

## **RESOLUTION NO. \_\_\_\_-2017**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING CONCESSIONAIRE AGREEMENT BETWEEN THE CITY OF FORT BRAGG AND NORTH COAST SEGWAY TOURS TO OPERATE SEGWAY TOURS IN CITY PARKS AND AUTHORIZING CITY MANAGER TO EXECUTE SAME**

**WHEREAS**, the City of Fort Bragg desires to enhance the recreational experience as well as accessibility options for Fort Bragg visitors and residents by allowing the use of Segways and Segway-like vehicles ("Segways") in City parks; and

**WHEREAS**, per City Ordinance No. 929-2017, use of Segways by commercial Segway tour operators in City parks is consistent with recreational goals of parks if operated in compliance with a concessionaire agreement; and

**WHEREAS**, North Coast Segway Tours (aka North Coast Ninebot Tours) operates a guided tour business using Segways, and North Coast Segway Tours desires to operate commercial tours on the Fort Bragg Coastal Trail which is located in the City's Noyo Headlands Park; and

**WHEREAS**, pursuant to City Ordinance No. 929-2017, commercial Segway tours may occur within City parks if operated in compliance with a Concessionaire Agreement that limits tour size, requires a tour guide, and imposes additional requirements as determined by the City; and

**WHEREAS**, on April 24, 2017, City Council directed that the City should enter into a Concessionaire Agreement with North Coast Segway Tours for operation of commercial tours on the Fort Bragg Coastal Trail located within the Noyo Headlands Park, provided that conditions consistent with Ordinance No. 929-2017 are included in the Concessionaire Agreement (attached hereto as Exhibit A); and

**WHEREAS**, in addition, City Council directed that general liability insurance coverage of two million dollars (\$2 million) that names the City of Fort Bragg as additional insured shall also be required of North Coast Segway Tours prior to commencement of activities; and

**WHEREAS**, use of Segways by commercial Segway tour operators has been found to be exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations); and

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. The Concessionaire Agreement incorporates terms and conditions that are consistent with City Ordinance No. 929-2017 regarding commercial use of Segways and Segway-like vehicles in City parks.
2. The Concessionaire Agreement includes other conditions including acquisition by North Coast Segway Tours of required liability insurance in the amount of two million dollars, and no activities will commence in City parks until proof of insurance is received by the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the Concessionaire Agreement between the City of Fort Bragg and North Coast Segway Tours to Operate Segway Tours in City Parks and Authorizes City Manager to Execute Same.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12<sup>th</sup> day of June, 2017, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

\_\_\_\_\_  
**LINDY PETERS**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**June Lemos, CMC**  
**City Clerk**