

OFFICE OF THE CITY MANAGER  
DES MOINES, IOWA

ITEM 106

CITY COUNCIL COMMUNICATION 97-033  
JANUARY 20, 1997 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
TCI OF CENTRAL IOWA	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RICHARD CLARK DEPUTY CITY MANAGER

**SYNOPSIS —**

Heritage Cablevision, Inc., d/b/a TCI of Central Iowa (TCI), has requested that the City begin franchise renewal proceedings. In response to a consultant RFP issued by the City on September 25, 1995, the law firm of Moss and Barnett has been identified as the most qualified respondent to assist the City in the refranchising analysis and negotiations.

**FISCAL IMPACT —**

Consulting costs will not exceed \$58,475. Funds for the consulting contract will be available from projected cable franchise fees and will be included in the proposed Operating Budget.

**RECOMMENDATION —**

**Authorize the Mayor to sign a Professional Services Contract with the law firm of Moss and Barnett.**

**BACKGROUND —**

TCI's cable television franchise expires on February 3, 1998. On April 25, 1995, TCI advised the City that it wished to renew the franchise and requested that proceedings under Section 626 of the Cable Act be initiated.

By Roll Call No. 95-2885, dated July 24, 1995, the City Council voted to hold formal procedures required in Section 626(a) - (g) of the Cable Act in abeyance in order to allow informal procedures outlined in that section to proceed. By this same vote, the Council authorized the City Manager to issue an RFP to obtain consulting services to assist the City in analysis and negotiations under Section 626 of the Cable Act.

On September 25, 1995, the City issued the RFP for consulting services; the law firm of Moss and Barnett, Minneapolis, Minnesota, was identified as the most qualified firm to assist the City.

Moss and Barnett will carry out the following tasks:

- 1) Perform a review of the cable provider's financial records to determine whether current franchise fees have been paid to the City in the amount required, to determine if TCI of Central Iowa is financially able to meet its obligations under a new franchise agreement, and to determine the appropriateness of TCI's level of support for public, educational, and government access channels.
- 2) Perform a review of the existing franchise agreement to recommend areas of improvement; this will include assistance in performing a community needs assessment.
- 3) Prepare an evaluation of the cable provider's performance in consumer complaint resolution, repair and maintenance practices, and community relations.

- 4) Prepare an analysis and comparison of Des Moines' cable television system with national activities in services and fees, state-of-the-art technology, and enhanced services.
- 5) Assist staff in the drafting of a proposed cable franchise agreement, and a revised cable television regulatory ordinance.
- 6) Prepare a written report which will include the community needs assessment, the franchise fee audit, and recommendations and conclusions. The regulatory ordinance and franchise agreement will be included in this report.
- 7) Provide staff with assistance and advice during the cable television franchise renewal negotiations.