

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 33**

4
5 **Series of 2014**

6
7 **INTRODUCED BY COUNCILMEMBERS:**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, APPROVING A FRANCHISE AGREEMENT**
11 **BETWEEN THE CITY OF LITTLETON, COLORADO,**
12 **AND QWEST BROADBAND SERVICES, INC. d/b/a**
13 **CENTURYLINK**

14
15 **WHEREAS**, the City of Littleton, Colorado (“City”) is authorized to grant one or
16 more nonexclusive, revocable franchises to construct, reconstruct, operate, and maintain a cable
17 system within the City boundaries;

18
19 **WHEREAS**, Qwest Broadband Services, Inc., d/b/a/ CenturyLink (“Grantee”) recently requested to negotiate a competitive cable television franchise agreement with the City;

20
21
22 **WHEREAS**, the City has a legitimate and necessary role in ensuring the
23 availability of cable service and reliability of cable systems in its jurisdiction, the availability of
24 local programming, and quality customer service;

25
26 **WHEREAS**, the City Council desires to grant to the Grantee, and the Grantee
27 desires to accept, the terms and conditions set forth herein for the use of City-owned rights of
28 way and easements, and rights of way and easements dedicated and accepted for public use, in
29 installing and operating a cable system in the City, in accordance with applicable laws and
30 provisions of the Franchise Agreement between the City and Grantee;

31
32 **WHEREAS**, the City has identified future cable-related needs and interests for
33 itself and the community;

34
35 **WHEREAS**, the public has had adequate notice and opportunity to comment on
36 Grantee’s proposal to continue to provide cable service in the City; and

37
38 **WHEREAS**, the City Council has determined it is in the best interest of the City
39 and the community to grant a Franchise to Grantee for the term provided in the agreement;

40
41 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
42 **THE CITY OF LITTLETON, COLORADO, THAT:**

43
44 **Section 1: Approval.** The City Council hereby approves the Franchise
45 Agreement between the City of Littleton, Colorado, and Qwest Broadband Services, Inc., d/b/a
46 CenturyLink in the form as attached as *Exhibit 1*.

1
2 **Section 2: Implementation.** City officials are hereby authorized to take such
3 action as appropriate to implement the Franchise Agreement.
4

5 **Section 3: Severability.** If any part, section, subsection, sentence, clause or
6 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
7 validity of the remaining sections of this ordinance. The City Council hereby declares that it
8 would have passed this ordinance, including each part, section, subsection, sentence, clause or
9 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
10 clauses or phrases may be declared invalid.
11

12 **Section 4: Safety Clause.** The City Council finds and declares that this
13 ordinance is promulgated and adopted for public health, safety and welfare and bears a rational
14 relation to the legislative objective sought to be obtained.
15

16 **Section 5: Repealer.** All ordinances or resolutions, or parts thereof, in
17 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
18 repealer clauses of such ordinance nor revive any ordinance thereby.
19

20 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
21 of the City of Littleton on the 2nd day of September, 2014, passed on first reading by a vote of
22 ____ FOR and ____ AGAINST; and ordered published by posting at Littleton Center, Bemis
23 Library, the Municipal Courthouse and on the City of Littleton Website.

24 PUBLIC HEARING on the Ordinance to take place on the 16th day of September,
25 2014, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
26 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

27 PASSED on second and final reading, following public hearing, by a vote of ____ FOR
28 and ____ AGAINST on the ____ day of _____, 2014 and ordered published by
29 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton
30 Website.

31 ATTEST:

32 _____
33 Wendy Heffner
34 CITY CLERK

Phil Cernanec
PRESIDENT OF CITY COUNCIL

Ordinance No. _____
Series of 2014
Page 3

35
36 APPROVED AS TO FORM:
37
38 _____
39 Kenneth S. Fellman
40 CITY ATTORNEY