



AGENDA REPORT

Meeting Date: October 4, 2016
Item Number: E-1
To: Honorable Mayor & City Council
From: Aaron Kunz, Deputy Director of Transportation
Chad Lynn, Assistant Director of Public Works
Martha Eros, Transportation Planner
Logan Phillippo, Management Analyst *LP*

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES TO ADD PARKING CITATIONS FOR ILLEGAL SALE, USE AND PURCHASE OF PREFERENTIAL PARKING PERMITS, AND AMEND THE BIKE SHARE FEES FOR FISCAL YEAR 2016-2017

Attachments: 1. Resolution

RECOMMENDATION

It is recommended that the City Council conduct a public hearing and move to adopt the "Resolution Of The Council Of The City Of Beverly Hills Amending The Comprehensive Schedule Of Taxes, Fees And Charges To Add Parking Citations For Illegal Sale, Use And Purchase Of Preferential Parking Permits, And Amend The Bike Share Fees For Fiscal Year 2016-2017."

INTRODUCTION

Parking Citations for Sale and Purchase of Preferential Parking Permits. Pursuant to Beverly Hills Municipal Code ("BHMC") section 7-3-212 B, "It shall be unlawful for any person to sell, rent or lease, or cause to be sold, rented or leased, for any value or consideration any preferential parking permit." Further, BHMC section 7-3.212 C provides that, "It shall be unlawful for any person to buy or otherwise acquire for value or use any preferential parking permit, except as provided for in this article." Fines for violations of BHMC 7-3.212 B and C are not currently included in the City's Schedule of

Taxes, Fees & Charges. Citations for related misuse of preferential parking permits were formerly cited under a separate section of the BHMC, but after consultation with the City Attorney's Office, staff has determined that BHMC 7-3.212 B and C are more appropriate. This proposed fine of \$158 is the same as the fine already established for violations of BHMC section 7-3.211, for misuse of such permits by residents and guests.

Bike Share Fees. At the April, 7, 2015, Study Session, City Council directed staff to implement a bike share pilot program following the City of Santa Monica's bike share model. City Council adopted the Beverly Hills Bike Share program fees and charges on May 3, 2016, and officially launched the Beverly Hills Bike Share pilot program on May 10, 2016. As of August 1, 2016, the program has 486 active members with approximately 1,193 overall trips.

DISCUSSION

Parking Citations for Sale and Purchase of Preferential Parking Permits. Currently, for violation of any law regarding the parking or standing of vehicles for which there is no established fine, the City may issue a citation fine of \$55.00, as outlined in the Fee Schedule. Staff has determined that the issuance of a citation to the parked vehicle rather than the permit holder is the most efficient first step to achieve the goal of greater code compliance and that an increased fine could better deter repeat violators.

In extreme cases, the City may take additional steps to treat these types of violations as misdemeanors for the permit holder and revoke permits. This type of action can be successful if a violator has a documented history of noncompliance, but requires additional time, resources and due process.

The \$158.00 fine mirrors the cost of a parking permit and would be collected as a civil penalty, which is consistent with California Vehicle Code. For comparison, the City of West Hollywood has an established fine of \$118.00 for similar code violations. A late charge is applied 21 days (or more) after the issuance of a citation and equals the amount of the fine. An additional charge is applied 90 days (or more) after the issuance of a citation and reflects the cost for special collections processing. These fees are outlined in Exhibit A of the Resolution.

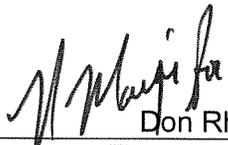
Bike Share Fees. The Beverly Hills Bike Share fees and charges were based on Santa Monica's *Breeze* bike share system, which launched in November 2015. After monitoring their first six months of operation, the City of Santa Monica moved forward with updating their bike share fare structure to include (1) extending the daily ride time for monthly and annual plans from 60 minutes to 90 minutes; (2) increasing the *Pay-As-You-Go* rate from \$0.10 to \$0.12 per minute to align with regional bike share and private bike rental fare structures; and (3) adjusting the *Student Pass* rate from \$47 per 6-month term to \$7 per month for any student with an ".edu" e-mail verification. The City of West Hollywood is following Santa Monica's updated fare structure with their August 2016 bike share program launch.

Staff is requesting that the Bike Share program fees be updated to reflect Santa Monica's new fare structure, and provide the Director of Community Development the authority to adjust these fees in accordance with the Cities of Santa Monica and West Hollywood and future Westside cities, provided that no fee set shall be increased by more than 25 percent each fiscal year.

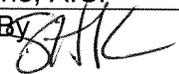
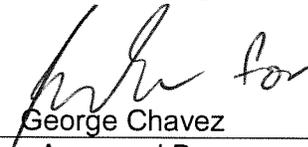
FISCAL IMPACT

Parking Citations for Sale and Purchase of Preferential Parking Permits. During the Fiscal Year 2015/16, the City issued 1 citation for violation of BHMC 7-3.212 B and 21 citations for violation of BHMC 7-3.212 C. If the City were to issue a similar number of citations during the next fiscal year, the result would be an approximate \$2,472 in additional citations-related revenue, which includes estimates for applicable late charges.

Bike Share Fees. The fees and charges will be borne by the users as they participate in the City's bike share program and will go towards cost recovery for the bikes and annual program operations. The annual cost to administer this program (system operation only excluding capital purchases) is approximately \$110,000 and is funded by Measure-R Local Return transportation grant funds.



Don Rhoads
Finance Approval

Susan Healy Keene, AICP
Approved By 


George Chavez
Approved By

RESOLUTION NO. 16-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES TO ADD PARKING CITATIONS FOR ILLEGAL SALE, USE AND PURCHASE OF PREFERENTIAL PARKING PERMITS, AND AMEND THE BIKE SHARE FEES FOR FISCAL YEAR 2016-2017

The Council of the City of Beverly Hills does resolve as follows:

Section 1. *Parking Citations for Purchase of Preferential Parking Permits.* The City desires to establish a parking citation fine for the illegal use and purchase of preferential parking permits pursuant to Beverly Hills Municipal Code Sections 7-3-212 B and C in the amounts set forth in Exhibit A hereto. Said fees shall be included and incorporated into the City's Comprehensive Schedule of Taxes, Fees and Charges and shall go into effect upon the adoption of this Resolution.

Section 2. *Bike Share Fees.* The City desires to replace all existing fees regarding the City's bike share program with the fees set forth in Exhibit B hereto. Said fees shall be included and incorporated into the City's Comprehensive Schedule of Taxes, Fees and Charges and shall go into effect upon the adoption of this Resolution. In the event that the City's bike share program provides for the reciprocal use of bikes in connection with another city's bike share program, the City Director of Community Development may adjust the amounts set forth in Exhibit B to match the fees established by such city, provided that no fee set forth in Exhibit B shall increase by more than 25 percent (25%) each fiscal year.

Section 3. The City Council is taking action only on those fees set forth in Exhibits A and B. The remaining taxes, fees, permit fees, City service charges, and other fees, charges, extractions, and required payments for municipal services, inspections, enforcement activities or for

other indicated purposes set forth in the Comprehensive Schedule of Taxes, Fees & Charges have not been readopted and remain in place.

Section 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

JOHN A. MIRISCH
Mayor of the City of Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



DON RHOADS
Director of Administrative Services/
Chief Financial Officer



GEORGE CHAVÉZ
Assistant City Manager/Director of Public Works



SUSAN HEALY KEENE
Director of Community Development

EXHIBIT A

PARKING CITATIONS

<u>REFERENCE</u>			<u>Citation Fine</u>	<u>Late Charge</u>	<u>Additional Charge</u>
7-3.212 B	MC	Unlawful sale of preferential parking permit	158.00	158.00	29.00
7-3.212 C	MC	Unlawful purchase or use of preferential parking permit	158.00	158.00	29.00

EXHIBIT B

BIKE SHARE FEES

BEVERLY HILLS BIKE SHARE ADJUSTED RATES 16/17		
MEMBERSHIP PLAN	RATE	DAILY RIDING TIME ⁽¹⁾
Pay-as-you-go	\$7/hour	(Prorated \$0.12/min)
Monthly Pass	\$25/month	90 mins
Annual Pass	\$99/year	90 mins
Student Pass (requires ".edu" email verification) ⁽²⁾	\$7/month	90 mins
SPECIALTY MEMBERSHIP PLANS ⁽³⁾		
All Staff Benefit Package (Membership for every Employee)	\$19/year	90 mins
Partial Staff Package (Minimum of 1 Membership Purchase)	\$79/year	90 mins
Low-income Rate	\$60/year	90 mins
Miscellaneous Activity Charge/Credits		Charge/Credit
Out-of-system area Fee		\$20 charge
Out-of-hub location in system area Fee ⁽⁴⁾		\$2 charge
Return bike from out-of-hub location to hub		\$1 credit
Reserve/Hold bike		Standard rates apply while reserved or put on hold
RFID Card/Replacement Card		\$1 charge
REFERENCE		
¹ Riding time: For <i>Pay-as-you-go</i> , ride time is charged per minute while the bike is unlocked. Also, Pay-as-you-go users can pre-load their account in advance and the balance of available time is reduced when used, with no expiration. For Passes, Daily Riding Time is the number of minutes included per day; no rollover credit; additional ride time beyond the daily amount is charged at the prorated \$0.12/min rate.		
² Bike Share age requirement is 16 years of age or older		
³ Specialty Plans will not be offered directly to the public; requests may be administered by the Transportation Official on a case-by-case review.		
⁴ Bike Return to a regular bike rack within 100 feet of a hub shall be considered "in hub" if no bike racks are available at the hub.		
FEE WAIVERS		
City Sponsored/co-sponsored event fee waivers	Transportation Official may determine applicable waived fees per event.	