

## ORDINANCE NO. 2211

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, WAIVING CITY'S FIRST RIGHT OF REFUSAL AND APPROVING A TRANSFER AND EXTENSION OF THE CABLE TELEVISION FRANCHISE TOGETHER WITH SERVICE AND RATE MODIFICATIONS SUBJECT TO PUBLIC HEARING REQUIREMENTS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY:

WHEREAS, after public hearings and review the City Council granted a cable television franchise to Warner Amex Cable Communications Company of Mesquite on October 6, 1980 and;

WHEREAS, Warner Amex proposes to sell and transfer said franchise to Heritage Communications, Inc., or, to an limited partnership, the general partner of which is a wholly owned subsidiary of Heritage Communication, Inc., and;

WHEREAS, the Mesquite Cable Television Advisory Board has reviewed such proposal and recommended approval of such transfer.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City Council of the City of Mesquite does hereby waive its first right of refusal to acquire the Warner Amex system and does hereby approve the transfer of the cable television franchise, including its rights and obligations, from Warner Amex to Heritage, including Heritage's proposal for service and rate modification, subject to the public hearing process required in the original franchise ordinance (Ordinance No. 1636) and Heritage Communications, Inc. becoming a signatory to said franchise agreement as modified herein and to the consumation of the sale of the system to Heritage. In the event the franchise is transferred to a Limited Partnership, the general partner of which is a wholly owned subsidiary of Heritage Communications, Inc., Heritage Communication, Inc. shall be responsible for all rights and obligations under the franchise.

SECTION 2. Upon the third and final reading as provided by City Charter and acceptance by Heritage Communications, Inc. of the responsibilities and obligations of the original holder of the cable television franchise the term of said franchise is hereby extended to fifteen years from adoption of this ordinance on final reading and said franchise, together with the extension, shall be confirmed in Heritage Communications, Inc.

SECTION 3. The fact that the transfer of the cable television franchise is necessary to the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and requires

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that those portions of this ordinance not requiring multiple readings take effect immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

PASSED AND APPROVED On first reading on this the 15th day of July, 1985.

PASSED AND APPROVED On second reading on this the 5th day of August, 1985.

PASSED AND APPROVED On final reading on this the 19th day of August, 1985.

*Mrs. Brunhilde Nystrom*  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

*Lynn Prugel*  
Lynn Prugel  
City Secretary

Elland Archer  
City Attorney