

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 31**

4
5 **Series, 2019**

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8 **AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO,**
9 **GRANTING THE RENEWAL OF A NON-EXCLUSIVE FRANCHISE**
10 **AGREEMENT FOR THE USE OF CITY RIGHT-OF-WAYS WITH**
11 **COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, LLC**
12

13 **WHEREAS**, on October 1, 2000, the Littleton City Council approved the grant of
14 a non-exclusive Franchise Agreement to TCI Cablevision of Florida, Inc. (“Grantee”), for its
15 construction and operation of a cable television system within the City; and
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17 **WHEREAS**, as the successor in interest to Grantee, the Comcast entity which
18 holds the Franchise in the City is Comcast of California/Colorado/Florida/Oregon, LLC
19 (“Comcast”); and
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21 **WHEREAS**, the term of the original Cable Franchise Agreement was for fifteen
22 (15) years, expiring on October 1, 2015; and
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24 **WHEREAS**, the City and Comcast have previously agreed to continue operating
25 under the existing franchise on a month to month basis until a new franchise is adopted or until
26 the current agreement is otherwise terminated; and
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28 **WHEREAS**, Comcast is agreeable to continuing providing such services in the
29 City, and has made application to the City for a cable franchise renewal; and
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31 **WHEREAS**, the City has reviewed Comcast’s performance under the prior
32 franchise and the quality of service during the prior franchise term, has identified the future
33 cable-related needs and interests of the City and its citizens, has considered the financial,
34 technical and legal qualifications of Comcast, and has determined that Comcast’s plans for
35 operating and maintaining its cable system are adequate, in a full public proceeding affording
36 due process to all parties; and
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38 **WHEREAS**, the public has had adequate notice and opportunity to comment on
39 Comcast’s proposal to provide cable service within the City; and
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41 **WHEREAS**, the City has a legitimate and necessary regulatory role in ensuring
42 the availability of cable service, and reliability of cable systems in its jurisdiction, the availability
43 of local programming (including Educational and Governmental Access programming) and
44 quality customer service; and
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46 **WHEREAS**, diversity in cable service programming is an important policy goal

and the Comcast cable system should offer a wide range of programming services; and

WHEREAS, the Littleton City Council desires to grant to Comcast and Comcast desires to accept the terms and conditions herein set forth for the use of City owned rights-of-way, of City owned easements, and of rights-of-way and access easements dedicated and accepted for public use by the City in installing and operating a cable system in the City in accordance with applicable law and the provisions of the Cable Franchise Agreement by and between the City of Littleton, Colorado and Comcast of California/Colorado/Florida/Oregon, LLC, submitted to the City Council; and

WHEREAS, after due evaluation, the Littleton City Council has determined that it is in the best interest of the City and its residents to grant a cable franchise renewal to Comcast for a term of ten (10) years as provided in the Cable Franchise Agreement between the City and Comcast.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1. Approval. The City Council of the City of Littleton, Colorado hereby approves the Cable Franchise Agreement by and between the City of Littleton, Colorado and Comcast of California/Colorado/Florida/Oregon, LLC as submitted to the City Council, in the form attached as Exhibit 1.

Section 2. Implementation. City officials and employees of the City are authorized to take such action as are appropriate to implement the Cable Franchise Agreement.

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

Section 4: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 17th day of December, 2019, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 21st day of January, 2020, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of __ FOR and __ AGAINST on the 21st day of January, 2020, and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Wendy Heffner
CITY CLERK

Jerry Valdes
MAYOR

APPROVED AS TO FORM:

Reid Betzing
CITY ATTORNEY

