

**RESOLUTION NO. 21-1760**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE NEGOTIATION, AND UPON AGREEMENT, THE EXECUTION OF A ONE-YEAR PILOT DOCKLESS MOBILITY PROGRAM WITH MICROMOBILITY PROVIDER(S); AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LICENSE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE LICENSE; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, one of the primary goals for the Town of Miami Lakes (“Town”) is to address connectivity by providing better first mile/last mile connections to and from destinations; and

**WHEREAS**, mobility and transportation efficiencies are an integral part of the Town’s overall strategic plan; and

**WHEREAS**, the Town Council approved Ordinance 21-278 allowing the adoption of Florida Statutes and best practices in the State of Florida; and

**WHEREAS**, the Town Manager recommends the negotiation, and upon agreement, the execution of a pilot program with provider(s) at no cost to the Town; in addition to expending any income revenues obtained from this program towards the enhancement of the infrastructure and experience of any pedestrian and bicyclists in the Town and

**WHEREAS**, the Town Council approves the recommendation of the Town Manager to negotiate, and upon agreement, to execute a pilot program with provider(s). In addition to expending any income revenues obtained from this program towards the enhancement of the infrastructure and experience of any pedestrian and bicyclists in the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.**   The foregoing Recitals are true and correct and incorporated herein by this reference.

**Section 2.**     **Accept applications, negotiate, and upon agreement execute.**   The Town Council hereby authorizes the negotiation of potential applications and, upon agreement, the execution of (a) license(s) in substantially the same guidelines offered through Ordinance 21-278, this resolution, and the scoring system to launch a Micromobility pilot program not to exceed 1-year term. The potential pilot program will be at no cost to the Town and will authorize any amendments to the license(s), subject to approval as to form and legality by the Town Attorney. In addition to expending any income revenues obtained from this program towards enhancing the infrastructure and experience of the pedestrian and bicyclists in the Town.

**Section 3.**     **Authorization of Town Officials.**   The Town Manager, his designee and the Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Contract.

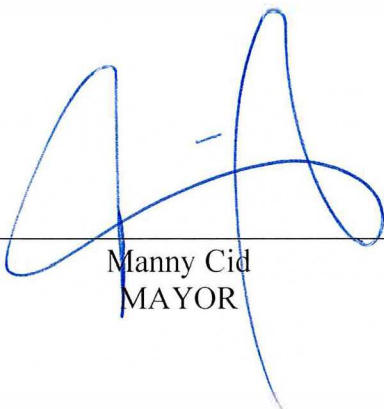
**Section 4.**     **Effective Date.**   This Resolution shall take effect immediately upon adoption.

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Passed and adopted this 13th day of July 2021.

The foregoing resolution was offered by Vice Mayor Collazo who moved its adoption. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

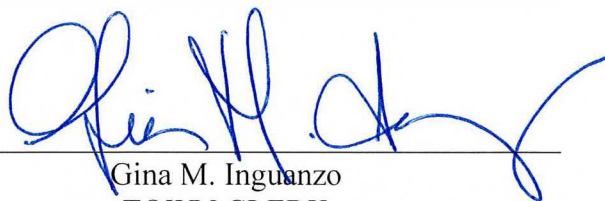
Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Tony Fernandez	yes
Councilmember Josh Dieguez	yes
Councilmember Jeffrey Rodriguez	Absent
Councilmember Marilyn Ruano	yes



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Manny Cid  
MAYOR

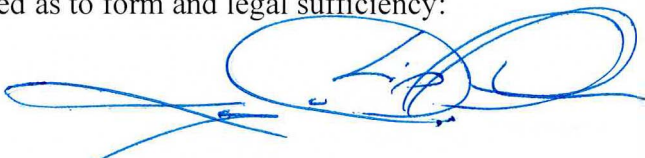
Attest:



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Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



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Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre, PLLC  
TOWN ATTORNEY

### **Definitions.**

For purposes of this resolution, all the definitions in Ordinance 21-278 applied, in addition to:

- (1) Dockless Micromobility Programs are where users may check out a Micromobility device and return it to any location within a predefined geographic region, complying with all guidelines and requirements from Ordinance 21-278.

### **General Terms.**

- (1) The Town of Miami Lakes will only provide a limited number of licenses for the implementation of this pilot program. Where in order of priority, the town wishes to pursue: (a) bicycles, (b) hybrid devices, and (c) scooters.
- (2) The license allows to the selected provider(s) to deploy, operate, and maintain their fleet within the municipal boundaries of the town for up to 1-year.
- (3) Provider(s) must provide written notice, at least 30 days before ceasing operations, if they are no longer willing or able to provide services in the Town.
- (4) The town reserve the right to cancel any license as stated in Chapter 20, Article I, Division 5.
- (5) Providers will require every Micromobility device user to show or scan a photographic identification, which shall be a driver's license, a state identification, or a passport, which must indicate that every Micromobility device user is at least 18 years old.
- (6) Providers will implement marketing and targeted community outreach plans, at their own expense and to the satisfaction of the town, to promote the use of Micromobility devices, and provide education regarding the rules, regulations, and laws applicable to riding, operating, and parking a Micromobility device, as well as safe, prudent, defensive, and courteous operation.
- (7) Providers shall work with local businesses or other organizations to promote the use of helmets by users operating Micromobility devices through partnerships, promotional credits, and/or other incentives.
- (8) If a dockless mobility provider without a valid agreement with the Town is found deploying dockless mobility devices within the Town it will be presumed that the provider is in violation of this section. A violation of this section shall be considered a code enforcement violation and is punishable by a fine of \$500.00 per instance.

### **Application for a pilot program license.**

- (1) A person may not operate, or cause or permit the provider of a motorized device service for the duration of the pilot program without first having obtained a valid pilot program license issued under this resolution in accordance with Ordinance 21-278.
- (2) A person desiring to obtain a license shall make a written application in a form prescribed by the town manager, or his/her designee, with the applicant being the person who will own, control, or operate the proposed Micromobility device service.
- (3) An applicant shall file with the town a verified application statement that, at a minimum, contains the following:

- a. The address of the applicant's operations center within the geographic area, and the applicant's corporate headquarters, if different from the address of the operations center;
  - b. A witnessed signature of the applicant;
  - c. Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the insurance required by the article;
  - d. Documentary evidence indicating that the applicant has applied for and received a current certificate of use, business tax receipt, occupational license, and similar permits and approvals, as applicable;
  - e. An agreement to indemnify, hold harmless, and defend the town, their officials, and staff in a form acceptable to the town;
  - f. The name of the person designated to receive any and all notices sent by the town to the provider, including their mailing address, telephone number, and e-mail address; and
  - g. The name of the person designated to rebalance, remove, and/or relocate motorized device(s), including their mailing address, telephone number, and e-mail address.
  - h. A COVID-19 health plan that complies with CDC and Miami-Dade County guidelines. (Where applicable)
  - i. A Community and Marketing assessment plan that prioritizes the safety of all expected users and the community in general.
  - j. An operational plan that outlines the requirements of Ordinance 21-278, this resolution, and the scoring system attached.
  - k. Detailed information on battery safety practices, including but not limited to: (1) how providers will charge, store, and dispose of batteries; (2) provider past incidents involving battery tampering and procedures for preventing any future incident of battery tampering; (3) information about the battery management systems the provider uses, including where this information is stored and the level of information about battery health that the provider is receiving; and (4) if using outside temporary citizens to charge the batteries, a plan of educating them of proper use.
  - l. Valid Certificates of Insurance.
  - m. And any other information stated in the scoring system as significant for the completion of the application.
- (4) On or before the expiration of this pilot program, the town manager or his/her designee shall report to the town council status of the pilot program. Following the town manager's report, the town council will consider the town's options for the pilot program, including discontinuing, reinstating, or expanding the pilot program, authorizing the town manager for a competitive solicitation for a more permanent Micromobility device license program, or such other measures as determined to be in the town's best interest.
- (5) A pilot program license shall expire at the conclusion of the applicable pilot program.
- (6) In the event that the pilot program is reinstated by vote of the town council, pilot program license(s) may be renewed following the same process set forth in this section.
- (7) The Town Council, town manager, or his/her designee, reserves the right to cancel any license if there is a violation of this resolution, violations involving public health, safety, or general welfare, failure to maintain the required insurance, or bonding or otherwise

comply with this article, or for other good and sufficient cause as determined by the city manager in his/her sole discretion.

The application, including new applications and all applications in relation to any extension(s), renewal(s), or reinstatements of the pilot program, shall be accompanied by a non-refundable licensing fee of \$275.00. If the license is granted, the provider must pay a non-refundable fee of \$85.00 per unit per year to deploy the Micromobility devices within the Town in increments of quarters, which will be negotiated, and upon mutual agreement, will be used to offset any costs to the Town. Any excess licensing fees shall be designated to enhance the infrastructure and experience of any pedestrian and bicyclists in the Town.

The per-unit fee is calculated considering the percentage of use, taken from the total fleet size multiplied by the total population in Miami Lakes. The final factor is being multiplied by ten (10), and lastly multiplied by the total average cost per year of sidewalk maintenance. In addition, it has been quantifying a forecast time that town staff will delegate to this program through the pilot program to follow-up with reports, enforcing the resolution and guidelines provided by the Town, and receive and re-direct any comments from the residents to the providers.

### **Scope & Operations.**

- (1) Providers shall obtain a separate license for each Micromobility device type offered by that provider.
- (2) Operators shall have a maximum initial fleet of 50 Micromobility devices during the first two weeks of their participation, and thereafter up to 100 Micromobility devices.
- (3) The town shall allow operators to increase their fleet size on a monthly basis by a maximum of 25 percent if provider's usage data demonstrates that their fleet provides on average more than two rides per Micromobility device per day. The increase in devices on the street or sidewalk/sidewalk area shall not exceed the amount required to keep usage rates at or above two rides per Micromobility device. The town may also require provider(s) to reduce their fleet size on a monthly basis by 25 percent if provider's usage data demonstrates that their fleet provides on average less than 1 rides per device per day.
- (4) Notwithstanding subsection (3), the town retains the right to require providers to reduce their fleet size, to impose a cap on fleet sizes as is warranted or cease operations in the event that providers repeatedly fail to timely rebalance or remove devices blocking the right of way or provide timely responses to complaints received by the town, each as may be warranted.
- (5) During the duration of the pilot program, each provider must share contact information of key staff working on the municipality, for example, but not limited to general manager, local fleet operation manager, local public outreach manager, and a 24-hour contact person(s) where applicable.
- (6) Micromobility devices shall be parked in accordance with Ordinance 21-278.
- (7) All Micromobility devices utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including not limited to a customer service phone number, websites, and applications.
- (8) Motorized scooter may not be operated at speeds exceeding fifteen (15) mph per hour.

- (9) After planning assessment and with the town manager statement, Micromobility devices shall be prohibited within areas that have a high volume of pedestrians, for example, but not limited to the Main Street development and Town shopping centers. A provider must have the technology available to advise and ward the operator of the motorized vehicle of these restrictions.
- (10) Dockless mobility units that are inoperable/damaged or do not comply with other subsections of this Code must be removed within two hours upon receipt of the complaint between the hours of 7:00 a.m. and 7:00 p.m., seven days per week and within 12 hours upon receipt of the complaint on holidays. An inoperable or damaged dockless bicycle, dockless electric bicycle, or dockless scooter is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, etc.) or is missing components (i.e., fenders, grips, chain guards, etc.) as applicable to that vehicle.
- (11) If a provider is unable to meet subsection ten (10) above, the provider will be obligated to pay a penalty of \$50 per device that the Town relocate.
- (12) Operators must detail a plan to relocate the dockless mobility units to a safe, indoor facility within 24 hours as a result of a declared tropical weather event (tropical storm or hurricane watch or warning, whichever comes first). The plan must detail the amount of time it will take to remove all Micromobility devices from circulation once a storm watch or warning has been established.

### **Mobility Data & User Privacy**

- (1) Providers shall provide real-time and historical data (if applicable) in the standardized industry format, the Mobility Data Specifications, or a format specified by the town.
- (2) The town may require operators to share data through an API, with a 3<sup>rd</sup> party vendor, for the purposes of monitoring compliance, evaluation, and planning.
- (3) The town of a 3<sup>rd</sup> party vendor may audit any data provided by the operator to ensure completeness and accuracy of the provider report.
- (4) The provider(s) shall maintain and provide the accurate real-time status for each Micromobility device in operational mode, under maintenance, or in non-operational mode.
- (5) All permitted providers shall distribute to its users, at least twice per license term, both via email and in-app, designed surveys as requested by the town. All raw and summarized results shall be provided to the town upon request.
- (6) The providers shall complete a monthly report to be submitted on or before the 10<sup>th</sup> day of the following month. The monthly report template may include:
  - a. Number of Micromobility devices in circulation;
  - b. Number of daily, weekly, and monthly users;
  - c. Total number of miles traveled by users, daily, monthly, quarterly, and annually, delineated by Micromobility device type.
  - d. Average time each Micromobility device is available for use;
  - e. Number of rides per user per day;
  - f. Number of rides per Micromobility device type;

- g. Duration of daily rides per user per Micromobility device;
- h. Average daily duration of ride;
- i. Monthly summary of Micromobility devices' distribution and GS-based natural movement in heat map format;
- j. Summary of fleet numbers lost to theft or vandalism;
- k. Summary of user comments and complaints, and resolution of each complaint; and
- l. Monthly summary of repairs for each Micromobility device.

All reports and data provided will be considered a public record and available for the public to publish on a voluntary or by request basis.

Indemnification and insurance.

Indemnification. As specified in Ordinance 21-278.

Insurance. The provider(s) shall provide and maintain commercial general liability and automobile liability insurance to protect the town of Miami Lakes, its officials, staff, the Florida Department of Transportation, and Miami Dade County from all claims and damage to property or bodily injury, including death, which may arise from any aspect of the program or its operation, or its agents, contractors, employees or users, and all vehicles owned and/or operated by the provider, its agents, contractors or employees. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A-" and a financial strength rating of not less than "VII," acceptable to the town's Risk Manager, and shall provide coverage of not less than five million dollars (\$5,000,000) per occurrence and a contract aggregate of not less than five million dollars (\$5,000,000) for commercial general liability insurance, and one million dollars (\$1,000,000) per occurrence for automobile liability insurance. Such insurance shall further provide that the policy shall not terminate or be canceled prior to the termination of the license term license agreement without thirty (30) days' written notice prior to the termination to the town's Risk Manager.