



Legislation Text

File #: 22-1001, **Version:** 1

Recommendation to authorize City Manager, or designee, to execute an agreement, and any necessary documents including any subsequent amendments, with the Los Angeles County Metropolitan Transportation Authority of Los Angeles, CA, to accept the donation of Metro Bike Share Smart Bike Equipment at no cost to the City of Long Beach. (Citywide)

City Council approval is requested to execute an agreement with the Los Angeles County Metropolitan Transportation Authority (Metro) for a donation of Metro Bike Share Smart Bike equipment to support the Long Beach Bike Share program citywide.

On [August 10, 2021 <http://longbeach.legistar.com/LegislationDetail.aspx?ID=5075443&GUID=504EA763-A3B3-4894-8E0C-23B14BEC1C53>](http://longbeach.legistar.com/LegislationDetail.aspx?ID=5075443&GUID=504EA763-A3B3-4894-8E0C-23B14BEC1C53), the City Council authorized the City Manager to accept a donation from Metro of their decommissioned Smart Bike equipment (specifically their modular bike share racks with base plates) for the City's bike share program at no cost to the City of Long Beach (City). The bike rack equipment donated by Metro is compatible with the City's bike share bicycles.

Metro has offered the City a second donation of Bike Share Smart Bike equipment. This donation by Metro will provide the equipment for approximately 35-40 new bike share parking hubs. The additional hubs will provide better geographic distribution, with new hubs being located primarily in West Long Beach, North Long Beach, and Douglas Park. The equipment donation will benefit these areas and improve the convenience and equitable distribution of the City's bike share program for existing and future bike share members. Currently, there are 96 bike share hubs located citywide, and more hubs are needed to deploy additional bicycles.

The following Metro Bike Share Smart Bike equipment will be donated:

- Dock Posts (quantity: 360)
- Dock Baseplates (quantity: 350)
- Connector Plates (quantity: 352)
- Endcaps (quantity: 20)

The Metro Donation Agreement includes the following key terms and conditions:

- City will accept the equipment in "as-is" condition and all donations are final. Metro has not and does not provide any warranties and assumes no responsibility for any repairs or parts. Further, there are no manufacturer warranties and the entire risk as to the quality and performance of the equipment is with the City.
- City will unconditionally release and covenant not to sue Metro upon any claims,

liabilities, damages, obligations, or judgments whatsoever, in law or in equity, whether known or unknown, or claimed, which they or either of them have or claim to have or which they or either of them may have or claim to have in the future against Metro, with respect to the donated equipment.

- City will defend, indemnify, and hold Metro harmless from any and all claims, actions, demands, costs, judgments, liens, penalties, liabilities, losses and expenses or obligation, resulting from the City's use of the donated equipment.

- City will coordinate with the Metro Bike Share operator for the transportation and transfer of the equipment and the City must take possession of the equipment within thirty (30) days.

This matter was reviewed by Deputy City Attorney Vanessa S. Ibarra and Budget Management Officer Nader Kaamouh on August 8, 2022.

City Council approval is requested on August 23, 2022, to comply with the terms of Metro's donation agreement and allow expansion of the bike share system as soon as possible.

This recommendation has no fiscal impact. The donation and delivery of the equipment will be at no cost to the City. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

Approve recommendation.

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ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:

THOMAS B. MODICA
CITY MANAGER