CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 20, 1993

The one thousand six hundred and sixty-ninth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:05 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor
Rick Farley
Jean Schreiber
Rob Kappa
Bob Knudson

Also present:

Dan Bartlett, City Manager
Mike Robinson, City Attorney
Charlene Richards, Assistant to the City Manager
Angus Anderson Finance Director
Chuck Mansfield, Police Chief
Maggie Collins, Community Development Director
Kelly Somers, Public Works Superintendent
Jay Saatkamp, Operations Supervisor Water
Pat DuVal, Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS-

Historic Moments

Mayor Lomnicki discussed the early nursery and fruit business in the site that is now the City of Milwaukie. Henderson Leulling brought his famed travelling nursery of 350 trees to Oregon in ox-drawn wagons in 1848. His brother Esth became one of the nation's leading horticulturists after moving here in 1850. Several still-famous varieties of cherries, apples, and grapes were developed here. Other noted nurserymen of the time were William Meek and Joseph Lambert.

Citizens Utility Advisory Commission (CUAC) Goals and Work Program

Dr. Michael Kay, Citizens Utility Advisory Commission Chair, was not present to give the report.

PUBLIC HEARING

None scheduled.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Milwaukie Employees Association (MEA)/American Federation of State, County & Municipal Employees (AFSCME) Collective Bargaining Agreement 1993/94 to 1995/96

Charlene Richards, Assistant to the City Manager, presented the staff report in which Council was requested to review the major changes to the collective bargaining agreement proposed for fiscal year 1993/94 through 1995/96. Negotiations for a successor agreement were started in January, 1993. The proposed agreement was for three years.

Richards reviewed the major changes which included: (1) implementing the final year of the Pringle study to bring the MEA compensation schedule within 95% of average wages for comparable cities; (2) increasing salary schedule by 4.4% effective July 1, 1993, based on CPI Portland for 1992 with subsequent increases based on previous year's Portland CPI with a minimum of 3% and a maximum of 6%; (3) investigating the possibility of developing and implementing flexible classifications; (4) continuing to offer Blue Cross Plan V with 50/50 premium increase split between the employee and the City; (5) establishing Martin Luther King Day as a paid holiday; (6) establishing a committee to develop a fitness/wellness program and discontinue the existing sick leave incentive program when the fitness/wellness program is in effect.

Richards said the estimated implementation cost in fiscal year 1993\1994 was about $94,000. This is a 4.9% total increase in the MEA payroll expenses over fiscal year 1992/1993.

Richards said staff recommended that Council accept the proposed collective bargaining agreement between the City of Milwaukie and the MEA/AFSCME for July 1, 1993 through June 30, 1996, and authorize the Mayor and the City Manager to sign the agreement on behalf of the City.

Councilmember Kappa asked for clarification of the premium increase split. Richards said future premium increases would be split 50/50 between the employee and the employer. With the estimated August 1, 1993 rate increases, employees will pay about 10% of the premium cost. The employee share will be capped at 25% of any additional increases thereafter.

Councilmember Kappa asked if there was employee incentive to participate in the fitness/wellness program. **Richards** said the fitness/wellness program had not been developed yet. However, the Public Works Department has a morning stretching program that is optional for employees.

Councilmember Kappa asked if the fitness/wellness program might eventually reduce premiums. **Richards** said she would not expect reduced premiums. She said if the City uses the League of Oregon Cities program less frequently, there might be a reduction. She said the City was able to change from Blue Cross Plan III to Plan V because there was a fitness/wellness program in effect.

Councilmember Farley asked how the sick leave incentive program worked. **Richards** said with the incentive program, those employees who did not use any sick leave during a quarter could convert that to four hours of comp time. After it was developed and implemented, the fitness/wellness program would supersede the sick leave incentive program. She said it is difficult to quantify a fitness/wellness program, but in some cases the program appears to reduce sick leave.

Mayor Lomnicki thanked Richards and the members of the negotiating team for successful use of the collaborative process.

It was moved by Councilmember Knudson and seconded by Councilmember Kappa to accept the proposed collective bargaining agreement between the City of Milwaukie and Milwaukie Employees Association (MEA)/American Federation of State, County & Municipal Employees (AFSCME) Collective Bargaining Agreement for July 1, 1993 through June 30, 1996 and authorize the Mayor and the City Manager to sign the agreement on behalf of the City.

Councilmember Schreiber said she was very pleased about the process. She said a number of companies have found that it is not necessarily the activity of the fitness/wellness program that benefits employees. It is the employee attitude that improves through a willingness to change behavior and presence of group support.

Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa and Councilmember Knudson aye; no nays; no abstentions.

Consider Adoption of Uniform Fire Code Update

Dan Bartlett, City Manager, announced that this agenda item would be continued to the May 4, 1993 meeting.

Councilmember Kappa asked why staff recommended that this item be continued. **Bartlett** said the City wanted more coordination with the Public Works Department Building Division.

Consider Letting Bids for Sherrett and Willow Street Water Main Replacement Project

Jay Saatkamp, Operations Supervisor Water Department, presented the staff report in which the City Council was requested to authorize the Public Works Department to advertise the Sherrett and Willow Street water line replacement and upsizing project for bid. The Sherrett section of the project would be replacement of 2-inch lines with 8-inch lines. The Willow Street section was scheduled for upsizing in fiscal year 1993-1994. The Global Estates subdivision was completed in the Willow Street area within the last year. By replacing existing lines with 8-inch pipes, the City would be able to tie all the lines together. The result would be improved flow and fire protection in the area. **Saatkamp** added that the Streets Division had scheduled a repaving of Willow this summer. These improvements would benefit 65 homes.

Saatkamp discussed funding for the project. Engineers estimate that the combined improvements to Sherrett and Willow would cost $130,330. The Sherrett Street improvements had been budgeted at $82,400. The Water Division forecasted a balance in excess of $73,500 to apply to the project.

Mayor Lomnicki asked what type of pipe would be used for the project. **Saatkamp** said bid specifications would call either for estimates based on ductile and/or C900 plastic.

Councilmember Kappa asked how the new lines would improve the water quality and improve flow. **Saatkamp** said customers sometimes complain about the taste of the water. He explained that the chlorine used to treat the water sometimes caused a breakdown of the interior walls of old pipe resulting in undesirable taste. Larger pipes will improve the amount of flowing water and fire protection capabilities.

Councilmember Farley asked what the probable life of the new pipe would be. **Somers** said he would have to research this question and then respond.

Councilmember Schreiber asked if the City would provide prospective bidders with information on the types of materials to be used. **Saatkamp** said materials are specified in the request for proposal.

Councilmember Schreiber asked about the unexpended balance in the Water Division materials and services line. She asked what had been planned for in the budget document. **Bartlett** said savings have been made throughout the organization. The water fund has one line in which amounts are budgeted for materials and supplies. The Water Division has had a good year and has operated well within its projections. The Water fund is in a good fourth quarter position and will have savings of $73,000.

Councilmember Kappa said he was concerned that it might sound to some citizens that the money had been "found." **Bartlett** said the City has tried to operate efficiently. Departments budget for unanticipated, reasonable failure of systems. As more of the City waterlines are replaced on a regular basis, fewer failures will take place. The Water Division is trying to operate the utility within AWA standards and maintain unrestricted funds in case of emergencies. **Bartlett** said the City believes it is a reasonable use of funds to upgrade the system in that area. He pointed out that this project was in the five-year capital improvement plan and was moved up a year early.

Councilmember Schreiber said the Sherrett Street project had been budgeted, and there were funds available for the Willow portion of the project. She said she agreed with this type of action and would be more aware when looking at future proposed City budgets.

Councilmember Kappa said the budget process explains appropriations and fund balances. Cost efficiency is the key word.

Councilmember Farley said the estimated cost is $130,000. He asked what would be done if the project cost was more. **Bartlett** said if costs run higher, there is a departmental contingency that staff could request transferred or money could be transferred from another project.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to authorize the Public Works Department to advertise the Sherrett and Willow Street water line replacement and upsizing project for bid. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Bid Award for Telecommunications Cable Systems for Public Safety Building

Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to award the cable plant bid to Christenson Electric in the amount of $16,318.50, for the voice and data needs of the Police and Fire Departments in the new Public Safety Building.

The City of Milwaukie contracted with Northwest Information Services (NIS) to assist staff with telecommunication services relating to the new Public Safety Facility. **Mansfield** said this phase of the project would include installation of wiring from the point at which the cables enter the building. He said the City was concerned with flexibility and ability to reconfigure cabling within the building.

Mansfield pointed out that the Christenson Electric bid was not the lowest. However, when points were assigned based upon criteria, Christenson had the highest ranking.

Mayor Lomnicki said there was only about $700 difference between the low bid and the Christenson bid, but the points assigned Christenson were much higher.

Mansfield said NIS found Christenson's work to be recommended highly in the field.

Councilmember Schreiber said the bid bond section of the Christenson proposal referred to the "school district." **Glenn Sexton**, NIS, said it was a typographical error and should have read the "City of Milwaukie."

Councilmember Kappa asked for clarification of the point system criteria. **Sexton** said NIS based its ratings on such things as quality of workmanship, warranty provided, ability to put together a system, well-trained personnel, and the probability that the company will stay in business.

Councilmember Farley asked if there was an extended program. **Sexton** said there would be a 15 year warranty on anything installed. He said usually anything beyond 15 years of age would be technologically out of date.

It was moved by Councilmember Farley and seconded by Councilmember Knudson to award the cable plant bid to Christenson Electric in the amount of $16,318.50 for the voice and data needs of the Police and Fire Departments in the new Public Safety Building. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Professional Services Review

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to authorize staff to issue: (1) Request for Qualifications for Agent of Record-Property and Casualty Insurance for presentation at the second meeting of June; (2) Request for Proposals for Independent External Auditor October, 1993; and (3) Request for Proposals for Banking Services November, 1993.

Anderson said it was a Council goal that professional services contracts be periodically reviewed. He said there was a Council work session on April 6, 1993, during which procurement laws, rules, policies, and guidelines were discussed. The City would like to invite one member of the Council and one member of the Budget Committee to sit on the evaluation committee.

Mayor Lomnicki suggested that involvement with this group be considered with other regional committees during the May 4, 1993 work session.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorize the Finance Department to proceed with the evaluation process and issue the respective Request for Qualifications (RFQ) and Request for Proposals (RFP). Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstention.

Consider Electric Lightwave, Inc. Franchise Agreement - Ordinance

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to adopt an ordinance granting Electric Lightwave, Inc. (ELI) a nonexclusive ten-year right and privilege to operate as a competitive telecommunications provider within the City of Milwaukie. ELI has a customer located within the City of Milwaukie who desires fiber optic telecommunications cabling. The cities of Beaverton, Gresham, and Tigard have already taken a similar franchise action with ELI. Staff proposes a ten-year agreement that would allow the installation and operation of fiber optic telecommunications within the City.

Councilmember Kappa asked if this could become an alternative to cable TV or could be used for home computers. **Anderson** said ELI offers fiber optic cabling. If an individual wished to have fiber optic cabling installed in his/her home it would be allowed; however, the price would probably be prohibitive. Fiber optics is currently very costly and is being marketed to large, corporate data users.

There are several large data users on International Way who are potential customers. He said this might also be something the City would be interested in at a later date. The City currently uses telephone grade lines for the computer network which is rather slow and shows minor degradation. Fiber optics would significantly improve response time.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to read the ordinance granting Electric Lightwave, Inc. the right, privilege and non-exclusive franchise to construct, maintain and operate a telecommunications system within the City of Milwaukie for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to read the ordinance granting Electric Lightwave, Inc. the right, privilege and non-exclusive franchise to construct, maintain, and operate a telecommunications system within the City of Milwaukie for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the ordinance granting Electric Lightwave, Inc. the right, privilege, and non-exclusive franchise to construct, maintain, and operate a telecommunications system within the City of Milwaukie. Motion passed 5 -0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO 1736:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING TO ELECTRIC LIGHTWAVE, INC. THE RIGHT, PRIVILEGE, AND NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE A TELECOMMUNICATIONS SYSTEM WITHIN THE CITY OF MILWAUKIE.

FOCUS Bylaws

Bartlett said the City received ballots asking for assistance in amending the bylaws of the FOCUS group. He reviewed the proposed amendments which included allowing four representatives from each County as a member of FOCUS; changing the composition of the steering committee to two representatives from each county plus the chair, creating a seven member group; setting up terms for the steering committee members and how the chairmanship rotates; changing the terms of office for steering committee members to two years with no second consecutive term allowed; and setting procedure for balloting.

Councilmember Schreiber discussed the relationship of the FOCUS member terms and the City Council terms. **Bartlett** said he believed there would be accommodations made for this situation.

It was moved by Mayor Lomnicki and seconded by Councilmember Farley to approve amendments 1, 2, and 3 to the FOCUS bylaws. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the Consent Agenda which consisted of the City Council Minutes of April 6, 1993 and liquor license applications for Bridgeport Vineyards and Eric's Market. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

Mayor Lomnicki discussed the voluntary payment of Metro dues.

Council supported Mayor Lomnicki's request to speak to Metro regarding the North/South light rail corridor.

Mayor Lomnicki announced an executive session pursuant to ORS 192.660(1)(d) to discuss MPEA negotiations.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:05 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary