

**ORDINANCE NO. 750**

**AN ORDINANCE GRANTING A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO COMCAST OF COLORADO IV, LLC, AMENDING CORRESPONDING PROVISIONS OF THE DACONO MUNICIPAL CODE, AND APPROVING A LETTER AGREEMENT WITH COMCAST**

**WHEREAS**, Comcast Corporation (“Comcast”), is the successor to TCI Cablevision of Colorado, Inc. and currently holds a cable television franchise with the City of Dacono (the “City”); and

**WHEREAS**, the original expiration date of such cable television franchise was extended from January 24, 2010 until December 31, 2011 or until a new agreement is entered into between the parties by Ordinance Nos. 736, 743, and 749; and

**WHEREAS**, the current franchise agreement between Comcast and the City authorizes the parties to negotiate a proposed franchise renewal agreement in accordance with the informal renewal proceedings described in the Cable Communications Policy Act of 1984 (“Cable Act”); and

**WHEREAS**, Comcast and the City have been involved in negotiations for several months concerning a proposed franchise renewal agreement; and

**WHEREAS**, these negotiations have resulted in a proposed Franchise Agreement that is being presented to the City Council for its consideration and approval;

**WHEREAS**, the public has been afforded notice and an opportunity to comment on the proposed Franchise Agreement in accordance with the Cable Act; and

**WHEREAS**, the City Council finds that the City’s grant of a cable franchise to Comcast in accordance with the terms and conditions of the Franchise Agreement is in the best interests of the City and its citizens and will meet the future cable related needs of the community; and

**WHEREAS**, the negotiations have also resulted in a proposed Letter Agreement pursuant to which Comcast has agreed to provide and install certain equipment for the public, educational, and governmental access channel the City shares with the Towns of Firestone and Frederick, and in return the municipalities have agreed that Comcast may close the Comcast payment center located in the Town of Frederick; and

**WHEREAS**, the City Council desires to approve such Letter Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO, AS FOLLOWS:**

**Section 1.** The City Council hereby approves the proposed Franchise Agreement by and between Comcast of Colorado, IV, LLC and the City of Dacono in the form of such Franchise Agreement accompanying this ordinance, and hereby authorizes the grant of franchise therein contained subject to and upon the terms and conditions of said Franchise Agreement. The Mayor is authorized to execute the Franchise Agreement on behalf of the City, such execution to be on or after the effective date of this ordinance and subject to the requirement that Comcast shall have first executed the same.

**Section 2.** The City Council hereby approves the Letter Agreement between Comcast of Colorado, IV, LLC and the City of Dacono in the form of such Letter Agreement accompanying this ordinance. The Mayor is authorized to execute the Letter Agreement on behalf of the City subject to the requirement that Comcast shall have first executed the same, and is further authorized to negotiate and approve on behalf of the City such revisions to this Letter Agreement as the Mayor determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Letter Agreement are not altered.

**Section 3.** Sections 5-1 and 5-2 of the Dacono Municipal Code are hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

**Chapter 5**  
**Article 1**  
**Cable Television Systems**

**Sec. 5-1. Grant of franchise.**

Pursuant to the ordinance codified herein, the City granted to ~~TCI Cablevision of Colorado, Inc., a wholly owned subsidiary of AT&T Corp.~~ Comcast of Colorado IV, LLC, a nonexclusive and revocable authorization to make reasonable and lawful use of the public streets, easements and other rights-of-way to construct, operate, maintain, reconstruct, rebuild and upgrade a cable television system for the purpose of providing cable services subject to the terms and conditions set forth in the Cable Television Franchise Agreement, copies of which are on file in the office of the City Clerk.

**Sec. 5-2. Term of franchise.**

The term of the franchise granted by the City shall be for a period of ~~ten~~ five years from ~~January 24, 2000~~, the effective date of the Agreement.

**Section 4.** All prior ordinances or parts of such prior ordinances, codes or parts of codes in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.** If any paragraph, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, unconstitutional and/or unenforceable, such

provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 10th day of JANUARY, 2011.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 24th DAY OF JANUARY, 2011, AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 24th day of January, 2011.**

CITY OF DACONO, COLORADO

\_\_\_\_\_  
Charles Sigman, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Elliott, City Clerk

Summary of Ordinance No. 750, “AN ORDINANCE GRANTING A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO COMCAST OF COLORADO IV, LLC, AMENDING CORRESPONDING PROVISIONS OF THE DACONO MUNICIPAL CODE, AND APPROVING A LETTER AGREEMENT WITH COMCAST”: Grants to Comcast a non-exclusive franchise to operate a cable television system within City rights-of-way for a term of five years, amends corresponding provisions of the Dacono Municipal Code, and approves a letter agreement between the City and Comcast concerning equipment to be provided to the City and the closure of the Comcast payment center in Frederick.