

1/23/13

ORDINANCE NUMBER O- 20279 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 30 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING EXECUTION OF A
CORPORATE PARTNERSHIP AGREEMENT BETWEEN THE
CITY OF SAN DIEGO AND DECO BIKE LLC FOR THE
FINANCING, IMPLEMENTATION, MANAGEMENT AND
OPERATION OF A BIKESHARING SYSTEM

WHEREAS, the City has developed a Corporate Partnership Program to generate revenue to fund existing and additional facilities, projects, programs and activities through the development of mutually beneficial marketing partnerships between the City and a corporation or other business entity, wherein the corporation provides cash and/or in-kind goods and/or services to the City in exchange for access to the commercial marketing potential associated with the City; and

WHEREAS, the City's mobility, sustainability, health, economic, and social goals reflected in the City's 2008 San Diego General Plan support goals and policies that will help bicycling become a more viable alternative mode of transportation for trips of less than five miles, to connect to transit, and for recreation, including providing safe, convenient, and adequate short-term and long-term bicycle parking facilities and other bicycle amenities for employment, retail, multifamily housing, schools and colleges, and transit facility uses (Mobility Element, Policy ME-F.4); providing bicycle facilities and amenities to help reduce the number of vehicle trips (Mobility Element, Policy ME-F.4.b); and investigating the potential for bikesharing stations/programs in medium/higher density areas (greater than 50 people/acre); and

WHEREAS, in May 2010, SANDAG adopted its regional bicycle plan, "Riding to 2050: San Diego Regional Bicycle Plan," which includes bikesharing as a program recommended for implementation in the region; and

WHEREAS, bikesharing programs provide affordable access to bicycles for short-distance trips in urban areas, provide an alternative to motorized public transportation or private vehicles, reduce traffic congestion, parking congestion, noise, and air pollution, connect users to public transit networks, address some of the primary disadvantages to bicycle ownership such as loss from theft or vandalism, lack of parking or storage, and maintenance, and are a favorable amenity for visitors; and

WHEREAS, the June 2012 report issued by the Mineta Transportation Institute, “Public Bikesharing in North America: Early Operator and User Understanding,” found that bikesharing results in fewer vehicle miles traveled, reduces greenhouse gas emissions, and creates green jobs related to system management and maintenance; and

WHEREAS, the City issued a Request for Sponsorships (RFS) under the Corporate Partnership Program to identify a corporate partner interested in working with the City to develop a bikesharing program based upon the following goals:

- Provide an affordable transportation alternative to driving for San Diego residents, commuters, and visitors;
- Facilitate an increase in transit use by providing a last-mile solution for commuters;
- Reduce vehicle trips and traffic;
- Make bicycle travel a viable option for people without bikes or no place to store bikes;
- Encourage new bicycle commuters;
- Promote commerce in the City by enhancing access to business, shopping, dining and entertainment venues;
- Create an integrated system that can expand to the San Diego region; and

WHEREAS, due to lack of City funding, the City requested proposals for a bikesharing program that would operate without financial support from the City and provide revenue sharing with the City; and

WHEREAS, Deco Bike LLC (DecoBike) is a Florida limited liability company that specializes in the design, development, manufacture and operation of public bikesharing programs and has proposed a bikesharing program that will result in the installation, maintenance, and operation of a public bikesharing system and that includes the sale of advertising displayed at the bikesharing stations to generate funding to support the program; and

WHEREAS, the City and DecoBike have negotiated that certain Corporate Partnership Agreement Between the City of San Diego and Deco Bike LLC for the Financing, Implementation, Management and Operation of a Self-Service Bikesharing System with City Marketing Rights and Benefits (“Agreement”) on file in the office of the City Clerk as Document No. OO- 20279 ; and

WHEREAS, the Agreement provides that the revenue generated by advertising at the bikesharing stations shall be used exclusively to support the bikesharing system, roadway improvements for bicycles, or other enhancements to serve the bicycle-riding public; and

WHEREAS, the Agreement contains provisions to limit and control the size, amount and type of advertising at each bikesharing station to promote the City’s important transit interests while preserving and improving the City’s aesthetics; and

WHEREAS, as part of the Agreement, the City would grant to DecoBike the right to install bikesharing facilities in the public right-of-way after outreach to the public and subject to the City’s approval of site locations and the City’s encroachment removal conditions; and

WHEREAS, in order to facilitate the efficient and timely maintenance and management of the bikesharing system, the Agreement allows DecoBike to use metered parking spaces near bikesharing stations; and

WHEREAS, the bikesharing program would provide an alternative mode of transportation and a significant benefit to the public without the expenditure of City funds; and

WHEREAS, the City has determined that DecoBike's proposal meets the objectives of the Corporate Partnership Program and is otherwise in the best interests of the City; and

WHEREAS, a notice of a public hearing concerning the adoption of this Ordinance was duly published once at least 10 days prior to such hearing in a newspaper of general circulation in the City; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego that:

Section 1. The Mayor or his designee is authorized and directed to execute, for and on behalf of the City, that certain Corporate Partnership Agreement Between the City of San Diego and Deco Bike LLC for the Financing, Implementation, Management and Operation of a Self-Service Bikesharing System with City Marketing Rights and Benefits ("Agreement") for a term of 10 years with two 5-year options, all on the terms and conditions as set forth in the Agreement on file in the office of the City Clerk as Document No. OO- 20279, together with any reasonably necessary modifications or amendments thereto which do not increase the cost or materially change the program and which the Mayor or designee shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement.

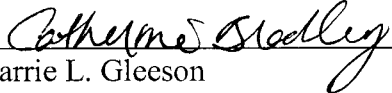
Section 2. Based upon and limited to the terms and conditions set forth in the Agreement, the signs proposed for use in the Agreement may be located in the right-of-way and carry off-premises messages, notwithstanding the regulations contained in San Diego Municipal Code Chapter 14, Article 2, Division 12, Sign Regulations.

Section 3. Based upon and limited to the terms and conditions set forth in the Agreement, the bikesharing maintenance vehicles used in performance of the Agreement shall be permitted to use metered or resident restricted parking spaces when necessary for maintenance at a bikesharing station, notwithstanding the regulations contained in San Diego Municipal Code Chapter 8, Article 2, Division 0, Traffic Movement and Control, and Chapter 8, Article 6, Division 20, Residential Permit Parking Program.

Section 4. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

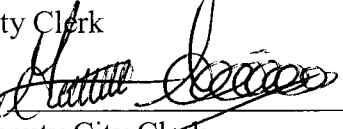
APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Carrie L. Gleeson
Deputy City Attorney

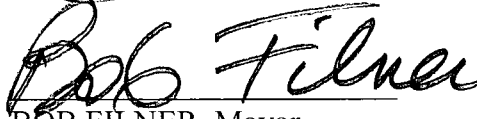
CLG:jdf
6/7/2013
7/12/2013 COR. COPY
Or.Dept: Corporate Partnership
Doc. No: 576804

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 7/23/13.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/26/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

The date of final passage is July 30, 2013, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.

Passed by the Council of The City of San Diego on JUL 23 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 30 2013.

AUTHENTICATED BY: BOB FILNER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 09 2013, and on JUL 30 2013.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20075