

ORDINANCE NO. 12349  
(New Series)

MAY 15 1978  
O. 78-269

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. 11862 (N.S.) BY ELIMINATING THE TERMS AND CONDITIONS OF THE SALES COMMITMENT EXECUTED BY AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION, RELATING TO THE SALE OF SOUTH BAY TERRACES ANTENNA SYSTEM, INC., TO MISSION CABLE TV, INC.

WHEREAS, the Council of The City of San Diego initially conditioned the transfer of the South Bay Terraces Community Antenna Television Franchise, Ordinance No. 10207 (N.S.), to the American Television and Communications Corporation upon the execution of a Sales Commitment, a copy of which is on file in the office of the City Clerk as Document No. 755709; and

WHEREAS, the Sales Commitment provided for the sale of the South Bay Terraces Cable TV Franchise to Mission Cable TV, Inc.; and

WHEREAS, the negotiations between the American Television and Communications Corporation and Mission Cable TV, Inc. for the sale of South Bay Terraces Antenna System, Inc. have reached an impasse; and

WHEREAS, the original rationale for requiring American Television and Communications Corporation to execute a Sales Commitment was based on service level and signal reception considerations; and

WHEREAS, the semiannual service audit reports conducted by The City of San Diego have shown no detrimental effects on service levels; and

**MICROFILMED**

WHEREAS, American Television and Communications Corporation remains committed to ensuring signal reception for the South Bay Terraces area at a level equivalent to that received by Mission Cable TV subscribers; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

That Ordinance No. 11862 (N.S.) be and it is hereby amended to read as follows:

Section 1. That The City of San Diego does by this ordinance consent to the transfer to American Television and Communications Corporation of the franchise heretofore granted to South Bay Terraces Antenna System, Inc. subject to all the terms and conditions contained in said Ordinance No. 10207 (N.S.) and subject to the following conditions subsequent:

(a) That within thirty (30) days of the effective date of this ordinance American Television and Communications Corporation interconnect the existing South Bay Terraces Antenna System, Inc. cable with the neighboring cable owned and operated by Mission Cable TV, Inc. pursuant to the terms and conditions set forth in an agreement dated June 22, 1976, between Mission Cable TV, Inc. and American Television and Communications Corporation, a copy of which is on file in the office of the City Clerk as Document No. 755708, in order that the subscribers in the area served by the franchise now held by South Bay Terraces Antenna System, Inc. may enjoy cable television signal reception equivalent to that received by subscribers in the neighboring area served by Mission Cable

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TV, Inc.; and that thereafter American Television and Communications Corporation shall at all times continue with said cable interconnect or otherwise insure that the subscribers in the franchise area presently held by South Bay Terraces Antenna System, Inc. continuously and at all times receive equivalent high quality of cable television service and signal as is available in the neighboring area served by Mission Cable TV, Inc.

Section 2. Failure by American Television and Communications Corporation to strictly comply with all the terms and conditions set forth in Section 1 hereof shall be grounds for action by the City Council by ordinance to rescind the consent granted herein or take such other action as the City Council deems appropriate and in the best interests of the Franchise area subscribers without giving rise to any liability to the City, its officers or agents for said act of rescission.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
C. M. Fitzpatrick  
Senior Chief Deputy

CMF:vl:490  
4/18/78  
Or. Dept.: T&LU Committee

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MAY 15 1978

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 1 1978

MAY 15 1978

, and on

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding Deputy.

Office of the City Clerk, San Diego, California

Ordinance

12349

MAY 15 1978

Adopted

ATTORNEY(S)

San Diego, City of  
12th Floor, City Admin. Bldg.  
302 G St.  
San Diego, Ca 92101  
Attn: Betty Goldberg

CERTIFICATE OF PUBLICATION

No. 12349

IN THE MATTER OF

THE SALE OF SOUTH BAY TERRACES  
ANTENNA SYSTEM, INC., TO MISSION  
CABLE TV, INC.

ORDINANCE NO. 12349

(New Series)

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. 11862 (N.S.) BY ELIMINATING THE TERMS AND CONDITIONS OF THE SALES COMMITMENT EXECUTED BY AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION RELATING TO THE SALE OF SOUTH BAY TERRACES ANTENNA SYSTEM, INC. TO MISSION CABLE TV, INC.

WHEREAS, the Council of The City of San Diego initially conditioned the transfer of the South Bay Terraces Community Antenna Television Franchise, Ordinance No. 10207 (N.S.), to the American Television and Communications Corporation upon the execution of a Sales Commitment, a copy of which is on file in the office of the City Clerk as Document No. 755709; and

WHEREAS, the Sales Commitment provided for the sale of the South Bay Terraces Cable TV Franchise to Mission Cable TV, Inc.; and

WHEREAS, the negotiations between the American Television and Communications Corporation and Mission Cable TV, Inc. for the sale of South Bay Terraces Antenna System, Inc. have reached an impasse; and

WHEREAS, the original rationale for requiring American Television and Communications Corporation to execute a Sales Commitment was based on service level and signal reception considerations; and

WHEREAS, the semiannual service audit reports conducted by The City of San Diego have shown no detrimental effects on service levels; and

WHEREAS, American Television and Communications Corporation remains committed to ensuring signal reception for the South Bay Terraces area at a level equivalent to that received by Mission Cable TV subscribers; NOW, THEREFORE

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

That Ordinance No. 11862 (N.S.) be and it is hereby amended to read as follows:

Section 1. That The City of San Diego does by this ordinance consent to the transfer to American Television and Communications Corporation of the Franchise heretofore granted to South Bay Terraces Antenna System, Inc. subject to all the terms and conditions contained in said Ordinance No. 10207 (N.S.) and subject to the following conditions subsequent:

(a) That within thirty (30) days of the effective date of this ordinance American Television and Communications Corporation interconnect the existing South Bay Terraces Antenna System, Inc. cable with the neighboring cable owned and operated by Mission Cable TV, Inc. pursuant to the terms and conditions set forth in an agreement dated June 22, 1978, between Mission Cable TV, Inc. and American Television and Communications Corporation, a copy of which is on file in the office of the City Clerk as Document No. 755708, in order that the subscribers in the area served by the franchise now held by South Bay Terraces Antenna System, Inc. may enjoy cable television signal reception equivalent to that received by subscribers in the neighboring area served by Mission Cable TV, Inc.; and that thereafter American Television and Communications Corporation shall at all times continue with said cable interconnect or otherwise insure that the subscribers in the franchise area presently held by South Bay Terraces Antenna System, Inc. continuously and at all time receive equivalent high quality of cable television service and signal as is available in the neighboring area served by Mission Cable TV, Inc.

Section 2. Failure by American Television and Communications Corporation to strictly comply with all the terms and conditions set forth in Section 1 hereof shall be grounds for action by the City Council by ordinance to rescind the consent granted herein or take such other action as the City Council deems appropriate and in the best interests of the Franchise area subscribers without giving rise to any liability to the City, its officers, or agents for said act of rescission.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Passed and adopted by the Council of The City of San Diego on May 15, 1978, by the following vote:

YEAS: Mitchell, Williams, Schnaubert, Gede, Stirling, Haro.

NAYS: None.

ABSENT: O'Connor, Lowery, Wilson.

AUTHENTICATED BY:  
PETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
By BETTY GOLDBERG,  
Deputy.

(REAL)  
Pub. May 28, 1978 68-6778

I, PATRICIA M. SPAULDING, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12349

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following dates, to-wit:

May 31, 1978

I certify under penalty of perjury that the foregoing is true and correct

Dated at San Diego, California, 15th day of May, 1978

*Patricia M. Spaulding*  
Signature

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