

ORDINANCE NO: 3408

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO THE EXTENSION OF THE TCI CABLEVISION OF DALLAS, INC., DBA AT & T BROADBAND CABLE TELEVISION FRANCHISE; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, by Ordinance No. 1636, passed and approved on October 6, 1980, the City of Mesquite granted to Warner Cable Corporation, the right, privilege and franchise to erect, maintain and operate for a term of fifteen (15) years a cable system in said City; and

WHEREAS, by Ordinance No. 2211, passed and approved on August 19, 1985, the City of Mesquite approved the transfer of the franchise to Heritage Communications, Inc., along with an extension of the franchise for an additional five (5) years; and

WHEREAS, by Ordinance No. 2637, passed and approved on November 6, 1989, the City of Mesquite approved the transfer of the franchise to TCI Cablevision of Dallas, Inc., hereinafter referred to as Grantee; and

WHEREAS, by Ordinance No. 3276, passed and approved on January 4, 1999, the City of Mesquite approved the transfer of ownership of Grantee to AT&T Corp.; and

WHEREAS, by Ordinance No. 3381, passed and approved on August 21, 2000, the City of Mesquite approved an extension of the franchise through December 31, 2000; and

WHEREAS, Grantee has provided cable services within the City of Mesquite under such franchise; and

WHEREAS, pursuant to its terms and provisions, said franchise will expire on or about December 31, 2000; and

WHEREAS, Grantee has requested a new franchise to allow operation of a cable system in the City of Mesquite in accordance with the renewal provisions of the Cable Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996; and

WHEREAS, the City of Mesquite and Grantee are currently negotiating a renewal of the franchise; and

WHEREAS, the parties acknowledge that the negotiations for a renewal of the franchise may not be completed prior to December 31, 2000; and

WHEREAS, the parties desire to reduce their agreement to writing and to reserve herein all rights, obligations, and protections under the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, hereinafter collectively referred to as Cable Act.

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

SECTION 1. That the City of Mesquite and the Grantee are negotiating in good faith to renew the franchise agreement for the continued operation and maintenance of the Grantee's cable system.

SECTION 2. That the negotiations to renew the franchise agreement may not be completed prior to the expiration date established by the franchise agreement.

SECTION 3. That the franchise agreement, therefore, be extended to February 28, 2001, and that all rights, obligations, and protections afforded to each party herein shall not be prejudiced by said extension under the provisions of the Cable Act.

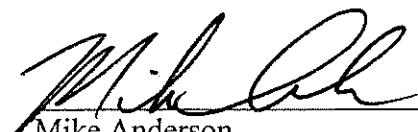
SECTION 4. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinance or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

DULY PASSED AND APPROVED, on first reading, by the City Council of Mesquite, Texas, on the 20th day of November, 2000.


DULY PASSED AND APPROVED, on second reading, by the City Council of Mesquite, Texas, on the 4th day of December, 2000.


DULY PASSED AND APPROVED, on third and final reading, by the City Council of Mesquite, Texas, on the 18th day of December, 2000.

  
Mike Anderson  
Mayor

ATTEST:

APPROVED

  
Ellen Williams  
City Secretary

  
B.J. Smith  
City Attorney