

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,  
SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

**ORDINANCE**

**AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AND  
AMENDED AND RESTATED AGREEMENT TRANSFERRING ALL  
OBLIGATIONS OF THE OPERATING AGREEMENT WITH SAN  
ANTONIO BIKE SHARE TO BCYCLE.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio is committed to continued bicycle and pedestrian infrastructure investments, increasing sustainability, improving quality of life and well-being, reducing traffic congestions, and improving air quality; and

**WHEREAS**, bike share programs offer a flexible and convenient transportation and mobility option that allows users to have access to bicycles throughout the community offering first and last mile transportation options to augment public transportation; and

**WHEREAS**, on June 17, 2010, under Ordinance 2010-06-17-0563, the City of San Antonio (“City”) and San Antonio Bike Share (“SABS”) entered into an agreement (“Agreement”) which provided for the continuous operation and maintenance of a bike share program; and

**WHEREAS**, City staff formed a Working Group comprised of staff, stakeholders, and residents with competencies in bicycle advocacy, alternative transportation, marketing, business, and other relevant skills who reviewed various aspects of SABS operations, financial reports, and performance measures; and

**WHEREAS**, pursuant to the terms of the Agreement, SABS may assign the contract to a qualified Contractor, contingent upon the approval of City; and

**WHEREAS**, BCycle is a national provider of docked bike share systems that provides the equipment and infrastructure on which the San Antonio Bike Share system is built; and

**WHEREAS**, BCycle wishes to assume the obligations of SABS under the Amended and Restated Agreement, which shall mean that the City shall perform its obligations under the Amended and Restated Agreement in favor of BCycle and that the City and SABS shall each release the other from any obligations owed by the other to them under the Agreement; and

**WHEREAS**, the Working Group and the Transportation and Mobility Committee reviewed the proposed assignment and endorsed it as the best available option for the docked bike share system; and

**WHEREAS**, it is necessary to authorize the execution of the Assignment and Amended and Restated Agreement to complete the transfer of all obligations under the Agreement with SABS from the City to BCycle; **NOW THEREFORE**:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or designee, or the Director of Center City Development and Operations or designee, is authorized to execute an Assignment and Amended and Restated Agreement transferring all obligations of the operating agreement with SABS to BCycle. A copy of the Assignment and Amended and Restated Agreement in substantially final form are attached hereto and incorporated herein for all purposes as **Attachments I and II**.

**SECTION 2.** This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED and APPROVED** this \_\_\_\_\_ day of May, 2021.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tina J. Flores, City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney

**ATTACHMENT I**

DRAFT

**ATTACHMENT II**

DRAFT