



Agenda Report

19-050

Agenda Date: 1/29/2019

REPORT TO COUNCIL

SUBJECT

Consider Adopting an Emergency Ordinance Extending the Temporary Moratorium on Motorized Scooter and Bicycle Share Programs

BACKGROUND

On December 20, 2018, the Council adopted an Emergency Ordinance establishing a temporary moratorium, which took immediate effect, on motorized scooter and bicycle share programs. The Council simultaneously introduced a Regular Ordinance to establish a temporary moratorium that would take effect on February 14, 2019.

The Emergency Ordinance was needed due to the short notice provide by Bird Rides, Inc. for their upcoming deployment in Santa Clara. On December 12, 2018, a representative for Bird Rides, Inc. emailed the Mayor's office with information regarding Bird scooters and looking for "a convenient time to connect." Two days later, on December 14, an additional email was sent to the Mayor's office that stated "this is our final attempt to reach out about launching Bird in Santa Clara" and "in the coming weeks you may see individuals moving about downtown on low-speed Bird electric scooters."

Given that Bird Rides, Inc. notified the City that it intended to imminently commence operations in Santa Clara, the City Council adopted an Emergency Ordinance to establish the moratorium, which went into effect immediately upon adoption. At the same meeting the City Council introduced an identical moratorium through the Regular Ordinance adoption process:

- Emergency Ordinance:
 - Went into effect immediately, December 20, 2018.
 - Will expire 45 days later, on February, 3, 2019, unless extended by City Council action.
 - Staff is recommending that the City Council extend the moratorium, at today's Council meeting, for 10 months and 15 days.
 - If extended, the moratorium will then expire on December 19, 2019.
- Regular Ordinance:
 - Introduced on December 20, 2018.
 - Adopted on January 15, 2019.
 - Ordinance goes into effect 30 days after adoption, February 14, 2019.
 - To match the emergency ordinance, the regular ordinance is set to expire on December 19, 2019.

DISCUSSION

Pursuant to Government Code Section 65858(d), this Report is required to identify the steps that the City has taken to address the conditions that led to adoption of the moratorium. City staff have begun investigating a regulatory program for motorized scooters and shared bicycles and has identified the following elements as important components of such a program:

- Fees
- Safety
- Liability
- Rules
- Parking
- Monitoring
- Enforcement
- Permits

The City Manager will present a workplan for the regulatory program during the City Manager/Executive Director Report section of the 1/29/2019 Council Agenda.

Emergency Ordinance

As discussed at the December 20, 2018 Council meeting, the Emergency Ordinance will expire on February 3, 2019, unless extended by City Council action. Staff recommends that the Emergency Ordinance be extended to align with the Regular Ordinance adopted by Council on January 15, 2019.

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

The City will need to develop any fees related to the program. These fees could include license, permits, franchise, penalties, and impound. The moratorium ordinances also allow for impounding scooters and bikes and can charge fees to recover the cost of removal and impoundment. The Finance Department is currently working with an outside Consultant on a cost of services study to update all municipal fees and will analyze these fees as part of that process. This study is expected to be completed in early 2019.

COORDINATION

This report has been coordinated with the Departments of Public Works, Finance, and the City Attorney's Office.

PUBLIC CONTACT

Pursuant to Government Code Section 65858(d), this Report was made available to the public by placing a copy on file with the City Clerk on January 18, 2019. In addition, 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 the Emergency Ordinance extending the moratorium to December 19, 2019.

Reviewed by: Manuel Pineda, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Scooter and Bike Share Emergency Ordinance Extension