

UNIVERSITY CITY COUNCIL STUDY SESSION

City Hall, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, August 13, 2018

1. **MEETING CALLED TO ORDER**

The City Council Study Session was held in the Council Chambers on the fifth floor of City Hall, on Monday, August 13, 2018. Mayor Terry Crow called the Study Session to order at 5:30 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Paulette Carr
Councilmember Steven McMahon
Councilmember Jeffrey Hales; (*arrives at 5:32 p.m.*)
Councilmember Tim Cusick
Councilmember Stacy Clay
Councilmember Bwayne Smotherson

Also in attendance was City Manager, Gregory Rose; City Attorney, John F. Mulligan Jr.

2. **APPROVAL OF AGENDA**

Hearing no amendments, Mayor Crow turned the meeting over to the City Manager.

3. **LIMEBIKE**

Requested by the City Manager

Mr. Rose stated he would like to discuss the proposed pilot program created to improve the regulation of rental bikes and address the primary concern of bicycles being left in the City's right-of-ways.

Sinan Alpaslan, Director of Public Works, stated LimeBike; a dockless bike share program is one of the technological advances impacting the transportation system. So, whether we want them or not, they are here.

Limes Bikes are designed to integrate with transit and are referred to as the commuter's last mile because it picks up where transit leaves off to help individuals reach their final destination.

Mr. Alpaslan stated Public Works and the Traffic Commission have both analyzed this system to come up with a solution to ensure that LimeBike would not become a disruptive element in the public streetscape.

And at their July meeting, the Commission recommended entering into a Memorandum of Understanding (MOU) with LimeBike to become the exclusive operator of a dockless bike share system in U City.

The MOU consists of a six-month trial period which can be adjusted throughout the term at no cost to U City, as well as the following minimum performance standards to be reviewed on a quarterly basis:

- **Application Support & Customer Service Portal**
 - *99.5% uptime*
- **Bicycle Distribution**
 - *Fleet will focus on serving U City*
- **Bicycles in Service**
 - *Preliminary estimate of 75 bikes*
- **Responsiveness to Problems; (improperly parked bicycles)**
 - *Within 2 hours during normal business hours*
 - *Within 2 hours of the start of the next business day*
 - *Any complaints in addition to LimeBikes' own observations shall be addressed within 2 hours*
- **Red Zone**
 - *Private streets, the Loop Special Business District, except for nodes and intersections within the Business District*
 - *All complaints shall be addressed within 2 hours*
- **Social Equity/Inclusion Area**
 - *At least 30% of bikes required in inclusion areas,*
 - *At least 5% of bikes required in Areas A, B, and C*

Councilmember Carr asked if it was correct that under this MOU an improperly parked bike spotted on a Friday evening after normal business hours would have to remain there until Monday morning? Mr. Alpaslan stated that is the current proposal for U City.

Jenny Wendt, Senior Project Manager, stated although LimeBikes are light enough to be moved, this type of situation is akin to a kid that leaves their bike in the middle of a sidewalk. However, there are some areas around Forest Park that have extended hours which Council could also recommend be included in the MOU.

Mr. Rose asked if it was correct that each bike would have a telephone number listed on them so that residents could easily report any problems? Mr. Alpaslan stated that was correct.

Councilmember Carr stated the Loop already has problems with people riding regular bikes in the Loop and along the tracks, but her main concern is that she has seldom seen anyone riding a LimeBike with a helmet on. And that is something she could not recommend; especially in the Loop Business District. Mr. Alpaslan stated staff has proposed that no riding occurs along Delmar in the Loop Business District and that bikes be picked up from the nodes outside of the Red Zone and utilized. Councilmember Carr asked how this self-regulated system would be enforced?

Mayor Crow questioned whether any occurrences of this nature had taken place in Dallas? Mr. Alpaslan stated he was not aware of any.

Mayor Crow stated adding more tension to the Loop is probably not going to be in anybody's best interest, so he recognizes that some time may need to be spent on this area simply because of the Trolley tracks, width of the road, and congestion. He stated his thinking is to let the company know the City's desire to have folks migrate off of Delmar.

Mr. Rose stated one option available to Council that would address a broader spectrum is the approval of an Ordinance requiring the use of helmets anytime you ride a bike.

Ms. Wendt stated St. Louis County requires anyone under the age of 18 years of age to wear a helmet and LimeBike requires that you must be 18 years of age or older to ride their bikes. So anyone legally riding a LimeBike is not required by law to have a helmet.

Councilmember Clay stated he is in agreement that these bikes are here to stay; therefore, entering into the MOU would provide the City with LimeBike's commitment to be responsive and deliver these minimum performance standards.

Mr. Alpaslan stated the MOU not only gives the City a commitment that they will meet these standards but also proposes exclusive usage for a trial period of six months in order to gauge how LimeBike fits this community. He stated within that six month period staff's proposal is to devise a permitting system because the MOU does not require any payment of fees by the company. He stated the City of St. Louis imposes fees on companies that operate within their jurisdiction. And based on the conjecture that there will be more companies with this type of system in the future, passed an Ordinance regulating the use of dockless bike share services.

Councilmember Hales stated in talking with trustees and agents of several private subdivisions the week LimeBike commenced their operations in U City, he learned that they had encountered issues with parked bikes blocking the sidewalks. Should this problem occur over the weekend, he would like to know if a private subdivision has the authority to remove these bikes since the MOU restricts them from even being there? Mr. Alpaslan stated his thought is that perhaps, U City should ask LimeBike to extend their coverage into the weekend hours.

Mayor Crow asked Mr. Alpaslan if he was aware of the number of bikes Clayton has in operation? Mr. Alpaslan stated his only knowledge is that Clayton does not have an MOU or an Ordinance.

Ms. Wendt noted that even though the MOU states that LimeBike will bring in a minimum of 75 bikes, they are not going to bring in more bikes if U City's ridership indicates that it would not be cost-efficient for them to do so.

Councilmember Cusick questioned whether allowing LimeBike to come into U City, either through an MOU or Ordinance, would expose the City to any type of liability?

John Mulligan, City Attorney, stated that it would not. The MOU is essentially a license agreement to use the City's public right-of-ways for the limited purpose of setting up their equipment and parking bikes.

And to Councilmember Hales point about private subdivisions, this license agreement does not give LimeBike the right to either go on or park bikes on private property because the City does not have any authority to do that. So, if LimeBike leaves a bike in a private subdivision the resolution of that issue would be between the subdivision and LimeBike. However, that does not mean the City has no regulatory authority over LimeBike in that regard, even though the MOU only deals with public right-of-ways. Mr. Mulligan stated if Council wanted to extend the City's regulatory authority to cover private streets it could be included in the MOU or a separate regulation, which is what he believes some cities are looking at as this evolves.

Councilmember Hales stated that LimeBike has been staging in U City at the Forsyth MetroLink station on a daily basis.

Mr. Alpaslan stated Metro has agreed to allow the placement of LimeBikes at transit stations pursuant to each municipality's approval.

Councilmember Hales asked whether LimeBike had provided U City with the locations where these bikes will be stored? Mr. Alpaslan stated the MOU's minimum performance requirement entitled "*Social Equity/Inclusion Area*" stipulates that at least 30% of the bikes shall be deployed within the inclusion areas depicted on the map as A, B, and C. Staff identified these areas by utilizing the Metropolitan Planning Organization's statistical results which highlight areas associated with the City's minority and disability populations. The MOU also proposes that of that 30% at least 5% of the bikes shall be located in each area, and the remaining 70% can be located based on supply and demand. He stated that LimeBike has a pretty neat system of tracking the needs and usage in a specific area to ensure that bikes are deployed in the most frequently visited locations

Councilmember Carr stated she walks a lot and often finds bicycles left on the sidewalk, which results in her having to walk out into the street. So will riders be provided with any kind of guidance for riding these bikes; specifically with respect to individuals that have disabilities and must use these sidewalks? Ms. Wendt stated the dos and don'ts of riding are a part of the instructions provided to individuals when they rent the bike. But since LimeBike only sweeps the area for misplaced bikes every 48 hours, the MOU gives the City a little more leeway by addressing problems within a two-hour window.

Councilmember Smotherson stated he does not remember anything being mentioned about minorities when LimeBike was introduced to the City. And there does not seem to be an access problem since he sees people riding these bikes up and down his street all the time. So in his opinion, the Equity Inclusion Map appears to be more of an excuse to bring in these bikes. Ms. Wendt stated staff developed the same concept adopted by the City of St. Louis, who utilized a study prepared by East/West Gateway and Census Tracts to identify areas where LimeBikes should be located to ensure that everyone had access to them. But if Council does not want to include the Equity Map it can be removed from the MOU.

Councilmember Cusick questioned whether there was a way for LimeBike to track improperly parked bikes and move them rather than the burden being placed on residents and staff? Mr. Alpaslan informed Councilmember Cusick that LimeBike did not have a system that identifies when bikes are parked illegally.

Councilmember Hales stated since there are neighborhoods in all three Wards that do not have sidewalks, has a policy been established for how or when these bikes can be parked on the street or what should occur when the City needs to sweep or plow these streets? Mr. Alpaslan stated the City of St. Louis has invested in bicycle park-lets by some of their roadways. However, these issues could pose a challenge in some of U City's neighborhoods.

Mr. Rose stated the purpose of the pilot program is to provide the City with an opportunity to identify some of the challenges posed by the use of LimeBikes or scooters and then formulate a policy that best addresses those challenges.

And if the administration of any policy becomes too onerous on the taxpayers, then LimeBike will be required to pay the additional costs associated with the implementation of that policy. So, for example, if the City has to add additional staff to monitor or move bikes out of public right-of-ways, then LimeBike should have to pay for that expense. He stated he is hopeful that they will police themselves, but if they don't, that will be revealed during the six-month pilot program.

Mayor Crow questioned whether the City anticipates the use of scooters in the near future? Mr. Alpaslan stated at this point in time, scooters are not legally in U City and have not been included in the MOU, which is exclusive to LimeBike for the usage of manual bikes.

Councilmember Clay stated although he supports the idea of a pilot program, his overarching concern is that it seems as though the City's negotiating hand is not particularly strong. If U City goes through the pilot and realizes it needs to add additional stipulations to the MOU LimeBike could simply say no, and walk away without making any commitments at all. It just seems like we might be kind of stuck either way.

Mayor Crow stated he would tend to think that LimeBike's business model has to be concerned with the amount of capital they are expending. And if municipalities start to fall the other way because of mounting problems with their product, it creates a problem for the company. So while he would agree that upfront, the City's negotiating position is not very strong, it is in the position to exchange information with other communities and that factor alone should trigger the need for LimeBike to proceed with caution. Mayor Crow stated he thinks the City is trying to do this in the right way and that it is a good time to at least try this system. So in spite of the fact that there may be some operational challenges, the concept is great; particularly when you have as many college students living in the area as U City does.

Councilmember McMahon stated while this program does seem like a great idea, the statement regarding the bikes being in U City and "*there is nothing we can do about it,*" is a little disconcerting. The thought that a private company can put their property on the City's right-of-ways with a promise that at some indefinite period they will come back and pick it up, makes him wonder how this process really works?

Mr. Rose stated the City's ability to regulate this system is certainly clear, so that was simply a misstatement. LimeBike will have to apply for a business license in order to operate in U City, and if they operate in a manner that is inconsistent with this community's values, this administration will seek to revoke their license. He stated there are some other things staff will be exploring with respect to regulating these kinds of businesses, such as franchising. And he can assure everyone that when the MOU comes before Council it will include the option to collect fees from LimeBike to recoup any burdensome administrative costs associated with managing this program. If LimeBike's performance is not to the City's satisfaction, then staff needs some type of leverage that strongly encourages conformity.

Councilmember Smotherson stated he finds it interesting that LimeBike is only presenting the concept of manual bikes when they also have scooters on the roadways. In his opinion, scooters are going to be more popular than bikes and will present a far more interesting dynamic; especially when you add the Trolley into the mix. So he thinks it would make more sense if scooters and bikes were addressed at the same time.

Mr. Rose stated staff could add scooters, but this was simply the first bird on the wire that caused the City to take action on some of the complaints they were starting to receive. And since the inclusion of scooters will probably delay this process, if Council is agreeable, he would like to push forward with the MOU so that the City has some regulations on the books and then make any amendments further down the line.

Councilmember Cusick asked if it was correct that no fees were being requested at this point in time? Mr. Rose stated that is correct, although his belief is that staff will end up revisiting this issue since it is clear that the City will incur some administrative costs. Councilmember Cusick questioned why LimeBike was not being held to the same standards as any other for-profit that comes into U City and is required to pay all of the fees associated with operating their business? Mr. Rose stated while LimeBike will be required to get a business license, what has yet to be determined is whether there will be any additional administrative costs associated with regulating this business. And if there is, then LimeBike should be held responsible for paying those costs.

Councilmember Hales stated while he would agree that this is a good idea, he thinks one of the hot spots and primary users will be Washington University. And if that theory proves to be accurate, a large number of these bikes could potentially end up in neighborhoods located north of Ames Place. So he was curious to know whether the City has or could have a conversation with Wash U to ensure that their students are not blocking the sidewalks in these neighborhoods? Mr. Alpaslan stated Washington University and LimeBike have also entered into an MOU for the deployment of 200 bikes on their campus and staff would be amenable to revisiting these partnerships to ensure that the stacking of bikes does not occur in these neighborhoods. Councilmember Hales stated he would definitely like staff to seek out Wash U's assistance; specifically with respect to the weekends.

Mayor Crow stated if 75 bikes are planned for U City and 200 bikes are being deployed at Wash U, he would agree that the areas identified by Councilmember Hales will probably bear the heaviest burden. So he too would hope that the City reaches out to both Wash U and LimeBike in order to foster a clear understanding about this issue.

Mayor Crow stated if this MOU is for a six month period and reports are to be produced quarterly, that would only provide the City with two reports. So he thinks that if staff really wants to generate buy-in from Council and the community, then these performance reports should be made available on a more frequent basis.

Mr. Alpaslan stated that the company's dashboard would also be available for review. Mayor Crow stated while that's certainly a good option, it's one that the folks who represent the areas where these bikes could potentially end up being parked may not be willing to use.

Mr. Rose stated the direction he believes he has received from Council is to extend the pick-up hours to weekends; evaluate a reasonable administrative fee; remove the Equity Map, and require monthly performance reports.

Councilmember Carr stated she would like staff to add some guidance that addresses the Loop because there is a potential for some people to pick up a bicycle at that node and ride it through the Business District. Mr. Rose stated he would confer with Mr. Mulligan to determine what type of policy could be used to address this concern.

Councilmember Clay asked Councilmember Smotherson if it was his desire to eliminate the equity areas or have it remain as a part of the pilot?

Mayor Crow stated he was actually thinking that residents may want the opportunity to have access to more bikes. But while he does not believe anyone is going to bristle at the outcome, it is a conversation that Councilmembers Smotherson and Clay can have with staff.

Councilmember Smotherson stated he does not see the point of including the equity areas in the MOU since he has not observed any issues associated with access.

4. ADJOURNMENT

Mayor Crow thanked everyone and closed the Study Session at 6:21 p.m.

