



Agenda Report

19-043

Agenda Date: 1/15/2019

REPORT TO COUNCIL

SUBJECT

Action on Adoption of Ordinance No. 1995 Establishing a Temporary Moratorium on Motorized Scooter and Bike Share Programs

BACKGROUND

At the December 20, 2018 special Council meeting, Ordinance No. 1995 was passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 1995 was published on January 2, 2019, and copies were posted in three public places.

DISCUSSION

The ordinance establishes a temporary moratorium on all shared mobility services in the City until regulations are approved and a permitting process is implemented. Because the moratorium prohibits the operation of shared scooters and bicycles in the City without a permit, any unpermitted scooters and bicycles will be impounded, and administrative penalties and fees will be charged to the operators. City staff anticipates proposing a regulatory framework for shared mobility services to Council in 2019. Upon adoption of such regulations, the moratorium would be repealed, but in any event the moratorium will expire no later than December 19, 2019.

The City Council adopted an emergency ordinance establishing the moratorium, which went into effect on December 20, 2018. Tonight's action is the adoption of a regular ordinance accomplishing the same goal.

ENVIRONMENTAL REVIEW

The action being considered falls under several exemptions found in the California Environmental Quality Act (CEQA). It is exempt under CEQA Guidelines Section 15061(b)(3) because it is designed to preserve the status quo and therefore does not have the potential to significantly impact the environment. It is also categorically exempt under CEQA Guidelines Section 15308 as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of potential local legislation, regulation, and policies. It is also categorically exempt from review under CEQA Guidelines Section 15301 ("Existing Facilities") since it will temporarily perpetuate existing environmental conditions.

FISCAL IMPACT

There is no fiscal impact with establishing a moratorium.

COORDINATION

This report has been coordinated with the City Attorney's office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt Ordinance No. 1995 Establishing a Temporary Moratorium on Motorized Scooter and Bicycle Share Programs.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance