

ORDINANCE NUMBER O- 20433 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 25 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO EXTENDING THE CITY'S ALL-ELECTRIC CAR SHARE PILOT PROGRAM, AND APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH CAR2GO.

WHEREAS, on September 22, 2011, the San Diego City Council (City Council) approved an all-electric car share pilot program (Pilot Program); and

WHEREAS, the City and car2go N.A., LLC (Car2go) entered into the "Agreement for Car2go All-Electric Car Share Program" (Agreement) commencing on October 24, 2011 and having an initial term of two years with the option to extend for one additional year; and

WHEREAS, Car2go offers customers the opportunity to rent electric vehicles by the minute any time of the day within a defined operating area and can be returned anywhere in the defined operating area; and

WHEREAS, on October 25, 2013, the City and Car2go entered into a non-exclusive second "Agreement for Car2go All-Electric Car Share Program" to, among other things, exercise the option to extend the original Agreement for an additional year so that the City may establish a permanent car share program, which agreement is included as Attachment D to the Executive Summary accompanying this Ordinance (Extension Agreement); and

WHEREAS, the City has monitored Car2go's car share statistics during the three-year period and has determined that a permanent car share program in the City of San Diego would offer economic, environmental, and community benefits to City residents, employers, and visitors; and

WHEREAS, the City is making progress with the implementation of a permanent car share program, reviewing various alternatives in order to create an open and competitive car share program in San Diego; and

WHEREAS, the City desires to amend the Extension Agreement in order to institute one, final extension of the Pilot Program for a term not to exceed twelve months so that the City may finalize the City's permanent car share program, which amendment shall be in substantially the same form as the one included as Attachment E to the Executive Summary accompanying this Ordinance (Amendment); and

WHEREAS, the additional finite extension in the Amendment will provide the City ample time to establish a permanent care share program; and

WHEREAS, pursuant to the Pilot Program and the Extension Agreement, car2go reimburses the City monthly for use of unreserved metered parking spaces on the 15th day of each month following such usage as described in Exhibit 1 of the Extension Agreement; and

WHEREAS, San Diego Municipal Code section 86.0123(c) requires the operator of a vehicle to immediately deposit money into any applicable parking meter or otherwise immediately purchase time using an approved method of payment; and

WHEREAS, San Diego Municipal Code section 86.0126 prohibits a person from allowing a vehicle to remain parked in any parking meter zone when the meter, receipt, card, or electronic device shows the parking time has expired; NOW, THEREFORE,

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

Section 1. The Mayor or designee is authorized, on the City's behalf, to execute the Amendment in substantially the same form included as Attachment E to the Executive Summary

accompanying this Ordinance, and on such other terms and conditions deemed by the Mayor or designee to be in the best interests of the City, subject to the approval of the City Attorney.

Section 2. The Pilot Program shall continue until October 24, 2015, or the date upon which the City effectuates a permanent car share program, whichever is sooner.

Section 3. The Pilot Program is a non-exclusive car sharing program and any public or private company or organization that wishes to participate in the Pilot Program may do so pursuant to a separate agreement with the City under substantially the same terms and conditions of the Extension Agreement.

Section 4. The requirement of San Diego Municipal Code section 86.0123(c) that the operator of a vehicle immediately deposit money into a parking meter or otherwise immediately purchase time using an approved method of payment shall not apply to any vehicle, or operator of said vehicle, available for rent pursuant to the terms of the Pilot Program and an agreement with the City as described in Section 3 of this Ordinance.

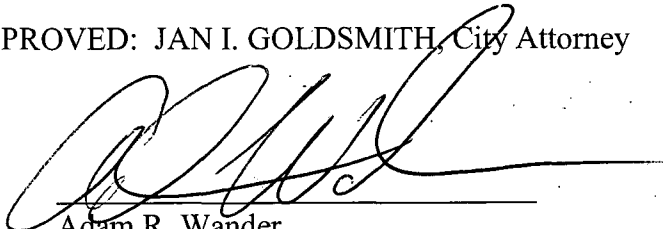
Section 5. The restriction contained in San Diego Municipal Code section 86.0126 that prohibits a person from allowing a vehicle to remain parked in any parking meter zone when the meter, receipt, card, or electronic device shows the parking time has expired shall not apply to any vehicle, or operator of said vehicle, available for rent pursuant to the terms of the Pilot Program and an agreement with the City as described in Section 3 of this Ordinance.

Section 6. 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 7. 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

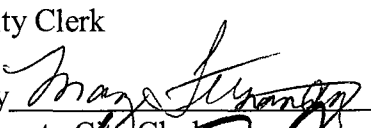


Adam R. Wander
Deputy City Attorney

ARW:mcm
October 9, 2014
October 22, 2014 Rev. Copy
Or.Dept: Econ Devel
Doc. No.: 878576_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 10 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/24/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 10 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 25 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By Mary Hernandez, 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

OCT 20 2014

NOV 25 2014

, and on

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By Mary Hernandez, Deputy

Office of the City Clerk, San Diego, California

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