



# CITY COUNCIL STAFF REPORT

DATE: October 5, 2016

LEGISLATIVE

SUBJECT: PROPOSED ORDINANCE RELATING TO THE REGULATION OF  
PEDICABS ON CITY STREETS

FROM: David H. Ready, City Manager

BY: Community & Economic Development Department

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## SUMMARY

The City Council will consider the introduction of an ordinance relating to pedicabs and allowing the consumption of alcoholic beverages onboard pedal-powered passenger vehicles as defined by SB 530.

## RECOMMENDATION:

Waive reading of the ordinance text and introduce by title only for first reading Ordinance No.\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 12.92 ENTITLED 'REGULATION OF PEDICABS' TO TITLE 12 'VEHICLES AND TRAFFIC' OF THE MUNICIPAL CODE RELATING TO THE REGULATION OF PEDICABS ON CITY STREETS."

## STAFF ANALYSIS:

At the meeting of July 6, 2016, the City Council discussed a proposed ordinance for the regulation of pedicabs and establishing regulations that would allow passengers to consume alcohol onboard multi-passenger vehicles. The pedicab ordinance establishes general regulations for pedicabs as defined in California Vehicle Code Section 231, including four-wheeled vehicles that seat eight or more passengers.

There are general requirements for all types of pedal-powered vehicles relating to seating capacity, age requirements of operator, and safety inspection such as seat belts, seat backs, brakes, and lights. Section 19.92.070 addresses insurance requirements, and Section 19.92.220 addresses the requirements for pedicabs operating with alcohol on board in accordance with SB 530.

Senate Bill 530 establishes requirements for pedicabs that allow passengers to consume alcohol until January 1, 2020. The bill also amends the definition of "pedicabs"

ITEM NO. 3A

to include a four-wheeled device that is primarily or exclusively pedal-powered and has a seating capacity for eight or more passengers, does not travel in excess of 15 miles per hour, and is used for transporting passengers for hire.

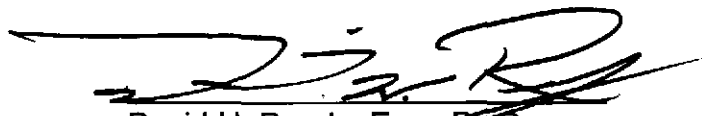
Some requirements relating to alcohol on board include: all passengers and drivers shall be 21 years and older, passengers consumption of alcoholic beverages shall be limited to beer and wine and shall not exceed 36 ounces of beer or 18 ounces of wine per passenger. Additionally, a permit from the Department of Alcoholic Beverage Control (ABC) is not required of the operator or onboard safety monitor, so long as neither the operator, nor their employees or agents, sell, serve, or furnish any alcoholic beverages to any passenger. Beer and wine may be consumed by a passenger only while he or she is physically onboard and within the pedicab. Open container laws still apply and any passenger who sets foot in the public right-of-way while holding an open container of alcohol may be cited by the Police Department.

FISCAL IMPACT:

Associated Staff costs will be recovered in the fees paid as part of the permitting process.

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Cathy Van Horn  
Economic Development Administrator



David H. Ready, Esq., Ph.D.  
City Manager

Attachments: Proposed Ordinance

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ADDING CHAPTER 5.41 TO THE PALM SPRINGS MUNICIPAL CODE ESTABLISHING REGULATIONS FOR PEDICABS ON CITY STREETS

*City Attorney's Summary*

*This Ordinance establishes a comprehensive regulatory program for the operation of pedicabs in the City, including specific regulations for the possession and consumption of alcoholic beverages under specific conditions by pedicab passengers.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

**SECTION 1.** Chapter 5.41 is added to the Palm Springs Municipal Code to read:

Chapter 5.41. REGULATION OF PEDICABS

**Section 5.41.010. Purpose**

The City Council finds that regulations governing pedicabs and the owners and drivers of pedicabs are necessary to protect the general safety and welfare of passengers using pedicabs for hire and pedestrians and motorist within the city.

**Section 5.41.020. Definitions**

Unless it appears from the context that a different meaning is intended, the following words, as used in this Chapter, shall have the following meaning:

“Identification card” means a card issued by the city that identifies the pedicab driver with a color passport a-size photo.

“Operates within the city” means the soliciting, accepting, picking-up, or embarking within the city of a passenger or passengers for transportation or conveyance to any point within or outside the city for any form of consideration.

“Pedicab” means any of the following:

1. A bicycle (as defined in California Vehicle Code Section 231) that has three or more wheels, that transports, or is capable of transporting, passengers on seats

attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire.

2. A bicycle (as defined in California Vehicle Code Section 231) that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire.
3. A four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for eight or no more than 15 passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire.

“Pedicab driver” or “driver” means any individual who drives or operates a pedicab within the city whether as an owner, an employee of the owner, or as an independent contractor.

“Pedicab driver permit” means a written permit issued by the city authorizing a person to drive or operate a pedicab within the city.

“Pedicab owner” or “owner” means any person who owns, leases, or otherwise has possession of a pedicab.

“Pedicab owner permit” means a written permit issued by the city authorizing a person to own one or more pedicabs and allowing such pedicab(s) to be driven or operated within the city.

“Pedicab vehicle permit” means the numbered permit issued by the city for display on a pedicab to indicate that the pedicab is permitted to operate within the city.

“Person” means both singular and plural, and shall mean any individual, firm, corporation, association, partnership, society or other entity, exclusive of public agencies.

### **Section 5.41.030. Permit Requirement for Pedicab Owners**

It is unlawful for a pedicab owner to drive or operate a pedicab, or allow a pedicab to be driven or operated, within the city unless the owner has a valid pedicab owner permit. Pedicab owner permits are the property of the city and are not transferable to any other person.

### **Section 5.41.040. Application for Pedicab owner permit**

- A. The pedicab owner permit application shall be in a form prescribed by the City Manager.
- B. Each applicant for a pedicab owner permit shall provide the following information in the application:
  1. The applicant's full name;

2. The applicants business and residence address, phone number, and email;
  3. The name(s) under which the applicant will be conducting business as a pedicab owner;
  4. The applicant's date of birth, and proof that the applicant is twenty-one (21) years of age or older;
  5. Identification in the form of a valid motor vehicle driver's license or identification card issued by any state or territory of the United States, or a valid passport;
  6. Proof of a valid city business license
  7. Proof of insurance as set forth in this chapter;
  8. A complete set of fingerprints of the applicant;
  9. Four recent color passport-sized photographs;
  10. Authorization for the city to conduct a comprehensive background check of the applicant; and
  11. Such other material as the City Manager may require to evaluate the fitness of the applicant to be granted a pedicab owner permit.
- C. Each applicant must sign the application which shall contain a warning that the application may be denied or permit suspended, modified or revoked if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a pedicab owner permit.
- D. The City Manager shall investigate the facts stated in an application for a pedicab owner permit and other relevant data

#### **Section 5.41.050 Pedicab Owner Permit.**

The City shall charge an annual nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab owner permits in an amount as may from time to time be determined by the City Council. A pedicab owner permit shall be valid for a period for one year from the date of issuance.

#### **Section 5.41.060 Pedicab Owner Permit Renewal.**

A pedicab owner permit shall be renewable annually 30 days prior to the expiration of their existing permit. The renewal fee shall be set by the Council Resolution.

#### **Section 5.41.070 Insurance Requirements**

At all times Pedicab Owner shall indemnify, keep indemnified, save harmless, and defend the City, its officers, agents and employees from and against any injury, loss, damage, liability, claim and expense of any kind which the City or any of its officers, agents and employees may sustain, incur or pay and from all actions which may be connected with any of the operations of permittee.

Pedicab Owner shall procure and maintain at its cost, during the term of the permit and any renewals thereof, from an insurer admitted in California or having a minimum rating of or equivalent to A:VIII in Best's Key Rating Guide, comprehensive general liability insurance, endorsed to cover the use of all horse-drawn carriages operated pursuant to the permit, with a combined single limit of at least one million dollars for each occurrence or two million dollars general aggregate. The City, its officials, employees, and agents shall be covered as additional insureds with respect to liability arising from the operations of the Pedicab Owner. Said insurance shall be primary insurance with respect to the City and shall contain an endorsement requiring thirty days prior written notice from insurers to the City and Pedicab Owner before cancellation or change of coverage.

Pedicab Owners shall file certificates of insurance and original endorsements containing the original signature of a person authorized by the insurer to bind coverage on its behalf and evidencing the coverage required herein for approval as to sufficiency and form prior to the start of operations pursuant to the permit. The City reserves the right to require complete certified copies of all policies at any time.

Said insurance may provide for such deductibles or self-insured retention as may be acceptable to the City's risk manager. In the event such insurance does provide for deductibles or self-insured retention, permittee shall fully protect the City, its officials and employees in the same manner and to the same extent as they would have been protected had the policy not contained a deductible or retention provisions.

Insurance required herein shall not be deemed to limit Pedicab Owner's liability under this chapter. Any modification or waiver of these insurance requirements shall only be made with the written approval of the city's risk manager.

#### **Section 5.41.080 Permit Requirement for Pedicab Drivers.**

It is unlawful for any person to drive or operate a pedicab within the city without having a valid pedicab driver permit. Pedicab driver permits are the property of the city and are not transferable to any other person.

#### **Section 5.41.090 Application for Pedicab Driver Permit**

- A. The Pedicab Driver Permit application form shall be in a form prescribed by the city manager.
- B. The applicant shall provide the following information in the application.
  - 1. The applicant's full name;
  - 2. The applicant's business and residence addresses, phone numbers and emails;
  - 3. The names(s) of the business or company, if any, for which the driver shall be working as a pedicab driver;

4. The applicant's date of birth, and proof that the applicant is twenty-one (21) years or older;
5. Identification in the form of a current and valid motor vehicle driver's license issued by the State of California;
6. A complete set of fingerprints of the applicant;
7. Four recent color passport-size photographs;
8. Authorization for the city to conduct a comprehensive background check of the applicant; and
9. Any other material the city manager may require to evaluate the fitness of the applicant to be granted a pedicab driver permit.

C. Each applicant must sign the application which shall contain a warning that the application may be denied or the permit suspended, modified or revoked if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a pedicab driver permit.

D. The city manager shall investigate the facts stated in an application for a pedicab driver permit and other relevant data.

#### **Section 5.41.100 Pedicab Driver Permit Fee/Permit Duration**

The City shall charge an annual nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab driver permits as may from time to time be determined by the City Council. This permit shall be valid for one year from date of issuance.

#### **Section 5.41.110 Pedicab Driver Permit Renewal**

A pedicab driver permit shall be renewable annually 30 days prior to the expiration of their existing permit. The renewal fee shall be set by Council by resolution.

#### **Section 5.41.120 Driver identification Card**

A. The city shall issue an identification card to a person after such person has issued a pedicab permit.

B. While the pedicab is in operation, the pedicab driver shall wear the identification card at all times on his or her person, in a manner clearly visible to the public.

C. Identification cards are the property of the city and are not transferable to any other pedicab driver. In the event that a person's pedicab driver permit is suspended or revoked, the operator shall immediately surrender the identification card to the city manager. In the event of a suspension, the city manager shall return the identification card to its owner immediately after termination of the suspension period.

### **Section 5.41.130. Driver's License Requirement**

It is unlawful for any individual to drive or operate a pedicab unless he or she is currently and validly licensed by the State of California to drive a motor vehicle. A pedicab driver shall have his or her current valid motor vehicle driver's license issued by the State of California on his or her person at all times while driving or operating a pedicab.

### **Section 5.41.140. Permit Requirement for Pedicab Vehicles**

A. It is unlawful for any pedicab owner to lease, rent or allow a pedicab to be driven or operated for hire within the city without first having obtained a pedicab vehicle permit. The pedicab vehicle permit shall be permanently affixed in a conspicuous and visible location within the pedicab.

B. Pedicab vehicle permits are the property of the city and are not transferable to any other pedicab.

### **Section 5.41.150 Application for Pedicab Vehicle Permit**

A. The pedicab vehicle permit application shall be in a form prescribed by the city manager. The applicant shall provide the following information in the application:

1. The full name, business and residence address, phone, and email of the applicant;
2. The name and address of all legal and registered owners of the pedicab;
3. A description of the pedicab, including trade name, if any, serial number or owner identification number, body style, and color scheme;
4. Seating capacity of the pedicab; and
5. Proof of insurance in accordance with this chapter.

### **Section 5.41.160 Requirements for Issuance of a Pedicab Vehicle Permit**

A. Pedicab vehicle permits shall be issued only after the pedicab has been inspected by the city. Pedicabs must meet all of the following requirements:

1. A battery-operated headlight capable of projecting a beam of white light for a distance of three hundred (300) feet shall be permanently affixed to the pedicab. Such light may be removable and recharged;
2. Battery-operated taillights shall be permanently affixed on the right and the left at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within five hundred (500) feet to the rear of the pedicab. Such light may be removable and recharged;
3. Signal bells and turn signals indicators;
4. Seat belts for each available passenger;



5. Four (4) wheeled pedal-powered pedicabs shall be equipped with seatbelts and seat backs for all passengers, plus, brakes, reflectors, headlights, and grab rails;

6. Those requirements related to bicycles as set forth in California Vehicle Code Section 21201 shall apply.

#### **Section 5.41.170. Pedicab Vehicle Permit Fee/Duration**

The city shall charge an annual nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab vehicle permits as may from time to time be determined by the City Council. Pedicab vehicle permits shall be valid for a period of one year from date of issuance.

#### **Section 5.41.180. Pedicab Vehicle Renewal**

Pedicab vehicle permits shall be renewable annually upon filing of a new application, inspection of the pedicab, and payment of the annual pedicab vehicle permit fee.

#### **Section 5.41.190. Equipment Regulations for Operation of Pedicabs**

It is unlawful for any person to operate, or cause to be operated, a pedicab which fails to meet the equipment requirements of this chapter.

#### **Section 5.41.200. Fare Schedule**

A. Every pedicab shall have permanently affixed to the outside of the vehicle, in a place readily seen by passengers, a frame covered with clear plastic, or similar material, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such pedicab. The font size for such lettering shall be at least one inch in height.

B. It is unlawful for a pedicab driver to deceive any passenger who rides in the vehicle, or who expresses a desire to ride in such vehicle, as to that passenger's destination or the rate to be charged.

C. It is unlawful for pedicab driver to demand from a passenger a fare greater than the fare contained in the posted fare schedule.

D. Subsection C of this section does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passengers and the pedicab driver or operator prior to the beginning of the tour.

#### **Section 5.41.210. Report of Accidents and General Pedicab Operations**

A. The operator of the pedicab shall annually report to the Department of the California Highway Patrol, commencing on January 1, 2106, any accidents caused or experienced by the pedicabs.

B. A pedicab owner whose pedicab is involved in any accident or collision resulting in property damage or personal injury of any kind shall within forty-eight (48) hours of being informed of the accident or collision give a written report thereof to the city manager. A copy of a report required under state law shall be deemed sufficient for such purposes; otherwise, such report shall contain all information required with respect to reports otherwise required under state law.

### **Section 5.41.220 Requirement for Pedicab Operating with Alcohol on Board**

Any 4-wheeled pedal-powered vehicle on which alcoholic beverages are consumed shall operate subject to all of the following requirements:

A. An onboard safety monitor who is 21 years of age or older shall be present whenever alcohol is being consumed by passengers during the operation of the pedicab. The onboard safety monitor shall not be under the influence of any alcoholic beverage and shall be considered as driving the pedicab for purposes of Article 2 (commencing with Section 23152) of Chapter 12 of Division 11 of the California Vehicle Code during the operation of the pedicab.

B. Both the operator and safety monitor shall have successfully completed either the Licensee Education on Alcohol and Drugs (LEAD) program implemented by the Department of Alcoholic Beverage Control or a training course utilizing the curriculum components recommended by the Responsible Beverage Service Advisory Board established by the Director of Alcoholic Beverage Control.

C. Alcoholic beverages shall not be provided by the operator or onboard safety monitor or any employee or agent of the operator or onboard safety monitor of the pedicab.

D. Alcoholic beverages may only be supplied by the passengers of the pedicab. All alcoholic beverages supplied by passengers of the pedicabs shall be brought on board in enclosed, sealed, and unopened containers that have been labeled pursuant to Chapter 13 (commencing with Section 25170) of Division 9 of the Business and Profession Code prior to their consumption on board the pedicab.

E. All alcoholic beverages supplied by passengers shall be limited to beer and wine and shall not exceed 36 ounces of beer or 18 ounces of wine per passenger.

F. Alcoholic beverages may be consumed by a passenger of the pedicab only while he or she is physically on board and within the pedicab. Open container laws still apply

and any passenger who sets foot in the public right-of-way while holding an open container of alcohol may be cited by the police department.

G. All passengers shall be 21 years of age or older if alcohol is consumed during the operation of the pedicab.

H. For the purposes of this subdivision, passengers who are pedaling the device are not operators.

I. A license or permit from the Department of Alcoholic Beverage Control shall not be required of the operator or onboard safety monitor, so long as neither they, nor their employees or agents, sell, serve, or furnish any alcoholic beverage to any passenger.

J. For purposes of this section, "alcoholic beverage" has the same meaning as defined in Section 23004 of the Business and Professions Code.

#### **Section 5.41.230 General pedicab Operation**

A. All pedicabs shall be operated according to the provisions of this chapter, the applicable provisions of the California Vehicle Code and the City of Palm Springs Code governing operation of bicycles, and all other applicable state and federal laws.

B. No pedicab shall be operated in weather conditions that pose an unreasonable safety risk to the drivers or passengers of the pedicab, or to other motorists or pedestrians.

C. No owner or driver of a pedicab shall knowingly permit such pedicab to be used for unlawful purposes or knowingly to transport persons for such purposes.

D. No pedicab shall operate on any freeway or on any highway with a posted speed limit in excess of 30 miles per hour, except to cross the highway at an intersection.

E. Every pedicab operating under this chapter must be inspected by the city manager at such intervals as may be established by the city manager, to insure the continued maintenance of safe operating conditions. Such pedicabs shall be maintained in working order and good repair. Maintenance and repair records for each pedicab shall be retained for at least one year after such maintenance and repair has been completed, and such records shall be made available to the city upon request.

F. For the purpose of immediately loading or unloading passengers, a pedicab may remain standing upon a street if the pedicab is in any legal parking stall, designated loading zone or any other location that does not impede pedestrian or vehicular traffic. Otherwise, a pedicab may not be left parked or standing in metered spaces or specially designated spaces, such as those for carriages, taxis, busses, handicapped drivers, and the like. The city manager may set forth specific additional locations where

pedicabs are allowed to park or stand. No pedicab, while in operation for solicitation or transportation of passengers, shall be left unattended by the pedicab driver for a period of more than fifteen (15) minutes at a time unless parked in one of those specific locations identified by the city manager.

G. Pedicab owners shall maintain an operational log for each pedicab owned and operated under the owner's pedicab owner's permit. The operational log shall list the dates and times of the operation of each pedicab, and the name of any pedicab driver operating the pedicab during those dates and times.

H. Pedicab owners shall establish a procedure for the collection, retention and return of lost property found in each pedicab. Pedicab owners and pedicab drivers shall also be prompt, diligent and courteous in responding to and resolving inquiries and complaints from passengers, city officials and members of the general public regarding the operation of pedicabs owned and/or operated by them.

I. The city manager shall promulgate rules and restrictions regarding the times when and locations where pedicabs may be driven and operated within the city, as well as the location of any pedicab stand used for pick-up and drop-off of passengers, the appearance and maintenance of pedicabs and pedicab drivers, and other matters pertaining to the operation of pedicabs. Such rules and restriction shall be adopted by City Council resolution. The city manager shall ensure that each pedicab owner is given an updated version of such restrictions. It is unlawful for any pedicab owner or pedicab driver to drive or operate a pedicab, or allow a pedicab to be driven or operated, in violation of these restrictions.

J. Pedicab owners, pedicab drivers and pedicab vehicles are subject to all applicable, city county, state and federal laws, rules and regulations.

#### **Section 5.41.240 Denial, Suspension, Modification and Revocation of Permits**

A. Denial of pedicab permits. The city manager may deny issuance of pedicab owner permit, pedicab driver permit or pedicab vehicle permit if an applicant for such permit:

1. Fails to comply with the requirements of this chapter;
2. Misrepresents facts relevant to the fitness of the applicant;
3. Is currently required to register pursuant to California Penal Code Section 290
4. Has been convicted of a crime involving moral turpitude or narcotics; or
5. Has been convicted for hit and run, driving a vehicle recklessly or while under the influence of intoxicating alcohol or drugs within the seven years immediately preceding application for a pedicab operating permit.

B. Suspension, modification or revocation of permits. The City Manager may suspend, modify or revoke a pedicab owner permit, pedicab driver permit or pedicab vehicle permit if the holder of the permit:

1. Misrepresents facts relevant to the fitness of the pedicab owner or pedicab driver if such misrepresentation becomes known after a permit has been issued;
2. Violates the traffic laws of the city, county, or state, or has had a license to drive issued by a state or territory of the United States suspended or revoked.
3. Is convicted of misdemeanor reckless driving;
4. Fails to maintain one or more pedicabs in good order and repair;
5. Drives or operates a pedicab, or allows a pedicab to be driven or operated, when it is known to the owner or driver not to be in good order and repair;
6. Knowingly falsifies material and relevant facts on an application for a pedicab owner permit, pedicab driver permit or pedicab vehicle permit;
7. Fails to maintain insurance as required in this chapter;
8. Fails to notify the city manager thirty (30) days prior to the effective date of liability insurance cancellation or change of insurer;
9. Fails to pay any fines, penalties, fees or damages lawfully assessed upon the owner or driver of a pedicab;
10. Is convicted of a violation of any law involving alcohol or moral turpitude;
11. Operates any vehicle in a manner which constitutes a misdemeanor under the laws of the state of California; or
12. Fails to comply with any of the applicable provisions of this chapter or the rules and regulations prescribed by the city manager.
13. The city manager has received information reasonably sufficient and reliable to establish that the permit holder has committed a violation of law involving:
  - a. A felony;
  - b. A sex offense;
  - c. Soliciting for prostitution;
  - d. A narcotics offense.

C. Upon suspension or revocation, the pedicab owner or pedicab driver shall immediately surrender the pedicab operating permit, pedicab driver permit or pedicab vehicle permit to the city manager. In the event of suspension, the city manager shall return any suspended permit to the holder of such permit immediately after termination of the suspension period. After any such permit has been revoked, the holder of that permit may not reapply for such permit until one year has elapsed since the date that the revocation became a final adjudication.

#### **Section 5.41.250 Right of Appeal and Appeal Procedure**

A. The City shall notify the pedicab owner or pedicab driver that his or her pedicab owner permit, pedicab driver permit or pedicab vehicle permit has been denied, suspended, modified or revoked. The city manager shall also notify the pedicab owner or pedicab driver of the right to appeal the denial, suspension, modification or revocation to the city manager. Any written appeal shall be filed in accordance with this chapter.

B. If no appeal is filed within the time allowed, the pedicab owner permit, pedicab driver permit or pedicab vehicle permit shall be considered denied, suspended, modified or revoked and the pedicab owner or pedicab driver shall immediately surrender any such permit to the city manager in the manner prescribed.

C. Once a timely appeal is filed, any suspension, modification or revocation of pedicab owner permit, pedicab driver permit or pedicab vehicle permit shall be stayed pending the final determination by the hearing officer as set forth in this chapter, unless such permit has been immediately suspended pursuant to the chapter.

**Section 5.41.260 Appeal Proceedings.**

Any person aggrieved by any decision of the City Manager with respect to the issuance or application of a permit pursuant to the provisions of this Chapter may be appealed in the manner provided in Chapter 2.50 of this Code.

**SECTION 2.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS \_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
ROBERT MOON, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Ordinance No. \_\_\_\_ is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the \_\_\_\_ day of \_\_\_\_, 2016, and adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California

RECEIVED  
CITY OF PALM SPRINGS

2016 SEP 29 PM 3: 51

JAMES THOMPSON  
CITY CLERK

September 13, 2016

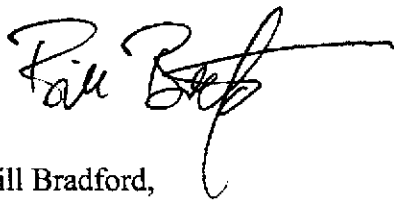
Dear City Council Members;

Shortly after the arrival of the Sunnycycle business in Palm Springs earlier in the year I have had the pleasure of working with owners Shannon Miller and Jennifer Banford that included striking a deal with them that would allow them to park their vehicle in our underground parking garage and arrange for them to be able to start their tours in the front of our resort, a relationship we have enjoyed now for many months. Since that time they have proven to be committed to maintaining a legitimate and trustworthy operation for the tourists and locals that have used their service. We have not heard one negative comment from either our guests or their clients which is outstanding and a testament to the great experience they are providing to all.

In a short period of time they solidified relationships with key business leaders within our community and have shown that they too have the same goals and objectives we all do when it comes to driving more business into the city and creating a fun, safe and entertaining activity that can be enjoyed by people of all ages. We believe Sunny Cycle to be a quality attraction and entertainment business in Palm Springs.

We understand that Governor Brown passed Senate Bill No. 530 on October 4<sup>th</sup>, 2015 allowing open liquor on a business of this nature. We have found both Shannon and Jennifer to be very responsible business owners who take pride in their operation and will do everything in their power to maintain all the safety standards regarding adult beverages. We write to you in support of allowing beer, wine or alcohol content equivalent beverages to be consumed on the Palm Springs Sunnycycle and feel confident that this added feature to their business will be a benefit that will be handled efficiently and responsibly.

Thank you for your consideration,



Bill Bradford,  
Resort Manager  
Marquis Villas Resort



# PS RESORTS

Promoting Palm Springs Tourism Through Events

RECEIVED  
OF PALM SPRINGS  
2016 SEP 29 AM 3:51  
HESTER JOHNSON  
CITY CLERK

September 14, 2016

Dear City Council;

The Sunny Cycle is striving to ensure that their business is successful in its exciting flagship launch in the City of Palm Springs. The owners, Shannon Miller and Jen Banford, invested \$160,000 into this unique entertainment business that brings energy, fun and smiles to our downtown area.

Their goal is to build a solid brand in the community that commits to a safe, fun, eco-friendly, and entertaining service while partnering with other local small businesses to make the Palm Springs experience a most memorable one. Sunny Cycle has partnered with Lulu's, Trio, Agua Caliente Spa Casino, Las Casuelas, Chill Bar and Marquis Villas.

The Palm Springs Sunny Cycle team is building their business based upon similar models already proven to be successful in other US cities/states, such as Sacramento (CA), San Diego (CA), Minneapolis (MN), Savannah (GA), St. Petersburg (FL), Austin (Texas), and Cabo St. Lucas.

From the ground up the Sunny Cycle has been designed by a professional group of engineers and trades, exceeding standards used by other cycle companies. The Palm Springs Sunny Cycle business is based on a technology platform that is considered 'best of class', whereby the cycle is equipped with an electric motor assist function, misters, surround sound stereo, flat screen TV, under-carriage lighting, under-canopy lighting, and USB ports for cell phone charging. The Sunny Cycle's electric motor assist provides safety and inclusiveness as it assists riders with pedaling up hills, starting up at red lights, and accommodates all rider capabilities. The Sunny Cycle can be moved quickly in any direction without people on it pedaling, and the under-canopy and under-carriage lighting provides illumination and safety. Other key safety features are: the driver is positioned at the front of the cycle with excellent visibility of the roadway and out of reach from the patrons; it is designed with a wide footprint with a center of gravity low and toward the center of the cycle, minimizing risk of tipping when cornering as experienced with other cycle designs; the LED headlights, brake lights, turn signals and overall vehicle lighting ensures high visibility; a step up platform, handrails throughout the cycle, secure seat backs with adjustable seat height and retractable seatbelts; a second team member accompanies each tour, situated in the middle, between the riders for social engagement and safety reasons.

We believe Sunny Cycle to be a quality attraction and entertainment business in Palm Springs. The safety features on the Sunny Cycle are second to none. We understand that our Governor passed Senate Bill No. 530 on October 4<sup>th</sup>, 2015 allowing open liquor on a business of this nature.

Aftab Dada  
CHAIRMAN OF THE BOARD

Tim Ellis  
VICE CHAIRMAN

Robert Hunt  
SECRETARY

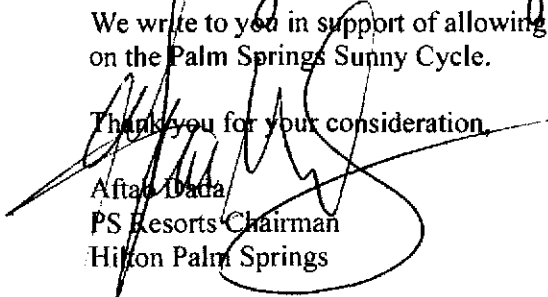
Vincent Bucci  
TREASURER

# P.S. RESORTS

## Promoting Palm Springs Tourism Through Events

We write to you in support of allowing beer, wine or alcohol content equivalent to be consumed on the Palm Springs Sunny Cycle.

Thank you for your consideration.

  
Aftab Dada  
PS Resorts Chairman  
Hilton Palm Springs

### *PS Resorts Board of Directors*

Ace Hotel  
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Greater Palm Springs CVB  
Hard Rock Hotel  
Hyatt Palm Springs  
L' Horizon Resort & Spa  
Lulu's California Bistro  
Marquis Villas  
McCormick Car Auctions  
PS Convention Center  
Palm Mountain Resort & Spa  
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Renaissance Palm Springs  
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