



SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA
www.palmsprings-ca.gov www.yoursustainablecity.com

April 16, 2019
5:00 PM

REGULAR
MEETING AGENDA

Palm Springs City Hall
Large Conference Room
 3200 E Tahquitz Canyon Way
 Palm Springs, CA 92262

COMMISSIONERS	
Roy Clark, Chair	Robert McCann, Vice Chair
Carl Baker	John Goins
Jim Flanagan	Lani Miller
David Freedman	T Santora
Jennifer Futterman	Grant Wilson
Greg Gauthier	

Staff representatives: Patrick Tallarico, Manager, Office of Sustainability; Dan DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator

City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

- CALL TO ORDER**
- ROLL CALL**
- ACCEPTANCE OF AGENDA**

CITY MANAGER / STAFF COMMENTS **(5 MINUTES)**
 Branding- Handouts/Printed Materials/Business Cards

PUBLIC COMMENTS: This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter jurisdiction of the Commission. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes are assigned for each speaker.

- A. WELCOME AND INTRODUCTIONS** **(5 MINUTES)**
- B. MEETING MINUTES** **(5 MINUTES)**
 March 19, 2019 Regular Meeting Minutes
- C. RECYCLING REPORT - Gary Calhoun** **(5 MINUTES)**
 April 20, 2019 Shredding Event
- D. OLD BUSINESS** **(25 MINUTES)**
 1. Status of the Leaf Blower Information Campaign – Manager Tallarico
 2. Status of Household Battery Recycling Program – Manager Tallarico
 3. Status of Staff Report on Polystyrene Container and Plastic Straw Ban – Manager Tallarico
 4. Arbor Day Trees – Commissioner Futterman
- E. NEW BUSINESS** **(45 MINUTES)**

Sustainability Commission Regular Meeting Agenda

April 16, 2019, 5 p.m. - Page 2

1. Sustainability Commission Priorities and Budget – Manager Tallarico
2. Palm Springs Library Summer Reading Program – Mr. DeGarmo to provide background on proposed “**MOTION:** The Sustainability Commission approves sponsorship of a bicycle raffle for the Library Summer Reading Program, \$400.”
3. “**MOTION:** The City Council should approve an amendment to the Municipal Code recommended by ONE-PS to allow trash and recycling containers to be placed on the curb or street any time after 5 p.m. the day before collection” – Chair Clark
4. Big Horn Sheep Habitat Protection Ad Hoc Committee Formation – Manager Tallarico

F. SUBCOMMITTEE AND COMMISSIONER REPORTS

(25 MINUTES)

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman, Goins and Flanagan
 - EV Charging
 - Desert Community Energy CCA
 - REACH Code Program
 - Update on solar ordinance
2. Standing Subcommittee on Waste Reduction – Vice Chair McCann, Chair Clark, Commissioner Miller
 - Trash and Recycling Containers
 - Evaluation of Recycling Stream – Commissioner Miller
3. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Wilson, Gauthier, Futterman
 - Position Paper on Electric Scooters.
4. Ad Hoc Subcommittee on Film Festival Programs – Commissioners Futterman and Gauthier
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan
 - Response to requests from March 19, 2019 Sustainability Commission meeting
 - Updating the Bicycling Guide
6. Ad Hoc Subcommittee on World Environment Day – Commissioners Futterman, Gauthier, Santora
 - Update on planning efforts
7. Wellness – Commissioner Baker
8. Water - Commissioner Freedman
9. Outreach - Commissioner Futterman

G. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT

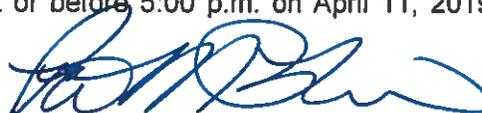
(5 MINUTES)

H. ADJOURNMENT - The meeting of the Sustainability Commission will adjourn to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, May 21, 2019, in the City Hall Large Conference Room, 3200 E Tahquitz Canyon Way, Palm Springs CA 92262. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Agenda and staff reports are available on the City's website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of Sustainability at 760-323-8214.

AFFIDAVIT OF POSTING: I, Patrick Tallarico, Manager of the Office of Sustainability of the City of Palm Springs, California, certify this Agenda was posted at or before 5:00 p.m. on April 11, 2019, as required by established policies and procedures.



Patrick Tallarico, Manager of the Office of Sustainability

City of Palm Springs
yoursustainablecity.com

Joseph C. (Chris) Jackson
Chair, Sustainability Commission

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mobile: 952-210-0324
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Standing Subcommittee on WASTE REDUCTION (SSCowR) REPORT

TO: The Palm Springs Sustainability Commission
Palm Springs City Council

SUBJECT: Report on municipal bans of straws and polystyrene-composed packaging and food-service ware by food service facilities when providing prepared foods for on-site or take-away consumption.

DATE: Nov 29, 2018

SUMMARY

This report provides background information on municipal bans on plastic straws and expanded polystyrene-composed packaging and food-service ware. The report covers history, impact, and best-practices associated with such bans to assist with development and acceptance of a similar ban by the City of Palm Springs.

BACKGROUND

Plastic Waste

Worldwide, over 400 million tons of plastic products are produced each year. About half of this total is composed of consumer products destined for disposal after only a single use. These "throw-away" products include straws, liquid stirrers, cups, lids, expanded polystyrene (EPS) food containers, disposable plates, eating utensils, and shopping bags. Due in part to serious barriers to recycling this material (see Footnote 1), approximately 80% of it ends up either in landfills or as litter. There, most of the waste photodegrades into particles of 5 mm or less. Being



MEMORANDUM

DATE: APRIL 3, 2019
 SUBJECT: SOLAR PV REQUIREMENTS FOR ACCESSORY DWELLING UNITS
 TO: Patrick Tallarico, Manager, Office of Sustainability
 Flinn Fagg, Director, Department of Planning Services
 FROM: David Freedman, Sustainability Commissioner, Solar and Green Building Committee Member

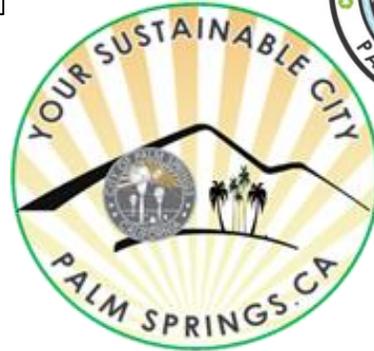
SUMMARY:

During City Council's discussion at its meeting on February 20, 2019, of an ordinance to amend the Zoning Code provisions on accessory dwelling units (ADUs) to conform to recent state law, Council asked for input from the Sustainability Commission on whether the City should adopt a policy on solar photovoltaic (PV) systems for ADUs, as is the case for new residential construction. The question of whether a PV system is required for an ADU is covered by mandatory provisions of the 2019 Energy Code that will enter into effect on January 1, 2020. ADUs that meet the definitions of alterations or additions (i.e., attached or converted from existing unconditioned structures) do not require PV systems. Newly constructed detached ADUs do require PV systems if they do not satisfy the size or shading exceptions of the 2019 Energy Code.

If the City wishes to prefer PV systems when they are not required for an ADU under the 2019 Energy Code, the costs and benefits of any such policy would require further analysis – especially if the City experiences a large number of ADU variance requests – to include potential consequences in terms of affordability and densification in particular. The City may also wish to consider an incentive program when the applicant for a conforming ADU voluntarily installs a PV system.

BACKGROUND:

At its meeting of February 20, 2019, Council voted unanimously to introduce Ordinance 1981 ("Ordinance"), which amends various sections of the Zoning Code relating to ADUs in residential zones. The intent of the Ordinance, which Council adopted on second reading at its meeting of March 6, 2019, is to encourage the creation of ADUs in the City's





SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES
Tuesday, March 19, 2019 Palm Springs City Hall, Large Conference Room

CALL TO ORDER: Chair Clark called the meeting to order at **5:00** p.m.

ROLL CALL: A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.

AGENDA APPROVAL: The agenda was presented by Chair Clark. A motion to approve as posted by Commissioner Baker and seconded by Commissioner Santora and unanimously carried.

	<u>This Meeting</u>	<u>Present to Date</u>	<u>FY 2018/2019 Excused Absences</u>	<u>FY 2018/2019 Unexcused Absences</u>
Roy Clark, Chair	X	32		
Robert McCann, Vice Chair	X	30		
Grant Wilson	X	68	1	
David Freedman	X	42	1	
Jennifer Futterman	X	29	1	
Greg Gauthier	X	23		
John Goins	X	20	2	
T Santora	X	12		
Carl Baker	X	12		
Jim Flanagan	X	2		
Lani Miller	X	2		

X = Present
L = Late

E = Excused (notified Chair and Staff of absence)
U = did not notify of absence

CITY STAFF PRESENT: Patrick Tallarico, Manager, Office of Sustainability; Daniel DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator.

CITY MANAGER / STAFF COMMENTS – Manager Tallarico reported on the following:

- Branding for the Sustainability Commission and the Office of Sustainability will be discussed at the next meeting.
- He presented the draft process for agenda development and approval. The group did not have any changes to the draft document. (see attachment A);
- He confirmed that the Commission still wanted to proceed with the re-naming of the Community Garden in honor of former Sustainability Manager Michele Mician. The Commission confirmed their interest, and the City will work on making this happen in the fall.
- He summarized the comments provided to the City Council on the Salton Sea resolution and noted that the topic will return to the Council in the coming weeks.
- He shared a sample of a bicycling guide that was recommended by local cyclists for the Commission to consider as it updates its bike map.

COMMISSION LIAISON REPORTS – None.

PUBLIC COMMENTS –

1. Jessica Spry, Palm Springs, spoke on the Salton Sea resolution modification.
2. Kim Floyd, Palm Desert, spoke on a new Environmental Group associated with the Courageous Resistance Environment Group. This new group is working on Climate Change.
3. Mark Accomando, Palm Springs, spoke on support of the Climate Reality Project. Wants to support Palm Springs to reach 100% renewable energy by 2030 and to start with educating children in school.
4. Jane Garrison, Palm Springs, spoke about the negative impact dogs can have on the health of Big Horn Sheep and advocated for signage and voluntary enforcement efforts to discourage dogs on trails, especially during lambing season.

A. WELCOME AND INTRODUCTIONS - None

B. PRESENTATIONS - Richard Noble, Climate Reality Project gave a presentation on global warming and climate change. He is calling for a town hall meeting requesting that the City attain a 100% renewable energy goal by 2030. Comments and questions by the Commissioners were discussed. The presentation was sent to the Commissioners prior to the meeting along with the meeting agenda packet.

C. MEETING MINUTES

February 19, 2019 Regular Meeting minutes approval: Motion by Commissioner Santora to approve as presented, second by Commissioner Miller and approved 10-0-1 by an open vote. Abstention by Commissioner Wilson.

D. RECYCLING REPORT, Recycling Coordinator Gary Calhoun reported on a telephone meeting with CalRecycle representatives and the follow-up on-site meeting with Andrew Smyth from CalRecycle. Emphasis is being placed on enforcement of organic waste separation and commercial waste recycling. Commissioner Goins voiced concern on where plastics recyclables are going due to the lack of overseas markets. This will be discussed in more detail at the next meeting of the Subcommittee on Waste Reduction.

E. OLD BUSINESS

Commissioners discussed the following items. Key points are highlighted.

1. Status of the Leaf Blower Exchange Programs – Manager Tallarico reported that the Leaf Blower Exchange Program has been receiving feedback on the ordinance and that in response to that feedback, the deadline for enforcement has been extended to June 1, 2019. This will allow for further outreach and education. A demonstration day was announced that will provide an opportunity for commercial operators and residents to test various brands and models. Makita will be offering further discounts to commercial operators through Yoshi's Lawnmower Shop.
2. Status of Household Battery Recycling Program. Manager Tallarico reported that the program has been delayed due to accounting system issues. Print materials, posters, boxes are ready as soon as the finances are in place.
3. Status of Polystyrene Container and Plastic Straw Ban. Manager Tallarico reported that the staff report is under development and more information will be available at the next meeting.
4. Bicycle Routes and Cycling:
 - a. **"MOTION:** In order to allow safe crossing of bikes coming from Belardo and crossing South Palm Canyon just South of the traffic signal at the "Curve" the committee requests that the light timing for South bound traffic right turn signal turn red when the intersection signal for Palm Canyon is red." Motion by Commissioner Flanagan, second by Commissioner Miller. Ayes – 3, Noes – 8. Motion failed. Motion amended to state: **"MOTION:** In order to allow safe crossing of bikes coming from Belardo and crossing South Palm Canyon just South of the traffic signal at the "Curve" the committee requests Staff investigate changing the light timing for South bound traffic right turn signal turn red when the intersection signal for Palm Canyon is red." Motion by Commissioner Flanagan, second by Commissioner Santora. Motion passed unanimously.
 - b. **"MOTION:** The committee requests that Staff investigate painting a full green bike lane down Belardo from Ramon to Alejo and provide input on feasibility." Motion by Commissioner Flanagan, second by Commissioner Santora. Motion passed unanimously.
 - c. **"MOTION:** Staff shall confirm the revamp at Indian Canyon will include bike lane "sharrows" and signs indicating this street will include a Class three-bike lane." Motion by Commissioner Flanagan, second by Commissioner Baker. Motion passed 10-0-1 with abstention by Commissioner Goins.
 - d. **"MOTION:** Request that Indian Canyon include a full protected painted bike lane at time of next major capital project." Motion by Commissioner Flanagan, second by Commissioner Santora. Confirmation of motion stating that this motion will not affect the current two-way

conversion of Indian Canyon. Commissioner Goins commented that he feels that this motion is too specific in regards to a bike lane. Motion passed 6-5-0.

Ayes: 6 – Wilson, Futterman, McCann, Freedman, Goins, Baker

Noes: 5 – Miller, Gauthier, Clark, Flanagan, Santora

F. NEW BUSINESS

Commissioners discussed the following items. Key points are highlighted.

- 1. Presentation and Discussion:** Signs About Big Horn Sheep in Open Areas. Commissioner Flanagan reported on the Big Horn Sheep and the need for better signage on the trails, specifically on keeping dogs off the trails. Dogs can cause distress to the Big Horn Sheep and keeps them away from water sources. Commissioner Flanagan requested that more signs be placed on trails. He would also like to see an information/education sheet be produced for employees to use to educate the public. Also discussed was having volunteer monitors on the trails. More education is requested to be provided to the community. Staff agreed to present this issue at the next City staff meeting to determine how action can be taken quickly. The Commission agreed to the formation of an ad hoc committee to follow through on these actions.
- 2. MOTION:** Whereas, the City of Palm Springs Sustainability Plan states that ‘sustainability should preserve the environment, strengthen the economy, and increase equity’;
Therefore, be it resolved, the Sustainability Commission reaffirms its commitment to preserving natural areas throughout the City and the broader Coachella Valley because of the significant value these open spaces provide to local habitat and the economic vitality of the city.
Be it further resolved, the Sustainability Commission hereby requests that the Mayor, City Council, and all relevant Commissions reaffirm their commitment to supporting the preservation of environmentally significant open space for the enjoyment of future generations of Palm Spring residents and visitors.”
Motion by Commissioner Santora, second by Commissioner Baker. Commissioner Santora proposed that the above motion be sent to the City Council supporting open space in the City. Commissioner Wilson made a friendly amendment to remove the words “environmentally significant” from the motion. Commissioner Santora responded by proposing to add the words “and other” after “environmentally significant” as this language has been adopted in the past. Commissioner Wilson agreed to Commissioner Santora’s wording and the friendly amendment. The amended motion now reads:
MOTION: Whereas, the City of Palm Springs Sustainability Plan states that ‘sustainability should preserve the environment, strengthen the economy, and increase equity’;
Therefore, be it resolved, the Sustainability Commission reaffirms its commitment to preserving natural areas throughout the City and the broader Coachella Valley because of the significant value these open spaces provide to local habitat and the economic vitality of the city.
Be it further resolved, the Sustainability Commission hereby requests that the Mayor, City Council, and all relevant Commissions reaffirm their commitment to supporting the preservation of environmentally significant and other open space for the enjoyment of future generations of Palm Spring residents and visitors.”
Commissioner Freedman had concerns about golf course conversion and open space. Motion passed unanimously on an open vote.
- 3. MOTION:** “The Sustainability Commission approves the draft solar zoning ordinance to encourage the use and development of solar energy systems and solar energy facilities and recommends that the City forward the draft ordinance to the Planning Commission for adoption.” Commissioner Freedman presented the motion as an update to the City’s solar ordinance meeting the new State mandates on solar ordinances. Commissioner Freedman stated that the proposed ordinance as written will go to the Planning Department for consideration. Motion passed unanimously on an open vote.
- 4. MOTION:** Approve up to \$1000.00 for fruit trees to be placed in City parks for Arbor Day Celebration” – Commissioner Futterman requested the funds to assist the “For Kids Only” Program in support of Arbor Day. Research will have to be conducted to obtain the proper types of trees. Chair Clark offered that proper irrigation be installed to ensure the trees get the correct amount of watering. The motion was amended by Commissioner Baker to include finding locations where the proper irrigation for the trees is available or easily installed. Motion passed unanimously on an open vote.

G. COMMITTEE AND COMMISSIONER REPORTS

Commissioners discussed the following items. Key points are highlighted.

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman, Goins and Flanagan
Commissioner Freedman stated that the Planning Commission passed the draft wind energy conversion system ordinance and added a few environmental protection conditions. He also stated that at the DCE meeting a launch date of Spring 2020 with the default option of 100% carbon free. In other matters, he reported on a possible solar strategy on Accessory Dwelling Units (ADU) and that this matter is covered by the code. Commissioner Freedman also reported on a draft Reach Code recommendation that would encourage cities to go beyond the current energy efficiency requirements. Finally, the NUSA Conference program is moving forward.
 - Brief update on zero net energy training efforts – Commissioner Freedman stated that he is in discussion with Katie Barrows of CVAG on potential energy code training sessions for this Fall. Commissioner Goins noted that DCE refers to carbon free energy, not 100 renewable – this may or may not be something that the matters to the Commission. He also noted that solar requirements on ADUs will likely increase costs of these units, which may negate the purpose of having an ADU for affordable housing purposes. He suggested broadening the understanding of how the energy needs of that unit are met. Finally, he noted that solar is not the only way to meet energy requirements for commercial buildings and we should encourage commercial projects to think beyond solar.
2. Standing Subcommittee on Waste Reduction – Vice Chair McCann, Chair Clark, Commissioner Miller
 - AB 341 (Recycling Requirement), AB 1826 (Organics Management) and S B 1383 (Under development) – There was no additional discussion beyond the earlier recycling report.
 - Discussion of white paper on trash and recycling containers – Vice Chair McCann reported that a White Paper on guidelines on waste can placement and design has been submitted for consideration by the City Council subcommittee on waste reduction. One of the challenges will be to standardize the containers among both City and privately owned areas.
3. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Wilson, Gauthier, Futterman
 - Discussion of draft report related to e-scooters and initial identification of preferred options. Manager Tallarico stated that if there are any more pros or cons that need to be added to the current list to please notify Staff. He also reported on an analysis on the requirements at the State level and what other Cities are doing. Regulation seems to be the concept that is occurring statewide. Manager Tallarico led the Commissioners through a worksheet to obtain feedback on this request. See Attachment B for feedback responses.
4. Ad Hoc Subcommittee on Film Festival Programs – Commissioners Futterman and Gauthier – Commissioner Futterman reported that the Go Green Sustainable Film Series is having its second installment at the Camelot Theatre.
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan – No further report.
6. Ad Hoc Subcommittee on World Environment Day – Commissioners Futterman, Gauthier, Santora
 - Update on planning efforts – Commissioner Futterman reported that plans are moving forward and that the group will be seeking sponsors.
7. Wellness – Commissioner Baker
 - Update on next steps related to indoor air quality ordinance language – Commissioner Baker reported that Councilmember Holstege has presented the ordinance to local businesses and that some type of open forum is in the works, but no date has been set.
8. Water - Commissioner Freedman reported that there was a 30% reduction from the 2013 baseline for February. He also reported that DWA is looking at further rebates for turf conversion.
9. Outreach - Commissioner Futterman thanked the Commission for their support for Arbor Day and World Environment Day

H. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT -

Commissioner Miller mentioned that she would like to get a business card for herself with the Sustainability Commission logo and will develop a design that all Commissioners could use. She also reminded the Commissioners of the ONE-PS Picnic on March 23, 2019.

Commissioner Futterman reported on the amendment to the City Council on the Salton Sea resolution and thanked former Commissioner Jessica Spry for her report.

Commissioner Flanagan stated that he will report back on the Ad Hoc Subcommittee on Big Horn Sheep at the next meeting.

Commissioner Santora requested that City staff look into the City's relationship with the Riverside County

Economic Development Board.

Commissioner Baker requested that another student representative be recruited to the Commission this Fall.

Commissioner Goins requested that some economic sustainability initiatives be addressed.

- I. **ADJOURNMENT** - The meeting of the Sustainability Commission adjourned at 8:03 PM by a motion from Commissioner Miller and seconded by Commissioner Santora and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, April 16, 2019, in the Large Conference Room at the Palm Springs City Hall. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

Respectfully Submitted,

Patrick Tallarico, Manager, Office of Sustainability

Attachment A

CITY OF PALM SPRINGS SUSTAINABILITY COMMISSION: AGENDA DEVELOPMENT PROCESS PRIMER

• IDENTIFICATION OF AGENDA TOPIC IDEAS

The Commission works with the City to identify topics for each meeting agenda. Agenda topics typically emerge from the following sources:

- Discussions or public comments at a prior Commission meeting
- Work of Commission standing or ad-hoc subcommittees
- Work of City staff
- Input from City Council
- Commissioner comments

Agenda topics must be submitted to City staff and the Commission Chair no later than the Monday two weeks before a Commission meeting.

• REFINEMENT OF AGENDA TOPICS

After an agenda topic has been identified, the Commission Chair and City staff will reach out to leaders of each topic to determine the following:

- The most appropriate place for that item on the agenda
- The approximate time needed
- What information is needed to prepare Commission members for any discussion or decision
- The precise wording of motions or resolutions
- Whether or not any topic is in any way sensitive
- Whether the topic should be deferred to the next meeting

• AGENDA REVIEW

The Commission Chair and City staff work to finalize the Commission meeting agenda the Tuesday before the meeting. Between the date topics are due and the Tuesday before the meeting, they may reach out to topic leaders to address outstanding questions.

When the agenda has been finalized, it is submitted to the City Manager for review. If the City Manager is recused from a topic, City staff will work with the Deputy City Manager or City Attorney to determine the proper person to review that agenda topic. If the City Manager suggests any changes to the agenda, City staff will inform the Commission Chair and the topic lead. The City Manager (or other City official) will provide comments no later than noon the Thursday before the meeting. If no comments are received, the agenda will be considered final.

• COLLECTION AND POSTING OF MEETING MATERIALS

City staff will collect all materials, including the agenda and background documents, that will be shared with Commission members at the meeting. At a minimum, the agenda and all decisional documents must be collected and distributed to Commission members prior to the meeting at least 72 hours in advance of the meeting for public review. Informational items can be shared at the meeting but should be kept to a minimum. Any additional items shared during the meeting will be posted after the meeting. All materials are posted and archived to the Sustainability Commission Meetings website.

Attachment B

Scooter Regulation Discussion:

Parking – Parking of devices can spark both aesthetic and a safety concerns. To that end, the Commission recommended the following:

- Go beyond the State-required removal period of 72 hours and require companies to remove devices within 24 hours of notification and on a daily basis.
- Designate specific locations where devices can be parked. This could include corals, geofenced stations, or labeled areas such as those found in Los Angeles. These parking locations should be visible and inexpensive to establish and maintain.
- Maintain consistency with other elements of the state laws that prohibit devices from being left on their side on any sidewalk or parked on a sidewalk in any way that does not provide an adequate path for pedestrian traffic or blocks a hydrant or firefighting equipment.

User Safety – The ordinance should be structured to promote user safety, where possible. This would include the following:

- Maintain consistency with the state law that requires riders under the age of 18 to wear a helmet. Although it would be better if all riders wore a helmet, this requirement did not seem feasible given our large tourist population.
- The speed of devices should be no more than the state-allowed 15 miles per hour, and less in the central business district (e.g., 10-12 mph). The device provider can program devices to do this automatically.
- Require lighting on devices. This could include “always-on” front and back lights.
- Other state requirements that would be reflected in the ordinance include the following:
 - Do not operate a motorized scooter without a valid driver’s license or instruction permit.
 - Do not operate a motorized scooter with any passengers in addition to the operator.
 - Do not operate a motorized scooter carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.
 - Do not operate a motorized scooter on the highway with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

Environmental Impact – The Commission suggested that an ordinance or agreement with the operator include some reference to environmental practices of operators. For example, the ordinance or agreement could require the following:

- Device providers will detail how damaged vehicles are repaired or recycled and efforts made to reduce landfill waste. They will handle all batteries and other potentially toxic materials in accordance with state law and recycle materials where possible or dispose of them when necessary.

Operating Locations – Commission members agreed that somehow limiting the operating location of devices would enhance safety of riders, pedestrians, and automobile drivers. In addition to the basic limitations set forth by the state, the Commission suggested the requiring device providers to deploy technology to prevent scooters from operating in certain areas or obeying slow zone areas seemed appropriate. No specific suggestions were discussed in terms of limiting operations in certain parts of the city.

The State requires that scooters operate within a Class II or Class IV bikeway on a highway with a speed limit in excess of 25 miles per hour. The only exception is if the city develops an ordinance that authorizes the operation of a motorized scooter outside of a Class II or Class IV bikeway on a highway with a speed limit of up to 35 miles per hour. In addition, the state prohibits the operation of scooters on a sidewalk.

Rider Education/Notification – The Commission felt it was important for riders to receive information about proper operating practices, rules and requirements, operating locations, and other parameters at the time before they ride. This will likely be handled through the application used to reserve and pay for the device. These notifications should be consistent with any liability language that could be in the contracts of device providers.

Device Collection – Most cities focus on overseeing the overall availability and operations of scooters, but may not impose as many requirements on the “business” of collection and repositioning of scooters. The Commission

recommended that the City should consider ways to make this secondary market opportunity safe and should include incentives for riders to return devices to proper locations.

Deferred Topics

Other cities have adopted minimum and maximum limits for the **number of devices** that a company can operate. The Sustainability Commission felt that this would need to be worked out through the bid process and may depend on demand for devices. This is likely to fluctuate in the city based on the time of year. More information would be needed to determine if some limits are appropriate.

A couple of cities have included **accessibility requirements** in contracts or ordinances to ensure that economically disadvantaged individuals or neighborhoods have access to device services. The Commission felt that this may be something that could be investigated based on data collected post implementation.

Office of Sustainability

Draft Priorities for Remainder of FY 18/19 into FY19/20 and FY20/21

- Begin Materials Management Transformation Efforts (\$\$)
 - **Prepare for and respond to anticipated requirements of SB1383**
 - Ordinance development
 - Trash and recycling container color/marketing requirements
 - Renegotiation of contract with PSD
 - Development of new rates
 - Technology and policy assessments
 - Conversion/purchase of new city trash/recycling receptacles
 - Construction and Demolition Debris Ordinance
 - Broader disposal/recycling fee structure modification
- Develop and begin phase-in of ban on single-use plastics in food service establishments (\$)
 - Engage Sustainability Commission in additional research
 - Begin conducting outreach with potentially impacted community
 - Develop ordinance language and phase-in process
 - Identify opportunities for incentives/compliance assistance
- Develop and begin implementing EV Charging Strategy – Conversion and Expansion (\$)
 - Work with Commission to determine locations
 - Investigate fee structure
 - Determine capital funding mechanism and revenue streams
 - Requires a minimum of 20k matching funds for current grant as well as infrastructure costs associated with installation of units in new locations (TBD)
- Conduct Greenhouse Gas Emissions Inventory (\$)
 - Participate in training
 - Determine external support needs, if any
 - Conduct assessment to determine potential reduction measures
- Conduct a Progress Assessment of Sustainability Plan Implementation (\$)
 - Assess ongoing activities
 - Identify gaps
 - Begin to develop new priorities
- Support efforts related to scooter/bike share ordinances
 - Advance safety measures, if they are allowed
- Implement the 2020 Residential Energy Requirements
 - Work with Buildings to secure training of staff
 - Support education and outreach campaigns for builders/developers
- Work with Planning to hire a consultant to develop the Pedestrian Master Plan and Safe Routes to School Master Plan (CVAG funds)
- Landscape conversion at the airport (TBD)
- Continue rollout of Battery Recycling Program
- Changing the water conversation – transition from drought focused to deficit management
- Implement Desert Community Energy Community Choice Aggregation – (TBD)

In addition to the major initiatives above, continue to support the following:

- Engagement with the Sustainability Commission
- Enforcement of the leaf blower ordinance
- General engagement with community organizations
- Bike lane improvements

PROGRAM	125	138
Recruit and hire full-time Sustainability Manager 138 &125	\$87,500.00	\$87,500.00
Non-Motorized Transportation 138		
<i>Ad Hoc Committee on Walkability and Pedestrian Planning</i>		
Cycling Related, bike racks, route maps		\$10,000.00
Pedestrian Planning- Update to General Plan		
Pedestrian and Walkability Plan Pilot Project \$20k to \$25k		\$20,000.00
Water Conservation 138		
<i>Water</i>		
Water Rebates		
Turf to Desert Landscape Rebates		\$25,000.00
Recycling & Waste Reduction 125		
<i>Standing Subcommittee on Waste Reduction</i>		
Feasibility Study on organic waste disposal	\$10,000.00	
Household Battery recycling project Possible Grant \$	\$30,000.00	
Recycling Containers for parks and public areas Grant \$	\$26,000.00	
Education Program for Food Waste	\$5,000.00	
Curbside Recycling for HHW	\$50,000.00	
Education Program for Recycling	\$5,000.00	
Pyrolysis for Plastic Recycling	\$50,000.00	
Implement city-wide composting including food waste	\$30,000.00	
Recycling Tetrapaks	\$30,000.00	
Green Building & Renewable Energy 138 & 125		
<i>Standing Subcommittee on Solar and Green Building</i>		
Sustainability Event at Modernism Week \$5000		\$5,000.00
Green Building training events		\$15,000.00
Workforce Development		\$10,000.00
Green Business Recognition Program	\$25,000.00	
Green Building Rebate Program \$25,000	\$25,000.00	
Green economy		
Wellness & Public Health 138		
<i>Wellness</i>		
Leaf Blower Brochure printing and distribution		\$10,000.00
Community Garden signage and improvements		\$5,000.00
Public Library Sponsorships \$500		\$500.00
Sustainability Films at the Palm Springs Cultural Center \$2000		\$2,000.00
Sustainability Film Festival: \$10k or less		
Sustainability Summit: \$500		\$500.00
Education/Outreach (Community Events/Film Festivals)		\$15,000.00
Climate Change Strategies & Monitoring 138 & 125		
<i>Outreach</i>		
World Environment Day 2019- advertising and program \$3000	\$3,000.00	
Ecotourism		\$3,000.00
Total Dollars	\$585,000.00	\$208,500.00

MEMO

TO: SUSTAINABILITY COMMISSION, Attn: Roy Clark, Chair & Daniel DeGarmo

FROM: Palm Springs Public Library, Julie Warren

DATE: April 3, 2019

BACKGROUND:

The Sustainability Commission had been a great partner with the Palm Springs Public Library to provide bikes to members of the community as part of our Summer Reading program for several years. It was felt this was a natural tie-in to your health and wellness goals of the Commission. These are great incentives for readers to participate and they continue to be popular, highly-prized grand prizes.

Last year, **2018 Summer Reading READING TAKES YOU EVERYWHERE**, the Commission approved our request for \$350 (with the final amount being \$346.03 with tax and shipping) for the purchase of three bicycles and one tricycle and all with helmets + locks to give away as a grand finale prizes.



In **2017 Summer Reading READING BY DESIGN**, the Commission approved our request for \$350 (with the final amount being \$351.39 with tax and shipping) for the purchase of 4 bikes + helmets and a razor scooter + helmet to give away as a grand finale prizes.

In 2016 for **Summer Reading 2016 READ FOR THE WIN!**, the commission approved up to \$700 and due to online sales we were able to purchase seven (7) bikes, helmets and locks for a total of \$678.28.

In 2013 for **Summer Reading 2013 READING IS SO DELICIOUS – EAT! MOVE! READ!**, the commission approved up to \$1,200.00 for the purchase of the bikes and safety equipment for each bicycle given. With savvy shopping we were able to purchase eight bikes/helmets/locks for a total of \$748.82.

REQUEST FOR 2019:

The bikes continue to be a popular draw for the kids and so we would like to once again request support and funds from the Sustainability Commission to purchase bikes for our **2019 Summer Reading program IT'S SHOWTIME @ YOUR LIBRARY!** So if you would consider authorizing up

to **\$350** again this year for the purchase of bikes with helmets and locks, we will again list you as a sponsor of Summer Reading and would love for you to be involved at the finale prize drawing on **Thurs. July 18, 2019 @ 4:30 p.m. at the Library**. We want to purchase the bikes in May to take advantage of sales that occur during National Bike Month so a decision at your April meeting would be appreciated.

Our Summer Reading program will once again be modeled after our last two previous years due to our success and the feedback we received. Last year's program went very well and we reached a new all-time record of 1,187 children, teens and adults signing-up for Summer Reading! We continued our six week program that allowed participants to check in once per week to earn a free book each week along with a grand prize entry ticket that they could then enter into a grand prize bin of the prize they wanted to try and win; which included the bikes. Participants also earned an extra book if they participated in the 5-book challenge.

We haven't chosen all the prize options yet for the grand prizes, but we know we must include bikes since they are always so popular. We will also purchase some technology items and other popular items, all funded by our Friends of the Palm Springs Library. We have found that people enjoy the variety of items to choose from and they were more invested in trying to 'win' the item of their choice.

Thank you for your consideration.

TRASH CAN TIMING - STAFF ANALYSIS:

At the July 12, 2018, ONE-PS meeting, the membership voted to accept a recommendation of the Code Enforcement and Public Works Committee to change Palm Springs Municipal Code 6.04.110, "Placing of waste and recyclables in streets". The change would allow placing of containers for collection at five p.m. the day before collection. The existing code allows placing of containers for collection no sooner than five a.m. the day of collection. The recommended change will provide flexibility to residents whose schedules don't allow them to place containers for collection early in the morning.

ONE-PS received comments about the change from residents at Neighborhood Organization Meetings as well as through the Nextdoor community networking site. These comments were generally supportive of the change. There was no recommendation to change the time when containers must be removed from the collection location.

Nearly all other cities in the Coachella Valley allow containers to be placed on the curb or street for waste and recyclable material collection on the day prior to collection. Specifically, Cathedral City, Rancho Mirage, Palm Desert, and Desert Hot Springs all allow containers to be placed up to 12 hours prior to the collection time. This equates to the evening before the scheduled pickup. La Quinta allows containers to be placed on the curb or street up to 24 hours before collection. Indian Wells is the only city that requires placement on the day of collection. The ONE-PS Code Enforcement and Public Works Committee reviewed these other codes and determined having a relative time frame for trash and recycling container placement would be unenforceable because trash and recycling are collected at different times. They preferred a set time for placing both containers rather than having a time that was dependent on pickup schedule.



COMMITTEE REPORT

PRESENTED FOR COMMISSION MEETING DATE: 04/16/19

SUBMITTED BY: David Freedman

COMMITTEE NAME: Standing Committee on Solar and Green Building

SUBMITTED DATE: 04/08/19

COMMITTEE MEETING DATE: 03/05/19

NEXT COMMITTEE MEETING DATE: 05/07/19, 11 am

Committee Meeting Goals:

- Reach Code opportunities
- EV charger policy
- Desert Community Energy update
- Energy Code training programs
- Solar policy for accessory dwelling units

Summary:

The meeting began with public comment from Kim Floyd, a Palm Desert resident and Sierra Club representative. Mr. Floyd stated that the Sierra Club believes that there is a climate change emergency and is looking to local decision makers to take the maximum response to deal with the emergency. Mr. Floyd said the Sierra Club wishes to assist and encourage the Sustainability Commission and City Council members throughout the Coachella valley to address issues related to climate change.

Commissioner Freedman summarized the webinar he had just attended on opportunities for Reach Code measures that exceed the requirements of the 2019 Energy Code that will enter effect on January 1, 2020. Following discussion among the Committee members, they agreed that measures worth further consideration are electric readiness, energy audits at time of sale and energy and water efficiency for cannabis industry facilities.

Sustainability Manager Tallarico updated the Committee on the City's electric vehicle charger program. The City has received grants for installing one Level 3 station and at least 18 Level 2 stations. The City will issue an RFP for third parties to install and manage the stations. Commissioner Flanagan will assist in establishing the RFP criteria and locations around the city where the chargers could be installed.

CVAG Director of Environmental Resources Katie Barrows then joined the meeting by phone. Palm Springs will consider launching Desert Community Energy in the spring of 2020 and having the default option be the 100% carbon-free product. Ms. Barrows explained the process for customers to opt out of DCE or opt down from the 100% carbon-free option. At its April 15 meeting, the DCE Board will establish a Community Advisory Committee. The committee will assist the Board in implementing energy programs and provide ongoing support and community engagement, including suggestions and support for DCE programs to reach out to low-income and under-served members of the community. One area of focus will be community benefit funds, which are available through the California Public Utilities Commission. The funds would allow DCE to offer energy efficiency programs that are designed to suit the needs of community members, given our extreme climate and air conditioning load. DCE

customers would also be eligible to participate in SCE programs, such as energy audits.

Ms. Barrows and Commissioner Freedman indicated they would follow up Energy Code training needs and available programs. The objective is to have a training session in the fall for valley-wide building professionals and city staffs.

Finally, Commissioner Freedman presented his draft memo on solar requirements for accessory dwelling units (ADUs), which he prepared in response to an inquiry from Council during discussion at its February 20 meeting of an ordinance to amend the Zoning Code provisions on ADUs to conform to recent state law. The question of whether a PV system is required for an ADU is covered by mandatory provisions of the 2019 Energy Code. ADUs that meet the definitions of alterations or additions (i.e., attached or converted from existing unconditioned structures) do not require PV systems. Newly constructed detached ADUs do require PV systems if they do not satisfy the size or shading exceptions of the 2019 Energy Code.

Committee members discussed concerns that adding upfront costs to ADUs for PV systems may discourage the benefits of ADUs as affordable housing units and could discourage some from adding units, which would counter the desire for more dense housing stock. The costs and benefits of a policy that prefers PV systems on ADUs where they are not required by the 2019 Energy Code would need to undergo further analysis from a financial and GHG emissions perspective. The City may also wish to consider an incentive program when the applicant for a conforming ADU voluntarily installs a PV system. The fiscal impact of that waiver would also require further study.

Commissioner Freedman's memo, as revised to reflect input from Commissioner Goins, will be presented along with a staff report from Sustainability Manager Tallarico as a "Receive and File" item on the consent calendar for the May 1 Council meeting. Council will also consider at the meeting the draft Wind Energy Conversion System ordinance that has been approved by the Sustainability and Planning Commissions.

Recommendation/Request:

Continuing working with stakeholders on 2019 Energy Code issues as it moves towards effectiveness.

ACTION ITEMS REQUEST TO COMMISSION	Approve funds for an Energy Code training program to be held in the fall of 2019 to be requested as part of Committee's FY 2019-20 outreach budget.
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	Work with Planning Services Department staff on draft solar zoning ordinance.
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	Funds for an Energy Code training program to be held in the fall of 2019 will be requested as part of Committee's FY 2019-20 outreach budget.



Subcommittee Report

PRESENTED FOR COMMISSION MEETING DATE: April 16, 2018

SUBMITTED BY: Robert McCann

SUBCOMMITTEE NAME: Standing Subcommittee on Waste Reduction (SSCoWR)

SUBMITTED DATE: April 11, 2019

LAST SUBCOMMITTEE MEETING DATE: March 25, 2019

NEXT SUBCOMMITTEE MEETING DATE: April 23, 2019

Subcommittee Goal:

Divert 90% of waste generated by the City of Palm Springs from landfill by 2030.

Summary:

1. C&D Waste Ordinance.

- No developments to report.

2. Reducing Single-use Nonrecyclable Plastic Food Ware and Plastic Straws by Food Service Establishments.

- Update on development of Staff Report: Patrick Tallarico.

3. Battery Recycling Project

- April 11. Update from Dan DeGarmo: Recycle collection bins have been received. Deployment is expected shortly.

4. Toward a Public Spaces Recycling Program for the City of Palm Springs.

- March 14. A final version of the SSSCoWR White Paper was completed and submitted to the Sustainability Commission and City Councilmember JR. Roberts.
- April 1. The Report was further disseminated to City Council Members Geoff Kors and Christy Holstege.
- April 10. SSSCoWR member Rob McCann completed development of databases for each of the City's public parks. The databases include an entry for all waste containers currently found in the parks. Each entry includes a written description of the container, its Lat-Long coordinates, and a depiction of its location on a park map. These data will be used to begin the process of developing and refining recommendations for Phase 1 of a proposed Palm Springs Public Space Recycle Program. Initial work in conjunction with Phase 1 will include determining how many additional blue recycle containers should be purchased from Trashcans Unlimited, and which existing trash containers they should be paired with. Longer term, the database can guide and help coordinate subsequent Phase 1 activities such as container painting, removal, lid fitting, re-positioning, and posting of signage.

5. Initiation of a Vertical Integration Inquiry.

- April 7 . SSCoWR member Lani Miller completed a description of, and submitted several supporting documents for, a vertical integration inquiry whose goals are to:
 - Update our knowledge base of best practices for recycling in Palm Springs. In addition to the development of a reality-based list of recyclables, best practices include the proper preparation of those items prior to disposal.
 - Develop accurate and forward-looking waste container signage to be accompanied by a public educational campaign.
 - Investigate current services with respect to recycling and landfill waste management, in order to develop best practice guidelines and gain input from stakeholders.
 - Project future optimization of Palm Springs waste management systems in order to minimize municipal production of greenhouse gases, as well as protect our air and environment from particulate carbon and chemical impact.

6. NUSA Presentation.

- April 11. Rob McCann and David Freedman met with Dan DeGarmo to critique early drafts of their presentations and provide feedback for next month's conference.

Recommendation/Request

The SSCowR notes that the bright blue recycle containers now in our public parks are currently co-existing with bright blue trash containers that were placed in the parks at the beginning of this year. To avoid confusion and decrease the rate of contamination of the waste stream being placed in our recycle containers, the SSCowR recommends that the bright blue trash containers be replaced with the standard brown trash containers that have been deployed in downtown areas, or that the bright blue trash containers in the city parks be painted brown with “trash only” signage.

ACTION ITEMS REQUEST TO COMMISSION	N/A
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	N/A
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	N/A



CITY COUNCIL STAFF REPORT

DATE: April 17, 2019

NEW BUSINESS

SUBJECT: DISCUSS OPTIONS FOR ADDRESSING DOCKLESS MICRO-MOBILITY DEVICES SUCH AS ELECTRIC SCOOTERS AND DOCKLESS BICYCLES IN THE CITY OF PALM SPRINGS.

FROM: David H. Ready, City Manager

BY: Patrick Tallarico, Manager, Office of Sustainability

SUMMARY:

The City of Palm Springs is interested in exploring 1) whether to allow dockless micro-mobility devices such as electric scooters and dockless bicycles to operate in the City, and 2) how to minimize public safety and nuisance issues associated with their use, if they are allowed. This report documents research conducted to date and provides information on three potential options for consideration – prohibiting use, implementing a short-term pilot, and/or developing a regulatory framework for implementation.

RECOMMENDATION:

Direct staff as appropriate.

BACKGROUND:

Shared micro-mobility is a service or program that provides small mobility devices for shared use for individuals on a short-term basis. These devices can be electric or non-electric and most commonly include bicycles and e-scooters. Dockless devices are generally those devices that can provide point-to-point mobility and are not required to be parked in any particular location or “dock.”

Micro-mobility devices have the potential to provide active transportation options that reduce car trips, traffic congestion, and carbon emissions. Unfortunately, their use has also resulted in sidewalk obstruction, unsafe user behaviors that result in injury to themselves and to others, and nuisance issues associated with parking devices on public and private property without permission. Without structured implementation, shared micro-mobility devices will never realize their full potential as alternative methods of transportation.

Palm Springs entered the national debate over these devices in 2018 when the Bird Scooter Company deployed 120 electric scooters in the City of Palm Springs. Bird did not have a business license to operate in the City, and the scooters were removed. Although the City did receive over 30 letters of support, several residents also expressed reservations about scooter use via social media. Since that time, City Council established a subcommittee (Council Members Holstege and Middleton) to explore options to determine whether to allow electric scooters in Palm Springs and, if so, how to introduce them in a way that capitalizes on their potential benefits and addresses key safety and nuisance concerns.

Cities across the country are struggling with similar issues and have taken a variety of approaches. Some have decided to impose a ban. Others are conducting pilot programs to determine impact. Many are developing comprehensive contracts and ordinances to govern their use. These things often happen in series – prohibitions lead to pilots that may result in some sort of regulated use.

STAFF ANALYSIS:

The Sustainability Commission has discussed the potential introduction of shared micro-mobility devices, and their deliberations are reflective of the larger debate. (See Attachment 1 list of Pros, Cons and Considerations.) Legal Counsel also conducted research in 2018 to assess what other cities in California are doing to potentially serve as a guide for Palm Springs. The Office of Sustainability updated this list, and it is included as Attachment 2. In addition to these documents, the International Municipal Lawyers Association (IMLA) has developed a comprehensive report entitled “Guidance for Regulation of Dockless Micromobility.” This document contains a variety of helpful examples and questions for cities interested in developing their own programs and is included as Attachment 3.

Based on these inputs, the Office of Sustainability has developed this report to summarize options and provide some additional information for Council’s consideration. The implementation landscape is changing daily, so the information provided is just a snapshot of recent activity.

Key Factors

When determining whether or how to introduce shared micro-mobility devices to Palm Springs, Council may want to consider the following factors that may make Palm Springs unique in terms of implementation:

- The City has a tourist-based economy and significant fluctuations in population during the prime season and especially during major events. This means that many potential device users will likely be coming to the city with pre-conceived notions about acceptable device operations. This may make it more challenging for the City to adopt more limiting behaviors such as parking devices in designated spaces.

- The City makes significant efforts to preserve dark skies, and this means fewer streetlights that may impact night time safety for operators and for those trying to maneuver around them.
- The City has an expanding bike infrastructure, but this infrastructure would need to be re-evaluated to determine whether adequate bike lanes are available to get people to and from the central business district. In addition, the City has tried to relegate a lot of bike traffic to Belardo Road instead of the downtown corridor for safety reasons. Scooter traffic may be harder to confine to this outer fringe, and the City may need to consider adding bike lanes as part of any solution that allows scooter use. However, adding bike lanes in most cases requires sacrificing a parking lane, a travel lane, or both, and may not be possible.

The connection to other cities in the valley may be important as well. The Coachella Valley Association of Governments (CVAG) is looking “at how other cities statewide have addressed e-scooters and if there are uniform policies the Coachella Valley cities should set, while also making it clear that each city will adopt its own ordinances and decide whether to allow the devices on their streets.”¹ CVAG has developed some broad guidelines for cities to consider. This is included as Attachment 4.

Option 1: Prohibition

Some cities in California have issued an outright ban on scooters. These cities include Pismo Beach and West Hollywood. In December, the Palm Desert City Council adopted a moratorium, banning all e-scooters and other shared mobility devices. In February, the City of Palm Desert voted against a 90-day trial period for electric scooters, so the ban is still in effect. Later that same month, the cities of Rancho Mirage and Indian Wells adopted ordinances to ban electric scooters, primarily due to safety concerns. Indian Wells has indicated an interest in assessing programs in other cities and determining if a regional approach is possible.²

Although the City of San Francisco initially issued a Cease and Desist Order to three companies that operated electric scooters in the city, they moved into a pilot phase as of April 2018.

Council may want to consider whether to prohibit shared micro-mobility companies from doing business or banning electric scooters themselves. A ban on companies may still provide an opportunity for individual owners of scooters to ride them in designated areas.

Option 2: Pilot Program

Many cities have adopted or are considering pilot programs. These pilot programs establish basic regulations that can be tested during a limited timeframe – generally

¹ Barkas, Sherry. *Indian Wells, Rancho Mirage outright ban e-scooters while La Quinta considers pilot program.* Palm Springs Desert Sun. February 25, 2019.

² Barkas, Sherry.

ranging from 90 days to a full year. These pilots allow time for governments to assess the effectiveness of regulations and collect data on parameters such as safety, nuisance complaints, compliance rates, etc. It also allows time for residents to determine their appetite for devices in their city. In many cases, cities are choosing to allow a limited number of companies or devices under the pilot program. Given the competitive nature of the shared micro-mobility market, cities that go forward with pilot programs should ensure that any requests for proposals have a clear scope and evaluation criteria to avoid protests.

In February, the City of La Quinta held a study session and requested that staff develop a proposal for a pilot program. Other cities that have instituted pilots include Long Beach, Los Angeles, Santa Monica, and Culver City. The City of San Jose completed their pilot and passed a comprehensive program and regulatory framework. In addition to the program components that emerged from the pilot, the City also recommended hiring a new, full-time transportation specialist to oversee program implementation, including monitoring compliance.

If Council decides to move forward with a pilot, the City would need to develop many of the same legal, policy, and physical infrastructure elements as it would under a full implementation option. The full implementation option below describes these elements.

Option 3: Adopt Regulatory Framework for Implementation

More and more cities are establishing a clear regulatory framework for introducing shared micro-mobility devices. This framework typically includes the elements below. The IMLA document in Attachment 3 contains more detailed information.

- **Solicitation of Services.** A process for identifying companies to participate in the program. This is usually done through a request for proposal process or an open participation program. Even under an open participation program, companies would be required to comply with certain parameters outlined in an operating agreement.
- **Permit or Licensing Requirements.** Permitting and licensing requirements lay the foundation for a city's relationship with device providers. These requirements need to be closely aligned with the operating parameters to ensure that they are complementary. These permit and licensing requirements typically address the following:
 - **Capping** – if the city wants to limit the number of companies or the number of devices.
 - **Fees** – which could include operator annual fees, daily fees, per device fees, and can include a share of the fee charged to riders.
 - **Fines and penalties** – this can include fines for companies (e.g., for failure to collect scooters) and fines for users for violating operating requirements (e.g., operating without a license).

- Data sharing – related to ridership, demographics, locations of use, etc. This is a complicated legal issue and should be explored in detail with Legal Counsel.
 - Outreach and education of users
 - Equitable deployment – especially if a city would like to ensure that disadvantaged communities have adequate access to services.
 - Insurance and liability – including how much insurance a company should carry and indemnification language.
- Operating Regulations. Some of these operating regulations may appear in the licensing agreement or in a separate city ordinance or both. The state has issued and recently amended California Vehicle Code Division 11, Chapter 1 Article 1 (Authority to Remove Vehicle) and Article 5 (Operation of Motorized Scooters) to provide basic requirements related to scooter use. At the March 19, 2019, Sustainability Commission meeting, the commission reviewed these requirements and the requirements included in some other city regulations to identify a preliminary set of preferences, if the City chooses to allow the use of micro-mobility devices. Excerpts of these codes and examples of other cities' regulations are included in Attachment 5. The Commission's preferences are summarized below and included in Attachment 6.
 - Parking
 - Confine to only designated areas
 - Require removal/repositioning within 24 hours
 - Remain consistent with state law to prohibit blockage of sidewalks, ramps, entrances, hydrants, etc.
 - User safety
 - Maintain consistency with state laws, including requiring helmets for riders under 18, requiring a driver's license or permit, etc.
 - Limit speeds to 15 mph generally and lower in the central business district (10-12 mph)
 - Require "always on" front and back lighting on devices
 - Environmental impact
 - Require confirmation of certain environmental practices from operators to limit landfill waste and ensure recycling of batteries
 - Operating locations
 - Comply with state requirements to operate devices in bike lanes
 - Limit operating locations to enhance safety of riders, pedestrians and automobile drivers and ensure that devices are equipped with technology that facilitates these limits
 - Rider education/notification
 - All riders should receive information about operating requirements and other parameters as part of the rental process
 - Device collection
 - The City should consider ways to make the secondary market of collecting and repositioning devices safe and include incentives for riders to return devices to proper locations

There are a tremendous number of details that would need to be worked into a regulatory framework. This should be done in close coordination with Legal Counsel; however, there are a growing number of cities that have adopted regulations. The City of San Jose recently passed a comprehensive ordinance and associated administrative regulations (see Attachment 7), which could serve as a good model.

FISCAL ANALYSIS:

If the City Council decides to move forward with full implementation or a pilot program, the City will need to conduct a full financial analysis to determine appropriate fees. This analysis should include the cost impacts associated with city staff time needed to implement and enforce the program.

ENVIRONMENTAL IMPACT:

Depending on how Council decides to move forward with the options described in this report, actions may result in a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Prior to implementing any program to allow the use of micro-mobility devices, the City will perform any environmental analysis that may be required pursuant to CEQA.

SUBMITTED:

Patrick Tallarico, LEED AP, CPF
Manager, Office of Sustainability

Marcus Fuller, PE, PLS
Assistant City Manager

David H. Ready, Esq., Ph.D.
City Manager

ATTACHMENTS:

- Attachment 1: Pros, Cons and Considerations
- Attachment 2: Survey of Other City Approaches to Scooters
- Attachment 3: International Municipal Lawyers Association “Guidance for Regulation of Dockless Micromobility
- Attachment 4: CVAG Guidelines
- Attachment 5: Excerpts of State Requirements and Examples of Other City Requirements
- Attachment 6: Sustainability Commission Initial Preferences for Operating Parameters
- Attachment 7: City of San Jose Scooter Shared Micro-mobility Regulatory Framework

Attachment 1: Sustainability Commission Pros, Cons and Considerations

Attachment 2: Survey of Other City Approaches to Scooters

**Attachment 3: International Municipal Lawyers Association Guidance for
Regulation of Dockless Micromobility**

Attachment 4: CVAG Guidelines

Attachment 5: Excerpts of State Requirements and Examples of Other City Requirements

Attachment 6: Sustainability Commission Initial Preferences for Operating Parameters

Attachment 7: City of San Jose Scooter Shared Mirco-mobility Regulatory Framework