeder reviewed the proposed fees and clarified that the Transportation Department is not seeking to increase revenue but rather cover the administrative expenses for oversight of the program. He noted data sharing includes the number of daily SATVs in service and a summary of SATV distribution in heat map format. He added that subleasing to smaller groups of operators will be prohibited. (See Pages 6 and 7 of Attachment 1)

Councilmember Thompson expressed his opinion on over-regulation such as limiting speeds and pointed out that the defined area does not include the bus routes throughout the City. He suggested to staff that if the defined area is not utilized the map should be broadened to include bus routes.

In response to questions posed by Mayor Giles, Mr. Zeder clarified that in order to avoid certain operators taking over specific locations, the regulations would limit the number of SATVs per operator per location. He explained that the helmets provided to the public would be a combination of the City and Operators distributing helmets.

Discussion ensued relative to over-saturation, limiting the number of SATVs, and ordinance regulations.

Vice Mayor Freeman suggested that the Transportation Department monitor the cost of staff and adjust costs accordingly, have the Police and/or Fire and Medical Departments track SATV accidents, and to use the City Link app to report any SATV's located in non-staging areas.

In response to a question from Vice Mayor Freeman, City Attorney Jim Smith responded that staff is working on the indemnification and insurance language. He explained that both indemnity and insurance are interlaced and that the insurance covers the injury or damages to property or personal injury, whereas indemnity is where the City will look for the operator to defend the City and hold the City harmless.

In response to a question posed by Vice Mayor Freeman, Mr. Zeder confirmed that the City has five current operators as follows:

- Jump
- Lyft
- Lime
- Spin
- Bird

In response to questions from Councilmember Whittaker, Mr. Zeder replied that vending within a park is prohibited by City ordinance, however, driving the scooter through the park is not. He

answered that if a resident requested staging within a neighborhood that would be handled through the honor system, unless a complaint is filed then the operator would be contacted. He noted that the allowable number of SATV's has not been determined and the amount of SATV's will vary at each staging location. He clarified that the department has not received any Americans with Disabilities Act (ADA) complaints regarding SATV's affecting those specific areas, however the department has observed violations and contacted the operators. He added that violations typically are due to citizens leaving SATV's in inappropriate areas. He reported that the fee schedule was determined by using the median cost from across the nation.

Mr. Brady explained that by allocating the SATV's within a defined area, staff can track the potential to expand as needed.

Councilmember Whittaker concurred with not limiting the number of vendors and agrees with expanding the designated area to cover more of the transit areas.

Assistant City Manager Kari Kent explained that another reason SATV's are not allowed within parks is a City code that prohibits motorized vehicles inside parks.

In response to a question posed by Councilmember Luna, Mr. Brady reported that staff could return to Council in six months to report on the progress of the program.

In response to a question from Councilmember Whittaker, Mr. Brady responded that the heat map will determine where citizens are dropping off and where SATV's may be needed.

Councilmember Duff requested that operators provide information on the use of SATV's within the transit area and outside of the transit area.

In response to a question posed by Councilmember Duff, Mr. Zeder replied that replenishment of the SATV's throughout the day would be at the discretion of the operator.

Councilmember Duff stated that she has received a number of ADA complaints within the downtown area especially within retirement communities. She requested that the designated area be expanded to the east to cover the bus routes.

Donavan Higbee, a representative for Razor, commented that Razor is looking forward to working with the City on SATV's and thanked City staff for their continued communication and updates. He pointed out that Razor supports the framework presented, including the \$2 per month/per vehicle fee. He suggested that the City avoid broad indemnification language which inhibits operators to viably conduct business in Mesa and offered to collaborate with staff on language. He added that when Razor starts within a community, they hold community events to educate the public on SATV's and distribute free helmets as well as mail helmets to anyone who requests them.

Discussion ensued relative to expansion of the recommended defined area and language within the insurance/indemnity coverage.

Mr. Brady reported that staff will look into extending the boundaries and return with a draft ordinance, updated map, and additional information on the insurance/indemnity language.

Mayor Giles thanked staff for the presentation.

3. Acknowledge receipt of minutes of various boards and committees.

- 3-a. Housing and Community Development Advisory Board meeting held on January 10, 2019.
- 3-b. Historic Preservation Board meeting held on January 3, 2019.
- 3-c. Economic Development Advisory Board meetings held on December 4, 2018 and January 8, 2019.

It was moved by Vice Mayor Freeman, seconded by Councilmember Luna, that receipt of the above-listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Heredia-Luna-Thompson-Whittaker  
NAYS – None

Carried unanimously.

4. Hear reports on meetings and/or conferences attended.

Councilmember Luna:	Maricopa Association of Governments (MAG) Economic Mission to Mexico City Falcon Field Airport Historic Photo Dedication
Councilmember Heredia:	Outreach Event at Sycamore Square Apartments
Councilmember Duff:	Guinness World Record Event – Goat Yoga

5. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the schedule of meetings is as follows:

Thursday, February 28, 2019, 7:30 a.m. – Eastmark Community Facilities District No. 2 meeting

Thursday, February 28, 2019, 7:30 a.m. – Study Session

6. Adjournment.

Without objection, the Study Session adjourned at 5:57 p.m.

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JOHN GILES, MAYOR

ATTEST:

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DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 25<sup>th</sup> day of February, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

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(Attachments – 1)

# Shared Active Transportation Vehicles Requirements

City Council Study Session  
February 25, 2019

RJ Zeder, Transportation Director  
Erik Guderian, Deputy Transportation Director





# Notable Definitions

**Shared Active Transportation Vehicle (SATV)** is a commercially-rented coaster, bike, **electric stand up scooter**, **electric bicycle**, e-bike, or any other mobile vehicle, excluding automobiles or motorcycles, with a self-containing locking mechanism

\* **Electric Standup Scooter** weighs less than 75lbs, has two or three wheels, has handlebars, has a floorboard on which a person may stand while riding and is powered by an electric motor or human power, or both, max speed of 20 mph with or without human propulsion on a paved surface.

\* **Electric Bicycle** bicycle or tricycle that is equipped with fully operable pedals and an electric motor of less than 750 watts and meets Class 1/Class 2/Class 3

\* Terminology matches Arizona State legislation

# Requirements

## Insurance/Indemnity

Current indemnity clause says that the Operator is responsible for all injuries arising out of this activity.

## Staging/Parking

- No staging in City of Mesa Parks
- No staging on residential streets or private property, without permission
- Limit number and distance of SATVs parked near transit stops
- Limit number of SATVs parked in a row regardless of the Operator
- Establish 48" sidewalk clearance necessary for ADA compliance

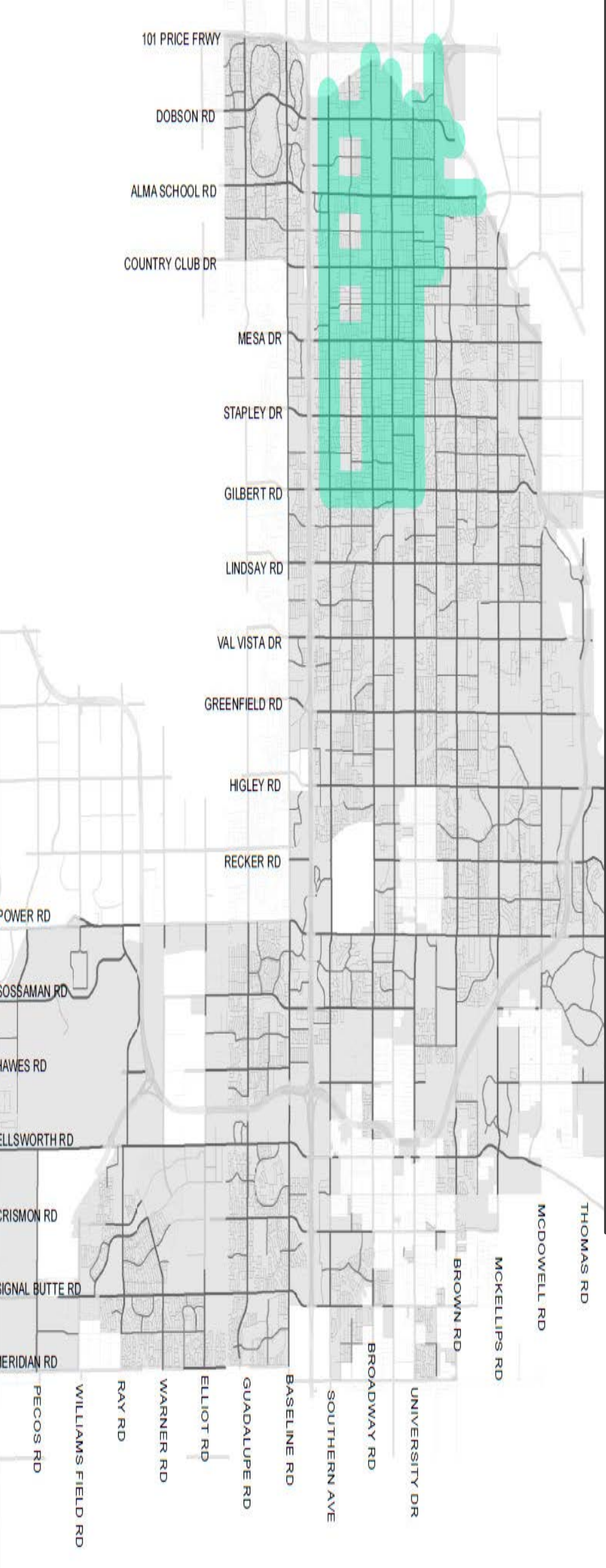
Use Area: map on next slide





# Use Area

## Major Transit Corridors Boundary – Quarter Mile



# Requirements

## Customer Service

- Provide a local staff member responsible for staging
- Each SATV shall have a serial number visible with Operator contact information
- Re-stage all SATVs every 24 hours
- Respond to complaints within 24 hours

## Outreach

- Conduct public safety outreach via events, workshops, etc.
- Provide the City with 500 helmets per year

## User Requirements

- Electric Standup Scooter max speed limit 15 mph
- Electric Bicycle max assisted speed limit 20 mph



# Requirements

## **Fees:** *table on next slide*

- Annual License Fee - \$5,000
- Per SATV Fee - \$2.00/month
- Impoundment Fee - \$100/incident

## **Data Sharing**

- Number of daily SATVs in service
- Miles traveled and total number of trips
- Number of crashes reported to the Operator
- Summary of SATV distribution in heat map format

## **Other**

- Prohibit subleasing

Fee Slide

assumes no fleet caps

			Ex: Annual Calculations *				
City	Permit/License	Per SATV	300 SATVs	1,000 SATVs	2,500 SATVs	Relocation/Impound	
Scottsdale	---	---	---	---	---	\$50/\$250/\$1,000 – 1st/2nd/3rd + violations	
Dallas	\$808 (Annually)	\$21 (Annually)	\$7,108	\$21,808	\$53,308	\$10,000 (Performance Bond)	
Peoria	\$2,500	\$2.50 (Monthly)	\$11,500	\$32,500	\$77,500	\$25/per SATV	
Atlanta	\$12,100 (Annually)	\$50/per SATV over 500 (Annually)	\$12,100	\$37,100	\$112,100	Up to \$1,000/per day standard fee language	
Mesa PROPOSED	\$5,000 (Annually)	\$2 (Monthly)	\$12,200	\$29,000	\$65,000	\$100/per SATV	
Denver	\$15,150	\$30 (Performance Bond)	\$24,150	\$45,150	\$90,150	---	
Phoenix	\$5,500 (6-month)	\$0.10** (Per Ride)	\$38,350	\$115,000	\$279,250	\$80/per SATV	
Tempe	\$7,888 (Annually)	\$1.06 (Daily)	\$123,958	\$394,788	\$975,138	\$100/per SATV	

\* Annual Calculation = Permit/License + ((Per SATV x # of SATV) x Daily/Monthly/Annually)

\*\*Assumes three (3) rides per SATV per day



Staff is seeking authorization to move forward creating an Ordinance, Terms and Conditions, and License



# Thank You