

Item 24-0760: Continue negotiations with Bird Rides for a 2024 Memorandum of Understanding

Municipal Services Committee

Item 24-0761: Create an ordinance prohibiting short-term rental of electric scooters to the general public

Mon, Jun 10, 2024 4:30PM

Alderson Denise Fenton (District 6) 37:57

All right, number 24-0760 continuing negotiations with Bird Rides for 2024 memorandum of understanding, and I see that Mr. Davis has joined us. Can you all hear us?

Adam Davis (Principal Government Partnerships Manager - Bird) 38:16

Yes, we can hear you.

Alderson Denise Fenton (District 6) 38:18

Okay, okay. Um, do we can—do you all want to go ahead and introduce yourselves?

Adam Davis (Principal Government Partnerships Manager - Bird) 38:26

Yeah, that works. Thank you Madam Chair Adam Davis and I am director of government partnerships for Bird. Had the pleasure of meeting everyone a few weeks ago and look forward to continuing the conversation. And also have Nathan and Sagar here who lead our operations and oversee everything that goes on in this market. Sagar actually is a former resident of there and knows it very well, and have worked with the program since launch a couple of years ago. So, they have been intimately familiar with this program and very eager to talk through the concerns and hopefully be able to get a program there back up in Appleton in 2024.

Alderson Denise Fenton (District 6) 39:07

All right, thank you for joining us, and thank the technology for working. So, since the item says continue negotiations, and I am ref—I am directing some of this to Attorney Behrens. What kind of a motion do we need here?

Attorney Christopher Behrens 39:37

It's really up to the committee how you want to proceed. So, we put this on just to provide the public with adequate notice of what this committee may be talking about with regard to Bird. You can certainly direct our office and other staff to continue negotiations to try to get a 2024 agreement into place. If the committee feels that it no longer wants staff to pursue that, then one of two things could happen. You could act formally just indicating staff is to take no further action, or in that case, you'll see that there's an item that follows this that is the creation of an ordinance prohibiting short term rental of electric scooters. And what that does is it essentially prevents any company that does short term rentals from simply just coming in and setting up shop. That would be the appropriate step to take should you can choose to go that route. There's some additional information to add if we get to that point, but I'll hold off on that to wait and see what direction this committee goes in.

Alderson Denise Fenton (District 6) 40:47

Thank you. Would anybody like to make a motion?

Alderson Vered Meltzer (District 2) 40:51

Yeah. And Attorney Behrens, help me if I do this incorrectly. But since I do not want to continue negotiations, I am thinking that a motion to deny would make sense.

Attorney Christopher Behrens 41:10

Again, it's your prerogative. It's your motion. Understanding what your intent might be, you could offer a motion directing staff to discontinue negotiations with Bird or any other electric scooter company for 2024.

Alderson Vered Meltzer (District 2) 41:29

Okay, I will make a motion to discontinue negotiations for 2024. That way we can—I think that way, the aye votes and the nay votes will make a little more sense to us intuitively.

Alderson Brad Firkus (District 3) 41:43

I'll make a second.

Alderson Denise Fenton (District 6) 41:45

Okay. All right. We have a motion and a second. Any discussion? Firkus.

Alderson Brad Firkus (District 3) 41:52

Thank you, Chair. I think just taking the time for us to get more or less our rules in order here probably makes the most sense versus trying to do that while also simultaneously trying to already in the middle of the year bring the—try and bring the service back. I think there's been some good things, but I think there's some things we need to work out before moving forward. And I don't want to try and ask staff to try to figure out these things while also going through the work and things that need to happen if we are actively offering this in the city.

Alderson Denise Fenton (District 6) 42:30

Any anyone else? Alder Hartzheim?

Alderson Sheri Hartzheim (District 13) 42:32

Thank you chair. I would agree with that statement. And I also think the departure of the DPW Director complicates the issue as well. I think that it would serve the city better to restrict 2024 and then move forward if that's a possibility in 2025 and future. Thank you.

Alderson Denise Fenton (District 6) 42:54

All right, thank you. All right, I see Alder Schultz. What mic are you on? All right.

Alderson Alex Schultz (District 9) 43:03

Thank you, Chair. I'm just referring to the Memorandum of Understanding notice from former Director Block, and I understand that there's an interest by the city enter into a city's dockless mobility program. I'm curious to know, essentially, what does that look like and how does it affect Bird, say, next year if we don't approve this this year which is kind of the way it sounds? Maybe if I get an answer to that. I don't know if anyone's here that can answer that. Because of staffing, but perhaps we could get some kind of sense of what we're looking to do next year to allow the discussions to happen again.

Alderson Denise Fenton (District 6) 43:41

Thank you, and direct—Deputy Director Neuberger is going to be here to us on that.

Deputy Director Pete Neuberger (Public Works) 43:47

I think the short answer is we don't know what such a program would look like. I think that the many conversations that have taken place at this committee over the last few months demonstrate how complicated s a question it is. And I think we would appreciate the time to gather more input, gather more information, float some ideas out there say to various alders, get more stakeholder input, so that we would feel more confident that the varied voices that have had chances to speak at different opportunities do get an opportunity to kind of weigh in as we as staff kind of migrates towards some ideas. It would also give us some time to work more with Bird in terms of visibility and questions like that.

Aldersperson Denise Fenton (District 6) 44:47

Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 44:49

Thank you, chair. It might be a good idea if someone is really interested in making this happen in future years that we clean this up for 2024 and leave it as is and then that person submit a resolution to move forward in future years. Thank you. Thank you.

Aldersperson Denise Fenton (District 6) 45:07

First

Adam Davis (Principal Government Partnerships Manager - Bird) 45:07

Is it possible just to give—just to have Bird give a quick overview of where we're at with all this?

Aldersperson Denise Fenton (District 6) 45:13

Hang on. Hang on. Thank you. Hang on one second. I'm agreeing with my colleagues that we're at June the 10th so we're just—you know, we're well into the summer season. I appreciate all of the efforts that Bird, the staff, has made in terms of coming to meetings in terms of supplying us with proposals for information. But I feel like the time is very short for acting on that, and I am with my colleagues in saying that I think we'd like to take some of those steps and move to a defined program, so that we can continue to work with Bird or another vendor. So that's, that's my feeling on it. And yes, Mr. Davis, we'll go ahead and allow you to speak.

Adam Davis (Principal Government Partnerships Manager - Bird) 46:19

I'll be brief. But just so everybody has like the full context of the situation. Bird actually had an executed agreement through the end of 2024. We were—we found out that right before the launch of this year that the city entered it incorrectly, and it was supposed to be through last year, and so we were just going based off the record and the account—or the agreement—we had with the city that said we were through this year, and we didn't find out of the city's desire and how great this issue was until we were amenable to adjusting it even though we had already put our launch plans together. We didn't hear this negative feedback to the level of where we're not going to have a program, and so all of this was working towards good faith have a program in 2024.

Adam Davis (Principal Government Partnerships Manager - Bird) 47:09

And it's not saying that we didn't hear complaints, but any form of transportation is going to have complaints. You're going to have complaints about bus systems, cars, like it just doesn't matter. But we have been responsive to working through all of these issues, and we weren't informed of this severity of it until, again, right before we were set to launch, right before we were amenable to adjust the agreement in good faith that we were still working towards 2024. We actually found out that we were working towards that after we signed it

and found out through the media that the city wasn't intending to talk with us anymore. It didn't come from the city.

Adam Davis (Principal Government Partnerships Manager - Bird) 47:51

And so, we have come with every solution. The issues in Appleton aren't inherent to just Appleton. We've worked through these in every city that we've been in, and we just didn't have—just full transparency, this is my—a Director of Public Works that had zero interest in managing the program. And so, we just didn't have the level of willingness to really dive into this and really get it to a point. We've proposed these solutions. It just hasn't been, I think, conveyed to the general public and members of this committee how involved Bird has been in trying to propose the solutions.

Adam Davis (Principal Government Partnerships Manager - Bird) 48:32

We, you know, our ground team has done this since the launch and takes it very personal when they find out, you know, through media and that that the city doesn't view that this has been a strong partnership when the calls we've had have all been contrary to that. So, I just want everybody to know with that Bird in good faith has done everything that we can to really deliver a program. When complaints are heard we brought solutions. It's just we're not going to always bring the most agreed—like aggressive solution if it's not such an issue, because every regulation that goes into this, it cuts ridership, and ultimately, you know, this is something that's in all of the Appleton plans is to have multimodal, to have other options, to make streets safer. And we—we're doing it. We're trying to do everything we can to help the city accomplish all of those goals. It's just we—at times it was just not dealt a fair hand in truly knowing—

Alderson Denise Fenton (District 6) 49:28

All right

Adam Davis (Principal Government Partnerships Manager - Bird) 49:28

—what was going on nor do you know our efforts truly being conveyed to everyone. And so, I understand where midsummer but we've been trying to fix this for a while. But—

Alderson Denise Fenton (District 6) 49:41

All right, thank you. Thank you. Thank you for your comments. We—and again we appreciate you attending. I just—and I don't believe anyone is denying that Bird has tried to work with us. I do—in her absence, I have some objections to the statements that the Director of Public Works didn't have any interest in sharing. She did share the information as it was given to those of us, to the chair of the committee and those of us who are on the committee. Are there any other comments? Questions? All right. Can we go ahead and take a vote on the motion?

[Attorney Behrens speaks off microphone.]

Alderson Denise Fenton (District 6) 50:27

Yes, would you? Would you please. Attorney Behrens? Thank you.

Attorney Christopher Behrens 50:35

What I've written down is "Staff be directed to discontinue negotiations with Bird scooter or any other commercial short term scooter rental company for 2024."

Alderson Denise Fenton (District 6) 50:48

Is that—is that the intent of the movers? All right, thank you. All right. So that is our motion on the table. All those in favor? Aye. All right. So that passes five zero. Thank you for your input. And we are hoping that, you know, we will have conversations with vendors once we develop a program. Thank you.

Alderson Denise Fenton (District 6) 51:13

All right. So, moving on we—because of the action we took here, I believe that it is appropriate for us to move to item 24-0761 to create an ordinance prohibiting short term rental of electric scooters to the general public.

Alderson Vered Meltzer (District 2) 51:33

Move to approve.

Alderson Brad Firkus (District 3) 51:35

Second.

Alderson Denise Fenton (District 6) 51:35

All right, so we have a motion and a second. Is there any discussion here? Alder Meltzer.

Alderson Vered Meltzer (District 2) 51:41

I think that this is a really prudent and responsible thing for us to do. I think it gives us the time and the space to set our own parameters. I think that given that there are portions of the community that very much want the scooters not to come back and there are other portions of the community who are missing them and are eager for them to return, I think that this will also give us some time to have some more of the needed community conversations around this topic.

Alderson Denise Fenton (District 6) 52:15

Alder Siebers.

Alderson William Siebers (District 1) 52:16

Is this really clear? Create an ordinance prohibiting short term rental. Is that what we want?

Alderson Denise Fenton (District 6) 52:25

I think so.

Alderson William Siebers (District 1) 52:26

Or do we want a res—an ordinance that provides guidelines in terms of anybody wants to....

Attorney Christopher Behrens 52:34

Thanks for asking that question, Alderson Siebers. No, this this is very clear for this immediate purpose.

Alderson William Siebers (District 1) 52:40

Oh, for the immediate.

Attorney Christopher Behrens 52:41

And what this committee, the Council can do in the future should you decide that you want to amend this by essentially adopting some sort of a program, and I think in past meetings, some models of other municipalities have been introduced as examples. At a subsequent meeting, what ends up getting created as a result of this as it passes could be amended then to create an exception essentially outlining what that looks like, how that

works for certain commercial scooter companies that meet whatever criteria, whatever process is laid out—meet all of that. That could then provide service here. So as a first step—for our purposes if this is adapted, we know what to do.

Alderson Denise Fenton (District 6) 53:36

Did you get your answer, Alder Siebers?

Alderson William Siebers (District 1) 53:39

When you get a little bit older things don't click.

Alderson Denise Fenton (District 6) 53:45

Alright, Alder Meltzer.

Alderson Vered Meltzer (District 2) 53:48

I think that, you know, some of us could look at this as maybe it seems a bit extreme, but I think you can also look at this as the next necessary foundation stone for us to go anywhere. Whether we go towards scooters in the future or whether we stay away from them in the future, this provides something in our ordinances that we can work with in the future so that we have structure.

Alderson Denise Fenton (District 6) 54:14

Thank you. I saw older Doran, and I see Alder Firkus. So, Alder Doran.

Alderson Chad Doran (District 15) 54:19

Thank you. I think I was just going to add to Alder Siebers question. This ordinance once it's created, will come back before Council for approval anyway, correct?

Attorney Christopher Behrens 54:27

Correct.

Alderson Chad Doran (District 15) 54:27

So, Alder Siebers, we'd all have a chance to review it before it gets approved anyway.

Alderson Denise Fenton (District 6) 54:33

Alder Firkus.

Alderson Brad Firkus (District 3) 54:34

Thank you, chair. I—long-term, yes, I want to see micromobility succeed in Appleton, but I think this is a prudent step for the short term until we can work through that from this side. I—

Alderson William Siebers (District 1) 54:48

Okay.

Alderson Brad Firkus (District 3) 54:49

So.

Alderson Denise Fenton (District 6) 54:50

I agree. I think that—I see your Alder Schultz—but I agree. I think that we actually were beginning to make incremental progress, but I think that the very fact—and I see our folks from Bird have left us. The very fact that

they're disputing the Memorandum of Understanding tells me that we need to get something codified in to make our intent—oh, hello—to make our intentions clear. And I, like my colleague, am supportive of micromobility solutions, and I am optimistic that we can develop a program where we can have—because we were we were on our way to maybe addressing some of the biggest concerns that I know a lot of our constituents had, which was the improper parking. I just feel that we don't have enough time to get that together for this season. So, this will allow us to take a pause. The ordinance will protect us while we're taking that pause. And then we can come back and work on developing a program. So, did I see somebody? Oh, Alder Schultz. Thank you.

Alderman Alex Schultz (District 9) 56:10

Thank you. I guess I was just curious to know if there wasn't a reason why we wouldn't put like a one-year timeframe on this or is it just when we get to that point we'll have to pull this back out of the ordinance and vote to remove this portion that we're adding?

Alderman Denise Fenton (District 6) 56:26

I'm gonna speak to based on my discussions with Director Block and Attorney Behren's before is that it's a very—doing the very simple ordinance makes it very clean so that we have time, and so if we say we want to do this for one year, we can come back and amend, or if we direct staff to develop a program we can amend, but if we start simple, then it is my understanding that we can amend to add the complexity that is needed to develop a program. Okay, I saw Meltzer first and then I see you, Alder Hartzheim.

Alderman Vered Meltzer (District 2) 57:06

To Alder Schultz's point this—there wouldn't be anything that we would need to take out. Once this is in the ordinances, then we would amend it and add exceptions. So, we wouldn't have to go back there and undo this. We would never have to undo this. This can stay there forever putting scooters as something that our ordinances apply to, and then in the future, as we see fit, we can outline certain exceptions, and that's where we would put our rules for the new policy.

Alderman Denise Fenton (District 6) 57:48

Any other questions, comments? All right. Oh, I saw—apologies. I remembered you, and then I forgot you.

Alderman Sheri Hartzheim (District 13) 57:57

Okay. Thank you, Chair. I think I agree. And I repeat that I think it's important that if this is something that subsequent to this ordinance change, if changes to that ordinance are required, I think it's something that should be initiated by resolution and moved through the Council and through this committee and Council just as everything else has been Thank you.

Alderman Denise Fenton (District 6) 58:21

Alright, anyone else? All right, I think we are ready to vote on this one. All in favor, please signify by saying aye. Aye. Five zero. So, I—that directs the attorney's office to develop this ordinance I assume.

Attorney Christopher Behrens 58:37

Once approved by Council.

Alderman Denise Fenton (District 6) 58:38

Yes. And then bring it back to Council. Thank you.