

(O-84-5)

ORDINANCE NUMBER O- 16042 (New Series)

Adopted on SEP 12 1983

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. O-15213 (NEW SERIES), WHICH GRANTED TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION THE NONEXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO LAY AND USE LINES, WIRES, COAXIAL CABLE AND APPURTENANCES FOR TRANSMITTING, DISTRIBUTING AND SUPPLYING RADIO AND CABLE TELEVISION SERVICE ALONG, ACROSS AND UPON THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN CERTAIN AREAS OF SAN DIEGO, BY AMENDING PARAGRAPH (b) OF SECTION 7 CONCERNING THE TERM OF THIS FRANCHISE.

WHEREAS, The City of San Diego has by Ordinance No. O-15213 (New Series) granted to American Television and Communications Corporation the non-exclusive right, privilege and franchise to lay and use lines, wires, coaxial cable and appurtenances for transmitting, distributing and supplying radio and cable television service along, across and upon the public streets, ways, alleys and places within certain areas of San Diego; and

WHEREAS, Section 7(b) of Ordinance No. O-15213 (New Series) provided for a franchise term of twenty (20) years and also provided for the term of the franchise to be extended for an additional period of ten (10) years upon a determination of compliance with the franchise provisions within the initial three (3) years; and

WHEREAS, the Grantee, American Television and Communications Corporation, has made application for the term of

the franchise to be extended for ten (10) years; and

WHEREAS, the City Council, pursuant to the provisions of the franchise and having held a public hearing on the matter, finds that Grantee has fully complied with all provisions of the franchise during the initial three (3) years of the term of the franchise; NOW THEREFORE,

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

Section 1. Section 7, Paragraph (b) of Ordinance No. O-15213 (New Series) is hereby amended to read as follows:

Section 7. DURATION OF GRANT

(b) The term of this Franchise shall be thirty (30) years, commencing on the effective date of the Franchise as provided in Paragraph (a) of this section; provided, however, that the term of this Franchise may be extended in accordance with the procedures set forth below:

(1) The provisions of this ordinance shall be subject to renegotiation every fifth (5th) year during the term of the Franchise, including any extensions thereof. These renegotiation opportunities shall be referred to as "renegotiation intervals."

Renegotiation shall be initiated upon written notice given by the City or Grantee to the other during the one (1) year prior to the particular renegotiation interval. If both parties agree to renegotiation, renegotiation shall be directed towards effecting

alterations in the terms and conditions of this Franchise to reflect any significant changes which occurred during the interim period.

(2) If any renegotiation prior to the end of the term, including extensions of this Franchise, results in agreement between the City and Grantee, or if, alternatively, both parties agree, at any renegotiation interval as defined above, that no renegotiation is needed or required, then the term of this Franchise shall be extended for an additional five (5) years by an appropriate action of the City Council.

(3) This Franchise shall terminate without further action by the City at the end of the term of this Franchise; provided, however, that the total term of the Franchise may be extended to fifty (50) years; provided, further, that the City Council, at or before the end of the term, or the term as extended, retains the exclusive power to grant a further extension, or a renewal of this Franchise, or a new Franchise to Grantee.

Section 2. All other provisions of Ordinance No. O-15213 (New Series) remain in full force and effect.

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

01164

APPROVED: John W. Witt, City Attorney

By *C. M. Fitzpatrick*
C. M. Fitzpatrick
Senior Chief Deputy

CMF:ps
7/13/83
Or.Dept:T&LU
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Passed and adopted by the Council of The City of San Diego on SEP 12 1983
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

 City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackhall, 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

AUG 16 1983

SEP 12 1983

~~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 June A. Blackhall, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16042 Adopted SEP 12 1983