

ORDINANCE NO. 2504

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CABLE TELEVISION FRANCHISE BY INCORPORATING CERTAIN ADDITIONAL LANGUAGE THEREIN RELATING TO THE PROVISION OF EQUIPMENT FOR LOCAL PROGRAMMING AND/OR LOCAL ACCESS BROADCASTING, AND THE MAINTENANCE AND REPLACEMENT OF SAID EQUIPMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE.

WHEREAS, Heritage Communications, Inc. (hereinafter referred to as Heritage Cable) and the City of Mesquite (City) have heretofore entered into a nonexclusive cable television franchise; and

WHEREAS, a question has arisen under the Cable Television Franchise ordinance as to the respective responsibilities of Heritage Cable, the City, and certain third parties to provide equipment, personnel, and maintenance service for local programming and local access broadcasting under the City of Mesquite's cable franchise agreement; and

WHEREAS, both the City and Heritage Cable, in consideration of the mutual covenants and restrictions contained in the cable franchise agreement, wish to clarify the responsibilities and obligations of each of the parties to provide equipment, personnel, and maintenance service for local access broadcasting;

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

SECTION 1. That the following provisions are incorporated into the Cable Television Franchise ordinance for the City of Mesquite, Texas with all attachments thereto, as originally granted by the City to Warner Amex in City Ordinance No. 1636, dated October 6, 1980, and as later transferred to Heritage Communications, Inc., by Ordinance No. 2211, dated August 19, 1985. To the extent that the additional language contained herein conflicts with any other provision in the Cable Television Franchise ordinance as amended, the provisions of this ordinance shall control, in all other respects the Cable Television Franchise and amendments thereto to remain in full effect.

A. Ownership of Equipment Used for Local Programming/Local Access Broadcasting

A complete list of all the equipment which will be updated annually and is currently found in Eastfield College's broadcasting studio is attached to this ordinance as Exhibit "A", and included herein for all purposes. The ownership of the equipment found in the studio is of three types:

- (1) Equipment originally furnished by Heritage Cable (or its predecessor Warner Amex) and equipment purchased out of the Community Access Fund generated from the dedication by Heritage Cable of one percent (1%) of its gross operating revenues. All equipment in this group is the property of Heritage Cable under the operational direction of Mesquite Cable Television Advisory Board. This equipment shall not be sold or otherwise disposed of or relocated to another studio by Heritage Cable, or its successors or assigns, without the prior approval of the Mesquite Cable Television Advisory Board.

- (2) Equipment purchased and owned by Eastfield College, but which is made *available* to users of local programming or local access programs. All property in this category remains the property of Eastfield College.
- (3) Equipment purchased and owned by Eastfield College, and which is *exclusively* made available to and used by Eastfield College students as part of the educational programs offered by Eastfield College. All property in this category is the property of Eastfield College.

B. Maintenance of Equipment Used for Local Access Broadcasting

Heritage Cable shall provide, at its sole expense, trained personnel, equipment, and replacement parts to maintain the equipment found at the Eastfield College studio used for local programming and local access, provided that Heritage Cable shall be required only to maintain the equipment described above in Sections 1A(1) and 1A(2) and more fully described in Exhibit "A", attached hereto.

C. Replacement of Equipment Used for Local Access Broadcasting

The replacement of equipment described in Section 1A(1) used for local programming and local access shall be funded solely by the Community Access Fund generated by the one percent (1%) of gross operating revenue provided to City by Heritage Cable.

D. Compensation of Eastfield College for Operation of Local Access Studio

It is the intention of the City that this ordinance, as well as the Cable Television Franchise ordinance, not address the compensation, if any, to be paid Eastfield College by Heritage Cable in return for the provision of a studio at Eastfield College for local programming and/or local access broadcasting, or for the expenses of operating said studio. The City intends that Heritage Cable and Eastfield College negotiate between themselves on the question of whether Eastfield College should be compensated for any services in the area of local access or programming.

SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, section or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

PASSED AND APPROVED on the first reading on this the 7th day of December, 1987.

PASSED AND APPROVED on the second reading on this the 21st day of December, 1987.

PASSED AND APPROVED on the third and final reading on this the 4th day of January, 1988.

George A. Venner, Sr.
George A. Venner, Sr.
Mayor

ATTEST:

Lynn Prugel
Lynn Prugel
City Secretary

APPROVED:

Jonathan Graham
Jonathan Graham
City Attorney

ACCEPTANCE

Heritage Communications, Inc., accepts and hereby agrees to be bound by all the terms and conditions of these modifications to the Television Cable Franchise.

Dated: Jan 26, 1988

Heritage Communications, Inc.

By: [Signature]
Title: [Signature]

000226

MESQUITE PUBLIC ACCESS INVENTORY
November 18, 1987

Pur/Maint	Code	Qty	Make	Model Number	Description	Serial Number	
A	A	(4)	1	Sony	V05850	VCR	15896
A	A	(4)	1	Sony	V05850	VCP	12536
A	A	(4)	1	Panasonic	SA207	Receiver	
A	A	(2)	1	Panasonic	SL207	Turntable	
A	A	(5)	1	JVC	KDV6J	Cassette Deck	090604
E	A	(5)	1	JVC	FY1900	Studio Camera	09957280
A	A	(5)	1	JVC	FY1900	Studio Camera	09754128
A	A	(5)	1	JVC	FY1900	Studio Camera	10957532
A	A	(5)	1	JVC	FY1900	Studio Camera	10957533
A	A	(5)	1	JVC	FY1900	Portable Camera	10957517
A	A	(5)	1	JVC	FY1900	Portable Camera	09957290
A	A	(5)	1	JVC	FY1900	Portable Camera	10957556
A	A	(3)	1	Sony	DXC1800	Portable Camera	11387
A	A	(3)	1	Sony	DXC1800	Portable Camera	10568
A	A	(3)	1	Sony	V0-4800	VCR System	
A	A	(3)	1	Sony	V0-4800	VCR System	
A	A	(3)	3	Sony	V0-4800	VCR Systems	
A	A	(4)	1	JVC	TM22U	Monitor	15001815
A	A	(4)	2	VideoTek		Color Monitors	
A	A	(3)	1	Lowell	96	Light Kit	
E	A	(4)	1	Electrovoice	d142	Shotgun Mike	
E	A	(4)	4	Sigma	510	VD-A	
E	A	(4)	3	Sigma	520	Ad-A	
E	A	(4)	2	Sigma	530	Pd-A	
E	A	(4)	1	Sigma	P5501	Power Supply	
A	A	(5)	1	Trompeter Bay	Video Patch Panel	JSI 52	
A	A	(5)	1	Trompeter Bay	Audio Patch Panel	JSI 52	

Equipment Condition Codes:

- (1) Missing
 - (1a) Lost
 - (1b) Never Issued
 - (1c) Stolen
- (2) Excessively Worn/Replacement Recommended
- (3) Needs Repair
 - (3a) Repairable
 - (3b) Repair cost exceeds replacement value, recommend replacement
- (4) Good Operational Condition
- (5) Excellent Condition

Purchaser/Maintenance Codes:

- A = MPA
- E = Eastfield College

Mesquite Public Access Inventory
November 18, 1987
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Pur/Maint	Code	Qty	Make	Model Number	Description	Serial Number
E	A	(3)	1	Panasonic	CT100M	Video Monitor KB112026
A	A	(3)	1	Sharp	XC700	Studio Camera 211480
A	A	(3)	1	Sharp	XC700	Studio Camera 211518
A	A	(3)	1	Sharp	XC700	Studio Camera 211485
A	A	(4)	1	ITE	T12	Studio Tripod
A	A	(4)	1	ITE	T12	Studio Tripod
A	A	(4)	1	ITE	T12	Studio Tripod
A	A	(3)	39			Studio Light Instruments
A	A	(4)	2	Sharp	XR3013	
A	A	(4)	1	VDS	528-1	Message Generator 060065
A	A	(4)	1	VDS	MCG2500	Message Generator 240004
A	A	(5)	2	Sony	PVM1211F	Color Video Monitors 010823 010527
E	A	(4)	2	JVC	TMR9U	8" Color Monitors 12000858 12000859
A	A	(4)	1	Panasonic	WV-5203	3 Black & White Monitors
A	A	(4)	2	Sony	PVM8200T	8" Color Monitors 500108 500196
E	A	(4)	1	Panasonic	WJ-225R	Video Switcher
E	A	(4)	1	Panasonic	A5-2000	Camera Key Generator
A	A	(4)	1	Laird Telemedia Inc.		Remote Control
A	A	(4)	1	Di-Tech Inc.		D.A.: 1-801 Power Supply 2-170 Audio 6-110V.D.A.
A	A	(3)	1	Microtime	T120	Time Base Corrector 17105
A	A	(4)	1	VideoTek	TSM5A	Way Form Monitor C4843467
		(4)	1	VideoTek	VSM5A	Vector Scope V682772
A	A	(4)	2	Panasonic	WV5352	8" Black & White Monitor Packages 120839
A	A	(4)	4	Sharp	SC701RP	CCU 211290 211151 211152 211206

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<u>Pur/Maint</u>	<u>Code</u>	<u>Qty</u>	<u>Make</u>	<u>Model Number</u>	<u>Description</u>	<u>Serial Number</u>	
A	A	(3)	2	JBL	4301-B	Audio Speakers	
A	A	(4)	1	Crown	D75	Audio Amp	12822
A	A	(5)	1	Scully		R&R Playback	0088
A	A	(5)	1	InterGroup	93	Prod. Switcher	
A	A	(3)	1	3M	D1512	Character Generator	0541
A	A	(3a)	1	Sony	VP2260	Video Cassette Player	12710
A	A	(3a)	1	Sony	VP2860	Video Cassette Recorder	13208
A	A	(5)	1	Tascam	5	Audio Mixer	58158
A	A	(1)	1	Grassyvally	3256	Sync Generator	
A	A	(2)	2	Bogen	3068	Tripod w/dolly	

E	A	(5)	3	Telex		Headsets	
E	A	(4)	2	D/S		Tripods	
E	A	(5)	2	PZM	Headset/ Wireless	Microphones	
E	E	(5)	1	IBM	5150	Personal Computer	1577873
E	A	(5)	2	Sony	CE190	Microphones	
E	A	(5)	2	PZM		Microphones	
A	A	(4)	2	Shure	M67	Mixer	
A	A	(1c)	1	Senhinser	ME80	Microphones	
A	A	(5)	5	KLEIGL	#23604	Barndoors	
A	A	(5)	2	Electrovoice	EV635A	Microphones	
A	A	(5)	1	Heavy		Stepladder	
A	A	5	1	Weller	61	Soldering	
A	A	5	1	JVC	RCU1900	CCU	
A	A	5	1	Ball	3315	Laveller	

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