

**MILWAUKIE CITY COUNCIL
WORK SESSION
SEPTEMBER 5, 1995**

MILWAUKIE CITY HALL

Mayor Lomnicki opened the work session at approximately 5:30 p.m.

Present were Councilors Farley, Schreiber, Kappa, and Trotter; Dan Bartlett, City Manager; Angus Anderson, Finance Director; Dan Olsen, Fire Chief; Maggie Collins, Community Development Director; JoAnn Herrigel, Program Services Coordinator; Greg Drechsler, Acting Public Works Director.

Cable Franchise Renewal Process

JoAnn Herrigel, Program Services Coordinator, presented the staff report. The purpose was to provide information on the cable franchise renewal with Jones Intercable. The current 15-year franchise agreement will expire June 1998, and according to FCC Rules, re-negotiations open three years prior to the expiration date. She indicated that performance reports on Jones Intercable were good, and she saw no reason for non-renewal of the agreement. She discussed the formal and informal franchise negotiation process established by the Cable Act. Since the formal process involves extensive legal consultation and strict timelines, Jones Intercable requested an informal process. The City may invoke the formal process in the event informal negotiations break down. The next step in the process would be to notify Jones that the City was ready to begin negotiating, which would probably go into 1997. She asked if the City Council had any questions on the process.

Councilmember Kappa asked about the relationship of the renewal and rate review processes. **Richards** responded the rate review and certification processes were separate issues from the franchise renewal. She added that unless there are major concerns with the cable provider, the franchise must be renewed. Jones meets the standards set by the City, and staff has not notified the franchisee that it has not lived up to its agreement.

Herrigel added that new state or federal laws would bind both parties.

Richards said most cable negotiations are done in an informal manner, but the technical discussion is formal. There will be a lot of data gathered from subscribers in the City of Milwaukie, including what they would like in the way of new technology, such as fiber optics, interactive, and ability to network with City

Hall. The City will seek approval for hiring a consultant to work with City staff on the technical aspects. She added that Council must keep in mind that the City will actually be working with Jones Intercable Corporate Office via the local provider.

Councilmember Farley asked what happens with cable service if the City annexes. Richards said any areas annexed into the City of Milwaukie would become Jones Intercable customers. **Herrigel** added that it was similar to solid waste haulers.

Richards pointed out that TCI was taking over much of the metropolitan area, and at some point Jones will probably not be able to sustain itself. If the City intended to take the franchise away from Jones, it would have to give them two years' notice.

Councilmember Kappa asked if cable rates would drop along with technology costs. **Herrigel** said technological additions to service would probably be a line item on customer invoices. **Richards** added that the rates will increase as technology is added.

Councilmember Trotter said he liked the proposed information-gathering process outlined in the staff report.

Herrigel discussed the process of going through the Neighborhood District Associations for subscriber input. Before the final decision is made, City Council will hold a formal public hearing.

City Council agreed that staff should proceed with the informal negotiation process and citizen survey.

South Metro Fire Marshal's Office Update

Dan Olsen, Fire Chief, presented the staff report. The South Metro Fire Marshal's Office (SMFMO) has been a joint effort between the City of Milwaukie and Clackamas County Fire District #1 for four years. This has been a very positive undertaking and expectations have been exceeded by the addition of staff that focuses on education, hazardous materials, and inspections.

Dave Olson, Fire Marshal, said the eight-member SMFMO provides a full-range of fire prevention services that include code enforcement, public education, hazardous materials identification, and Juvenile Firesetter Program. The office's mission is to prevent loss due to fire and to enhance the quality of life. He discussed the cooperative effort and pooling of resources between the City of

Milwaukie and Clackamas County Fire District #1 to provide more effective fire prevention services.

Olson said the SMFMO staff has doubled in the past four years, and personnel are more able to specialize. He discussed the employees' roles in the areas of education, code enforcement, and plans review.

Jesse Villareal discussed the Juvenile Firesetter Program. Although the size of the area and the number of schools has increased dramatically, the size of the SMFMO has given the program a greater professionalism. He discussed the fire and life training taking place in the schools offered by the SMFMO.

Councilmember Kappa asked how much impact television had on juvenile firesetters. **Villareal** said frequently parents do not know what their children are watching on television. He added that SMFMO was asking stores to remove lighters from the checkstand areas because they are easily stolen.

Councilmember Farley asked if SMFMO had a program similar to DARE. **Villareal** said the first contact is at the time of discovery. SMFMO evaluates each situation and makes referrals to Clackamas County.

Councilmember Kappa asked the program's funding source. **Villareal** said the County funds the program, and there are state and federal training funds involved.

Olson added that SMFMO did 2090 inspections, reviewed 1069 building plans, and performed 215 fire investigations. South Metro tries to inspect all buildings in Clackamas County and Milwaukie annually. He said he was looking forward to the continued sharing of resources in this cooperative venture.

Municipal Judge Selection

Angus Anderson, Finance Director, presented the staff report. When the last Municipal Court Judge contract was renewed, the City Council requested that staff go out for a request for qualifications. He reviewed the RFQ process and the number of responses. He added that the cost for judge services is a small portion of the municipal court expenses, so emphasis was on the qualifications. After all factors were weighed, staff recommended awarding the contract to Ron Gray. From the standpoint of the Milwaukie police officers and court personnel, Gray has run a very good municipal court.

Councilmember Farley asked if Ackerman's qualifications had been good. **Anderson** said Ackerman acted only as a pro tem judge on an infrequent basis.

Information Sharing

1. **Mayor Lomnicki** said he would like to bring up the ballots for MPAC Alternate for Clackamas County Cities and FOCUS Steering Committee Representative from Clackamas County during the regular session for City Council consideration.
2. **Mayor Lomnicki** discussed a letter from Tammy McQuiggin regarding traffic on Wake Street. **Drechsler** said the 32nd Avenue Task Force was looking at this as a way to increase pedestrian safety near Ardenwald School. The Task Force decided to contact neighbors and let them voice their concerns in a meeting set up for next week with staff and Neighborhood Association representatives. He added that no signs had been posted yet.
3. **Councilmember Schreiber** asked if there had been a vehicle count. **Drechsler** said traffic volume counts had been done, and the Task Force is looking at moving students walking to and from school to less-traveled streets. He said the letter indicated a potential interest in a sidewalk LID.
4. **Drechsler** discussed the pending rule changes of several components of the water regulations that Councilor Kappa asked about in the August 15 work session. He said most of these are surface water source issues and do not impact the City. The only issue that related to the City of Milwaukie was making the interim nitrate standard, which has been in effect for the past six years, a more permanent standard. He recommended that Milwaukie take a neutral position.
5. **Councilmember Trotter** noted the "Clean -- Safe Downtown Plan" memo in the City Council packet information section. Bartlett said these activities were taking place on the staff level, and a Clackamas County representative would make a presentation of referral services at the next department head meeting.

The work session ended at approximately 6:40 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary