

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-1**  
**July 10, 2018**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Raul Valdes-Fauli**  
**Vice Mayor Frank Quesada**  
**Commissioner Pat Keon**  
**Commissioner Vince Lago**  
**Commissioner Michael Mena**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**Assistant City Manager, Peter Iglesias**  
**City Attorney, Miriam Ramos**  
**Assistant City Attorney, Stephanie Throckmorton**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Public Works Director, Ed Santamaria**  
**Assistant Public Works Director, Jessica Keller**

**Public Speaker(s)**

**Brian No**

---

Agenda Item F-1 [1:45:08 p.m.]

An Emergency Ordinance of the City of Coral Gables, Florida, amending Chapter 74 -Traffic and Vehicles of the City of Coral Gables Code in order to address unauthorized operation of shared mobility device programs within the City.  
(Sponsored by Mayor Valdes-Fauli)

Mayor Valdes-Fauli: Okay, then we have F-1, an emergency ordinance of the City of Coral Gables, amending Chapter 74 - Traffic and Vehicles of the City of Coral Gables in order to address unauthorized operation of shared mobility device programs with the City.

City Attorney Ramos: That's correct, Mr. Mayor. Assistant City Attorney Stephanie Throckmorton is at the podium. She can present the emergency ordinance, as well as a pocket resolution that she has handed to all of you today addressing the Spin Memorandum of Understanding.

Assistant City Attorney Throckmorton: Mayor, Commissioners, this is an emergency ordinance to address the proliferation of shared mobility devices that we had in the last month or so within the City. As you all know, we received numerous complaints in June and July regarding two companies in particular who had left their devices on City rights-of-way, on private property, on swales, impeding pedestrian access. The City Attorney issued two cease and desist letters to the two companies that were -- had abandoned vehicles.

Vice Mayor Quesada: Oh, it was more than one company?

Assistant City Attorney Throckmorton: There were two companies that were issued cease and desist letters.

Vice Mayor Quesada: Lime and?

Assistant City Attorney Throckmorton: Lime and Bird.

Vice Mayor Quesada: Oh, I didn't see the Birds, okay.

Assistant City Attorney Throckmorton: Bird said they had not been deploying them. Users had left them within the City. Lime -- it's my understanding -- had been deploying them within the City.

Vice Mayor Quesada: Yeah.

Assistant City Attorney Throckmorton: We issued cease and desist letters. At this point, both companies have complied. This ordinance addresses that issue while the City works to put together more extensive regulations regarding these devices. So, because we don't have a meeting until August because we had to issue those cease and desist letters, this sets out what we had in those cease and desist letters in ordinance. So, a \$500 fine and \$50 impoundment fee.

City Attorney Ramos: This is a public hearing item, and it needs to pass by four-fifths vote...

Vice Mayor Quesada: Yeah.

City Attorney Ramos: Since it is an emergency ordinance.

Mayor Valdes-Fauli: Okay.

Vice Mayor Quesada: So, question for you. This is unrelated to -- oh, actually, I know the answer, so I just want to be clear for the record. Thank you. This is unrelated to our MOU that we talked about with Spin, so that's separate from this...

Assistant City Attorney Throckmorton: This ordinance...

Vice Mayor Quesada: Which is dealing with trying to prevent...

Mayor Valdes-Fauli: No, this is separate.

Assistant City Attorney Throckmorton: Yeah.

Vice Mayor Quesada: Similar bad actors in the future.

Assistant City Attorney Throckmorton: This ordinance addresses unauthorized programs within the City. So, to the extent that the City goes forward and an MOU or a pilot program with any providers of any shared mobility devices, that's fine and authorized. This is the authorized use of City rights-of-way and unauthorized use of those programs within the City. So, it doesn't preclude us from entering into any agreement.

Commissioner Mena: Did we like somehow publish whatever the proper procedure would be for one of these companies to enter into an MOU with us?

Assistant City Attorney Throckmorton: We are working to develop those procedures and the requirements for a shared mobility device program within the City. In the meantime, prior to any of these, you know, bad actors in the City or any of the need for cease and desist, we were approached by one company for a pilot program and that is coming before you shortly. We haven't advertised -- there's been no RFP. There's been no bids out. I believe there was, for the dockless bikes -- Jessica and Celeste are here. There was a bit of a procedure for the dockless bikes. As far as scooters, there's been no...

Commissioner Mena: Yeah.

Assistant City Attorney Throckmorton: Advertising, nothing like that with the scooters at this point.

Mayor Valdes-Fauli: Alright.

Commissioner Mena: I just want to be careful, Miriam, that, you know, we don't have some of these -- the people that are getting cease and desists, like saying that they're not -- they weren't aware of what the actual process was and there's somebody else going through the process and we don't even know about it; that type of thing.

City Attorney Ramos: That's what...

Commissioner Mena: So, be wary of that.

City Attorney Ramos: That's a fair point. And, the cease and desist letter explains to them that they were not authorized to...

Commissioner Mena: Right.

City Attorney Ramos: Operate in the City. They have not reached out and said that they want to try and...

Commissioner Mena: Okay.

City Attorney Ramos: Operate in the City.

Commissioner Mena: Fair enough.

City Attorney Ramos: And frankly, in Bird's case, the evidence that we kind of circumstantially collected was that there were just dropped off by users. There was three or four.

Commissioner Mena: Right.

City Attorney Ramos: Whereas, with Lime, we could see that they were clearly being deployed...

Vice Mayor Quesada: It was a clear...

City Attorney Ramos: Just because...

Vice Mayor Quesada: Pattern.

Commissioner Lago: Yeah.

City Attorney Ramos: Of the way that they...

Vice Mayor Quesada: Yeah.

City Attorney Ramos: Were being...

Commissioner Mena: Alright.

City Attorney Ramos: Laid out.

Mayor Valdes-Fauli: Okay.

Vice Mayor Quesada: So, I just want to make a quick point here. On Section 2, section -- subsection 4, I'm just -- I'm saying I like it. We don't have to -- thank you for putting this in here. I'm very much in favor of the shared mobility. I'm very much in favor of the scooter idea, but you know, improper deployment -- I wanted to impound them the moment we saw them.

Mayor Valdes-Fauli: Yeah.

Vice Mayor Quesada: So, that really bothered me. And I know you worked that in, so thank you for working that in.

City Attorney Ramos: You're welcome.

Vice Mayor Quesada: I'm in favor of this. I'll make the motion.

Mayor Valdes-Fauli: Will you make a...

Vice Mayor Quesada: So move.

Mayor Valdes-Fauli: Is there a second?

City Attorney Ramos: Just a second. It's a public hearing item, and I have one comment that was sent through...

Mayor Valdes-Fauli: Yeah.

Vice Mayor Quesada: Okay.

City Attorney Ramos: eComment. Is there anyone present that would like to...

Mayor Valdes-Fauli: Yes.

City Attorney Ramos: Speak?

Mayor Valdes-Fauli: Yes, there is, but...

City Attorney Ramos: Okay.

Mayor Valdes-Fauli: It's motioned and seconded. Brian No. This is...

Vice Mayor Quesada: I don't think you're speaking on this item, though.

Commissioner Lago: Yeah.

Brian No: Oh, I'm not? Okay.

Assistant City Attorney Throckmorton: Yeah. We're going to bring something in a second, yeah.

Vice Mayor Quesada: No -- yeah. There's confusion.

Mayor Valdes-Fauli: What?

Commissioner Lago: One second.

Unidentified Speaker: Yeah.

Vice Mayor Quesada: This is not your item.

Mayor Valdes-Fauli: No, this is not...

Assistant City Attorney Throckmorton: I believe the City Attorney...

Mayor Valdes-Fauli: Your item.

Commissioner Lago: He wants to talk on the pocket item.

City Attorney Ramos: I have one comment by Rhonda Anderson. She says, I support this emergency ordinance and note that if dockless system is permitted in the City in the future, it will be difficult to control where users leave the bikes parked.

Vice Mayor Quesada: Got it.

City Attorney Ramos: Also, Vice Mayor...

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: I'd like to note that it was Assistant City Attorney Throckmorton who authored it, so you thanked me for that, but...

Vice Mayor Quesada: Thank you so much.

City Attorney Ramos: I want to give her credit.

Assistant City Attorney Throckmorton: Thank you.

Vice Mayor Quesada: So moved.

Mayor Valdes-Fauli: Alright, it's been seconded. Will you call the roll, please?

City Clerk Foeman: Two roll calls, Mr. Mayor.

Commissioner Mena: Yes.

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

City Clerk Foeman: Second roll call.

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Assistant City Attorney Throckmorton: Along with this item, I presented you all earlier this morning with a pocket item, which is a resolution authorizing the City Manager and the City Attorney to enter into a pilot program with Skinny Labs, Inc. doing business as Spin, for an electric kick scooter pilot program within the City. Spin approached the City in June, prior to any problems with scooters being left on the right-of-way with those other companies. They have -- it's my understanding -- not deployed any scooters within the City without proper authorization. So, they have approached the City and asked for a pilot agreement. I've given you their initial proposal and the City's comments back, and we are asking for your authorization to execute that MOU with Spin. It's nonexclusive, so, should other companies want to approach us and the City thinks that an additional pilot program is worthwhile, we are happy to do that. So, it's nonexclusive and it doesn't -- as the Vice Mayor's question...

Mayor Valdes-Fauli: Alright.

Assistant City Attorney Throckmorton: It doesn't preclude us from entering into...

Commissioner Mena: Does it...

Assistant City Attorney Throckmorton: Agreements.

Commissioner Mena: Does it regulate how many scooters there would be deployed and those types of things?

Assistant City Attorney Throckmorton: The agreement spells out a maximum of 200 scooters for the initial trial period; 100 for initial deployment of the first month, and then up to 200.

Commissioner Lago: And let me ask you...

Mayor Valdes-Fauli: Has anybody reviewed this?

Commissioner Lago: Do you want to...

Vice Mayor Quesada: Well, I think what we should do is -- so, I'm in favor of this...

Mayor Valdes-Fauli: I haven't reviewed it.

Vice Mayor Quesada: Oh, you haven't reviewed it?

Mayor Valdes-Fauli: No. I mean, I got it this morning at 9 o'clock.

City Attorney Ramos: So, the MOU itself...

Mayor Valdes-Fauli: And I think that's unfair.

City Attorney Ramos: Is still being negotiated. This is just a resolution to approve us entering into the MOU and we'll continue to have conversations about it.

Commissioner Lago: And I don't have any issues with that at all. I'm willing to move forward on that. I have a few questions just in regards to like docking and the use of these apparatuses on the sidewalks, because I want to be careful. And you have a lot of elderly people, obviously, walking on the sidewalk...

Unidentified Speaker: Of course.

Commissioner Lago: You know, and I want to make sure -- and I spoke to Spin, which I want to commend them because they actually, you know, took the correct route. They didn't just...

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: Go rogue and start dropping, you know, these scooters all over our city. How can we make sure -- I know nothing is a hundred percent certain, but how can we try to make sure that people use these scooters not on the sidewalks?

Assistant City Attorney Throckmorton: Well, I will let Spin, who I know is here, come and address that. But as far as the City's view, we've looked at the agreement and the Public Works director is going to be a contact person to make sure that we're leaving ADA required paths of travel on all of our sidewalks, to identify certain locations for deployment and parking and to make -- to work with Spin to make sure that they're not being left in places. We also have numbers to call to get them picked up, if they are...

City Attorney Ramos: And was there an...

Assistant City Attorney Throckmorton: Incorrect...

City Attorney Ramos: Education component as well?

Assistant City Attorney Throckmorton: There is an education component.

Commissioner Lago: Yes.

Assistant City Attorney Throckmorton: We are asking Spin to educate its users on the requirements of the City, so far as not blocking paths of travel.

Commissioner Mena: And my only concern as well...

Vice Mayor Quesada: Commissioner -- so, I'm in San Francisco quite a bit. They have a presence there. I use their product there. Whenever you log in on your phone, it gives you the rules in a pretty clear, concise way; where to park it.

Commissioner Keon: Yeah.

Vice Mayor Quesada: And then they also have -- and obviously, we'll let them explain it. But when you leave it -- or when you grab it -- so, let's say you walk it to a new one, it'll ask you how was it parked when you received it. So, if the person previous that was using it left it in a bad spot, you take a picture. You show it. They get reported, and they have ways of controlling it. I'll let them explain that. But it's pretty clear. It's pretty concise. No sidewalks, helmets...

Commissioner Lago: And we're...

Vice Mayor Quesada: Almost treated -- bike lanes -- almost treated like a bike.

Commissioner Lago: And on the legal side, I know that we -- there's an indemnification of the City as a whole and we can only do as much as we can to try to control the end user who's using this on a daily basis. I've seen them in the Grove. I think they're rogue in the Grove. It's not Spin. There are multiple different firms that are using it, and people are using it on the sidewalk. That's my biggest concern. You know, these things...

Vice Mayor Quesada: Well, the good thing is...

Commissioner Lago: They're going like 10, 12 miles an hour. Somebody who's not so agile on their feet and gets run over, it becomes a problem.

Vice Mayor Quesada: But here's the thing. You should not be allowed to ride on the sidewalk.

Commissioner Lago: I agree.

Vice Mayor Quesada: The same with our bike ordinance in the city, which...

Commissioner Lago: And that works.

Vice Mayor Quesada: Should be consistent. But they can track all that, so they can see if you are always on the sidewalk and you leave it on the sidewalk. Now, you get cut off. You can't use it in the future.

Commissioner Lago: I like that.

Vice Mayor Quesada: So, they have a lot of control over that. And Mr. Mayor, to address your point -- I know we haven't had a chance to go through all of this...

Commissioner Keon: Okay, I don't see that.

Vice Mayor Quesada: I think the idea is to have a motion that directs staff to complete the agreement. If you have additional thoughts, obviously, talk to staff.

Mayor Valdes-Fauli: It will come before us for us to approve it at the next meeting?

Vice Mayor Quesada: No, to have them...

Assistant City Attorney Throckmorton: No. This is to authorize...

Mayor Valdes-Fauli: Okay, well, why was that presented to me today at 9 o'clock and not -- I mean, the agenda was closed last Thursday, which is four days ago.

Assistant City Attorney Throckmorton: The agenda was closed last Thursday. We didn't have time to have an internal meeting until after the agenda was closed. And, given the long time period until the next meeting and the good faith that's been shown in approaching the City...

Unidentified Speaker: Yeah.

Assistant City Attorney Throckmorton: We wanted to bring it to the agenda today...

Mayor Valdes-Fauli: Well, I think that's...

Assistant City Attorney Throckmorton: As a pocket item.

Mayor Valdes-Fauli: Disrespectful for us, and I really don't like it at all. And I'm for this. I mean, I think it is a company that has behaved most responsibly, but I think staff showed disrespect for us in bringing this up to us today. I resent that very much.

City Attorney Ramos: You don't have to vote on it today, if you don't wish. The only...

Mayor Valdes-Fauli: No, I don't have to vote for it, but the others may vote, and I think that's wrong.

City Attorney Ramos: Our only hope was to not have to wait another six months -- six weeks or so.

Mayor Valdes-Fauli: Okay, but you could have presented it three days ago and it would have been on the agenda, and we would have gotten the information.

City Attorney Ramos: Except we didn't get to meet until Friday.

Commissioner Keon: So, this item is to let you enter into a memorandum...

City Attorney Ramos: The resolution is to approve us entering into a memorandum. It's not exactly this. We're still working on the details.

Commissioner Keon: Oh, okay. So, you can enter into it, but it doesn't make it operational.

City Attorney Ramos: No, not until it's concluded.

Commissioner Keon: Okay. Will that come back to us?

City Attorney Ramos: No. This is a typical resolution where you say in substantial form...

Mayor Valdes-Fauli: You see, precisely.

City Attorney Ramos: (INAUDIBLE)

Mayor Valdes-Fauli: That's precisely my point.

Commissioner Keon: No. I'm -- I had just said to the City Attorney in reading it quickly, it does permit them to -- the language in this allows -- permits them to ride on sidewalks, because it says that they are -- for purposes of this agreement, the term right-of-way refers to sidewalks, roads and other pathways owned and maintained by the City.

Assistant City Attorney Throckmorton: And that -- Commissioner, I believe that also refers to where they can park them.

Commissioner Lago: Yeah.

Assistant City Attorney Throckmorton: So, it also...

Commissioner Keon: Well...

Assistant City Attorney Throckmorton: States that they must be in compliance with all ordinances and regulations of the City, which does not permit riding on sidewalks in certain areas and where posted.

Commissioner Keon: Okay, but it doesn't say that in here anywhere. I don't see it -- or I haven't seen it yet.

Commissioner Lago: And I think that's something that should be addressed, if we approve it.

Vice Mayor Quesada: Let's just make sure it's in there.

Commissioner Lago: If we approve...

Assistant City Attorney Throckmorton: Of course.

Commissioner Lago: It today.

Commissioner Keon: Make sure it's in here.

Commissioner Lago: Because these -- they have to dock somewhere.

Commissioner Keon: Right.

Assistant City Attorney Throckmorton: Yes.

Commissioner Lago: They're not going to dock in a parking -- in a...

Commissioner Keon: No, but it says they can dock on wide sidewalks...

Vice Mayor Quesada: Let's do this...

Commissioner Keon: Is what it says here.

Vice Mayor Quesada: So, we don't speculate so much.

City Attorney Ramos: In Exhibit A, there's...

Vice Mayor Quesada: If it's okay with the Mayor.

City Attorney Ramos: A lot of different regulations.

Assistant City Attorney Throckmorton: Yeah.

Vice Mayor Quesada: With the Mayor, if we could have the representative...

Commissioner Lago: Yeah.

Vice Mayor Quesada: Maybe answer some of these questions for us.

Mayor Valdes-Fauli: Yeah, please.

Vice Mayor Quesada: How they typically...

Mayor Valdes-Fauli: Sir.

Vice Mayor Quesada: Handle this.

Commissioner Mena: Can I address one thing, though, with Stephanie and Miriam, though? My concern with this is just the volume, right? So, okay, they're going to have 200, but you're telling me it's nonexclusive.

Assistant City Attorney Throckmorton: Yeah.

Commissioner Mena: So, the two companies that got cease and desist letters, let's just assume they come in the week after we finalize this MOU, and they say we want the same terms as them. Are we going to have 600 now?

Assistant City Attorney Throckmorton: Well, we can address the cap. And also, I mean, this is a nonexclusive pilot, but if the City doesn't believe it's in the best interest to enter into an additional pilot program, we're under no obligation to do so.

Vice Mayor Quesada: Yeah. It's a pilot. If we...

Assistant City Attorney Throckmorton: Yeah.

Vice Mayor Quesada: Don't like the way it works out, we just cancel...

City Attorney Ramos: Correct.

Vice Mayor Quesada: It and they go away.

Commissioner Mena: The pilot is exclusive.

Assistant City Attorney Throckmorton: It's nonexclusive.

Commissioner Mena: The...

City Attorney Ramos: It's not exclusive, but it's at the...

Commissioner Mena: The dockless bikes is exclusive, isn't it? The dockless bikes pilot.

Commissioner Lago: With the County.

Vice Mayor Quesada: No, with us.

Commissioner Mena: I don't know.

Commissioner Lago: That was another one. That was another one that we had discussed.

Assistant Public Works Director Keller: No. The dockless bike -- no, actually. You know what, I'm not 100 percent certain. But, we did develop language that we did not want to work with only one bikeshare vendor. The dockless may be -- I'd have to go back and look. Dockless may be exclusive, but bikeshare in general was not.

Unidentified Speaker: Dockless is exclusive.

Assistant Public Works Director Keller: Okay, right. So, dockless is exclusive, but bikeshare is not.

Commissioner Lago: And the bikeshare was the one with the County, correct?

Assistant Public Works Director Keller: So, bikeshare...

Commissioner Lago: Correct me.

Assistant Public Works Director Keller: Bikeshare is -- you can have dockless...

Commissioner Lago: Okay.

Assistant Public Works Director Keller: And docked. And the Commission brought up a concern...

Commissioner Mena: Wait a second. Time out.

Assistant Public Works Director Keller: Alright.

Commissioner Mena: We have a dockless exclusivity, but a nonexclusive bikeshare, which includes dockless?

Assistant Public Works Director Keller: No. There is...

Commissioner Mena: That's what I just heard.

Assistant Public Works Director Keller: There's two...

Vice Mayor Quesada: Yeah, that doesn't make sense.

Assistant Public Works Director Keller: Right now, there's -- I'm sorry, there's two types of bikeshare right now in the market. There's dockless...

Commissioner Mena: Right.

Assistant Public Works Director Keller: And docked. And you understand that docked is like the Citi Bike.

Commissioner Lago: Yes.

Vice Mayor Quesada: Of course.

Assistant Public Works Director Keller: And, what you were interested in when we signed the -- or we were authorized to enter into the agreement with the selected vendor, and then you also heard from the County -- they gave their presentation and we wanted to be able to leave it open that we would be able to use the County's bikeshare, because the County's bikeshare is docked...

Commissioner Lago: And it's electric.

Assistant Public Works Director Keller: And it's electric assist.

Commissioner Mena: Yeah, it's docked.

Assistant Public Works Director Keller: So, we did not want -- correct. We did not want to prohibit...

Commissioner Mena: Right.

Assistant Public Works Director Keller: Entering in an agreement with the docked electric assist that the County is currently working with.

Unidentified Speaker: Yeah, but...

Mayor Valdes-Fauli: Okay.

Assistant City Attorney Throckmorton: If you all want to make this an exclusive pilot, that is certainly your prerogative...

Commissioner Lago: I'm...

Assistant City Attorney Throckmorton: To do so.

Commissioner Lago: I would like to see it that way.

Assistant City Attorney Throckmorton: That's what they initially...

Commissioner Lago: But I would...

Assistant City Attorney Throckmorton: Requested.

Commissioner Lago: The last thing I want to see is an, you know, ambush or just, you know, a wave of...

Vice Mayor Quesada: Well, but it still has to come through us.

Commissioner Lago: No, no, no.

Vice Mayor Quesada: Yeah.

Commissioner Lago: I understand that. But I mean, I want to be very careful with that because, before you know it, we could have...

Vice Mayor Quesada: And here's your thing...

Commissioner Lago: Like Commissioner Mena said, we could have a thousand scooters, you know, in the downtown area, and then it goes from being something that's pleasant and is an alternate mode of transportation to being a nuisance.

Assistant City Attorney Throckmorton: And it is up to 200, just to state that.

Commissioner Mena: For this one company.

Assistant City Attorney Throckmorton: Yes.

Commissioner Lago: Yes.

Assistant City Attorney Throckmorton: It's up to 200...

Commissioner Lago: But the reason why I said...

Assistant City Attorney Throckmorton: With the 100...

Commissioner Lago: A thousand...

Assistant City Attorney Throckmorton: Initial deployment.

Commissioner Lago: Is if we get five companies...

Assistant City Attorney Throckmorton: Yeah.

Mayor Valdes-Fauli: Let's...

Commissioner Lago: If we get five companies.

Mayor Valdes-Fauli: Let's listen to Mr. No make his presentation.

Mr. No: Hello, Mr. Mayor, Vice Mayor and members of the Commission. My name is Brian No, and I'm the head of public policy for Spin. And as you may have heard, we've been working with -- closely with the City staff, and especially, the Commission, I think, since April about our idea about doing a small-scale modest responsible pilot here in Gables. And it's been a real pleasure to sort of introduce the product to everyone, to show how it works, and we're really excited that Coral Gables is really interested in embracing this innovative mobility option. But also, at the same time, doing it on your own terms, not letting other actors dictate what the City is going to do with the City telling the companies, such as Spin, this is the -- kind of the way that we want to approach motorized scooters. And, that's a commitment that we bring to each and every one of our city partners. It's part of our partnership promise, in which we want to

make sure that we actually receive approval from the proper channels before we deploy. To address some of the questions and concerns that some of the Commissioners have raised, including sidewalk usage. You know, we can all -- as mentioned by one of the Commissioners earlier, we can make it very clear in our in-app education what the rules of riding a scooter is. So, if scooters are not permitted to be ridden on the sidewalk in the Gables, we can make that very clear. We can make the in-app push notification as annoying as you'd like us to do. We can even show it to the user every time they try to unlock their scooter, reminding them what the main rules are. The important rules are also stickered onto the scooter itself. And at the same time, we also try to promote the rules by sending periodic reminder emails. Every time the user unlocks the scooter with our app, they're asked to rate the parking job of the previous user. So, if you come across a Spin scooter and it's parked in a way that's obstructing the sidewalk, you can give a thumbs down rating to that previous user. We track that and so when a specific account is associated with a specific number of negative ratings, then they are immediately up for suspension of the account or fines or whatnot. And so, we -- you know, we always have a lot of sticks at our disposal. We first also try to do as many carrots first; if at all possible, just because we don't want to rub people -- you know, we don't want to be too mean in the very beginning. The mention about the number scooters is also -- you know, we're very flexible. We gave the 200 as a pure sort of upper bound. You know, we know Gables isn't the largest city in the world with the largest population in the world. And the 200 is what we think what might be at full sort of saturation, perhaps an appropriate level for a city like Gables' size. But what we typically do and what we would do -- you know, we actually have scooters already, you know, in our warehouse here ready to go whenever the MOU is signed, you know, we would typically start off very slowly. You know, we'll probably put out just a couple dozen the first couple days, and then just slowly ramp up from there. And, we may actually just leave it at about 50 or so for the first couple weeks, just to see how people are responding. That allows us to not only slowly introduce it to the public, but it also allows the public to kind of get acquainted with them so that it's not kind of a shock and awe type thing, where you have thousands all on day one.

Commissioner Lago: Just a quick question.

Mr. No: Yeah.

Commissioner Lago: Do you refresh scooter locations every 24 hours, 48 hours? How does it work?

Mr. No: So, yes, because there's charger -- the scooters have to be charged every night, we actually pick them up every night. And so, in terms of where they are deployed in the beginning of each day, that is dependent upon where we think there are high-traffic, high-demand areas, based on the amount of usage. But, it also depends on what the City would like us to do. I know that we've had some preliminary discussions with some of the Public Works staff about perhaps designated -- certain designated zones where we can deploy them. You know, some ideas that you may have, we're all ears. And those deployment zones can be changed. It's flexible. That's kind of the simplicity that without having a station can -- allows us to do.

Vice Mayor Quesada: Yeah, you're making the determination where you're seeing how much movement there is.

Commissioner Lago: They need to tell us that, you know, kind of where is it going to get the most traction. Where is these -- you know, rolling this out, where is it going to work the best?

Vice Mayor Quesada: I was just flipping through this and there's a requirement that they give us the usage rates and the numbers and the locations, which makes sense. We might see a lot of movement at, you know, Miracle Mile or City Hall or who knows.

Commissioner Mena: Yeah. I -- Miriam or Stephanie, if we wanted this to be exclusive, would it have to go through Procurement?

Assistant City Attorney Throckmorton: I'll let the Procurement director answer that. I don't believe so, as it's just a pilot program, like we've done with our other projects.

City Attorney Ramos: No, I don't believe that it does. And in fact, initially, the MOU was that it was exclusive. The City asked for it not to be.

Assistant City Attorney Throckmorton: Yes.

City Attorney Ramos: So, if you wanted to go back...

Vice Mayor Quesada: I'm going to ask that it be...

City Attorney Ramos: It's a pilot program.

Vice Mayor Quesada: Because they've been good actors and the others haven't, I almost want to award them...

Commissioner Mena: Well, but there might be.

Vice Mayor Quesada: For being respectful of the process.

Commissioner Lago: Yeah, I agree.

Vice Mayor Quesada: It is a pilot. We can terminate at any time.

City Attorney Ramos: It's a pilot.

Vice Mayor Quesada: But, the others that come in and we like the way it's working and we want to expand it...

Commissioner Mena: I have another suggestion...

Vice Mayor Quesada: Okay.

Commissioner Mena: That I'd ask you to hear me out on, and it's partly that. It's partly out of respect for the Mayor's comments because I do agree. I haven't really had a chance to look at this. We got it this morning. What I would propose is to not delay them. Maybe they can move forward on a sort of ad hoc basis with a limit of maybe like -- what do you think is appropriate to start, 50 or 100?

Mr. No: Fifty.

Commissioner Mena: Fifty. Come back to us with the final agreement, and let's have a real discussion at the next meeting, with time for consideration about whether this is going to be exclusive or not and what the final actual terms are...

Vice Mayor Quesada: Yeah, but...

Commissioner Mena: But without delaying them in the interim, so they can...

Assistant City Attorney Throckmorton: So, a pilot...

Vice Mayor Quesada: Yeah, but don't we have to have something...

Unidentified Speaker: Yeah.

Vice Mayor Quesada: Signed before they deploy?

City Attorney Ramos: Not just that. My with that is -- right, if it's not signed, the indemnification language is not in place. We have put in that there has to be zones where they deploy specifically set out that we'll mark. None of that will be in place.

Commissioner Mena: Sign it subject to additional approval at the next meeting. You know...

City Attorney Ramos: Okay.

Commissioner Mena: I mean, listen...

City Attorney Ramos: It would have to be something like that, but we have to be careful and there's a lot of stuff they need to agree with...

Mayor Valdes-Fauli: Yeah, but...

City Attorney Ramos: That we've added.

Mayor Valdes-Fauli: We have to be very, very careful, and I agree with you, but we also have to be careful that we don't approve something that we have not looked at or something that we have not approved, and that is something that we could be very aware of. And if they're so much in hurry to get this done, maybe they could have presented it three days before they did and not having to force us now to approve something that we have not reviewed in full. I got this at 9 in the morning. And, as you know, we've been very, very busy here working on this. I very much resent this. And the company is great. I have nothing against the company, and I look forward to working with you. But, it is the process and our being forced to approve something that we have not reviewed.

Commissioner Mena: I think there's a way -- you know, and if you disagree, tell me, Miriam -- but I think we can come up with a way to have, again, sort of an interim agreement that has all

the terms and things you need in it to protect the City, and then come back to us for a final approval so that the Mayor and everybody else is...

City Attorney Ramos: What I would ask is to have an agreement that runs us from now until August 28.

Vice Mayor Quesada: Yeah.

City Attorney Ramos: And on the date of that Commission meeting, then you can all look at it carefully and we can add whatever it is we'd like to add, if the other party is willing. That's an option.

Assistant City Attorney Throckmorton: At this point, that would have to not include the Public Works Director's input as to locations for deployment and parking. Just give them the time period, so that they can get data for six weeks of data. We'll have to put in indemnification and hold harmless language just to protect the City...

City Manager Swanson-Rivenbark: I'm sorry.

Assistant City Attorney Throckmorton: In the meantime...

City Manager Swanson-Rivenbark: We're not going to be able to agree with no input from the Public Works...

Assistant City Attorney Throckmorton: Yeah.

City Manager Swanson-Rivenbark: Director in terms of location. I understand what you're saying, Mayor, in terms of the need to review these types of documents. Thankfully, they've built in a 15-day termination. So, if something happens for cause/no cause, you can immediately

terminate the document. And so, perhaps, you could look at approving this in this form, and we will bring it back again and further review it subject to additional revisions at the next meeting. But, I can't not have the Public Works Director involved in where those scooters will go.

Commissioner Mena: I agree with you. I don't think -- it should be the same process that you were planning on having, with input, but with an opportunity for us to revisit it at the next meeting.

Commissioner Lago: And we...

City Attorney Ramos: Interim agreement.

Commissioner Lago: And, didn't we approve the bikeshare without knowing all the full terms in place? Is that the case or no?

Public Works Director Santamaria: I'm not aware of...

City Attorney Ramos: You likely...

Commissioner Lago: Because, Jessica and our Procurement director are shaking their head.

City Attorney Ramos: You likely had a sample agreement attached to that resolution.

Commissioner Lago: No. I'm just asking...

Mayor Valdes-Fauli: A sample agreement.

Commissioner Lago: I'm just asking, so we didn't have...

Mayor Valdes-Fauli: I got this at 9 in the morning.

Commissioner Lago: No, no. But I'm not -- Mayor, I'm not denying that I wish we would have gotten it earlier. But again, this is holiday week and, you know, these people have been exceptional, like you said, the Mayor stated.

Mayor Valdes-Fauli: They have been.

Commissioner Lago: They have been exceptional in regards to their patience. They've shown off the product. They're doing a very good job on being the leader in the industry, and I think it's a good opportunity. And like the City Manager said, we have a 15-day window. If they're not good actors, then we -- you know, we take it out...

City Manager Swanson-Rivenbark: So...

Commissioner Lago: We take it out of service.

Assistant City Attorney Throckmorton: So, we will continue to negotiate the terms of the agreement. I'm -- would you like us to execute it prior to the August 28 meeting, with the understanding that we can amend...

City Attorney Ramos: We need to execute a temporary agreement.

Assistant City Attorney Throckmorton: Yeah.

City Attorney Ramos: In the next couple of days that runs us through August 28, and then, on August 28, we can get further feedback.

Commissioner Lago: I don't want anybody doing business in the City that does not have their insurance in place. I mean, that's a standard protocol.

Mayor Valdes-Fauli: (INAUDIBLE) indemnification provisions.

Commissioner Lago: I mean, you're talking about a bunch of different issues here in this agreement here. If you could just go the insurance section. I think it's 9-1. It talks of insurance, worker's compensation, commercial general liability, comprehensive automobile insurance, a lot of different things. That needs to be in place before we even roll out one of these scooters.

Mr. No: And we can get all of those documentation, all proof of insurance that complies with that...

Commissioner Lago: I know you can.

Mr. No: In a matter of a couple days.

Commissioner Lago: I'm not doubting that you can. I'm just saying that, you know...

Commissioner Mena: And I would also ask that -- again, I'm just going off the number you seemed comfortable with, that, until that point, it be maybe a limit of 50 or so because, to me, we need to decide whether it's going to be exclusive or not. Because if it's going to be exclusive, it's one thing, that maybe 200 is okay. But if it's going to be nonexclusive, at 200 per company, that's way too much.

City Attorney Ramos: Right, so I think maybe it's exclusive for the next 45 days with 50 as the max...

Commissioner Mena: Yeah.

City Attorney Ramos: And then...

Mr. No: Well, and I don't know -- 50 was just like a number I just threw out. I don't -- it depends on what you guys want, what the City staff would like, and I would also just ask our general manager.

Vice Mayor Quesada: How about this?

Commissioner Lago: I'd be more -- I'm in favor of it being exclusive. I want to test this out.

Commissioner Mena: Yeah, but...

Vice Mayor Quesada: Well, hold on.

Commissioner Mena: Yeah.

Vice Mayor Quesada: But I say we do -- at 200. Let them go up as high as 200, but at any moment, we can tell them to pull back. Staff can tell them or we can say it seems -- because we don't know what the right number is.

Commissioner Mena: Why wouldn't we start with less and then see how it goes, and then build up, as opposed to try to scale it back?

Vice Mayor Quesada: I just want to make sure we get the most comprehensive data possible.

Commissioner Mena: I just wanted to -- I just -- here's my thing. I want it to work out.

Vice Mayor Quesada: Yeah, same here.

Commissioner Mena: And I think if you overdo it at the outset, there's going to be a lot of people out there who flip out, because there's scooters all over the place and they're on the sidewalk and here and there. And if you do it a little bit slower, I think it'll be better received and it has a better chance of working out in the long-run.

Mr. No: That's exactly -- we agree on -- look, even if you were to give us 200 for the next six week, we're not going to put anywhere...

Commissioner Mena: Right.

Mr. No: Near 200. You know, if 100 is a more comfortable number, that might be, you know, somewhere in the middle ground. I just don't know the exact number, because I'm not really in charge of figuring out what makes the most operational sense for Coral Gables. That's our general manager Nick right there. But you know, I think...

Commissioner Mena: You want to come up?

Unidentified Speaker: I believe a number between 50 and 75 will be fine for the next six weeks.

Commissioner Mena: Okay. That's fair.

Commissioner Keon: 75?

Commissioner Mena: Sure.

Commissioner Keon: Yeah.

Commissioner Mena: As far as I'm concerned. That's my...

Commissioner Lago: I don't have an issue with that.

Commissioner Keon: Is there a...

Mayor Valdes-Fauli: Make a motion.

Commissioner Keon: Is there an age restriction on using these? Do you have to be 14, 12?

Mr. No: So, that actually depends on every local jurisdiction. And so, we were going to sort of take our cue and see what City staff would tell us what the age restriction would be, if at all. So, typically, our terms of service, our user agreement says you need to be 18 and over, but if you're under -- if you're between the ages of 13 and 18, then you need a parent's permission because, you know, you have to use their credit card and whatnot. So, that's our general baseline, and then, based on each jurisdiction, we're able to tailor that and make the age restriction a lot higher. We can even include a driver's license scan if...

Vice Mayor Quesada: Yeah, so...

Mr. No: You want us to restrict our usage...

Vice Mayor Quesada: I've seen that. I don't know if it was you or someone else.

Mr. No: Yeah. We do have that in -- we do that in...

Vice Mayor Quesada: Can we make that a requirement?

Mr. No: San Francisco, because it's a California state law that requires us to do that.

Vice Mayor Quesada: Can we require that as well? So, just so you know, they all -- I just sent them all a picture of me falling on a scooter.

Mayor Valdes-Fauli: Is that you?

Vice Mayor Quesada: That's me. It was a joke. So, what ends up happening is when you log in -- so, the Commission -- so, you guys understand this.

Commissioner Keon: Yeah.

Vice Mayor Quesada: You have to scan -- and it'll say take a picture of your license, so they have it on file so they know who's riding it.

Commissioner Keon: Okay.

Vice Mayor Quesada: I like that requirement. If you can do that, I think that should be a part of this...

Mr. No: We can.

Vice Mayor Quesada: So we can guarantee, at a minimum, the person is 16 that's using it.

Mr. No: Right. So, what -- the goal of the driver's license scan -- what it actually does is, yes, you're exactly right, Vice Mayor. It does take -- it scans the driver's license, and all it does is it verifies that it's valid and still -- it hasn't expired. And so, if it's valid, then we allow you to continue using our app. And so, you know, in effect, that would mean, in Coral Gables, if you were to implement that -- which we can -- that would mean anyone without a driver's license would not be able to use it, which, you know, that's fine with...

Commissioner Lago: Let me ask you just one last question. When you compare scooters to bike sharing, what are you seeing -- you know, what are you seeing the response in regards to is one more popular than the other? Are you seeing more people preferring the scooter or the bike?

Mr. No: Yeah. That's a great question. Actually, you know, as a company that, you know, initially started off in the dockless bikeshare space but knowing that we're, you know, mode agnostic because we think different modes for different folks, we've been pleasantly, but also very surprised by how much more demand there is for our scooters than our bikes. And I think it means...

Commissioner Keon: They're so much more fun.

Mr. No: You know, I think fun definitely...

Commissioner Keon: (INAUDIBLE) fun.

Mr. No: Has something to do with it. But I think the other bigger thing is that, you know, no matter sort of how convenient and affordable you make a standard bike, there's still a large segment of the population that really may not be willing to break a sweat. Or if they're wearing work clothes, you may not want to just get on a bike. And so, for the vast majority of that segment, they're willing to take a scooter. And I think it's just that ease of use. You know, most people are kind of scared at first of what the scooter is. But once you kind of take a spin on it, then you kind of realize, oh, it's actually a lot easier and a lot more intuitive than most people think. And so, we actually brought one outside if anyone wants to take a test ride after this, but we've seen ridership for our scooters multiple times higher than our bikes.

Commissioner Lago: And, my final question was, are you courting other cities to do -- to enter into similar MOUs?

Mr. No: Right.

Commissioner Lago: Because what I would like to see is, you know, these bike sharing programs and these scooter programs, you know, kind of cross borders between cities.

Mr. No: Yes.

Commissioner Lago: And actually work, so that'd be the great goal.

Mr. No: Yes. We're definitely working our hardest in the Miami-Dade area to, you know; try to get similar types of agreements with other municipalities. But I -- on that note, I do want to sort of commend the City and the Commissioners and the Mayor for, you know, really setting, you know, the pace in terms of what a city should do when it comes to approaching new mobility solutions like electric scooters. You know, should our MOU be approved and should we begin, you know, operations here shortly, you know, Coral Gables will be the very first city in the state of Florida and I think only the second city in all of southeastern US to have officially approved a pilot for scooter share. And so, you know, I think it really shows you, yes, you can embrace new things, but you can also do it in a way that is responsible and that doesn't invite chaos. And so, you know, really...

Vice Mayor Quesada: So, my motion...

Mr. No: Thankful for that.

Vice Mayor Quesada: Is to have Skinny Labs, doing business as Spin, have an exclusive pilot program until our next Commission meeting. That staff, based on the comments that we've had here, and obviously, meeting with Public Works or whoever else has to be involved from staff, to execute that agreement, so that this is also on the next agenda when we come back. And at that point, I would like to see from Skinny Labs information, what you've seen from the ridership,

you know, drop-off points, pickup points, average speed, if you have that, average track of where they're going, if you have that, bad pictures of bad actors.

Mr. No: Sure.

Vice Mayor Quesada: those kinds of things so that...

Mr. No: Yeah.

Vice Mayor Quesada: It'll help us better develop -- if we have to develop anything else.

City Manager Swanson-Rivenbark: (INAUDIBLE) 75.

Commissioner Keon: (INAUDIBLE) driver's license.

Vice Mayor Quesada: Driver's license...

Commissioner Keon: That you have to be 16.

Vice Mayor Quesada: Required.

Commissioner Keon: Yeah, but you have to have a driver's license.

Vice Mayor Quesada: So, in the app...

City Manager Swanson-Rivenbark: And 75.

Vice Mayor Quesada: Oh, maxed out at 75 scooters. Am I missing anything else, Commission members?

Commissioner Keon: What about the sidewalks?

Vice Mayor Quesada: No sidewalks -- no riding on sidewalks.

Mr. No: Right. Except I think -- to -- as Stephanie might have mentioned earlier, I think -- so, right now, the rules is that scooters can be parked on the sidewalk in the furniture zone of wide sidewalks.

Commissioner Keon: Yeah.

Mr. No: That's typically the case when it comes to dockless mobility devices.

Commissioner Keon: Right.

Mr. No: Just because there's really no other...

Vice Mayor Quesada: Yes. They can be parked on the sidewalk, but it's got to be -- you have -- I believe it's Section 3 of the agreement. I think staff did a pretty good job or you guys did a pretty good job on there also saying it's got to be out of the way of pedestrian zones. It's got to be out of the way of ADA issues so that people can still use the sidewalk. I want to be very clear about this. On Giralda, okay, which I know you guys are from San Francisco. I want you to...

Mr. No: No, Nick is from here.

Vice Mayor Quesada: Drive by Giralda before you -- oh, yeah, you're from down here. We just redid that. I don't want to see -- I don't know if anyone agrees. I don't want to see scooters all littered up and down because that's all pedestrian. I only want to see scooters parked at the ends...

Commissioner Mena: Right.

Vice Mayor Quesada: Or whatever staff thinks makes sense. If I'm going to have -- eat at Poke -- what is it called, PokeBao, I don't want to see them all scattered in front of there and in front of all different restaurants just because of the pedestrian aspect of it.

Mr. No: And just to let everyone know about, you know, the things that we can do in case there's, you know -- at the end of the day, some people -- humans will sometimes still be humans and maybe still be mischievous no matter what rules and information you tell them. And so, in the instance in which there is a scooter that is parked improperly, that is blocking the sidewalk or ADA access, you know, as soon as we are notified, our team will be sent to go retrieve it and remove it as soon as we can. At the same time, if a good Samaritan, you know, sees it, they can also kind of pick it up and move it out of the way because they are about 27 pounds, so they're, you know, not heavy to move, if worse comes to worst. At the same time, I think, you know, it's -- look, if there's a bad actor who's riding this very irresponsibly on the sidewalks and a police officer tickets them, that's great. You know, our users should be held to the same standards as anyone else.

Assistant City Attorney Throckmorton: Vice Mayor, one thing that we have started to negotiate back and forth as well is that the City still has the right to impound improperly parked vehicles that create a nuisance or life safety issue. So, you know, to the extent that people are leaving them in ways that become a nuisance or are a life safety issue, we will certainly be impounding them.

Vice Mayor Quesada: I'd say, at least, at first in this pilot program, to try to stay away from impounding Spin's bike and more take a picture and let them know to take care of it.

Assistant City Attorney Throckmorton: There's a built-in system for that.

Vice Mayor Quesada: I know, but I don't want to make it a burden on staff that are out there on a regular basis to have to move their product. I want to get their team that's local down here in the flow of making sure that they're properly in the right place. Because if, all of a sudden, we start impounding everything, it's a pain in the butt for us. It's a pain in the butt for them, and there are less units out there for people to use. And if our staff, our ambassadors that are out there are constantly moving them, then they're going to become dependent on our staff doing that for them. So, I want to make sure that we notify -- we take a picture, we notify them. Let them know so that they get into rhythm, so that they hire enough personnel to properly manage it. I know that's a long, convoluted motion, but that's my motion.

Commissioner Lago: Okay.

Mayor Valdes-Fauli: Alright. Is there a second?

Commissioner Lago: Second.

Mayor Valdes-Fauli: Will you call the roll, please?

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Commissioner Lago: Can I just ask you one more question?

Mr. No: Sure.

Commissioner Lago: I'm asking this for Commissioner Keon. I was reading an article here on Google, and it says that you have a program, which offers residents 5 to \$10 a day to charge scooters in their homes overnight. Are you going to be offering that here, because Commissioner Keon would probably take about a half dozen home with her every night so she can make -- so, that's about \$120 a day?

Unidentified Speaker: Right.

Mr. No: Exactly.

Commissioner Keon: And you know what, that'll put me right over the top.

Mr. No: We could all use some, you know, outside pocket money. Yes, actually, you know, in terms of charging our scooters every night, it's a mixture between -- you know, based on the market size and the fleet size -- it's a mixture between our staff and also a charger network, as we call them. And so, private individuals, if they're interested, they can sign up.

Commissioner Lago: Yeah.

Mr. No: And once they sign up, they download our charger app and they are paid between, as you mentioned, 5 to \$10 per scooter. They charge it at home overnight, and then deploy the next morning in an area that we tell them to do.

Vice Mayor Quesada: You know...

Commissioner Lago: Pretty -- I sent you a copy of that article, to all of you, to the Commissioners, the City Manager, and our City Attorney. It's a pretty interesting article and it really highlights what a success story your company has been and how it's kind of really leading

the final mile, you know, opportunities out there for people who want to, you know, not walk, but they...

Mayor Valdes-Fauli: Okay.

Commissioner Lago: Want to find different options.

Vice Mayor Quesada: That's great. Thank you so much.

Mayor Valdes-Fauli: Thank you.

Commissioner Lago: Thank you.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: And I repeat for staff, for the City Attorney, I think this is disrespectful and I really don't want to see it again. And if you want to get my enmity, you know, do it again and -- you know, I voted for it because I respect the company, but I don't respect the process. Thank you.