

**City of Coral Gables City Commission Meeting
Agenda Item H-3
February 12, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

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

City Staff

**City Manager, Peter Iglesias
City Attorney, Miriam Ramos
Assistant City Attorney, Stephanie Throckmorton
City Clerk, Billy Urquia
Assistant Public Works Director, Jessica Keller
Multimodal Project Engineer, Mark Brown
Intergovernmental Affairs Liaison, Naomi Levi-Garcia**

Public Speaker(s)

Agenda Item H-3 [0:00:00 p.m.]
Update on scooter pilot program and next steps.

Mayor Valdes-Fauli: Okay, next one is...

Vice Mayor Lago: I always support you no matter what.

Mayor Valdes-Fauli: Update on scooter pilot program and next steps. Scooter.

Commissioner Quesada: Mr. Mayor, can I try to speed up the scooter conversation?

Mayor Valdes-Fauli: Please.

Commissioner Quesada: So...

Mayor Valdes-Fauli: Our scooter (INAUDIBLE).

Commissioner Quesada: Right now, we're at the point of we're about to run out on the extension of the pilot. I believe last meeting or the meeting previously, we had talked about starting the RFP process. I believe we were waiting for a draft. Jessica, why don't you come up and -- why don't you come up as well. Where are we at? I think what I would like to see at this point is to proceed with moving forward on the RFP. And is there anything we need to do before that? Obviously, we need to extend the pilot so there's no interruption of service until selection is made.

Assistant City Attorney Throckmorton: So, currently, the two pilot programs are in place through tomorrow. They've been extended through February 13. I believe staff has a recommendation as to next steps, whether or not that be a procurement process or extending the pilot. And we have staff here to give an update, as well as the two providers, on how the program is currently working. So, I don't know which you'd like to hear first.

Commissioner Quesada: Oh.

Assistant City Attorney Throckmorton: The update...

Commissioner Quesada: Whatever you want to discuss.

Assistant City Attorney Throckmorton: Okay.

Commissioner Quesada: I was just trying to speed it up. Go ahead.

Assistant Public Works Director Keller: That's okay. I'm going to introduce Mark Brown, who is managing the day-to-day operations of the pilot program.

Multimodal Project Engineer Brown: Hello. Mark Brown, Multimodal Project Engineer, Public Works. I have a PowerPoint. Okay, I'll take you through a couple facts and figures. Number one, Spin, they currently have 79 scooters deployed, 84 bikes currently out there. Total number of trips since they began, 19,900. The total bike trips, 4,200. Average bike ride length, 1.2 miles. Average scooter ride length, 0.93 miles. Spin has reported five collisions with no injuries. Those are reports that they received on their end.

Commissioner Quesada: So, five incidents for 19,000 rides. That's not bad.

Multimodal Project Engineer Brown: Correct.

Commissioner Quesada: Go ahead.

Commissioner Mena: They both had five?

Commissioner Quesada: That's just Spin.

Commissioner Mena: Oh, okay. I just switched.

Multimodal Project Engineer Brown: And going on to Bird, they currently have 73 scooters deployed; 19,800 total trips. Average ride length of 1.15 miles. UM had impounded 20 of their scooters for being parked incorrectly. As you know, UM could be very particular about where

they like their devices parked and where they shouldn't be parked. I'm told by a Bird representative that issue has been resolved and Bird has recovered all of the vehicles.

Commissioner Quesada: So, really, the real number is about 40,000 rides between both of them and only five incidents with no injury.

Multimodal Project Engineer Brown: Total.

Commissioner Quesada: That's good.

Multimodal Project Engineer Brown: Correct.

Commissioner Quesada: It's great, actually.

Multimodal Project Engineer Brown: Reports on our end that I've gotten, we've gotten three reports of scooters blocking sidewalks in residential areas; three reports of scooters parked at midblock on Miracle Mile; two that were being ridden at "high speed" in a residential area; one report of a scooter parked on a residential swale. And I've contacted the vendor about all of these and they were resolved within a day and the vendor did take care of the issue without problem. Looking at other agencies, Chamber of Commerce, really what we've said before, no strong opinion either way. However, they are supportive of the program. And Miracle Mile Business Improvement District, they are generally supportive. However, they would like more multimodal infrastructure out there that people can ride them. And like I said before, the vendors have been very responsive whenever I've had a problem. Whenever I've needed them to relocate a vehicle, they have done so without problem on my end. Looking at trip trends, where people are coming from and where they're going to, not a big change since my update back in October. I'll take you through a couple maps and we can go through them together. Looking at Spin, where people are riding...

Mayor Valdes-Fauli: Go back one.

Multimodal Project Engineer Brown: Sure. The Spin trip route heat map where people are riding, around downtown, Miracle Mile. They are riding on Ponce de Leon, south of downtown, Granada, going north to 8th. And they're riding quite a bit on Galiano, north of downtown as well. Where people are picking scooters up, again, mainly, downtown, pretty self-explanatory. Where people are going to on Spin, mainly, Miracle Mile/downtown area, a little bit near the Douglas Road Metro, but not a whole lot. Looking at Bird, where people are picking up the scooters, definitely more distributed than Spin downtown, but they're picking them up near UM and near Douglas Road Metro.

Commissioner Quesada: Have we had any issues with the City of South Miami or City of Miami, any concerns, any complaints, anything at all?

Multimodal Project Engineer Brown: We did have a couple scooters parked there initially, I believe, a couple months ago.

Commissioner Quesada: South Miami?

Multimodal Project Engineer Brown: Not South Miami, south of Biscayne -- US-1...

Commissioner Quesada: Okay.

Multimodal Project Engineer Brown: Where they shouldn't be. I contacted the vendor and they are no longer being placed in that area as per our agreement with South Miami.

Commissioner Quesada: Okay.

Multimodal Project Engineer Brown: Okay, again, for Bird, where people are going to, Miracle Mile, definitely more by UM and the Douglas Road Metro. Spin ridership per week, they had a drop-off -- they did a fleet upgrade back in December. They pulled all of their units off. They're putting them back out there now to do a fleet upgrade. So, they did have ridership drop off. They're at about 700 rides per week right now, and that should be going up. And they could talk more about that. Bird ridership per week holding steady at about 1,200 rides per week, so leveling off. I have asked both vendors to do a travel survey to find out how people are riding them and how they're getting where they're going and why they're riding them. Spin is working on their survey. However, Bird did complete it and included the survey in their app. We have one week of data. They had ten questions up there. I'm not going to go through all ten. I did pick out two that I found notable. If a scooter was not available, how would you have gotten to your destination? Nearly half would have walked if a scooter were not available; 19 percent by car and 14 percent by Lyft. So, nearly 35 percent of people who would take the scooter, if it weren't available, would have driven to their location, so the program is taking at least a little bit of traffic off the roadways, so that's a good thing. Okay, why are you traveling, where you're traveling to, what's the purpose of your trip. Broke up school, 25 percent; leisure, 22 percent; to work, 22 percent. So, nearly half of all trips are either going to school or they're going to work, so pretty useful. Okay, a couple of our recommendations. We'd like to extend the pilot program until we do a RFP to prevent having a gap in service. We would like continuity and to have devices out there for the public. We would like to advertise the RFP after the legislative session. I know HB 453 may modify how we're able to regulate the devices, so we should have all of that worked out before we do the RFP. We would prefer to do the RFP with one vendor; however, we are open to two. I know having a backup vendor would be valuable. We are open to that. We would like to maintain a cap on the number of units available. We don't want to flood the market. We don't want to have too many out there that could create a negative...

Commissioner Quesada: But that's something that could be worked into the RFP and the eventual contract so we can control whether we want more or less.

Multimodal Project Engineer Brown: Right.

Commissioner Quesada: Okay, that's good. Thank you.

Multimodal Project Engineer Brown: That's about it.

Vice Mayor Lago: But do you feel -- just a quick question. Do you feel comfortable with the amount of scooters that are out there right now?

Multimodal Project Engineer Brown: I think we have a very good equilibrium between demand and supply. I think we're good where we are.

Commissioner Quesada: How many units are actually on the street combined between both Spin and Bird on a daily basis?

Multimodal Project Engineer Brown: I'd say about total...

Commissioner Quesada: Yeah.

Multimodal Project Engineer Brown: Like maybe 130, 140.

Commissioner Quesada: Okay.

Vice Mayor Lago: Have you seen them -- you haven't seen them in your -- around your house? No, you haven't.

Commissioner Quesada: No.

Vice Mayor Lago: I've seen them around the University of Miami area. And again, they're not intrusive. I haven't had -- gotten any complaints from any of the residents.

Commissioner Quesada: Yeah.

Commissioner Mena: (INAUDIBLE) too.

Vice Mayor Lago: Yeah, I haven't personally had any issues.

Commissioner Quesada: Yeah.

Vice Mayor Lago: And I thought that when you talked about the crash data, you brought up a good point. I mean, it's pretty insignificant.

Commissioner Quesada: It's pretty impressive.

Vice Mayor Lago: Yeah.

Commissioner Quesada: Forty thousand rides only five issues with no injuries. I mean, there's always going to be something. You can't...

Vice Mayor Lago: Of course.

Commissioner Quesada: Prevent that. And there are always going to be issues where people are leaving them where they shouldn't. And I think those are -- if we can reach out to the vendor and let them pick it up, and that's always going to happen.

Vice Mayor Lago: Yeah.

Commissioner Quesada: Just because of the nature of people riding them.

Vice Mayor Lago: I think we avoided those complaints from the business owners and the residents as a result of the fact that they're recycled every day in the evening. I've seen them at night getting picked up.

Commissioner Quesada: Yeah.

Vice Mayor Lago: And I think that...

Commissioner Quesada: I've seen it as well.

Vice Mayor Lago: I think that kind of...

Commissioner Quesada: No, and staff has been great...

Vice Mayor Lago: Yeah, so that...

Commissioner Quesada: At slowly releasing them.

Multimodal Project Engineer Brown: And we have a legislative update from Naomi.

Commissioner Quesada: Okay.

Intergovernmental Affairs Liaison Levi-Garcia: Thank you, Mark.

Vice Mayor Lago: Thank you.

Intergovernmental Affairs Liaison Levi-Garcia: So, Mark mentioned the staff's recommendation is to wait until after legislative session to issue the RFP. Legislative session ends May 5. And I think the reason for that recommendation is because we are seeing a bill, both in the House and Senate, that if it's passed as written, could limit the City's ability to cap or to have any provisions really that limit scooter providers within the city. So, that could be very problematic. What the bill does provide is that we could regulate the operation of scooters in the same way that we regulate bicycles. But the only requirements we can put on licensing would be minimum insurance requirements. So, in other words, you have a provider approach the city, want to launch scooters. We could have a license. We could require them to get a license, but we could only require them to meet minimum insurance requirements. This is completely inconsistent with what your approach has been so far, so it's something that we may want to consider. We are working with Ron Book's team to oppose the preemption, and with the Florida League of Cities. Another thing to note is it would allow scooters to operate in bike lanes and on streets and on sidewalks, if provided by local ordinance. So, that's also different than what we've seen in the past. So, we're looking for the Commission's guidance to make sure that you want us to oppose this preemption -- it is on the legislative agenda -- and that you're okay with the scooters operating in streets and on bike lanes.

Commissioner Keon: I don't understand why you want to -- I mean, if we pass -- if we go out for an RFP now, even if you start now to construct an RFP, you're not going to be ready to send it out until the legislative session is almost over. It's only what, six more weeks? How much longer is the legislative session?

Intergovernmental Affairs Liaison Levi-Garcia: May 5. It ends May 5.

Commissioner Keon: Okay.

Intergovernmental Affairs Liaison Levi-Garcia: Assuming we don't go into special session for any reason.

Commissioner Keon: So, it's about six weeks before -- six, seven weeks, right?

Vice Mayor Lago: Two and a half months.

Intergovernmental Affairs Liaison Levi-Garcia: Two months.

Commissioner Keon: Two months.

Assistant Public Works Director Keller: We are actually working on drafting an RFP.

Commissioner Keon: The RFP now.

Assistant Public Works Director Keller: Yes. We're working on that now.

Commissioner Keon: What is in -- I mean, the legislative session -- I mean, we would be in a position to have requirements of vendors in it if we pass it. And then you're saying those things could be preempted by the Legislature?

Intergovernmental Affairs Liaison Levi-Garcia: That is what I'm saying, yes. Because there's nothing in the bill that indicates that we -- if we establish a permanent program, that it would be grandfathered in. We could fight to have that language put into the bill, but as currently written, we...

Commissioner Keon: But are we in...

Intergovernmental Affairs Liaison Levi-Garcia: Could...

Commissioner Keon: Are we in a better position to do that if we already have a program established as opposed to waiting until after they enact those things? Where are we in a better legal position?

City Attorney Ramos: So, last summer, we adopted an emergency ordinance that says that you must have an agreement with the City...

Commissioner Keon: Right.

City Attorney Ramos: In order to be able to deploy scooters here. If they try to preempt that type of control, we would argue that ours should be grandfathered in. That would be our argument. I don't know that having the RFP in place necessarily would make it any stronger. What we might want to do -- and we're watching it closely -- is add provisions to that emergency ordinance with regard to caps and other things that are being looked at by the Legislature.

Commissioner Keon: Right, but I would...

Intergovernmental Affairs Liaison Levi-Garcia: So...

Commissioner Keon: Think would be in the RFP, no?

Unidentified Speaker: It would be better to have those things codified than in an RFP for purposes of preemption.

Commissioner Keon: Okay.

Unidentified Speaker: So, like the City Attorney said, we already have some provisions codified about the emergency ordinance, about needing an MOU. We already have an ordinance allowing them on sidewalks, as allowed by state statute. So, those would be -- if there's any grandfathering,

those would already be grandfathered in as ordinances. The procurement process itself and that agreement...

Commissioner Keon: Is irrelevant. But the number of scooters that you will deploy...

Unidentified Speaker: That's what the City Attorney was mentioning we might want to look at our ordinance in the meanwhile to see if we want to build something in to the extent that there is any grandfathering in of...

Commissioner Keon: I think there's a number...

Unidentified Speaker: Our previous ordinances.

Commissioner Keon: Of scooters -- I think there was a discussion about what is the saturation point where, you know, people still use them and they, you know, are not problematic in your city and you have to determine what that saturation point is, which I'm sure you have some idea of currently. Then will you come back -- if we're not going to -- I understand if you're not going to move forward the RFP until then, but those provisions that we don't want preempted, can you -- will you come back...

Unidentified Speaker: We can come back...

Commissioner Keon: In the next...

Unidentified Speaker: We can look at the ordinances and see what, if any, tweaks we want to make before the end of the legislative session to the extent that we could grandfather anything in.

Commissioner Keon: Okay.

Unidentified Speaker: So, we can certainly take a look at those.

Commissioner Keon: So, you'll bring those things back. I'd like to see those things codified so that we have that legislation in place.

Unidentified Speaker: At least the ability to put caps.

Commissioner Keon: Right. I'd like to see...

Unidentified Speaker: If not a specific number.

Commissioner Keon: Us have that so if it does -- if it doesn't go - -I mean, if they do not allow that, we would at least have the ability to have a legal challenge before then. And then, if you want to wait until the RFP, I don't care, whatever.

Unidentified Speaker: So, as Naomi pointed out, the bill addresses caps and insurance requirements and really licensing, rather than a procurement process, which other municipalities have been doing. I know Fort Lauderdale's doing a licensing program rather than a procurement, which is staff's...

Commissioner Quesada: How would that work?

Unidentified Speaker: You set up a permit process to have a certain number of vendors, a certain number of scooters per vendor. I think Fort Lauderdale has four vendors, up to 500 scooters each.

Vice Mayor Lago: That's a lot of scooters.

Unidentified Speaker: Yeah. It's a lot of scooters and I think there have been some issues.

Commissioner Keon: Yeah.

Unidentified Speaker: Yeah.

Commissioner Quesada: That's a lot of scooters.

Unidentified Speaker: There have been some issues in Fort Lauderdale. And outside of the licensing scheme, it completely preempts the control of scooters, how scooters operate within the city to the state and federal government. So, outside of licensing, you can't really -- you really don't have any other control.

Unidentified Speaker: Parking caps, where they can be deployed or not.

Commissioner Quesada: So, if these goes through, the state was going to try to take away all that control. Would we be able to control the quantity in our city?

Unidentified Speaker: No.

Unidentified Speaker: No.

Unidentified Speaker: You'd be able to control the way a scooter is operated as long as it's consistent with the way you legislate on bicycles. So, I mean, you know, do you require someone to operate a bicycle with a helmet if they're under a certain age? You could have that same requirement on a scooter operator.

Commissioner Quesada: Are we wasting our time here?

Commissioner Keon: Well, I don't know, unless we...

City Attorney Ramos: Hopefully, not. I mean, we're pushing very hard at the state level. We're not alone in this fight. And like I said, we may very well be bringing you legislation adding the things that we put in our agreement that we didn't put in the ordinance to the ordinance.

Commissioner Quesada: I mean, this really puts a wrinkle in things for us.

Commissioner Mena: We could still go to zero.

Commissioner Keon: We could. But I still think it's better that we codify what we want...

Commissioner Quesada: Yeah, but considering we've had 40,000 rides...

City Attorney Ramos: A zero cap?

Commissioner Quesada: I think our population likes it.

Commissioner Keon: Yeah. But if we codify...

Commissioner Mena: Well, but...

Commissioner Keon: Those items -- as attorneys, is it better that we codify those items before the...

City Attorney Ramos: Yes.

Commissioner Keon: End of the session?

Commissioner Quesada: Yeah.

Commissioner Keon: So, why don't we do that and then you can do whatever...

Commissioner Quesada: It doesn't mean we won't...

Commissioner Keon: You need to do.

Commissioner Quesada: We could still potentially be preempted, but...

City Attorney Ramos: Of course.

Commissioner Quesada: It gives us a better...

Commissioner Keon: It doesn't.

Commissioner Quesada: It gives us a better argument.

Commissioner Keon: But it gives us a better argument.

Commissioner Quesada: Yeah.

Commissioner Keon: So...

Mayor Valdes-Fauli: What's your recommendation?

Commissioner Keon: It puts us in a better position.

Unidentified Speaker: I agree with Stephanie that you should codify whatever you can prior to the...

Commissioner Keon: Right.

Mayor Valdes-Fauli: Okay.

Unidentified Speaker: Law going into effect. I think it makes sense to -- if you're not going to...

Mayor Valdes-Fauli: Could you bring something up at the next Commission meeting?

Commissioner Quesada: Yeah. We got to do it ASAP.

Unidentified Speaker: If you're not going to identify a specific number as a saturation point and just codifying the City's ability to place a cap.

Mayor Valdes-Fauli: Bring something up...

Unidentified Speaker: Yeah.

Mayor Valdes-Fauli: For the next Commission meeting.

Unidentified Speaker: And so for those reasons -- and Naomi explained the -- a sort of uncertainty at the Legislature, that's why staff's recommendation is to extend the pilots and not issue the RFP until after the...

Commissioner Quesada: Okay, so the...

Unidentified Speaker: Session is over.

Commissioner Quesada: Sprint right now becomes this codification aspect of it.

Unidentified Speaker: That's a separate issue. For purposes of the pilot program, staff's recommendation is to continue them until...

City Attorney Ramos: So, we need a motion to extend the pilot.

Unidentified Speaker: Yeah.

Commissioner Quesada: Alright. So, I'm going to move to basically be consistent with staff's recommendation. So, I guess the first motion is...

(COMMENTS MADE OFF THE RECORD)

Commissioner Quesada: Can I include them all together?

Unidentified Speaker: Yeah. That's fine.

City Attorney Ramos: Yes.

Commissioner Quesada: To extend the pilot, to be moving forward with the RFP. Where are we on the RFP aspect of things?

Unidentified Speaker: I believe staff has been drafting it.

Unidentified Speaker: We're drafting it.

Commissioner Quesada: Okay, so to continue that drafting process, bring it back to us when you see fit.

Vice Mayor Lago: We -- do you want to continue moving forward with one operator or two?

Unidentified Speaker: We currently have two.

Commissioner Quesada: The pilot program, keep it exactly the same.

Commissioner Mena: No, but for the RFP.

Vice Mayor Lago: For the RFP.

Commissioner Quesada: Honestly, I don't feel like I should opine on that because I'm not going to be here when that happens.

Commissioner Mena: No, but you're...

Mayor Valdes-Fauli: (INAUDIBLE) have as many...

Commissioner Quesada: No. Honestly, I think we should see what the results are and the scoring and the determination...

Mayor Valdes-Fauli: (INAUDIBLE).

Commissioner Quesada: Is made at that time.

Commissioner Mena: I'm in favor of two.

Vice Mayor Lago: Me too.

Commissioner Mena: But not more than two.

Vice Mayor Lago: Yeah. I agree with you.

Commissioner Mena: Because I think it creates a healthy amount of competition without being too unwieldy for staff to manage.

Vice Mayor Lago: I agree with you.

Unidentified Speaker: Commissioner, just to be clear on your motion, the legislative session runs through the early May.

Unidentified Speaker: May 5.

Unidentified Speaker: May 5. When would you like the pilots to be continued through?

Commissioner Keon: June?

Commissioner Quesada: Through the award of the RFP.

Unidentified Speaker: Through the award of the RFP? Okay. And with the idea being that staff would issue the RFP sometime after the legislative session.

Commissioner Quesada: Correct. And if there's something new that happens with the Legislature, then we'll bring it before the Commission at that time to...

Vice Mayor Lago: Amend.

Commissioner Quesada: Amend accordingly.

Commissioner Mena: If the -- this is kind of a strange question. If the Legislature passes something that says we can't limit the amount, does that mean we can't say we just don't have it at all?

Commissioner Quesada: We don't know at this point.

Unidentified Speaker: We would have to see what bill passes. But it's my understanding, as written, we could currently have no -- we could not allow any programs to operate...

Vice Mayor Lago: I want to make sure I could take the...

Unidentified Speaker: In the City as its written.

Vice Mayor Lago: Yeah. And Commissioner Mena makes a very good point. I want to make sure that I can take a step back and say, listen, that we don't allow anyone. Because the last thing I...

Commissioner Mena: I agree.

Vice Mayor Lago: The last thing I want is a situation where we have thousands of scooters thrown all over the city.

Assistant City Attorney Throckmorton: Current...

Vice Mayor Lago: I don't think there's an appetite -- I don't think there's an appetite for...

Commissioner Mena: Right.

Vice Mayor Lago: You know, a massive influx of scooters, similar to what's happening in Fort Lauderdale. So, I want to be very, very clear that if the Legislature takes a stance in regards to the -- you know, we can be preempted, we can back out of this very easily.

Assistant City Attorney Throckmorton: I'll let Naomi address that.

Intergovernmental Affairs Liaison Levi-Garcia: It doesn't appear that there is an opt-out provision. It doesn't appear that we could just not have a scooter program at all, as currently written. That's a change we can push for as well. So, we're not looking to completely destroy this bill, but we are pushing for amendments to the bill. So, if that is an amendment that the Commission would get behind, we can push for that language.

City Manager Iglesias: We would...

Vice Mayor Lago: What do you think, Naomi?

City Manager Iglesias: We would prefer to extend the pilot program until the RFP is awarded and use two vendors, as far as the RFP is concerned.

Commissioner Mena: Right.

City Manager Iglesias: So, we are in agreement.

Commissioner Mena: That's one side of the issue. But the bigger concern here is, I want to -- whatever we have to do to retain the ability to say we just don't want this at all.

Intergovernmental Affairs Liaison Levi-Garcia: Okay.

Unidentified Speaker: Right.

Vice Mayor Lago: And we also need to consider the fact that you have -- obviously, we can't control...

City Manager Iglesias: But we should also...

Vice Mayor Lago: Our neighbors, but we may have an issue with how do we control our neighbors like, you know, crossing through the city and there's...

Commissioner Quesada: Right, so there's a few things.

Vice Mayor Lago: A few different things that are...

Commissioner Quesada: So moved on the recommendation.

Unidentified Speaker: Yeah.

Commissioner Quesada: The RFP will move forward for -- written for or awarded to two, and the pilot continues until the award of the RFP. Let's just do that motion and I have one thing to follow up on.

Commissioner Keon: Okay.

Assistant City Attorney Throckmorton: And I believe the Chief has some comments after...

Commissioner Quesada: Oh, okay.

Assistant City Attorney Throckmorton: Your motion.

City Manager Iglesias: There are some -- there is a positive issue that we can use the -- them as a bicycle. However, the negative issue is the licensure, which we are going to try to fight against.

Vice Mayor Lago: Mr. Clerk, I think there's a motion and a second on the floor.

Mayor Valdes-Fauli: Wait, but there's...

Vice Mayor Lago: No, I just want to make sure...

Mayor Valdes-Fauli: The Chief wants to say something. Chief.

Police Chief Hudak: No, just to clarify. That was the five reported accidents that we're talking about was reported to the vendor. We have had 72 interactions with -- and I say interactions. That's traffic stops, complaints, things like that. Again, that's not necessarily...

Commissioner Quesada: But minor...

Police Chief Hudak: More (INAUDIBLE).

Commissioner Quesada: Minor in nature?

Police Chief Hudak: Except for the accidents.

Commissioner Quesada: I'm with you.

Police Chief Hudak: A few of those. But I mean, the total number -- I just didn't want -- that we've only had five complaints on it.

Commissioner Quesada: Since you're giving us the detailed facts, do you have an opinion on whether these are safe or not based on those additional facts you've given us?

Police Chief Hudak: The laws of physics still apply on any kind of roadway with vehicles versus bikes, pedestrians or scooters. I believe, again, it's the responsible use and finding that kind of balance. The one thing that we are waiting on in the police department is a directive when we actually codify exactly how we want to address it on the sidewalks. Right now, it's kind of a no-man's-land where are they on the streets or on the sidewalks. They can be sidewalks some part of it. I think once we have that clarification from this body and everything else, you know, it's how we enforce things and how -- and that's what I'm looking for now. I came recently from Atlanta during that week. And I will tell you there were thousands just lined up, vendors from all over the place. I don't anticipate that happening here next year in our city, but there would be an increase in demand for that going around. We believe the City of Miami, Miami Beach, it becomes a mode of transportation for people that are coming in to visit the areas. I mean, they were everywhere, so...

Mayor Valdes-Fauli: Thank you.

Commissioner Mena: Do you have -- how would you compare the interactions you had with what you have regularly for bicycles?

Police Chief Hudak: I think it's a little bit -- again, because it's a newer technology that people using to traverse the streets, they're not quite sure. I mean, it doesn't have a tag. So, even when we first rolled this out, some of my officers were writing tickets for people riding on the street, but we were trying to come about how we're going to deal with the ordinance. So, it's really just a case of clarification for us of how. It really is. Do you put them on the sidewalks? Do you put them on the streets? If they're on the sidewalks, then the miles per hour or something else that we're...

Commissioner Mena: I'd like to get a breakdown from your office of those 72...

Police Chief Hudak: Interactions.

Commissioner Mena: Interactions, you know, whether it's, you know, 20 were just complaints...

Police Chief Hudak: Right.

Commissioner Mena: 20 were whatever, you know.

Commissioner Keon: Yeah.

Police Chief Hudak: We'll put something together through the Manager's Office.

Mayor Valdes-Fauli: Alright.

Assistant City Attorney Throckmorton: And just to clarify, the current status is that the City Attorney's Office believes they are not allowed on bike lanes or streets, but they are allowed on sidewalks, as you all passed an ordinance to allow them on sidewalks. The proposed bill suggests treating them like bikes, allowing them in the streets and in bike lanes, so that's a difference. But the City Attorney's Office opinion has always been that they are only allowed on sidewalks currently.

Commissioner Mena: Subject to whatever happens at the Legislature, the RFP would retain our ability, again, to pull the plug at any point in time.

Assistant City Attorney Throckmorton: Of course.

Commissioner Mena: Okay.

Assistant City Attorney Throckmorton: Of course. And the -- you all have codified the ability for them to be on sidewalks, but that's something that's not changed by this -- by the proposed bill that a municipality would still be allowed to regulate them on sidewalks, allow them or not allow them on sidewalks. That doesn't seem to be touched by the current proposed bill.

Unidentified Speaker: Correct.

Mayor Valdes-Fauli: Thank you very much.

Unidentified Speaker: That's correct.

Mayor Valdes-Fauli: We have a motion and a second. Will you call the roll, please?

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you very much.

Commissioner Quesada: One quick item on this.

Intergovernmental Affairs Liaison Levi-Garcia: Can I ask just for a quick clarification so I know what the marching orders are? The preference is to do away with the preemption so that the City has control over the licensing scheme, including caps...

Vice Mayor Lago: Yes.

Intergovernmental Affairs Liaison Levi-Garcia: And in the absence of that, having an opt-out provision so...

Commissioner Quesada: So, the...

Intergovernmental Affairs Liaison Levi-Garcia: We wouldn't have any scooters at all.

Commissioner Quesada: The direction I was about to give, directed at the City Attorney, is can we get a memorandum explaining to us what's our best possible structure, what can we do in order to potentially defeat preemption? Maybe it's impossible, but can you give us the lay of the land...

City Attorney Ramos: Yeah. I think it's...

Commissioner Quesada: So that we understand.

City Attorney Ramos: It's two-fold. One is, obviously, our legislative efforts and the other is to add...

Commissioner Quesada: Forget legislative efforts, though.

City Attorney Ramos: Okay.

Commissioner Quesada: Let's assume that fails. What's the...

City Attorney Ramos: The other is to add to our currently existing ordinance more detail, like we did in our agreements with them, to actually codify that now.

(COMMENTS MADE OFF THE RECORD)

City Attorney Ramos: So, we'll bring that to you next meeting.

Commissioner Quesada: So...

City Attorney Ramos: Yeah.

Commissioner Quesada: Next meeting, bring us that.

City Attorney Ramos: Sure.

Mayor Valdes-Fauli: Alright.

Commissioner Quesada: Okay, thank you.

Mayor Valdes-Fauli: Thank you.

Commissioner Quesada: Yeah.

Intergovernmental Affairs Liaison Levi-Garcia: Thank you.

Mayor Valdes-Fauli: Thank you very much.