

COUNCIL MINUTES

January 31, 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 January 31, 2019 at 7:30 a.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-a. Appointments to Council Committees, Regional Boards, and other Committees.

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman, that the Council concur with the Mayor's recommendations and the appointments **(See Attachment 1)** be confirmed.

Upon tabulation of votes, it showed:

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

Carried unanimously.

1-b. Appointments to the Mesa Housing Services Governing Board and the Museum and Cultural Advisory Board.

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman, that the Council concur with the Mayor's recommendations and the appointments **(See Attachment 2)** be confirmed.

Upon tabulation of votes, it showed:

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

Carried unanimously.

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

Transportation Department Director RJ Zeder introduced Deputy Transportation Director Erik Guderian who displayed a PowerPoint presentation. **(See Attachment 3)** He commented that the Transportation Department has been working with the City Attorney, Police, and Fire and Medical Departments on the regulation of shared active transportation vehicles (SATVs).

Mr. Zeder pointed out that there are three current SATV operators within Mesa and Lyft and Spin have expressed interest (See Page 4 of Attachment 3):

- Bird (scooters)
- Jump (scooters and ebikes)
- Lime (scooters)

Mr. Zeder reported that scooters and ebikes are being left in inappropriate places or right-of-ways but pointed out that each morning the companies physically remove the SATVs in order to be charged and staged. He emphasized the safety concern with speeding, inexperience and age of users, and lack of helmet use. (See Page 5 of Attachment 3)

Mr. Zeder reported that Bird SATVs have more locations throughout Mesa than Lime which contributes to the difference in ridership information. (See Page 6 of Attachment 3)

Mr. Zeder reviewed the National regulations for SATVs used throughout the Country. He noted that the City of Phoenix has proposed a pilot program focused on geographic boundaries centered around the downtown area. (See Pages 7 and 8 of Attachment 3)

Mr. Zeder stated that the City of Atlanta caps the SATV speed at 15 mph and recommended this speed to Council. (See Page 23 of Attachment 3)

Mr. Zeder reviewed staff's recommendations and highlighted the three type of options (See Pages 9 through 12):

- Option 1: Citywide Approach
- Option 2: Limited Approach
- Option 3: Ban

Mr. Zeder highlighted the City's fee schedule with comparisons across the country. He added that the fee schedule presented covers the departments costs to administer the program. He commented that locally and around the country cities have adopted different fee structures. He pointed out that the SATV industry is proposing to charge per ride versus a flat fee per vehicle. (See Page 13 of Attachment 3)

In response to a question posed by Councilmember Whittaker, Mr. Zeder confirmed that the recommended \$100 annual permit/license fee is per applicant not per SATV.

City Manager Christopher Brady explained that staff is requesting direction from Council in order to draft an ordinance to present at a future Council meeting for additional discussion.

Councilmember Thompson expressed his support for Option 1 to allow the SATV industry to have a market-driven/market-based approach. He pointed out concerns of SATVs being placed in the right-of-way and riders under the age of 18 without helmets. He suggested an educational component be implemented by the industry for parents or individuals as they sign up online.

In response to questions from Councilmember Whittaker, Mr. Zeder explained that on Option 2, the termed license with Request for Proposal (RFP), that the City would receive responses through the RFP process and select one or more vendors, that Council would approve an agreement with an expiration date, and only the vendors selected would be allowed within the City. He added that the number of vendors has not been determined.

In response to a question posed by Councilmember Whittaker, Mr. Zeder stated that the City has limited information on the statistics regarding injuries on SATVs. He noted that serious accidents have occurred on the SATVs.

Fire and Medical Chief Mary Cameli pointed out that as of November 30, 2018 the Fire and Medical Department has implemented a process to ping the SATVs. She added that since November 30, 2018, 16 accidents have occurred with SATVs, the majority were minor and two had moderate to significant injuries.

In response to questions from Councilmember Whittaker, City Attorney Jim Smith responded that the City is not liable for injuries that occur on the SATVs, however, the City can be sued and that indemnification would be included in the contract. He stated that the person using the SATV has voluntarily agreed to the use of the GPS system as reasonable conditions within the license.

In response to a question posed by Councilmember Luna, Mr. Zeder reported that some cities have completed the RFP process, others are still in a pilot phase, and he is not aware of any cities that have formally finished the process.

Mr. Brady pointed out that cities start with a consolidated area such as a downtown area. He suggested to Council that they start with specific areas like the transportation areas and continue to expand as needed.

Councilmember Luna expressed his concern on where the SATVs are to be driven and stated he supports Option 2.

Vice Mayor Freeman stated his concern relative to the amount of staff time it will take to manage and fund the SATVs program. He remarked that Option 2 is reasonable and allows two to three vendors in the City which avoids a saturation of SATVs. He suggested that the RFP be for one to two years and after that time add more operators if needed. He requested strong indemnification language within the contract and pointed out his concern on sub-leasing.

In response to a question from Councilmember Thompson, Government Relations Manager Miranda Dewitt responded that neither the League of Cities and Towns nor the City has started working on a model ordinance for SATVs, however, State Senator Tyler Pace may introduce an electric scooter bill within the next couple of days. She noted no pre-emptive language would be included in order for the municipalities to model their ordinance to best fit their community.

Mayor Giles requested staff review the fee schedule.

Discussion ensued relative to the fee schedule, use of right-of-way versus sidewalk, transit areas, and placement of the SATVs.

Donovan Higbee, Representative for Razor, commented that they support staff's recommended options which allow for the development of a SATV program in Mesa. He noted that Razor has been in correspondence with the Transportation Department in recent months discussing opportunities and challenges in bringing their dockless shared scooters to Mesa. He added that Razor supports regulations that enhance rider and pedestrian safety, are willing to address issues of indemnification and liability, and the requirement of operators to provide ridership data. He stated that Razor has not operated in Mesa thus far and will continue to refrain until local regulations and ordinances are in place. He concluded by saying that Razor supports the City's efforts moving forward.

Joshua Miller, General Manager of Lime Electric Scooters, reported that he is working with City staff to put in place reasonable regulations for SATVs. He expressed his concern on the fee structure and emphasized the use of a per trip fee. He added that the industry nationwide is quickly moving towards a utilization structure such as the City of Phoenix. He remarked that the utilization model is a fair and equitable structure that allows the City to recover its costs without stifling businesses.

In response to a question posed by Vice Mayor Freeman, Mr. Miller, responded that Lime Electric Scooters prefers the per trip fee primarily for tracking data.

Mr. Brady clarified that a letter of explanation regarding the per ride request from Lime Electric Scooters was sent to the City of Tempe and will provide the letter to Council.

Discussion ensued relative to data tracking.

In response to a question from Councilmember Duff, Mr. Zeder stated that staff has not sought geographic information specific to locations of the SATVs. He added that Bird and Lime have provided staff with the numbers and average trips. He further added that staff is working on an approach to ensure the same data requested applies to all operators.

Councilmember Duff stated that she supports the SATVs in the City with some controls. She pointed out that she prefers the monthly fee versus the trip fee, however, she is concerned with the density of scooters in specific areas that create obstacles within the right-of-way. She stated that she supports Option 2 and suggested that use of the SATVs be restricted to 18 years of age and older.

Mayor Giles expressed his concerns on the locations and use of the right-of-way versus sidewalks. He noted that he supports geo-locating and supports Option 2. He emphasized the liability for the City, the need to have an indemnity agreement, and suggested a one-year contract.

Councilmember Heredia suggested a blend of Option 1 and Option 2 for the RFP to maximize the number of companies that can bid.

Mr. Zeder explained that the regulations will be included regardless if there is a market-based or an RFP approach. He commented that staff will present to Council a proposed ordinance or licensing requirements addressing the indemnification issue, maximum speed limits, user requirements (sidewalks versus streets), and the fee structure at a future meeting.

Councilmember Whittaker expressed concern related to the RFP model. He said the RFP process would lock out small businesses and limit the companies that could bid due to the costs of writing proposals. He stated the opinion that this would stifle competition and lead to higher prices.

Mr. Brady stated that from a management standpoint, it would be beneficial to monitor three to four operators versus seven or eight. He added that if the RFP process was used, a defined area could be established using geo-fencing. He noted that if an RFP was not used companies could drop off an unlimited number of scooters and the City has limited space.

Discussion ensued relative to the RFP or permit application process, number of allowed scooters, and safety.

Mr. Smith stated that the City has looked at regulations from other municipalities and they vary between the two options presented. He suggested a tiering option, by implementing a per trip fee for a certain number of scooters, then move to a per vehicle fee in order to prevent saturation or dumping of SATVs.

Mayor Giles stated that the consensus from Council is Option 2 with geo-fencing. He added that at a future Council meeting discussion will include; licensing versus RFP's, agreement terms, fee structure, placements of SATVs, right-of-way use, and density issues with potential regulation of SATVs.

Mr. Brady reiterated that instead of an RFP process to establish the rules and regulations, they could be established within the permit and license process. He noted that the permit and license process may not control the number of vendors but Council could place a cap on the total number of scooters. He stated staff will provide more information to Council at a future meeting.

Mayor Giles thanked staff for the presentation

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

2-a. Human Relations Advisory Board Meeting held on December 5, 2018.

2-b. 2020 Census Taskforce Advisory Committee meeting held on November 19, 2018.

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.

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

Vice Mayor Freeman thanked the Fire and Medical Department, Police Department, and everyone involved in fighting the three-alarm fire at Mesa Sales.

Councilmember Luna congratulated the Mesa Police Academy #11 for receiving the gold badge on 20 years of service.

Councilmember Duff thanked everyone who participated at the Transform 17 meeting.

Councilmember Thompson: Superstition PD Homeless Outreach Operation

Councilmember Luna: UConnectMesa HOA Class

Councilmember Duff: Mesa Public Schools Food Truck Festival benefiting Mesa United Way

4. Scheduling of meetings and general information.

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

Tuesday, February 5, 2019, 7:00 a.m. – State of the City

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

Monday, February 11, 2019, 5:45 p.m. – Regular Council Meeting

4. Adjournment.

Without objection, the Study Session adjourned at 8:48 a.m.

ATTEST:


DEE ANN MICKELSEN, CITY CLERK




JOHN GILES, MAYOR

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 31st day of January, 2019. I further certify that the meeting was duly called and held and that a quorum was present.


DEE ANN MICKELSEN, CITY CLERK

January 31, 2019

TO: CITY COUNCILMEMBERS

FROM: MAYOR JOHN GILES

SUBJECT: Appointments to Council, Regional and Other Boards and Committees

I recommend for your approval the following appointments:

City of Mesa	
AUDIT, FINANCE & ENTERPRISE COMMITTEE Councilmember Jen Duff, Chairperson Vice Mayor Mark Freeman Councilmember David Luna	PUBLIC SAFETY COMMITTEE Councilmember David Luna, Chairperson Vice Mayor Mark Freeman Councilmember Kevin Thompson
SUSTAINABILITY & TRANSPORTATION COMMITTEE Councilmember Kevin Thompson, Chairperson Councilmember Francisco Heredia Councilmember Jeremy Whitaker	ECONOMIC DEVELOPMENT COMMITTEE Councilmember Jeremy Whittaker, Chairperson Councilmember Francisco Heredia Councilmember Kevin Thompson
COMMUNITY & CULTURAL DEVELOPMENT COMMITTEE Councilmember Francisco Heredia, Chairperson Councilmember David Luna Councilmember Jen Duff	CITY BENEFITS ADVISORY COMMITTEE Vice Mayor Mark Freeman Councilmember Kevin Thompson
Regional Agency Board Assignments	
VALLEY METRO REGIONAL PUBLIC TRANSIT AUTHORITY (RPTA)/METRO RAIL Councilmember Francisco Heredia	EAST VALLEY PARTNERSHIP BOARD Mayor John Giles
GATEWAY AIRPORT AUTHORITY Mayor John Giles	
Maricopa Association of Governments (MAG) Committee Assignments	
REGIONAL COUNCIL Mayor John Giles	HUMAN SERVICES COORDINATING Councilmember Jen Duff
TRANSPORTATION POLICY Mayor John Giles	ECONOMIC DEVELOPMENT Councilmember David Luna

Other Boards & Committees	
DOWNTOWN MESA ASSOCIATION Councilmember Jen Duff	CHAMBER OF COMMERCE Vice Mayor Mark Freeman
MESA UNITED WAY Councilmember Francisco Heredia	VISIT MESA BOARD Councilmember Jen Duff
MESA SISTER CITIES Councilmember Francisco Heredia	SELF INSURANCE BOARD OF TRUSTEES Councilmember Kevin Thompson
ARIZONA MUSEUM OF NATURAL HISTORY Councilmember Jeremy Whittaker	

January 31, 2019

TO: CITY COUNCILMEMBERS

FROM: MAYOR JOHN GILES

SUBJECT: Appointments to Boards and Committees

The following are my recommendations for appointments to City of Mesa Advisory Boards and Committees.

Mesa Housing Services Governing Board – Eight-member board (7 City Councilmembers and the new appointee)

Gary Nelson, District 4. Mr. Nelson is a veteran who is currently employed as a Pharmacy Tech Trainee with Alliance RX Walgreens Prime home delivery. He has been involved with the HUD-VASH program for three years and was accepted as a member of the Mesa Housing Resident Advisory Board last year. Mr. Nelson was appointed to fill a partial term on August 16, 2018 which expired on December 31, 2018.

Museum & Cultural Advisory Board – Eleven-member board, including the new appointees

Ronna Green, District 5. Ms. Green is a recently retired Associate Vice President of Nationwide Insurance. She has served on various insurance boards in the past and volunteers with St. Mary's Food Bank. Ms. Green's appointment will be filling a vacancy created by the resignation of Gladys Contreras. Her partial term will expire 6/30/21.

Tara Phelps, District 6. Ms. Phelps has a Bachelor of Science in Supply Chain Management with Minors in French and Psychology. Her professional experience includes Instructional Designer, Collections Supervisor, and Copywriting Contractor. Ms. Phelps' appointment will be filling a vacancy created by the resignation of Benjamin Rundall. Her partial term will expire 6/30/21.

Shared Active Transportation Vehicles

City Council Study Session

January 31, 2019

RJ Zeder, Transportation Director

Erik Guderian, Deputy Transportation Director



Agenda

- **Purpose of SATVs**
- **SATV Operators in Mesa**
- **SATV Issues**
- **Ridership Information: November 2018**
- **National Regulation Review**
- **Options**
- **Questions/Council Direction**

Purpose of SATVs

Provide last-mile, alternative transportation options for short trips, connection to transit and recreation.

SATV Operators in Mesa

lime

JUMP



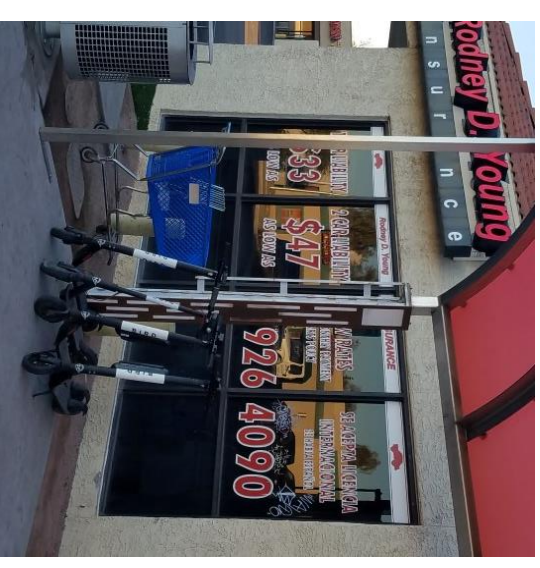
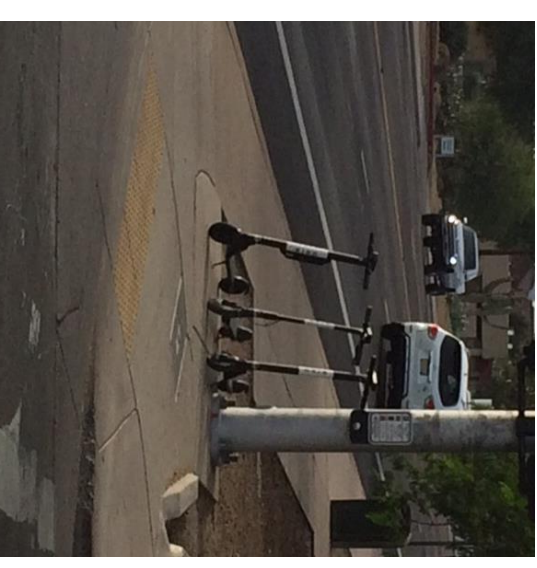
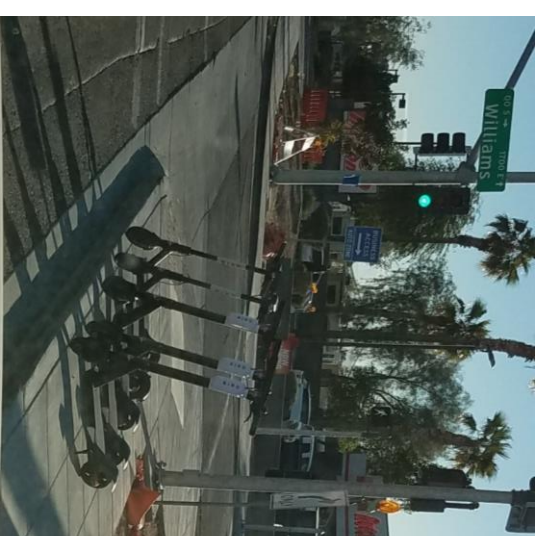
Present



Expressed Interest

SATV Issues

- ADA/Right-of-Way (ROW) Management
 - Operator Staging
 - User Parking
- Number of SATVs in ROW
- Operator Response timeframe
- Safety (speeding, inexperienced users, helmets, etc.)
- Possible introduction of subleasing



Ridership Information: Nov. 2018



B I R D

Avg. Scooters in Mesa/per day	900
Avg. Ride (mins.)	27.09
Avg. Ride (miles)	2.098
Total Miles	59,541
Total Rides	28,375



Avg. Scooters in Mesa/per day	350
Avg. Ride (mins.)	11
Avg. Ride (miles)	1
Total Miles	20,898
Total Rides	13,000

Note: statistics were provided by the vendor

National Regulation Review



City of Tempe



City of Scottsdale



City of Peoria



City of Phoenix



City of Atlanta



City of Dallas



City of Denver

National Regulation Review

City	Framework
Tempe	SATV ROW License
Scottsdale	Ordinance (no license required)
Peoria	Temporary Ordinance (Operator discussions ceased)
Phoenix	Pilot Program <i>PROPOSED</i>
Atlanta	Permit
Dallas	Permit
Denver	Permit/Pilot Program

Recommendations

Staff Recommendations for any **regulated** option:

- Annual Operator license/permit
- Insurance/Indemnity requirements
- Maximum SATV speed limit(s)
- User requirements (allow riding on pathways, sidewalks and bike lanes)
- Fees (application, per SATV and impound)
- Customer service requirements (response time, local employees, etc.)
- Parking/staging requirements
- Data sharing (monthly reports, real-time data, etc.)

Option #1: Citywide Approach

Objective:

Market based approach to SATV management. Manage Right-of-Way (keep clear of obstructions) and provide general staging requirements for all Operators.

Framework:

Annual License

Requirements:

- No limits to Operators
- Citywide
- No limits on the number of SATVs
- Fee structure

Option #2: Limited Approach

Objective:

Regulated approach tied to providing “first and last mile” access to transit. This would allow for greater oversight of the Right-of-Way.

Framework:

Termed License with Request For Proposal (RFP)

Requirements:

- Limit Operators (opportunity for better partnership with Operators)
- Restrict Operator SATV staging to a defined limit of transit routes (geo-fencing)
- Restrict the number of SATVs
- Fee structure

Option #3: Ban

Objective:

Prohibit commercially rented SATV usage in Right-of-Way.

Framework:

Ban

Other Considerations:

- Possible lawsuit
- Changes with state legislation may cause issues

Fee Slide

assumes no fleet caps

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

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

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



Questions/Council Direction

Staff is seeking direction on which
Option Council would like to pursue.

Questions/Discussion



Thank You

Additional Information on National Regulation Review

Considerations for National Review

- 1. Framework:** Ordinance, Permit/License, Pilot Program, Ban, etc.
- 2. Requirements:** Helmets, age, driver license, riding locations, etc.
- 3. Fees:** Application, permit, penalties, fleet size, etc.

Review: City of Tempe

Framework: SATV Right-of-Way License

Requirements: Does not reference helmets, age/driver's license or riding locations.

Fees:
License Fee- **\$7,888**
Device Fee (Daily) - **\$1.06/device**
Relocation Fee- **\$100/device**

Notable Requirements

- Prohibits subcontracting, subleasing, sublicensing
- Prohibits staging in front of single-family properties on residential streets
- Requires restaging every 24-hours and response within 2-hours
- Indemnification requirements

Review: City of Scottsdale

Framework: Ordinance (no license required)

Requirements: Allowed to operate on sidewalks.

Fees: Relocation Fee - **\$50/\$250/\$1,000** – 1st/2nd/3rd + violations

Notable Requirements:

- Operator to limit Electric Scooters to 20 mph
- Operator to remove inoperable devices within 2-hours
- Prohibits electric bikes with speeds of 28 mph from operating on sidewalks/paths
- Prohibits electric scooters from operating on streets with speed limits more than 40 mph

Review: City of Peoria

Framework: Temporary Ordinance (Operator discussions ceased)

Requirements: Requires Users to be 18 years old with valid driver's license. Allowed to operate on sidewalks. Not allowed to operate in motor vehicle lanes, bike lanes or paths.

Fees:

Application Fee - **\$2,500**
Device Fee (Monthly) - **\$2.50/device**
Relocation Fee - **\$25/device**

Notable Requirements

- Operator to limit Electric Scooters to 12 mph
- Prohibits staging in front of single-family properties without consent from property owner
- Deployment only allowed at bus stops along the major arterial routes
- Operator response within 2-hours
- Caps fleet size

Review: City of Phoenix

Framework: 12-Month Pilot Program (**PROPOSED**)

Requirements: Requires Users to be 18 years old.
Not allowed to operate on sidewalks.

Fees:
Application Fee - **\$500**
Permit Fee (6-month) - **\$5,000**
Ride Fee - **\$0.10/per ride**
Relocation Fee - **\$80/device**

- Notable Requirements**
- Pilot Program boundaries are 7th Avenue to 7th Street and Buckeye to McDowell Roads
 - Limit speed to 15 mph
 - Each vendor will not be allowed more than 300 scooters for
 - Staging locations will be at least 100 feet apart

Review: City of Atlanta

Framework: Permit

Requirements: Allowed to operate in vehicle travel lanes, bike lanes and paths.
Not allowed to operate on sidewalks.

Fees: Annual Permit Fee - **\$12,000** (\$50/device for each device over 500)
Application Fee - **\$100**
Violation Fee – up to **\$1,000/per day** (standard fee language)

Notable Requirements

- Operator to limit Electric Scooters not to exceed 15 mph
- Shall not be considered motorized vehicles as set forth in Park Rules

Review: City of Dallas

Framework: Permit

Requirements: Allowed on sidewalks and trails, except Central Business District.
Minors must wear helmet.

Fees:
Annual Permit - **\$808**
Vehicle Fee - **\$2,100** to **\$10,500+** (depends on number)
Performance Bond - at least **\$10,000**

Notable Requirements

- Must be built to withstand the effects of weather and constant use for five years
- Respond within 2-hours on weekdays and 12-hours of receiving notice all other times
- Performance Bond to recover damages/fees/fines, etc. for violations

Review: City of Denver

Framework: Permit/Pilot Program

Requirements: Allowed to operate in roadway, bike lanes or sidewalks.

Fees:

- Application Fee - **\$150**
- Annual Permit Fee - **\$15,000** (*separate permit for scooter and bike fleets*)
- Performance Bond - **\$30/vehicle** (\$20/Bicycles and E-Bicycles)

Notable Requirements

- Must be ridden in bike lane or roadway with speed limit that does not exceed 30 mph
- Sidewalk speed limit is 6 mph
- Allows placement at transit stops via Transit Amenity Program
- Requires painted dockless parking zones to be installed and maintained by Operators (one zone per ten permitted fleet vehicles)
- Rebalance everyday – require Operator respond to inoperable devices within 24-hours

Ridership Information: Nov. 2018



Avg. Riders/Day	10,206
Avg. Ride (miles)	1.46
Total Miles	209,262
Total Rides	306,192

Bus



Avg. Riders/Day	6,301
Avg. Ride (miles)	4.48
Total Miles	42,136
Total Rides	189,027

Light Rail

Note: statistics were provided by the vendor