

CITY OF SACRAMENTO



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September 13, 1983

City Council
Sacramento, CA 95814

RE: CABLE TV ORDINANCE AMENDMENTS

Dear Councilmembers:

The attached ordinance amends and repeals various sections of the Cable Television Ordinance. Approval of this ordinance was recommended by the Sacramento Metropolitan Cable Television Commission at its meeting on September 7, 1983. The reasons for the proposed amendments are explained in the attached letter from Bob Smith, Executive Director of the Commission.

It is necessary for the Council to act on this ordinance at its meeting on September 13 in order that the amendments will become effective prior to September 20, which is the date the franchise applicants will submit their proposals. Mr. Smith will be present at the September 13th meeting to answer any questions.

Very truly yours

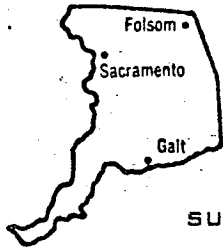
James P. Jackson
JAMES P. JACKSON
City Attorney

RECOMMENDATION APPROVED:

Solon Wilson, Jr.
City Manager

SACRAMENTO METROPOLITAN

ITEM No. 2



Cable Television Commission

SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

ROBERT E. SMITH
EXECUTIVE DIRECTOR

September 1, 1983

For Cable Commission Meeting of:
September 7, 1983

To: Sacramento Metropolitan Cable Television Commission
From: Bob Smith, Executive Director
Subject: ORDINANCE CHANGES AND TIME EXTENSION REQUESTED BY APPLICANTS

Numerous telephone inquiries were made by applicants regarding the possibility of changes in the Ordinance to remove some ambiguities and make bidding easier. August 24, 1983 was established as the deadline for receipt of written requests for such changes including any desires for time extension which might be essential to submit a bid.

TIME EXTENSION.

The Greater Sacramento Cable Company was the only firm requesting a time extension. They requested 30 days to finalize arrangements with a unnamed multiple system operator (MSO) which, to date, they have been unable to accomplish.

Staff discussed this matter with all the other applicants, who indicated that they did not wish an extension. In fact, one cable company, Kaufman-Broad, indicated that they would rethink their position on whether to submit an application if a time extension was to be granted.

In reviewing this matter, staff has concluded that the risk associated with extending the filing deadline through October 21st and losing an existing competitor is greater than the loss of any potential new competition which might be gained by recommending a time extension.

It is, therefore, my recommendation that the filing deadline remain as established by the Board and City Council, which is September 20th at 4:00 p.m. Should the Commission concur with this request, staff does not feel it necessary to approach the Board or City Council regarding a reaffirmation of their existing position.

REQUESTED ORDINANCE CHANGES.

Attached for your review is a list of Ordinance changes indicating both the applicants' request as well as the recommended changes. All of these recommended changes, most of which were requested by American Television and Communications Corporation (ATC), are generally in favor of the franchisee, but are reasonable for both parties. While there are numerous minor changes, highlighted below are the five major revisions.

1) System Capacity

All the applicants noted that while the RFP requested a state-of-the-art system design, the Ordinance requires that they install three cables - two subscriber and one institutional. The applicants argued that new technological developments permit the same capacity as reflected by the Ordinance provision - 105 video channels with less hardware and at much less cost. After reviewing this matter, we have agreed that this Ordinance provision be a suggested minimum bid specification, but should an applicant submit some other system design and architecture, their bid would not be rejected.

2) Minimum Franchise Fees.

The Ordinance, as adopted on July 21, 1983, provides that the franchisee must advance to the Commission 120% of the Commission's budget up to a maximum amount equal to the average annual franchise fee due this jurisdiction during the life of the franchise. For instance, utilizing United Tribune's proforma, the average annual franchise fee could be as much as \$3.2 million per year.

The applicants stressed that this was an extraordinarily large amount of money to disburse in a very critical construction period, without the revenue generated by large numbers of subscribers. Staff has agreed to reduce the maximum to that the Commission can require in advance payment to \$800,000, reflecting the staff costs, engineering, and legal services, and the repayment of operating cash advances made by the City and County.

3) Transfer of Ownership.

The Ordinance presently provides that, should the Commission deny its consent to the transfer of the system to a new owner and the court subsequently determines that that denial of consent was arbitrary, the Commission could nonetheless purchase the system at an advantageous price. ATC has pointed out that, when considered in conjunction with the Commission's right to assign its purchase right, the net effect of such a provision would be to allow the Commission to profit from any prospective sale to the extent that the price for the system exceeded the Commission's purchase price. The applicants felt that this was unfair.

Therefore, staff has recommended that this requirement be deleted and the Ordinance modified to provide that while the applicant would have the burden of proving the qualifications of its transferee, the Commission's decision would be subject to a final, but limited, review by a court. In any event, the Commission would have no right to purchase the system in relation to a proposed transfer.

4) Construction Schedule.

Applicants have expressed concern regarding the remedies and breach provision associated with not completing construction within the 51-month period. They argue that a 63-month build period would give them comfort in the event they encountered unusual problems particularly since a significant amount of undergrounding is required within the Sacramento franchise area.

Since this 51-month estimate was originally negotiated among nine applicants, and because staff is relying on competitive pressures to produce the most efficient construction schedule, we do not object to altering this milestone for material breach. Therefore, we are concurring with the cable companies to extend the mandatory completion schedule to the sixty-third month.

5) Line Extension Policy.

Both ATC and Kaufman-Broad have identified approximately 300 miles of low density cable mileage (less than 40 dwelling units per mile) within the Imposed Service Area. The applicants are concerned that providing cable in these areas will artificially increase subscriber rates to the extent that cable services would be difficult to market. They have requested that the line extension policy included in our Ordinance, but applicable only to areas outside the Imposed Service Area, be made applicable within the Imposed Service Area. This density policy is typical of provisions of other franchises and staff concurs that some relief should be provided within the Imposed Area.

The proposed amendment provides two distinct types of density exemptions. The first allows the low density areas to be built within 12 months of completion of the non-designated low density areas. The second allows exemption on a permanent basis upon the declining of service by the subscribers in the area. As proposed by staff, the policy provides that the applicant must offer the service to each dwelling unit in the area, and if potential subscribers in the low density area agree they want cable services, and are willing to pay a specified portion of the installation costs, the cable company is required to provide the initial installation throughout the area. The company is also required to install the system in any area in which new dwellings raise its density above the minimum. Further, as each new subscriber in the neighborhood contracts for service, or upon new dwellings raising the density above the minimum within five years of installation, the company must rebate the installation cost to the subscribers who initially subsidized the extension.

Cable Commission
August 31, 1983
Page 4


The applicants will be required to submit with their applications a map which delineates the low density service areas so that the impact will be known during deliberations on the selection of a tentative selectee.

These five changes reflect the most significant of all the requests made by the cable companies. The remaining changes clarify ambiguity or represent minor word modifications which make it easier for the bidders to submit an application while at the same time, leaving the Ordinance provision intact.

If you approve these Ordinance changes, we intend to instruct the applicants to rely on them in preparing their applications. Should the participating jurisdictions fail to adopt them, we will permit the applicants to adjust their bids accordingly after the filing deadline.

It is my recommendation that:

- 1) You reaffirm the application deadline of September 20, 1983, at 4:00 p.m.; and
- 2) Recommend approval of the Ordinance changes as outlined in the staff report and Attachment I.


BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

Attachments

catv068

SUMMARY OF ORDIN CHANGES

<u>General Description</u>	<u>Change Requests</u>	<u>Staff Recommendations</u>
1) 5.50.012m-Gross Revenue Definitions	Limits gross revenues to payments paid to the Franchisee or its in-market subsidiaries. Also, other language clarifications.	Agree with other language changes, but reject limit on gross revenues.
2) 5.50.048-Limitations	Changes language to make open-ended the period of time for commencing judicial proceedings.	Did not agree with open ended provision, but limited the commencement date of the provision, the accrual of the action or notice of administrative decisions and rulings.
3) 5.50.050-Changes in Law	Changes language, including requiring consultation with the franchisee in the event of changes in law have frustrated the compliance with the franchise documents.	Did not agree with language requested, but made some clarifying modifications.
4) 5.50.239-Renewal Terms	Staff initiated.	Requires continuation of at lease the same terms, conditions and requirements at renewal as in the original franchise.
5) 5.50.246d-Valuation	Changes the definition of replacement value and adds the "acquisition of new subscribers" as part of the growing concern value definition; or alternatively to remove this section in its entirety.	Reject changing the replacement value definition, and accepts more specification of the going concern value definition.
6) 5.50.248-Valuation	Proposed new language to determine valuation of tangible assets, or alternatively to remove this section in its entirety.	Agreed with suggested language, but clarified valuation definitions so that all tangible assets are valued at replacement costs and all intangible assets at going concern value.

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| 7) 5.50.304-Cable Capacity | Request that existing language requiring 3 cables be modified to reflect 105 channels, thereby recognizing technological advances. | Changes existing requirements to guidelines, and allow applicants to bid any cable capacity or configuration without being disqualified. Places competitive perspective above complicated and technologically unsupported minimum requirements. |
| 8) 5.50.410-Construction | Extends the 50% construction deadline by 6 months and the 100% construction deadline by 12 months. | Concur because these are outside deadlines which may not mean actual construction schedule due to bid competition. This also may soften a franchise breach trigger slightly. |
| 9) 5.50.413-Low Density Exemption | Request that the low density standards currently applicable to areas outside the Imposed Area also apply to within the Imposed Area. | Establish a two part exemption policy. One to allow low density construction without penalty after completion of all other areas, and a second permanent exemption of low density when service is declined. |
| 10) 5.50.434-Utility Delays to Construction | Excuse delays caused by utilities. | Agree to excuse utility delays in excess of 150 days if all necessary plans and documentation are submitted by franchisee. |
| 11) 5.50.542-Evaluation Service | Sets evaluation public hearings at not less than every 3 years. (City Council and Board) | Pursuant to 7/19/83 instruction from Board and City Council. |
| 12) 5.50.552-Commission Powers | Recognizing, the existence of Government Code Section 53066.1 and limit regulatory powers to those expressly mentioned in document. | Concur with Government Code 53066 referenced, but reject limitation on Commission authority to the franchise document. |
| 13) 5.50.604 and 5.50.606-Advance Payment and Franchise Fees | Identifies possible conflict with SB 54 which limits advance payments to the Commission. | Raise limits of Ordinance to 120% of Commission Budget or \$800,000, and prescribes that should legislation prohibit advance fees, then a loan in an equivalent amount would be made. |

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| 14) 5.50.614-Increase in Franchise Fees | Changes limit of increase in franchise fees from 10% to that permissible under law. | Concur, except to specify maximum permissible. |
| 15) 5.50.616 and 5.50.620-Application Contents and Compliance with Proposal | Recognizes the Government Code Section 53066.1 allowing franchisee to be exempt from local rate regulation. | Concur, but restore Commission's power per the Ordinance for any change in law which would repeal or abridge the right of the franchisee to be exempted from local rate regulations. |
| 16) 5.50.758-Proposed Transfers | Requested elimination of purchase by Commission if consent wrongfully denied. | Sets "substantial evidence" test for judicial review of a transfer determination, and sets the burden of proof on the franchisee to provide clear and convincing evidence relative to established criteria. |
| 17) 5.50.240(c)-Authority to Purchase System | Delete. | Concur, covered elsewhere. |
| 18) 5.50.550-Community Programming | Delete. | Concur, eliminates ambiguity between the voluntary bidding of community programming and the requirement to "make it available." |
| 19) 5.50.760-Construction Delays | Delete. | Concur, covered elsewhere. |

ORDINANCE NO. 83-114

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING AND REPEALING VARIOUS SECTIONS OF CHAPTER 20 OF THE SACRAMENTO CITY CODE RELATING TO CABLE TELEVISION AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Subsection m of Section 20.012 is hereby amended to read as follows:

- m. "Gross Revenues" -- shall mean all cash, credits, property of any kind of nature or other consideration derived directly or indirectly by a Franchisee, its affiliates, subsidiaries, parent, and any other person or entity in which the Franchisee has a financial interest or which has a financial interest in the Franchisee, arising from or attributable to operation of the Cable Television System, including, but not limited to: (i) revenue from all charges for those services provided on the Subscriber Network and Institutional Network (including Leased Access fees); (ii) * revenue from all charges for the insertion of commercial advertisements upon the System; (iii) revenue from all charges for the leased use of studio (iv) revenue from all charges for the installation, connection and reinstatement of equipment necessary for the utilization of the System and the provision of subscriber and other services; and (v) the sale, exchange or use or cablecast of any programming developed for community use or institutional users. "Gross Revenues" shall include, valued at retail price levels, the value of any good, services or other remuneration in non-monetary form received by the Franchisee or others described above in consideration for performance by a Franchisee or others described above of any advertising or other service in connection with the Cable Television System.

APPROVED
BY THE CITY COUNCIL

SEP 13 1983

OFFICE OF THE
CITY CLERK

"Gross Revenues" shall not include: (i) any taxes on services furnished by the Franchisee which are imposed directly upon any Subscriber or User by the United States, State of California or local agency and collected by the Franchisee on behalf of the government; (ii) revenue received directly from the Franchisee by an affiliate, subsidiary or parent of the Franchisee or any other person or entity in which the Franchisee has a financial interest or which has a financial interest in the Franchisee, when the revenue received has already been included in reported Gross Revenue as received by the Franchisee; and (iii) revenue received by such an affiliate, subsidiary, parent, person or entity when the revenue received is from the sale of national advertising shown on programs distributed on a national basis by the affiliate, subsidiary, parent, person or entity and, but for this exception, that portion of the revenue attributable to broadcasts through the Cable Television System would be treated as Gross Revenues.

SECTION 2.

Section 20.048 is amended to read as follows:

20.048 LIMITATIONS OF ACTIONS. Except as otherwise expressly provided by this Chapter, any judicial proceeding, whether for the recovery of damages or otherwise, brought for the purpose of adjudicating the validity of any provision of this Chapter or amendments thereof or any provision of the other Franchise Documents shall be commenced not later than thirty (30) calendar days following the latter of: (1) the effective date of the provisions; or (2) the accrual of the cause of action. Any such judicial proceeding brought for the purpose of adjudicating the validity of any rule, order, regulation, determination or arbitration award which purports to have been made pursuant to the provisions of this Chapter or of any of the other Franchise Documents shall be commenced not later than thirty (30) calendar days following date of adoption, issuance or making of such rule, order, regulation, determination or arbitration award or, as to the Franchisee, not later than thirty (30) calendar days following the giving and serving of notice of said adoption, issuance or making of such rule, regulation, determination or arbitration award pursuant to the provisions of Section 20.024 above. No judicial proceeding shall be commenced in violation of the limitations prescribed by this Section.

The provisions of this Section shall not be applicable to any judicial proceeding, whether for the recovery of damages or otherwise, commenced by the Cable Television Commission, County or Cities for breach or enforcement of the provisions of this Chapter or any regulation, determination or arbitration award purporting to have been issued thereunder.

SECTION 3.

Section 20.050 is amended to read as follows:

20.050 CHANGES IN LAW. Should the State of California or any agency thereof, the United States or any Federal agency or any State or Federal Court require either the Cable Television Commission, County, Cities or a Franchisee to act in a manner which is inconsistent with any provisions of the Franchise Documents, the Board of Directors of the Cable Television Commission shall be authorized to determine whether a material provision of the Franchise Documents is affected in relation to the rights and benefits conferred by the Franchise Documents upon the Commission, County, Cities or the public. Upon such determination, the Franchise Documents shall be subject to modification or amendment to such extent as may be reasonably necessary to carry out the full intent and purposes thereof in relation to the rights and benefits of the Commission, County, Cities or the public and in relation to such State, Federal or judicial requirement. The Board of Directors of the Cable Television Commission may terminate a Franchise issued pursuant to the provisions of this Chapter if it determines after consultation with the Franchisee that substantial and material compliance with the Franchise Documents in relation to the rights or benefits of the Commission, County, Cities or the public has been frustrated by such a State, Federal or judicial requirement.

SECTION 4.

Section 20.239 is amended to read as follows:

20.239 RENEWAL TERMS. In consideration of the granting of the initial CATV Franchise, the Franchisee agrees, by the filing of the Certificate of Acceptance, that, should the discretion of the Cable Television Commission under Section 20.226, above, to prescribe terms, conditions and requirements for any renewal of the Initial CATV Franchise be affected, restricted, abridged, limited or impaired in any manner whatsoever by any federal or state law, regulation or judicial decision, any renewal, extension or continuation of the Initial CATV Franchise shall nonetheless be upon not less than the same terms, conditions and requirements as those applicable to the Initial CATV Franchise, provided that, in any instance in which the Franchise Documents require the payment of a fixed monetary amount, said amount shall be increased for such renewal, extension or continuation period by a percentage equal to the percentage increase in the Consumer Price Index for all urban consumers published by the United States Department of Labor for the San Francisco-Oakland Bay Area over the period from the date of the Franchisee's application for the Initial CATV Franchise to the inception of the renewal, extension or continuation period.

SECTION 5.

Paragraph d of Section 20.246, relating to the definition of "going concern value" is amended to read as follows:

- d. "Going Concern Value" -- shall mean the benefits that attach to the business as a result of its location within the Franchise Area, the Franchisee's reputation among Subscribers or potential Subscribers for dependability and quality of service, and any other circumstances resulting in probable retention of old Subscribers or acquisition of new Subscribers; provided that no value shall be assigned to either the franchise itself or any right, privilege or expectancy arising to the Franchisee out of the right to transact business under the franchise, and particularly no value shall be allowed for any increase in value arising out of any expectation of revenues from the Cable Television System beyond the termination date or expiration date of the franchise, whichever is sooner.

SECTION 6.

Paragraph b of Section 20.248 is amended to read as follows:

- b. In the event the right of purchase is exercised pursuant to * any contingency prescribed by * this Chapter other than those specified in Sub-paragraph "a", above, the value of * all tangible assets acquired shall be * the Replacement Cost * and * the value of * intangible assets acquired shall be the Going Concern Value;

SECTION 7.

Section 20.304 is amended to read as follows:

20.304 CABLE - CAPACITY. The provisions of this Section express the intention and desire of the Commission. Applicants shall be authorized but not required, to include within their applications cable capacities which comport with the provisions of this Section. An applicant who chooses to make a cable capacity proposal at variance with the provisions of this Section shall not be disqualified from bidding or consideration in selection of the Franchisee. It is expressly declared that the factors upon which selection will be based are so numerous and subjective as to make it impossible to know in advance the relative importance of a determination by an applicant to either make or not to make such a proposal in relation to other factors upon which award of a franchise will be based. The Cable Television System installed pursuant to the Initial CATV Franchise * should consist of not less than two (2) cables for the Subscriber Network, plus a third cable for the Institutional Network. Each of the three cables * should have a capacity of not less than thirty-five (35) channels.

The cables for the Subscriber Network * should be installed within Service Area and outside thereof in such a manner as to comply with the availability of service requirements established by Article 4-b. One of the cables for the Subscriber Network * should be fully operational as services are required to be made available pursuant to the provisions of Article 4-b. The second cable for the Subscriber Network * should be installed at the same time as the other two cables, but may be initially inoperable. The second cable for the Subscriber Network * should become operable by such date or within such time as is prescribed within the application submitted by the Franchisee or resolution offering the franchise.

The cable for the Institutional Network * should be fully operational as services are required to be made available pursuant to the provisions of Article 4-b. The cable for the Institutional Network may * be installed in all areas in which the Subscriber Network cables are installed. Within Service Areas applicable to a franchise, the cable for the Institutional Network * should pass such public and institutions, facilities and buildings as are prescribed by the request for proposals.

SECTION 8.

Paragraphs c and d of Section 20.410 are amended to read as follows:

- c. Make Basic Service and other services identified pursuant to the provisions of Section 20.504 in Article 4-c, below, available to at least fifty (50%) percent of all Dwelling Units within each Service Area not later than * forty three (43) months following the date of filing of the certificate of acceptance of the franchise pursuant to the provisions of Section 20.220 in Sub-Chapter 3; and
- d. Make Basic Service and other services identified pursuant to the provisions of Section 20.504 in Article 4-c, below, available to one hundred (100%) percent of all Dwelling Units within each Service Area not later than * sixty three (63) months following the date of filing of the certificate of acceptance of the franchise pursuant to the provisions of Section 20.220 in Sub-Chapter 3.

SECTION 9.

Section 20.413 is amended to read as follows:

20.413 LOW DENSITY EXEMPTION.

a. A Franchisee shall be eligible to claim an exemption under this Section if, and only if, it shall have filed with its application a map or maps, certified as true and correct by an officer of the Franchisee, setting forth clearly and distinctly those portions of the Imposed Service Area in which:

1. There exists less than forty (40) dwelling units per street mile or less than five (5) dwelling units within six hundred sixty (660) street feet; and
2. The Franchisee desires to retain the right to claim a low density exemption under this Section at a later date.

b. For purposes of determining compliance of the provisions of Section 20.410, above, and notwithstanding any other provision of this Chapter, a Franchisee shall be excused, upon application therefor the Commission, from making basic service and other services identified pursuant to Section 20.504 available within the time limits specified in Section 20.410, above, to dwelling units within an area meeting both of the following criteria (hereinafter "affected area"):

1. There exists less than forty (40) dwelling units per street mile or less than five (5) dwelling units within six hundred sixty (660) street feet; and
2. The area is shown upon the map submitted pursuant to Subparagraph a hereof.

c. Notwithstanding the provisions of Subparagraph b above, a Franchisee shall make available basic service and other services identified pursuant to Section 20.504 to all dwelling units within an affected area not later than seventy-five (75) months after the filing of the Certificate of Acceptance to the Franchise.

d. For purposes of determining compliance with the provisions of Subparagraph "d" of Section 20.410, above, and of Section 20.416, below, and notwithstanding the provisions of Subparagraph c above, or any other provision of this Chapter, a Franchisee shall be excused from making basic service and other services identified pursuant to Section 20.504 available to dwelling units within an area meeting both of the following criteria (hereinafter "affected area"):

1. There exists less than forty (40) dwelling units per street mile or less than five (5) dwelling units within six hundred sixty (660) street feet; and
2. Each dwelling unit within said area shall have been offered and declined cable service at the Low Density Installation Cost, which shall be the lesser of:
 - (a) The Franchisee's actual cost of installation of cable plant in the affected area multiplied by the difference between the total number of dwelling units within the affected area and the number of dwelling units evidencing a desire to contract for cable service, the product thereof divided by the total number of dwelling units within the affected area and the dividend thereof divided by the number of dwelling units within the affected area desiring to contract for cable services; or
 - (b) Fifty (50) percent of the Franchisee's actual cost of installation of cable plant in the affected area divided by the number of dwelling units in the affected area desiring to contract for cable services.

e. If, in response to the offer of service at the Low Density Installation Cost required by Subparagraph d 2. above, one or more dwelling units within the affected area shall contract for service the Franchisee shall have no exemption pursuant to Subparagraph d hereof and shall be required to comply with the provisions of Subparagraph c hereof.

f. If, pursuant to Subparagraph e above, one or more dwelling units within an affected area should contract for service and pay the Low Density Installation Cost calculated pursuant to Subparagraph d 2. above, and at any time thereafter, additional dwelling units shall contract for such cable service, the Low Density Installation Cost for such subsequent contracting dwelling units shall be recalculated pursuant to the formula set forth in Subparagraph d 2. above, utilizing the then-existing total number of dwelling units and the then-existing number of dwelling units contracting for cable service and a refund shall be paid thereupon to any existing subscriber who shall have paid a Low Density Installation Cost within the previous three (3) years in an amount equal to the amount by which the Low Density Installation Cost for the new subscriber exceeds the Low Density Installation Cost charge paid by the existing subscriber.

g. For any affected area in which the Franchisee claims an exemption pursuant to Subparagraph d hereof, the Franchisee shall obtain and retain at all times throughout the term of the Franchise evidence in a form satisfactory to the Commission of the offer and declination of service by the Franchisee to all of the dwelling units within the affected area upon the basis set forth in Subparagraph d above.

h. For purposes of calculations under this Section, the "Franchisee's actual cost of installation of cable plant in the affected area" shall:

1. Include only direct labor expended and plant and equipment physically installed within the affected area;
2. Not include any indirect allocation, assignment or amortization of other costs or equipment;
3. Not include any costs related to any degree whatsoever with the provisions of service to areas other than the affected area, including but not limited to any cable or other equipment used in any part to transmit signals to any area beyond the affected area.

i. If a Franchisee should claim an exemption pursuant to Subparagraph d above, and thereafter during the term of the Franchise the density of dwelling units within the affected area should equal or exceed forty (40) dwelling units per street mile or five (5) dwelling units within six hundred sixty (660) street feet then the Franchisee shall, upon the application of one or more dwelling units within said affected area, be obligated to extend the system throughout the affected area and make available basic service and other services identified pursuant to Section 20.504, within six (6) months after the first request for cable service.

j. If a Franchisee shall install cable service within an affected area pursuant to the provisions of Subparagraph e above, and within five (5) years thereafter, the density of dwelling units within the affected area shall equal or exceed forty (40) dwelling units per street mile or five (5) dwelling units within six hundred sixty (660) street feet, the Franchisee shall thereupon refund all Low Density Installation Cost charges to the extent that said charges exceeded the normal installation charge in effect at the time of installation for non-low density areas of the system.

k. Notwithstanding any other provision of this Section, the system design and architecture shall, at all times during the term of the Franchise, be capable of serving the entire Imposed Service Area.

SECTION 10.

Paragraph f of Section 20.434 is amended to read as follows:

f. Delays occasioned by * the customary and usual time required to obtain approval to attach lines to poles owned by private or public utilities or in the attaching of cable to the poles; provided that if a Franchisee submits all plans and documentation required by private or public utility in connection with the approval to attach lines to poles, any time consumed by such approval process which is longer than One Hundred Fifty (150) calendar days following the submission of all necessary plans and documentation shall be deemed to excuse the Franchisee from any violations which are proximately caused by such delay in excess of One Hundred Fifty (150) calendar days.

SECTION 11.

Section 20.542 is amended to read as follows:

20.542 EVALUATION SESSIONS. Upon request by either a Franchisee or the Cable Television Commission and, in any event, not less frequently than thirty (30) calendar days following the third, sixth, ninth, * twelfth, fifteenth and eighteenth years' anniversary dates following the date of filing of the Certificate of Acceptance of each franchise, the Franchisee and the Commission shall conduct evaluation sessions. The evaluation sessions shall be conducted during public hearings held by the Board of Directors or an advisory or other committee appointed by the Board of Directors of the Commission, notice of which has been given in the manner prescribed by Section 20.024 in Sub-chapter 1, above. Topics discussed at such sessions may include services, application of new technologies, system performance, services provided, programming offered, customers complaints, privacy of Franchisee or Commission rules and regulations; and shall include any topic which the Franchisee, the Commission or members of the public request be discussed.

SECTION 12.

Section 20.552 is amended to read as follows:

20.552 COMMISSION POWERS. Except as otherwise expressly provided in * the Franchise Documents and in Section 53066.1 of the Government Code, the Board of Directors of the Cable Television Commission shall be authorized to regulate all Cable Television System operations and services provided by a Franchisee for the purpose of promoting and protecting the public convenience, health, safety and welfare. The Board of Directors of the Commission may exercise regulatory powers conferred herein by the enactment, from time to time, of rules and regulations, after a public hearing by the Board or an advisory committee appointed by the Board, notice of which is given in the manner prescribed by Section 20.024 in Sub-Chapter 1, above. The rule making powers of the Board of Directors shall include, but not be limited to, the authority to interpret, clarify, make specific and apply the provisions of Section 20.500 through this Section, inclusive, and to enact rules and regulations which impose specific duties or prohibitions for the purpose of implementing the duties, responsibilities and restrictions set forth in said Sections. Each Franchisee shall comply with all such rules and regulations.

SECTION 13.

Section 20.604 is amended to read as follows:

20.604 MINIMUM ADVANCE PAYMENT. From and after the date of filing of a certificate of acceptance of a franchise pursuant to the provisions of Section 20.220 in Sub-Chapter 3, above, the Franchisee shall pay to the Cable Television Commission an annual amount equal to the lesser of the following: (i) one hundred twenty (120%) percent times each annual budget of the Commission; or (ii) a minimum annual amount of Eight Hundred * Thousand Dollars (\$800,000) *. Said annual amount shall be paid by the Franchisee in equal quarterly installments (prorated for the first quarter if a franchise is issued in the middle of a quarter) at the times and for the periods prescribed by Section 20.602, above. At the commencement of the first full fiscal year following issuance of a franchise and at the commencement of each fiscal year thereafter, said minimum annual amount of Eight Hundred * Thousand Dollars (\$800,000) shall be increased by a percentage equal to the annual percentage increase in the Consumer Price Index for all urban consumers published by the United States Department of Labor for the San Francisco-Oakland Bay Area for the twelve month period ending June 30 immediately preceding the commencement of the fiscal year for which adjustment is to be made.

SECTION 14.

Section 20.606 is amended to read as follows:

20.606 FUTURE LAWS. Neither the County nor Cities have or expect in the foreseeable future to receive sufficient funds with which to defray the costs of administering and regulating cable television franchises within the Sacramento Community. The ability to finance such costs through franchise fees pursuant to the provisions of Section 20.602 and 20.604, above, constitutes a material inducement to initiate a cable television program within the Sacramento Community, because neither the County nor Cities would be willing to reduce or eliminate other public programs in order to make public funds available with which to defray the costs of administering and regulating the cable television program.

Therefore, should any future law or regulation limit or prevent the Cable Television Commission from imposing a franchise fee in the amount provided for herein, *** each Franchisee shall *** cooperate with the Cable Television Commission in filing and supporting a request to obtain any possible waiver or permission to pay the full amounts provided for herein, and, to the extent such future law or regulation permits a Franchisee discretion to make the limitation or prohibition applicable or inapplicable, each Franchisee shall elect to make the limitation or prohibition inapplicable.

Should any future law or regulation limit or prevent the Franchisee from paying the minimum advance fee required by Section 20.604 above, the Franchisee, by the filing of the Certificate of Acceptance hereto, agrees to make a non-interest bearing loan to the Commission annually in an amount equal to the amount by which a minimum advance payment calculated pursuant to the provisions of Section 20.604 above would have exceeded amounts reasonably anticipated to be due to the Commission within the ensuing year pursuant to Section 20.602 above, which loan shall be repaid in subsequent years to the extent that the amount paid as Franchise fees by the Franchisee pursuant to the provisions of Section 20.602 exceeds an amount equal to an amount which would have been paid as a minimum advance payment under Section 20.604 above in such subsequent years had such payments been permitted.

The failure of the Commission to receive the fees or the loans prescribed by this Article shall be deemed to constitute a substantial and material failure to comply with the Franchise Documents within the meaning of Section 20.050 in Sub-Chapter 1, above.

SECTION 15.

Section 20.614 is amended to read as follows:

20.614 INCREASE IN FRANCHISEE FEES - ARBITRATION. The amount of the franchise fees prescribed by Section 20.602, above, has been established pursuant to limitations set forth in State law (California Government Code, Section 53066) and regulations of the FCC (47 C.F.R. 76.31).

In the event the above described limitations upon the amount of franchise fees should, during the term of any franchise issued pursuant to the provisions of this Chapter, be increased or eliminated, the Franchisee, upon request by the Commission, shall enter into negotiations with the Cable Television Commission for the purpose of formulating a mutually agreeable increase in the franchise fees prescribed by Section 20.602, above.

Any agreement relating to such an increase shall be embodied in a written contract between the Commission and Franchisee, which shall be deemed to amend Section 20.602, above, respecting the amount of the fees. If within ninety (90) calendar days following the date of request by the Commission for negotiations, mutual agreement has not been reached respecting an amendment of the provisions of Section 20.602, above, increasing the fees, the Board of Directors of the Commission may cause written notice of its request to arbitrate to be mailed to each concerned Franchisee and the County and Cities. The notice shall specifically identify the amount of increase in fees which the Board desires to submit to arbitration, and shall describe the nature and amount of uncompensated costs which the Commission, County and Cities are incurring or desire to incur in administering the franchise or franchises and promoting, assisting and regulating the various types of Access use.

The arbitration panel shall be selected, the hearing scheduled within the time prescribed, notice given, the hearing conducted, decision made and costs divided in the manner prescribed by Sections 20.830 through 20.840, inclusive, in Article 5-b of Sub-Chapter 5. Parties to the arbitration proceeding may include each Franchisee who would be affected by an amendment of Section 20.602, above, the Commission, the County, and the Cities. The questions which may be submitted to the arbitration panel and jurisdiction of the panel shall be limited to:

a. The interpretation of the provisions of the Franchise Documents solely in relation to the determination required by Subdivision "b" below; and

b. The amount, if any, by which the franchise fees prescribed by Section 20.602, above, may be increased.

The arbitration panel shall authorize an increase in the franchise fees by an amount which the panel finds is justified by actual (including past uncompensated) or proposed costs incurred by the Commission, County and Cities or administering each franchise issued pursuant to the provisions of this Chapter and promoting, assisting and financing any types of Community Use proposed pursuant to the provisions of Sections 20.332 through 20.340 in Article 4-a or provided pursuant to Section 20.548 in Article 4-c, provided that the annual franchisee fee shall under no circumstances exceed * the maximum permissible percentage per year of a Franchisee's annual Gross Revenues under applicable federal or state law. In the event more than one (1) franchise is issued pursuant to the provisions of this Chapter, the arbitration panel shall establish such an amount with respect to each Franchisee. Any increase or increases ordered by the arbitration panel shall be deemed to amend the provisions of Section 20.602, above, respecting the amount of the fees. The County and Cities shall be authorized to amend Section 20.602, above, by increasing the franchise fees by any amounts authorized under the decision of the arbitration panel.

Negotiations and arbitration proceedings pursuant to this Section may be initiated by the Commission not more frequently than once each year during the remainder of the term of any franchise issued pursuant to the provisions of this Chapter following the increase of or elimination of the statutory and regulatory limitations upon the amount of franchise fees which may be charged under State and Federal law.

The arbitration award pursuant to this Section may be judicially enforced, shall be final, binding, and conclusive upon the parties, and shall not be subject to judicial review or vacation except on grounds set forth in Section 1286.2 of the Code of Civil Procedure.

SECTION 16.

Section 20.616 is amended to read as follows:

20.616 RATE PROPOSALS. The purpose of this Section through Section . 20 .624, below, is to permit applicants for a franchise to propose the provision of minimal service during the term of a franchise at rates and charges designed to insure that all residents within the Franchise Area, including the economically underprivileged, will have the opportunity to benefit from the educational, recreational and other advantages made available by the Cable Television System.

An applicant who chooses not to make such a proposal shall not be disqualified from bidding or consideration in selection of the Franchisee. It is expressly declared that the factors upon which selection will be based are so numerous and subjective as to make it impossible to know in advance the relative importance of a determination by an applicant to either make or not to make such a proposal in relation to other factors upon which award of a franchise will be based.

The County and Cities recognize the right of a Franchisee to propose the provisions of minimal services at specified rates pursuant to the provisions of this section through Section 20 .624 below, and nonetheless subsequently elect to be exempt from local rate regulation or to unilaterally adjust its rates in strict compliance with the provisions of Section 53066.1 of the Government Code, provided that if, for any reason, the right of the Franchisee to elect exemption from rate regulation shall hereafter be abridged or repealed, the full regulatory authority of the Commission shall thereupon be restored pro tanto.

...the amounts and types of all rates and charges, including deposits, of whatever kind or nature to be applicable to the provision of Basic Service, including, but not limited to, rates and charges for connection, installation, reinstatement and the monthly subscription or service charge; and in relation thereto refer to and incorporate by express reference into the application the provision of both Sections 20.622 and 20.624, below. The amounts and types of any deposits required in relation to connection, installation, reinstatement subscription or otherwise shall be stated separately. The acquisition or rental costs of converters required to provide Basic Service, if any, shall not be separately stated and shall be included in the monthly subscription or service charge for Basic Service, if any. An applicant desiring to make different rates and charges for Basic Service applicable to single family residential and commercial or certain types of commercial uses, shall separately state the rates and charges according to categories of uses with respect to which differences will apply. As used in this Section the terms "commercial uses" shall include, in addition to other types of business enterprises, hotels, motels, apartments, condominiums, mobilehome parks, other multiple family residential units, and areas served by master antenna systems.

SECTION 17.

Section 20.620 is amended to read as follows:

20.620 COMPLIANCE WITH PROPOSAL. A Franchisee who has referred to and incorporated in its application the provisions of Sections 20.622 and 20.624, below, shall comply with the provisions of said Sections during the term of the franchise.

*

If a franchise is issued to an applicant who has referred to and incorporated the provisions of said Sections in its application, the receipt by such applicant at any time during the term of the franchise of rates or charges which are inconsistent with the provisions of said Sections, unless in strict compliance with the provisions of Section 53066.1 of the Government Code, shall be deemed to constitute a substantial and material failure to comply with the Franchise Documents within the meaning of Section 20.050 in Sub-Chapter 1.

If, at any time hereafter, the right of the Franchisee to elect exemption under Government Code Section 53066.1 or other federal or state law shall be abridged or repealed in any manner, the Commission's full regulatory authority shall thereupon be restored pro tanto.

SECTION 18.

Section 20.758 is amended to read as follows:

20.758 DETERMINATION OF PROPOSED TRANSFERS. A Franchisee shall file written notice with the Clerk of the Board of Directors of the Cable Television Commission as soon as it acquires knowledge of any impending transaction or other event consent to which by the Board is required by Sections 20.754 or 20.756, above. The written notice shall be filed not less than ninety (90) calendar days in advance of the proposed effective date of the transaction or event for which consent is required.

The notice shall state the name or names and address or addresses of the party or parties who are interested in the transaction or event and describe the details of the transaction or event. In the event of a voluntary assignment, transfer, lease, sublease, mortgage or other encumbrance, a copy of the executed or proposed agreement shall be filed with the notice. Any written acknowledgement of subordination to the rights of the County, Cities and Commission under the Franchise Documents and agreement to comply with and be bound thereby required by the provisions of Section 20.754, above, shall be filed with the notice.

The Franchisee shall immediately submit such additional information concerning such a transaction as the Board of Directors or other authorized representative of the Commission may request.

The Board of Directors of the Commission shall schedule a public hearing to determine whether consent required by the provisions of Sections 20.754 or 20.756, above, will be given. Notice of the hearing shall be given in the manner prescribed by Section 20.024 in Sub-Chapter 1, above. The hearing shall be commenced not later than sixty (60) calendar days following filing of the notice of the Franchisee pursuant to this Section. At the conclusion of the hearing the Board shall determine whether consent will be given.

In the hearing to determine whether consent will be given the Franchisee (proposed transferor) shall have the burden of proving by clear and convincing evidence each of the following factors.

- a. That the reputation, responsibility, integrity and reliability of the party or parties to whom the transfer is contemplated and of the directors, officers, employees, and agents thereof is equal to that of the parties obligated under the Franchise Documents;
- b. That the financial capability and capacity of the party or parties to whom the transfer is contemplated is equal to that of the parties obligated under the Franchise Documents;
- c. That * the terms, conditions or other circumstances of the transfer are not likely to result in an increase in the rates or charges for services;
- d. That * at the time of the transfer the Franchisee is in compliance with the terms, conditions and requirements of the Franchise Documents and any rules, regulations or determinations promulgated thereunder;
- e. That * installation of the Cable Television System has been completed in the manner and within the times prescribed by Section 20.410 in Article 4-b of Sub-Chapter 4 (In the absence of extraordinary circumstances, a transfer shall not be approved in advance of such completion.); and
- g. That * the transaction would not detrimentally affect the public interest.

The determination by the Board of Directors as to whether to give such consent shall be vested within the sole discretion of the Board, but shall be based exclusively upon the factors prescribed above. Such consent may be given upon maintenance or operation of the Cable Television System, services to be provided, rates and charges for services, management of the franchise business and other requirements relating to the franchise, as the Board of Directors, in its sole discretion, may order.

In the event the Board does not consent and the Franchisee seeks judicial review of the Board's decision, the Franchisee agrees, by filing of the Certificate of Acceptance, that the decision of the Board shall be upheld by a trial or appellate court if there is any substantial evidence supporting the decision of the Board as to any of the prescribed factors above.

SECTION 19.

Paragraph c of Section 20.240 is repealed. Sections 20.550 and 20.760 are repealed.

SECTION 20.

All provisions of sections or portions of sections in Chapter 20 which are not amended by this ordinance shall remain in full force and effect.

SECTION 21.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The reason for the emergency is that cable television proposals for a cable television franchise within the City must be submitted by September 20, 1983. The amendments proposed for this ordinance must be adopted prior to the submission of the cable television franchise proposals.

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

September 20, 1983

Mr. Bob Smith
Executive Director for Cable TV
700 "H" Street, Room 2450
Sacramento, CA 95814

Dear Mr. Smith:

On September 13, 1983, the Sacramento City Council adopted Ordinance No. OR83-114 amending Cable TV Ordinance No. OR81-103.

Enclosed, for your records, are fully certified copies of above referenced document.

Sincerely,

Lorraine Magana
City Clerk

LM/sl/25-1

Enclosure: Certified copy of Ordinance No. OR83-114

cc: Beverly Williams
Clerk of the Board
700 "H" Street
Sacramento, CA 95814

ORDINANCE NO. 83-114

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF
SEP 13 1983

AN ORDINANCE AMENDING AND REPEALING VARIOUS
SECTIONS OF CHAPTER 20 OF THE SACRAMENTO CITY
CODE RELATING TO CABLE TELEVISION AND DECLARING
SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO
TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Subsection m. of Section 20.012 is hereby amended to read as follows:

- m. "Gross Revenues" -- shall mean all cash, credits, property of any kind of nature or other consideration derived directly or indirectly by a Franchisee, its affiliates, subsidiaries, parent, and any other person or entity in which the Franchisee has a financial interest or which has a financial interest in the Franchisee, arising from or attributable to operation of the Cable Television System, including, but not limited to: (i) revenue from all charges for those services provided on the Subscriber Network and Institutional Network (including Leased Access fees); (ii) * revenue from all charges for the insertion of commercial advertisements upon the System; (iii) revenue from all charges for the leased use of studio (iv) revenue from all charges for the installation, connection and reinstatement of equipment necessary for the utilization of the System and the provision of subscriber and other services; and (v) the sale, exchange or use or cablecast of any programming developed for community use or institutional users. "Gross Revenues" shall include, valued at retail price levels, the value of any good, services or other remuneration in non-monetary form received by the Franchisee or others described above in consideration for performance by a Franchisee or others described above of any advertising or other service in connection with the Cable Television System.

"Gross Revenues" shall not include: (i) any taxes on services furnished by the Franchisee which are imposed directly upon any Subscriber or User by the United States, State of California or local agency and collected by the Franchisee on behalf of the government; (ii) revenue received directly from the Franchisee by an affiliate, subsidiary or parent of the Franchisee or any other person or entity in which the Franchisee has a financial interest or which has a financial interest in the Franchisee, when the revenue received has already been included in reported Gross Revenue as received by the Franchisee; and (iii) revenue received by such an affiliate, subsidiary, parent, person or entity when the revenue received is from the sale of national advertising shown on programs distributed on a national basis by the affiliate, subsidiary, parent, person or entity and, but for this exception, that portion of the revenue attributable to broadcasts through the Cable Television System would be treated as Gross Revenues.

SECTION 2.

Section 20.048 is amended to read as follows:

20.048 LIMITATIONS OF ACTIONS. Except as otherwise expressly provided by this Chapter, any judicial proceeding, whether for the recovery of damages or otherwise, brought for the purpose of adjudicating the validity of any provision of this Chapter or amendments thereof or any provision of the other Franchise Documents shall be commenced not later than thirty (30) calendar days following the latter of: (1) the effective date of the provisions; or (2) the accrual of the cause of action. Any such judicial proceeding brought for the purpose of adjudicating the validity of any rule, order, regulation, determination or arbitration award which purports to have been made pursuant to the provisions of this Chapter or of any of the other Franchise Documents shall be commenced not later than thirty (30) calendar days following date of adoption, issuance or making of such rule, order, regulation, determination or arbitration award or, as to the Franchisee, not later than thirty (30) calendar days following the giving and serving of notice of said adoption, issuance or making of such rule, regulation, determination or arbitration award pursuant to the provisions of Section 20.024 above. No judicial proceeding shall be commenced in violation of the limitations prescribed by this Section.

The provisions of this Section shall not be applicable to any judicial proceeding, whether for the recovery of damages or otherwise, commenced by the Cable Television Commission, County or Cities for breach or enforcement of the provisions of this Chapter or any regulation, determination or arbitration award purporting to have been issued thereunder.

SECTION 3.

Section 20.050 is amended to read as follows:

20.050 CHANGES IN LAW. Should the State of California or any agency thereof, the United States or any Federal agency or any State or Federal Court require either the Cable Television Commission, County, Cities or a Franchisee to act in a manner which is inconsistent with any provisions of the Franchise Documents, the Board of Directors of the Cable Television Commission shall be authorized to determine whether a material provision of the Franchise Documents is affected in relation to the rights and benefits conferred by the Franchise Documents upon the Commission, County, Cities or the public. Upon such determination, the Franchise Documents shall be subject to modification or amendment to such extent as may be reasonably necessary to carry out the full intent and purposes thereof in relation to the rights and benefits of the Commission, County, Cities or the public and in relation to such State, Federal or judicial requirement. The Board of Directors of the Cable Television Commission may terminate a Franchise issued pursuant to the provisions of this Chapter if it determines after consultation with the Franchisee that substantial and material compliance with the Franchise Documents in relation to the rights or benefits of the Commission, County, Cities or the public has been frustrated by such a State, Federal or judicial requirement.

SECTION 4.

Section 20.239 is amended to read as follows:

20.239 RENEWAL TERMS. In consideration of the granting of the initial CATV Franchise, the Franchisee agrees, by the filing of the Certificate of Acceptance, that, should the discretion of the Cable Television Commission under Section 20.226, above, to prescribe terms, conditions and requirements for any renewal of the Initial CATV Franchise be affected, restricted, abridged, limited or impaired in any manner whatsoever by any federal or state law, regulation or judicial decision, any renewal, extension or continuation of the Initial CATV Franchise shall nonetheless be upon not less than the same terms, conditions and requirements as those applicable to the Initial CATV Franchise, provided that, in any instance in which the Franchise Documents require the payment of a fixed monetary amount, said amount shall be increased for such renewal, extension or continuation period by a percentage equal to the percentage increase in the Consumer Price Index for all urban consumers published by the United States Department of Labor for the San Francisco-Oakland Bay Area over the period from the date of the Franchisee's application for the Initial CATV Franchise to the inception of the renewal, extension or continuation period.

SECTION 5.

Paragraph d of Section 20.246, relating to the definition of "going concern value" is amended to read as follows:

- d. "Going Concern Value" -- shall mean the benefits that attach to the business as a result of its location within the Franchise Area, the Franchisee's reputation among Subscribers or potential Subscribers for dependability and quality of service, and any other circumstances resulting in probable retention of old Subscribers or acquisition of new Subscribers; provided that no value shall be assigned to either the franchise itself or any right, privilege or expectancy arising to the Franchisee out of the right to transact business under the franchise, and particularly no value shall be allowed for any increase in value arising out of any expectation of revenues from the Cable Television System beyond the termination date or expiration date of the franchise, whichever is sooner.

SECTION 6.

Paragraph b of Section 20.248 is amended to read as follows:

- b. In the event the right of purchase is exercised pursuant to * any contingency prescribed by * this Chapter other than those specified in Sub-paragraph "a", above, the value of * all tangible assets acquired shall be * the Replacement Cost * and * the value of * intangible assets acquired shall be the Going Concern Value;

SECTION 7.

Section 20.304 is amended to read as follows:

20.304 CABLE - CAPACITY. The provisions of this Section express the intention and desire of the Commission. Applicants shall be authorized but not required, to include within their applications cable capacities which comport with the provisions of this Section. An applicant who chooses to make a cable capacity proposal at variance with the provisions of this Section shall not be disqualified from bidding or consideration in selection of the Franchisee. It is expressly declared that the factors upon which selection will be based are so numerous and subjective as to make it impossible to know in advance the relative importance of a determination by an applicant to either make or not to make such a proposal in relation to other factors upon which award of a franchise will be based. The Cable Television System installed pursuant to the Initial CATV Franchise * should consist of not less than two (2) cables for the Subscriber Network, plus a third cable for the Institutional Network. Each of the three cables * should have a capacity of not less than thirty-five (35) channels.

The cables for the Subscriber Network * should be installed within Service Area and outside thereof in such a manner as to comply with the availability of service requirements established by Article 4-b. One of the cables for the Subscriber Network * should be fully operational as services are required to be made available pursuant to the provisions of Article 4-b. The second cable for the Subscriber Network * should be installed at the same time as the other two cables, but may be initially inoperable. The second cable for the Subscriber Network * should become operable by such date or within such time as is prescribed within the application submitted by the Franchisee or resolution offering the franchise.

The cable for the Institutional Network * should be fully operational as services are required to be made available pursuant to the provisions of Article 4-b. The cable for the Institutional Network may * be installed in all areas in which the Subscriber Network cables are installed. Within Service Areas applicable to a franchise, the cable for the Institutional Network * should pass such public and institutions, facilities and buildings as are prescribed by the request for proposals.

SECTION 8.

Paragraphs c and d of Section 20.410 are amended to read as follows:

- c. Make Basic Service and other services identified pursuant to the provisions of Section 20.504 in Article 4-c, below, available to at least fifty (50%) percent of all Dwelling Units within each Service Area not later than * forty three (43) months following the date of filing of the certificate of acceptance of the franchise pursuant to the provisions of Section 20.220 in Sub-Chapter 3; and
- d. Make Basic Service and other services identified pursuant to the provisions of Section 20.504 in Article 4-c, below, available to one hundred (100%) percent of all Dwelling Units within each Service Area not later than * sixty three (63) months following the date of filing of the certificate of acceptance of the franchise pursuant to the provisions of Section 20.220 in Sub-Chapter 3.

SECTION 9.

Section 20.413 is amended to read as follows:

20.413 LOW DENSITY EXEMPTION.

a. A Franchisee shall be eligible to claim an exemption under this Section if, and only if, it shall have filed with its application a map or maps, certified as true and correct by an officer of the Franchisee, setting forth clearly and distinctly those portions of the Imposed Service Area in which:

1. There exists less than forty (40) dwelling units per street mile or less than five (5) dwelling units within six hundred sixty (660) street feet; and
2. The Franchisee desires to retain the right to claim a low density exemption under this Section at a later date.

b. For purposes of determining compliance of the provisions of Section 20.410, above, and notwithstanding any other provision of this Chapter, a Franchisee shall be excused, upon application therefor to the Commission, from making basic service and other services identified pursuant to Section 20.504 available within the time limits specified in Section 20.410, above, to dwelling units within an area meeting both of the following criteria (hereinafter "affected area"):

1. There exists less than forty (40) dwelling units per street mile or less than five (5) dwelling units within six hundred sixty (660) street feet; and
2. The area is shown upon the map submitted pursuant to Subparagraph a hereof.

c. Notwithstanding the provisions of Subparagraph b above, a Franchisee shall make available basic service and other services identified pursuant to Section 20.504 to all dwelling units within an affected area not later than seventy-five (75) months after the filing of the Certificate of Acceptance to the Franchise.

d. For purposes of determining compliance with the provisions of Subparagraph "d" of Section 20.410, above, and of Section 20.416, below, and notwithstanding the provisions of Subparagraph c above, or any other provision of this Chapter, a Franchisee shall be excused from making basic service and other services identified pursuant to Section 20.504 available to dwelling units within an area meeting both of the following criteria (hereinafter "affected area"):

1. There exists less than forty (40) dwelling units per street mile or less than five (5) dwelling units within six hundred sixty (660) street feet; and
2. Each dwelling unit within said area shall have been offered and declined cable service at the Low Density Installation Cost, which shall be the lesser of:
 - (a) The Franchisee's actual cost of installation of cable plant in the affected area multiplied by the difference between the total number of dwelling units within the affected area and the number of dwelling units evidencing a desire to contract for cable service, the product thereof divided by the total number of dwelling units within the affected area and the dividend thereof divided by the number of dwelling units within the affected area desiring to contract for cable services; or
 - (b) Fifty (50) percent of the Franchisee's actual cost of installation of cable plant in the affected area divided by the number of dwelling units in the affected area desiring to contract for cable services.

e. If, in response to the offer of service at the Low Density Installation Cost required by Subparagraph d 2. above, one or more dwelling units within the affected area shall contract for service the Franchisee shall have no exemption pursuant to Subparagraph d hereof and shall be required to comply with the provisions of Subparagraph c hereof.

f. If, pursuant to Subparagraph e above, one or more dwelling units within an affected area should contract for service and pay the Low Density Installation Cost calculated pursuant to Subparagraph d 2. above, and at any time thereafter, additional dwelling units shall contract for such cable service, the Low Density Installation Cost for such subsequent contracting dwelling units shall be recalculated pursuant to the formula set forth in Subparagraph d 2. above, utilizing the then-existing total number of dwelling units and the then-existing number of dwelling units contracting for cable service and a refund shall be paid thereupon to any existing subscriber who shall have paid a Low Density Installation Cost within the previous three (3) years in an amount equal to the amount by which the Low Density Installation Cost for the new subscriber exceeds the Low Density Installation Cost charge paid by the existing subscriber.

g. For any affected area in which the Franchisee claims an exemption pursuant to Subparagraph d hereof, the Franchisee shall obtain and retain at all times throughout the term of the Franchise evidence in a form satisfactory to the Commission of the offer and declination of service by the Franchisee to all of the dwelling units within the affected area upon the basis set forth in Subparagraph d above.

h. For purposes of calculations under this Section, the "Franchisee's actual cost of installation of cable plant in the affected area" shall:

1. Include only direct labor expended and plant and equipment physically installed within the affected area;
2. Not include any indirect allocation, assignment or amortization of other costs or equipment;
3. Not include any costs related to any degree whatsoever with the provisions of service to areas other than the affected area, including but not limited to any cable or other equipment used in any part to transmit signals to any area beyond the affected area.

i. If a Franchisee should claim an exemption pursuant to Subparagraph d above, and thereafter during the term of the Franchise the density of dwelling units within the affected area should equal or exceed forty (40) dwelling units per street mile or five (5) dwelling units within six hundred sixty (660) street feet then the Franchisee shall, upon the application of one or more dwelling units within said affected area, be obligated to extend the system throughout the affected area and make available basic service and other services identified pursuant to Section 20.504, within six (6) months after the first request for cable service.

j. If a Franchisee shall install cable service within an affected area pursuant to the provisions of Subparagraph e above, and within five (5) years thereafter, the density of dwelling units within the affected area shall equal or exceed forty (40) dwelling units per street mile or five (5) dwelling units within six hundred sixty (660) street feet, the Franchisee shall thereupon refund all Low Density Installation Cost charges to the extent that said charges exceeded the normal installation charge in effect at the time of installation for non-low density areas of the system.

k. Notwithstanding any other provision of this Section, the system design and architecture shall, at all times during the term of the Franchise, be capable of serving the entire Imposed Service Area.

SECTION 10.

Paragraph f of Section 20.434 is amended to read as follows:

f. Delays occasioned by * the customary and usual time required to obtain approval to attach lines to poles owned by private or public utilities or in the attaching of cable to the poles; provided that if a Franchisee submits all plans and documentation required by private or public utility in connection with the approval to attach lines to poles, any time consumed by such approval process which is longer than One Hundred Fifty (150) calendar days following the submission of all necessary plans and documentation shall be deemed to excuse the Franchisee from any violations which are proximately caused by such delay in excess of One Hundred Fifty (150) calendar days.

SECTION 11.

Section 20.542 is amended to read as follows:

20.542 EVALUATION SESSIONS. Upon request by either a Franchisee or the Cable Television Commission and, in any event, not less frequently than thirty (30) calendar days following the third, sixth, ninth, * twelfth, fifteenth and eighteenth years' anniversary dates following the date of filing of the Certificate of Acceptance of each franchise, the Franchisee and the Commission shall conduct evaluation sessions. The evaluation sessions shall be conducted during public hearings held by the Board of Directors or an advisory or other committee appointed by the Board of Directors of the Commission, notice of which has been given in the manner prescribed by Section 20.024 in Sub-chapter 1, above. Topics discussed at such sessions may include services, application of new technologies, system performance, services provided, programming offered, customers complaints, privacy of Franchisee or Commission rules and regulations; and shall include any topic which the Franchisee, the Commission or members of the public request be discussed.

SECTION 12.

Section 20.552 is amended to read as follows:

20.552 COMMISSION POWERS. Except as otherwise expressly provided in * the Franchise Documents and in Section 53066.1 of the Government Code, the Board of Directors of the Cable Television Commission shall be authorized to regulate all Cable Television System operations and services provided by a Franchisee for the purpose of promoting and protecting the public convenience, health, safety and welfare. The Board of Directors of the Commission may exercise regulatory powers conferred herein by the enactment, from time to time, of rules and regulations, after a public hearing by the Board or an advisory committee appointed by the Board, notice of which is given in the manner prescribed by Section 20.024 in Sub-Chapter 1, above. The rule making powers of the Board of Directors shall include, but not be limited to, the authority to interpret, clarify, make specific and apply the provisions of Section 20.500 through this Section, inclusive, and to enact rules and regulations which impose specific duties or prohibitions for the purpose of implementing the duties, responsibilities and restrictions set forth in said Sections. Each Franchisee shall comply with all such rules and regulations.

SECTION 13.

Section 20.604 is amended to read as follows:

20.604 MINIMUM ADVANCE PAYMENT. From and after the date of filing of a certificate of acceptance of a franchise pursuant to the provisions of Section 20.220 in Sub-Chapter 3, above, the Franchisee shall pay to the Cable Television Commission an annual amount equal to the lesser of the following: (i) one hundred twenty (120%) percent times each annual budget of the Commission; or (ii) a minimum annual amount of Eight Hundred * Thousand Dollars (\$800,000) *. Said annual amount shall be paid by the Franchisee in equal quarterly installments (prorated for the first quarter if a franchise is issued in the middle of a quarter) at the times and for the periods prescribed by Section 20.602, above. At the commencement of the first full fiscal year following issuance of a franchise and at the commencement of each fiscal year thereafter, said minimum annual amount of Eight Hundred * Thousand Dollars (\$800,000) shall be increased by a percentage equal to the annual percentage increase in the Consumer Price Index for all urban consumers published by the United States Department of Labor for the San Francisco-Oakland Bay Area for the twelve month period ending June 30 immediately preceding the commencement of the fiscal year for which adjustment is to be made.

SECTION 14.

Section 20.606 is amended to read as follows:

20.606 FUTURE LAWS. Neither the County nor Cities have or expect in the foreseeable future to receive sufficient funds with which to defray the costs of administering and regulating cable television franchises within the Sacramento Community. The ability to finance such costs through franchise fees pursuant to the provisions of Section 20.602 and 20.604, above, constitutes a material inducement to initiate a cable television program within the Sacramento Community, because neither the County nor Cities would be willing to reduce or eliminate other public programs in order to make public funds available with which to defray the costs of administering and regulating the cable television program.

Therefore, should any future law or regulation limit or prevent the Cable Television Commission from imposing a franchise fee in the amount provided for herein, *** each Franchisee shall *** cooperate with the Cable Television Commission in filing and supporting a request to obtain any possible waiver or permission to pay the full amounts provided for herein, and, to the extent such future law or regulation permits a Franchisee discretion to make the limitation or prohibition applicable or inapplicable, each Franchisee shall elect to make the limitation or prohibition inapplicable.

Should any future law or regulation limit or prevent the Franchisee from paying the minimum advance fee required by Section 20.604 above, the Franchisee, by the filing of the Certificate of Acceptance hereto, agrees to make a non-interest bearing loan to the Commission annually in an amount equal to the amount by which a minimum advance payment calculated pursuant to the provisions of Section 20.604 above would have exceeded amounts reasonably anticipated to be due to the Commission within the ensuing year pursuant to Section 20.602 above, which loan shall be repaid in subsequent years to the extent that the amount paid as Franchise fees by the Franchisee pursuant to the provisions of Section 20.602 exceeds an amount equal to an amount which would have been paid as a minimum advance payment under Section 20.604 above in such subsequent years had such payments been permitted.

The failure of the Commission to receive the fees or the loans prescribed by this Article shall be deemed to constitute a substantial and material failure to comply with the Franchise Documents within the meaning of Section 20.050 in Sub-Chapter 1, above.

SECTION 15.

Section 20.614 is amended to read as follows:

20.614 INCREASE IN FRANCHISEE FEES - ARBITRATION. The amount of the franchise fees prescribed by Section 20.602, above, has been established pursuant to limitations set forth in State law (California Government Code, Section 53066) and regulations of the FCC (47 C.F.R. 76.31).

In the event the above described limitations upon the amount of franchise fees should, during the term of any franchise issued pursuant to the provisions of this Chapter, be increased or eliminated, the Franchisee, upon request by the Commission, shall enter into negotiations with the Cable Television Commission for the purpose of formulating a mutually agreeable increase in the franchise fees prescribed by Section 20.602, above.

Any agreement relating to such an increase shall be embodied in a written contract between the Commission and Franchisee, which shall be deemed to amend Section 20.602, above, respecting the amount of the fees. If within ninety (90) calendar days following the date of request by the Commission for negotiations, mutual agreement has not been reached respecting an amendment of the provisions of Section 20.602, above, increasing the fees, the Board of Directors of the Commission may cause written notice of its request to arbitrate to be mailed to each concerned Franchisee and the County and Cities. The notice shall specifically identify the amount of increase in fees which the Board desires to submit to arbitration, and shall describe the nature and amount of uncompensated costs which the Commission, County and Cities are incurring or desire to incur in administering the franchise or franchises and promoting, assisting and regulating the various types of Access use.

The arbitration panel shall be selected, the hearing scheduled within the time prescribed, notice given, the hearing conducted, decision made and costs divided in the manner prescribed by Sections 20.830 through 20.840, inclusive, in Article 5-b of Sub-Chapter 5. Parties to the arbitration proceeding may include each Franchisee who would be affected by an amendment of Section 20.602, above, the Commission, the County, and the Cities. The questions which may be submitted to the arbitration panel and jurisdiction of the panel shall be limited to:

a. The interpretation of the provisions of the Franchise Documents solely in relation to the determination required by Subdivision "b" below; and

b. The amount, if any, by which the franchise fees prescribed by Section 20.602, above, may be increased.

The arbitration panel shall authorize an increase in the franchise fees by an amount which the panel finds is justified by actual (including past uncompensated) or proposed costs incurred by the Commission, County and Cities or administering each franchise issued pursuant to the provisions of this Chapter and promoting, assisting and financing any types of Community Use proposed pursuant to the provisions of Sections 20.332 through 20.340 in Article 4-a or provided pursuant to Section 20.548 in Article 4-c, provided that the annual franchisee fee shall under no circumstances exceed * the maximum permissible percentage per year of a Franchisee's annual Gross Revenues under applicable federal or state law. In the event more than one (1) franchise is issued pursuant to the provisions of this Chapter, the arbitration panel shall establish such an amount with respect to each Franchisee. Any increase or increases ordered by the arbitration panel shall be deemed to amend the provisions of Section 20.602, above, respecting the amount of the fees. The County and Cities shall be authorized to amend Section 20.602, above, by increasing the franchise fees by any amounts authorized under the decision of the arbitration panel.

Negotiations and arbitration proceedings pursuant to this Section may be initiated by the Commission not more frequently than once each year during the remainder of the term of any franchise issued pursuant to the provisions of this Chapter following the increase of or elimination of the statutory and regulatory limitations upon the amount of franchise fees which may be charged under State and Federal law.

The arbitration award pursuant to this Section may be judicially enforced, shall be final, binding, and conclusive upon the parties, and shall not be subject to judicial review or vacation except on grounds set forth in Section 1286.2 of the Code of Civil Procedure.

SECTION 16.

Section 20.616 is amended to read as follows:

20.616 RATE PROPOSALS. The purpose of this Section through Section 20.624, below, is to permit applicants for a franchise to propose the provision of minimal service during the term of a franchise at rates and charges designed to insure that all residents within the Franchise Area, including the economically underprivileged, will have the opportunity to benefit from the educational, recreational and other advantages made available by the Cable Television System.

An applicant who chooses not to make such a proposal shall not be disqualified from bidding or consideration in selection of the Franchisee. It is expressly declared that the factors upon which selection will be based are so numerous and subjective as to make it impossible to know in advance the relative importance of a determination by an applicant to either make or not to make such a proposal in relation to other factors upon which award of a franchise will be based.

The County and Cities recognize the right of a Franchisee to propose the provisions of minimal services at specified rates pursuant to the provisions of this section through Section 20.624 below, and nonetheless subsequently elect to be exempt from local rate regulation or to unilaterally adjust its rates in strict compliance with the provisions of Section 53066.1 of the Government Code, provided that if, for any reason, the right of the Franchisee to elect exemption from rate regulation shall hereafter be abridged or repealed, the full regulatory authority of the Commission shall thereupon be restored pro tanto.

...the amounts and types of all rates and charges, including deposits, of whatever kind or nature to be applicable to the provision of Basic Service, including, but not limited to, rates and charges for connection, installation, reinstatement and the monthly subscription or service charge; and in relation thereto refer to and incorporate by express reference into the application the provision of both Sections 20.622 and 20.624, below. The amounts and types of any deposits required in relation to connection, installation, reinstatement subscription or otherwise shall be stated separately. The acquisition or rental costs of converters required to provide Basic Service, if any, shall not be separately stated and shall be included in the monthly subscription or service charge for Basic Service, if any. An applicant desiring to make different rates and charges for Basic Service applicable to single family residential and commercial or certain types of commercial uses, shall separately state the rates and charges according to categories of uses with respect to which differences will apply. As used in this Section the terms "commercial uses" shall include, in addition to other types of business enterprises, hotels, motels, apartments, condominiums, mobilehome parks, other multiple family residential units, and areas served by master antenna systems.

SECTION 17.

Section 20.620 is amended to read as follows:

20.620 COMPLIANCE WITH PROPOSAL. A Franchisee who has referred to and incorporated in its application the provisions of Sections 20.622 and 20.624, below, shall comply with the provisions of said Sections during the term of the franchise.

*

If a franchise is issued to an applicant who has referred to and incorporated the provisions of said Sections in its application, the receipt by such applicant at any time during the term of the franchise of rates or charges which are inconsistent with the provisions of said Sections, unless in strict compliance with the provisions of Section 53066.1 of the Government Code, shall be deemed to constitute a substantial and material failure to comply with the Franchise Documents within the meaning of Section 20.050 in Sub-Chapter 1.

If, at any time hereafter, the right of the Franchisee to elect exemption under Government Code Section 53066.1 or other federal or state law shall be abridged or repealed in any manner, the Commission's full regulatory authority shall thereupon be restored pro tanto.

SECTION 18.

Section 20.758 is amended to read as follows:

20.758 DETERMINATION OF PROPOSED TRANSFERS. A Franchisee shall file written notice with the Clerk of the Board of Directors of the Cable Television Commission as soon as it acquires knowledge of any impending transaction or other event consent to which by the Board is required by Sections 20.754 or 20.756, above. The written notice shall be filed not less than ninety (90) calendar days in advance of the proposed effective date of the transaction or event for which consent is required.

The notice shall state the name or names and address or addresses of the party or parties who are interested in the transaction or event and describe the details of the transaction or event. In the event of a voluntary assignment, transfer, lease, sublease, mortgage or other encumbrance, a copy of the executed or proposed agreement shall be filed with the notice. Any written acknowledgement of subordination to the rights of the County, Cities and Commission under the Franchise Documents and agreement to comply with and be bound thereby required by the provisions of Section 20.754, above, shall be filed with the notice.

The Franchisee shall immediately submit such additional information concerning such a transaction as the Board of Directors or other authorized representative of the Commission may request.

The Board of Directors of the Commission shall schedule a public hearing to determine whether consent required by the provisions of Sections 20.754 or 20.756, above, will be given. Notice of the hearing shall be given in the manner prescribed by Section 20.024 in Sub-Chapter 1, above. The hearing shall be commenced not later than sixty (60) calendar days following filing of the notice of the Franchisee pursuant to this Section. At the conclusion of the hearing the Board shall determine whether consent will be given.

In the hearing to determine whether consent will be given the Franchisee (proposed transferor) shall have the burden of proving by clear and convincing evidence each of the following factors.

- a. That the reputation, responsibility, integrity and reliability of the party or parties to whom the transfer is contemplated and of the directors, officers, employees, and agents thereof is equal to that of the parties obligated under the Franchise Documents;
- b. That the financial capability and capacity of the party or parties to whom the transfer is contemplated is equal to that of the parties obligated under the Franchise Documents;
- c. That * the terms, conditions or other circumstances of the transfer are not likely to result in an increase in the rates or charges for services;
- d. That * at the time of the transfer the Franchisee is in compliance with the terms, conditions and requirements of the Franchise Documents and any rules, regulations or determinations promulgated thereunder;
- e. That * installation of the Cable Television System has been completed in the manner and within the times prescribed by Section 20.410 in Article 4-b of Sub-Chapter 4 (In the absence of extraordinary circumstances, a transfer shall not be approved in advance of such completion.); and
- g. That * the transaction would not detrimentally affect the public interest.

The determination by the Board of Directors as to whether to give such consent shall be vested within the sole discretion of the Board, but shall be based exclusively upon the factors prescribed above. Such consent may be given upon maintenance or operation of the Cable Television System, services to be provided, rates and charges for services, management of the franchise business and other requirements relating to the franchise, as the Board of Directors, in its sole discretion, may order.

In the event the Board does not consent and the Franchisee seeks judicial review of the Board's decision, the Franchisee agrees, by filing of the Certificate of Acceptance, that the decision of the Board shall be upheld by a trial or appellate court if there is any substantial evidence supporting the decision of the Board as to any of the prescribed factors above.

SECTION 19.

Paragraph c of Section 20.240 is repealed. Sections 20.550 and 20.760 are repealed.

SECTION 20.

All provisions of sections or portions of sections in Chapter 20 which are not amended by this ordinance shall remain in full force and effect.

SECTION 21.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The reason for the emergency is that cable television proposals for a cable television franchise within the City must be submitted by September 20, 1983. The amendments proposed for this ordinance must be adopted prior to the submission of the cable television franchise proposals.

ENACTED:

EFFECTIVE:

R. BURNETT MILLER

MAYOR

ATTEST:

LORRAINE MAGANA

CITY CLERK

PROOF OF PUBLICATION

(2015.5 CCP)

STATE OF CALIFORNIA

S.S.

County of Sacramento

I am the principal clerk of THE DAILY RECORDER, a newspaper of general circulation published in the City of Sacramento, County of Sacramento, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under date of May 2, 1913, Case Number 16,180 that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

9/16

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

P. Cabano

Signature

Dated Sept 16, 1983

THE DAILY RECORDER

1115 H Street, P.O. Box 1048
Sacramento, California 95805
(916) 444-2355

Mail Proof of Publication to:

City Clerk
City of Sacramento
915 I Street, Room 203
Sacramento, CA 95814

This space is for the County Clerk's filing stamp

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

SEP 20 10 23 AM '83

9-13-83
#25-1

Proof of publication of
PUB, Ordinances

**CITY OF SACRAMENTO
ORDINANCES**

On September 13, 1983, the following ordinances were considered by the Sacramento City Council. In accordance with Section 32, Sacramento City Charter, the titles are herein published:

ORDINANCES TO BE FINALLY CONSIDERED AT THE REGULAR MEETING OF SEPTEMBER 20, 1983:

Ordinance amending Ordinance No. 3911, Fourth Series as amended, relating to designation of additional structures as priority structures and essential structures pursuant to Chapter 32 of the Sacramento City Code (D1 & D4)

ORDINANCES ADOPTED AS EMERGENCY MEASURES AT THE REGULAR MEETING OF SEPTEMBER 13, 1983:

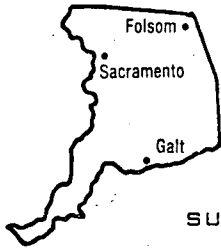
Ordinance amending Cable T.V. Ordinance

Anyone interested in the full text of the above ordinances may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 203, phone (916) 444-5426.

SACRAMENTO CITY COUNCIL
BY: LORRAINE MAGANA
CITY CLERK
AD NO: 05286
31040-September 16, 1983

SACRAMENTO METROPOLITAN

Serrano



Cable Television Commission
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CITY OF SACRAMENTO
SEP 12 3 05 PM '83

RECEIVED
CITY CLERK
CITY OF SAC

SEP 12 3

SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

ROBERT E. SMITH
EXECUTIVE DIRECTOR

September 11, 1983

To: Members, Board of Supervisors
Members, City Council

From: Bob Smith, Executive Director
Sacramento Metropolitan Cable Television Commission

Subject: ANTITRUST SUIT FILED AGAINST SACRAMENTO, PALO ALTO, SAN FRANCISCO
AND LOS ANGELES

As you have probably read in the September 12, 1983 Sacramento Bee, the law firm of Farrow, Schildhouse, Wilson and Rains filed an antitrust complaint against us Friday September 9, 1983, on behalf of Pacific West Cable Company. Apparently this is company previously approached Pacific Telephone Company about pole attachment permits and was refused. This is the same law firm that filed suit against Boulder Colorado and secured a Supreme Court decision that cities are not immune from antitrust suits. Attached is the complaint.

The suit apparently alleges that Sacramento City and County are anti-competitive because we require:

- \$45,000 filing fee.
- \$250,000 post award payment.
- Interactive services over a cable system (not accurate - voluntary only).
- Community grants to be paid regardless of the companies' profitability or penetration rate (not accurate - voluntary only).
- To pay \$325,000 of the Commission's budget regardless of revenues received.
- A new tax to be imposed on a cable company (presumably this refers to the 5% franchise fee.)
- Although allegedly voluntary, a company is expected to provide community grants if it is to secure a franchise.

We are in the process now of reviewing the complaint and will advise you of the exact details as soon as possible.

Members, Board of Supervisors
Members, City Council
September 12, 1983
Page 2

Pending advice from an antitrust attorney, I recommend that we do not deviate from our existing time schedule and continue the process of awarding the franchise as expeditiously as possible.

I will submit a subsequent memo as soon as I can provide you with sufficient details to explain the exact nature of ~~our~~ this litigation.

In the meantime, we will continue to trudge the happy road of destiny towards cable franchising.



BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

Attachment

ZIGGY





9-13-83

25-1

OFFICE OF THE
CITY CLERK

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 203
915 I STREET
SACRAMENTO, CA
95814-2671

916-449-5426

MEMORANDUM

TO: JIM JACKSON, CITY ATTORNEY
FROM: LORRAINE MAGANA, CITY CLERK
SUBJECT: ORDINANCE 83-114
DATE: MARCH 12, 1987

When inputting the ordinances into Chapter 20 we noticed that there was a clerical error. On page 14 of Ord. No. 83-114, (copy attached), under Section 20.616. When the third paragraph was inserted, it overrode the beginning of Section 20.618. There was no change being made to 20.618 and the whole section should have been erased, but wasn't.

If you have any questions regarding this, please contact me.

cc: September 13, 1983 meeting folder
Attached to Ord. No. 83-114

SECTION 16.

Section 20.616 is amended to read as follows:

20.616 RATE PROPOSALS. The purpose of this Section through Section . 20 .624, below, is to permit applicants for a franchise to propose the provision of minimal service during the term of a franchise at rates and charges designed to insure that all residents within the Franchise Area, including the economically underprivileged, will have the opportunity to benefit from the educational, recreational and other advantages made available by the Cable Television System.

An applicant who chooses not to make such a proposal shall not be disqualified from bidding or consideration in selection of the Franchisee. It is expressly declared that the factors upon which selection will be based are so numerous and subjective as to make it impossible to know in advance the relative importance of a determination by an applicant to either make or not to make such a proposal in relation to other factors upon which award of a franchise will be based.

The County and Cities recognize the right of a Franchisee to propose the provisions of minimal services at specified rates pursuant to the provisions of this section through Section 20 .624 below, and nonetheless subsequently elect to be exempt from local rate regulation or to unilaterally adjust its rates in strict compliance with the provisions of Section 53066.1 of the Government Code, provided that if, for any reason, the right of the Franchisee to elect exemption from rate regulation shall hereafter be abridged or repealed, the full regulatory authority of the Commission shall thereupon be restored pro tanto.

... the amounts and types of all rates and charges, including deposits, of whatever kind or nature to be applicable to the provision of Basic Service, including, but not limited to, rates and charges for connection, installation, reinstatement and the monthly subscription or service charge; and in relation thereto refer to and incorporate by express reference into the application the provision of both Sections 20.622 and 20.624, below. The amounts and types of any deposits required in relation to connection, installation, reinstatement subscription or otherwise shall be stated separately. The acquisition or rental costs of converters required to provide Basic Service, if any, shall not be separately stated and shall be included in the monthly subscription or service charge for Basic Service, if any. An applicant desiring to make different rates and charges for Basic Service applicable to single family residential and commercial or certain types of commercial uses, shall separately state the rates and charges according to categories of uses with respect to which differences will apply. As used in this Section the terms "commercial uses" shall include, in addition to other types of business enterprises, hotels, motels, apartments, condominiums, mobilehome parks, other multiple family residential units, and areas served by master antenna systems.

ORDINANCE NO. 83-114

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

SEP 13 1983

AN ORDINANCE AMENDING AND REPEALING VARIOUS SECTIONS OF CHAPTER 20 OF THE SACRAMENTO CITY CODE RELATING TO CABLE TELEVISION AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Subsection m. of Section 20.012 is hereby amended to read as follows:

- m. "Gross Revenues" -- shall mean all cash, credits, property of any kind of nature or other consideration derived directly or indirectly by a Franchisee, its affiliates, subsidiaries, parent, and any other person or entity in which the Franchisee has a financial interest or which has a financial interest in the Franchisee, arising from or attributable to operation of the Cable Television System, including, but not limited to: (i) revenue from all charges for those services provided on the Subscriber Network and Institutional Network (including Leased Access fees); (ii) * revenue from all charges for the insertion of commercial advertisements upon the System; (iii) revenue from all charges for the leased use of studio (iv) revenue from all charges for the installation, connection and reinstatement of equipment necessary for the utilization of the System and the provision of subscriber and other services; and (v) the sale, exchange or use or cablecast of any programming developed for community use or institutional users. "Gross Revenues" shall include, valued at retail price levels, the value of any good, services or other remuneration in non-monetary form received by the Franchisee or others described above in consideration for performance by a Franchisee or others described above of any advertising or other service in connection with the Cable Television System.

ORDINANCE No. 83-114

SEP 13 1983

AGENDA/SYNOPSIS

Concurrent Regular Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento and the Parking Authority of the City of Sacramento.

Meeting Date September 20, 1983; 7:30 PM
Location: City Hall, 915 I Street, 2nd Floor, Council Chambers

VOTING RECORD LEGEND:

VOTING RECORD REFLECTS FINAL VOTE OF COUNCIL.

MOV:	MOVED	ABST:	ABSTAIN
SEC:	SECOND	ABS:	ABSENT
M -	MAYOR MILLER	D5 -	SERNA
D1 -	SHORE	D6 -	GARCIA
D2 -	FISHER	D7 -	KASTANIS
D3 -	POPE	D8 -	ROBIE
D4 -	RUDIN		

INTRODUCTION OF SPECIAL GUESTS

1. Presentation of resolution from the Sacramento Woman's Council

RECOMMENDATION OF STAFF: EVELENE OLSON TO SPEAK

COUNCIL ACTION: *Resolution presented*

VOTING RECORD:

see yellow sheet

CONSENT CALENDAR - ITEMS 2 THROUGH 16 *EXCEPT 13*

VOTING RECORD: *MOV: D3 Sec: D8*
Appl: unanimous
Absent: D1

2. Res. auth. auditing services to be performed by Price Waterhouse not to exceed \$76,000 for FY 1982-83 (D-All) (Bud./Fin. Comm.)

RECOMMENDATION OF STAFF: ADOPT RES.

COUNCIL ACTION: *CC 83-725; AG 83048*

3. Res. designating William Land Park Baseball Diamond #2 as Nick Culjis, Sr. Field (D4)

RECOMMENDATION OF STAFF: ADOPT RES.

COUNCIL ACTION: *CC 83-726*

4. Res. auth. execution of 14 Quit Claims deeds of City property to abandon a portion of the Pocket Canal System to various owners of adjacent property

RECOMMENDATION OF STAFF: ADOPT RES.

COUNCIL ACTION: *CC 83-727*

1-1. Students Councilman Kastanis introduced students from Valley Hi High School Civics Government Class.

1-2. Walter J. Sipe, City Manager, introduced Barbara Libbes, new Crocker Art Gallery Director.

CONSENT CALENDAR (CONTINUED)

5. Res. approving establishment of new classification of Development Officer for Dept. of Community Services and approving the exempt classification, salary, benefits and Employer-Employee relations representation unit (D-A11)

RECOMMENDATION OF STAFF: ADOPT RES.

COUNCIL ACTION: *CC 83-728*

6. Appr. of Change Order No. 2 for Backstop Improvements at Grant Union High School for \$7,556.57 (D2)

RECOMMENDATION OF STAFF: APPR. CHANGE ORDER

COUNCIL ACTION: *Change Order approved*

7. Res. granting Revocable Encroachment Permit to Regional Transit for the purpose of placing telephone conduits at north side of N Street between 28th Street and 29th Streets at 1400 29th Street

RECOMMENDATION OF STAFF: ADOPT RES.; GRANTING PERMIT

COUNCIL ACTION: *CC 83-729*

8. Res. auth. execution of an agreement with GW Consulting Engineers for preparation of improvement plans for the Florin-Perkins Industrial Park

RECOMMENDATION OF STAFF: ADOPT RES. APPR. AGREEMENT

COUNCIL ACTION: *CC 83-730; AC 83046*

9. Res. auth. execution of an agreement for reimbursement for Lake Crest Village Unit No. 6, in the amount of \$47,320.65 and appr. a private contract between Placer Savings & Loan, Reynen & Bardis and Cal Sierra Pipelines Inc. for construction of improvements (D8) (IP 5314)

RECOMMENDATION OF STAFF: ADOPT RES. APPR. AGREEMENT AND APPR. PRIVATE CONTRACT

COUNCIL ACTION: *CC 83-731; AC 83047; Private Contract approved*

MEETING DATE: 9/20/83

PAGE NO.: 2 of 30

CONSENT CALENDAR (CONTINUED)

10. Completion of contract for Mack Road widening - Morrison Creek to Franklin Blvd. by Granite Construction Company, CO 82042, work completed on 9-12-83 and authorize final payment (D7)

RECOMMENDATION OF STAFF: ACCEPT WORK & AUTH. FINAL PAYMENT

COUNCIL ACTION: *work accepted + final payment auth.*

11. Completion of contract for Northgate Blvd. widening South of San Juan Road by Verco Construction Company, CO 82010, work completed on 7-19-83 and authorize final payment (D1)

RECOMMENDATION OF STAFF: ACCEPT WORK & AUTH. FINAL PAYMENT

COUNCIL ACTION: *work accepted + final payment auth.*

12. Res. suspending formal bidding for the office remodeling of the Administration Building, Department of Water and Sewer located at the Corporation yard and auth. execution of a contract in an amount not to exceed \$16,000.00 (D4)

RECOMMENDATION OF STAFF: ADOPT RES. AND AUTH. EXECUTION OF CONTRACT

COUNCIL ACTION: *CC 83-732; CO 83013*

13. Res. appr. final parcel map and subdivision agreement for Lot A and portion of Lot B of projected section 2 & 3, T. 7. N. R 4.E. MBD & M. (45PM8) located at area bounded by I-5, Florin Road, Greenhaven Drive and South Land Park Drive (D8) (P-82039)

RECOMMENDATION OF STAFF: ADOPT RES. APPR. FINAL MAP & APPR. AGREEMENT

COUNCIL ACTION: ~~CC 83-733; AC 83048~~ *Withdrawn*

14. Plans and specifications for Miller Park Chemical Storage Yard Parking Lot (D1)

RECOMMENDATION OF STAFF: ADOPT PLANS & SPECFS.; BIDS DUE 10-11-83

COUNCIL ACTION: *plans + specfs. adopted; Bids due 10-11-83*

CONSENT CALENDAR (CONTINUED)

15. Announcement of various terms expiring on boards/commissions:
- A. Term expiring for Andrew J. Gwin, Richard L. Kitowski, and Rex Moore of the Construction Codes Advisory and Appeals Board.
 - B. Term expiring for Grantland Johnson of the Sacramento Regional Transit Board of Directors.

RECOMMENDATION OF STAFF: CALL FOR APPLICATIONS; DUE 10-18-83

COUNCIL ACTION: *applications due 10-18-83*

16. Various claims submitted against the City: (D-All)
- A. California State Automobile Assn. (Anna Giboney), alleged damages when flagman waved her to pass and a parked sweeper pulled out and hit her car, on or about 5-16-83, vic. Robertson Avenue in Carmichael, amount \$1,399.13.
 - B. John W. Ketchum, alleged damages when claimant's Honda CB 750 motorcycle was missing after claimant was arrested, on or about 8-8-83, vic. W. Pacific and Sutterville Road, amount \$3,000.00.
 - C. Richard L. Montarbo, alleged damages when rock fell from dump truck and broke windshield, on or about 8-4-83, vic. Watt Avenue and American River Drive, amount \$252.00.

RECOMMENDATION OF STAFF: A-C: DENY CLAIMS

COUNCIL ACTION: *A-C: Claims denied*

GENERAL COMMUNICATIONS

HEARINGS

17. Appeal of Planning Commission's denial of special permit to develop fast food restaurant with drive-thru in C-2 zone located at 2418/2420 24th Street (D4) (P-83125) (Cont. from 9-6-83 #22)

RECOMMENDATION OF STAFF: CONT. TO 10-4-83 AT STAFF REQUEST

COUNCIL ACTION: *Cont 40 10-4-83*

VOTING RECORD: *By Consensus*

HEARINGS (CONTINUED)

- 18. Various requests for property located at 2482 Exposition Boulevard: (D3) (P-83039) (Cont. from 6-14-83 #19)
 - A. Tentative map to divide 20.2± acre parcel into six lots and one common area and 500 airspace lots in the Point West PUD R-3-R zone
 - B. Special permit to convert an existing 500 unit apartment into condominiums
 - C. Variance to waive the required provisions of the condominium conversion ordinance

RECOMMENDATION OF STAFF: CONT. TO 10-18-83 AT APPLICANT'S REQUEST

COUNCIL ACTION: *Cont to 10-18-83*

VOTING RECORD: *By consensus*

- 19. Extension of special permit for conversion of 98 apartment units into condominiums for property located at 54 Quay Court (D8) (P-82024) (Cont. from 9-13-83 #7)

RECOMMENDATION OF STAFF: CONT. TO 10/11/83 AT STAFF'S REQUEST

COUNCIL ACTION: *Cont to 10-11-83*

VOTING RECORD: *By consensus*

- 20. Ordinance amending Ordinance No. 3911, Fourth Series, designating the following structures and objects on the Official Register as priority or Essential Structures: (D1 & 4) (PFP 9-13-83 #1)
 - PRIORITY STRUCTURES: 1802 C Street; A. J. Stevens Statue (Plaza Park); Coleman Memorial (Plaza Park); 1531 P Street; 3030 T Street; 122 U Street; Callahan Memorial (Southside Park); 919 8th Street; 1616 28th Street; 601 Alhambra Street;
 - ESSENTIAL STRUCTURES: 620 H Street; 828 I Street; 915 I Street; 1515 J Street; Tower Bridge (Capitol Mall - Sacramento River); 1006 4th Street; 813 6th Street; State Office of Capitol Grounds (Capitol Park); 1215 19th Street; 2000 Front Street; 1724 Stockton Boulevard

RECOMMENDATION OF STAFF: CLOSE HEARING; ADOPT ORD.

COUNCIL ACTION: *Hearing Closed; OR 83-115 deleting following which were referred to P & CD Committee:*

VOTING RECORD: *1616-28th St.; 919-8th St.; 2000 Front St.; 620 H St.; 1531 P St.; Tower Bridge (Capitol Mall - Sacramento River); 3030 T Street.*

MEETING DATE: 9/20/83
PAGE NO.: 5 of 80

*→ mov: D8 Sec D4
app: unanimous*

HEARINGS (CONTINUED)

21. Bikeway Master Plan Amendment to add an on-street bicycle route along Elder Creek Road between Florin-Perkins Road and Elk Grove-Florin Road (D6) (M-102)

RECOMMENDATION OF STAFF: CLOSE HEARING; ADOPT RES.

COUNCIL ACTION: ~~MOVED~~ Hearing closed; CC83-733

VOTING RECORD: mov: D8 Sec: D6
Ays: Unanimous

22. Various requests for property located north of Northgate Park and west of future extension of Mendel Way: (D1) (P-83230) (PFP 9-6-83 #14) (Cont. from 9-13-83 #9)

- A. Rezone 17.5± acres from A to R-1A and R-1.
- B. Tentative map to divide 17.5± acres into 130 lots.

RECOMMENDATION OF STAFF: CLOSE HEARING;
A. ADOPT ORD.
B. ADOPT RES. ADO. F. OF F. APPR. MAP

COUNCIL ACTION: Hearing Closed; A. ~~OR 83-116~~; B. CC83-734
~~as amended~~

VOTING RECORD: mov: D7 Sec: D8
Ays: Unanimous except D3 who abstained

23. Appeal of Planning Commission's approval of variance to waive 37 parking spaces required for conversion of surplus fire station to office and restaurant in C-2 zone. Loc: 1215 19th Street and RR tracks between Capitol Avenue and "L" Street (D4) (P-83165) (Cont. from 9-13-83 #16)

RECOMMENDATION OF STAFF: CLOSE HEARING;
CPC REC.: INTENT TO DENY APPEAL BASED ON F. OF F. DUE 10-4-83
STAFF REC: INTENT TO GRANT APPEAL BASED ON F. OF F. DUE 10-4-83

COUNCIL ACTION: Hearing closed; intent to deny appeal subject to conditions based on F. of F. due 10-4-83
Staff to prepare parking study for area which is to include angle parking for report to the P+CD Committee

mov: D1 Sec: D8
Ays: D7, D8, D4, D1, M
Abs: D2, D6, D3, D5

MEETING DATE: 9/20/83
PAGE NO.: 6 of 30

CITIZENS ADDRESSING COUNCIL, AGENCY AND AUTHORITIES ON MATTERS NOT ON THE AGENDA
(A THREE MINUTE TIME LIMIT IS IMPOSED ON SPEAKERS ADDRESSING THE COUNCIL UNDER THIS HEADING)

REPORTS COUNCIL COMMITTEES

24. Close-out report re 1982-83 Tax and Revenue Anticipation Note Sale (TRAN)
(D-A11) (Bud./Fin. Comm.)

RECOMMENDATION OF STAFF: FILE

COUNCIL ACTION: *Filed*

VOTING RECORD: *By Consensus*

25. *appt.* Confirmation of Clothilde Harris to the Woodbine Target Area *Committee* (Cont. from 9-13-83 #21-5) (P & PE Comm.)

RECOMMENDATION OF STAFF: CONFIRM APPOINTMENT

COUNCIL ACTION: *Appointment Confirmed*

VOTING RECORD: *mov: D7 Sec: D6*
ayes: unanimous

25-1. ←

26. Res. amending Res. 81-808 re expense and subsistence allowance (D-A11)
(Bud./Fin. Comm.)

RECOMMENDATION OF STAFF: ADOPT RES.

COUNCIL ACTION: *CC 83-735*

VOTING RECORD: *mov: D6 Sec: D1*
ayes: unanimous
ABSENT: D8

27. Res. appr. 1983-84 CIP funding carryover (D-A11) (Bud./Fin. Comm.)

RECOMMENDATION OF STAFF: ADOPT RES.; REPORT BACK 11-22-83

COUNCIL ACTION: *CC 83-736; Rpt Back 11-22-83*

VOTING RECORD: *mov: D6 Sec: D5*
ayes: unanimous

ABSENT: D8

MEETING DATE: 9/20/83

PAGE NO.: 7 of 80

IDEAS AND QUESTIONS MEMBERS OF COUNCIL

28. Res. regarding development of Major League Sporting and Entertainment facilities (Shore) (Cont. from 9-13-83 #21-3)

RECOMMENDATION OF STAFF: WITHDRAWN AT COUNCILPERSON SHORE'S REQUEST

COUNCIL ACTION: *Withdrawn*

VOTING RECORD: *By Consensus*

28-1. Ord. imposing a moratorium on establishment of outside vendor businesses (Emergency) (D-All) (Kastanis)

RECOMMENDATION OF STAFF: ADOPT EMERGENCY ORD.

COUNCIL ACTION: *Cont to 9-28-83; issue of*
subvs outside Vendor businesses

VOTING RECORD: *By Consensus*

STAFF REPORTS

29. Res. amending Res. No. 83-661 to change bond identification numbers of bonds for Sunset Meadows Assessment District (IP 5022) (Cont. from 9-13-83 #25)

RECOMMENDATION OF STAFF: ADOPT RES.

COUNCIL ACTION: *CC 83-~~661~~ 737*

VOTING RECORD: *MOV: 01 Sec: 06*
also unanimous *Abstent: 05*

30. Report re "stop work" on developments within the Ehrhardt Estates (D7) (Cont. from 9-6-83 #17-1)

RECOMMENDATION OF STAFF: KASTANIS TO SPEAK

COUNCIL ACTION: *Kastanis gave a verbal report; Filed*

VOTING RECORD: *By Consensus.*

30-1.

25-1. Robert Andreatta requested the adoption of a resolution calling upon the President & Congress to launch an immediate crash program to develop an anti-nuclear missile beam weapon defense system

Council action: Filed

Voting Record: By consensus

30-1 George Washington spoke to funding problems of the Head Start Enrollment Program:

Council Action: Referred to SETA

for review
Voting Record: By consensus

STAFF REPORTS (CONTINUED)

31. Report re vinyl chloride testing (D-All)

RECOMMENDATION OF STAFF: FILE

COUNCIL ACTION: *Filed*

VOTING RECORD: *By Consensus*

32. Various matters re American River Water Treatment Plant (D-All)

A. Report on Water Quality Laboratory

B. Report from Department of Fish and Game re lowering of river level

RECOMMENDATION OF STAFF: A. ADOPT STAFF RECOMMENDATION
B. FILE

COUNCIL ACTION: *A. Referred to Bud/Fin Committee*
B. adopted staff rec. to cooperate with Calif. Dept of Fish & Game.

VOTING RECORD: *A. By Consensus*
B. mov: D5 sec: D6

ays: unanimous

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

REPORTS COUNCIL COMMITTEES

33. Various matters re California Housing Finance Agency (CHFA) Multi-Family Rehabilitation Program (D-All)

A. Res. revising 1983 CDBG Budget for California Housing Finance Agency Multi-Family Rehabilitation Program.

B. Agency Res. appr. participation in California Housing Finance Agency Multi-Family Rehabilitation Program.

RECOMMENDATION OF STAFF: A. ADOPT RES.
B. ADOPT AGENCY RES.

COUNCIL ACTION: *A. 0083-738; B. RA 83-065*

VOTING RECORD: *mov: D3 sec: D6*
ays: unanimous

AGENCY REPORTS

34. Agency Res. re Old Sacramento Riverfront floodwall stabilization (D1)

RECOMMENDATION OF STAFF: ADOPT AGENCY RES.

COUNCIL ACTION: RA 83-066

VOTING RECORD: mov: D6 Sec: D8
ayes: unanimous

35. Agency Res. auth. interim procedures for administration of Emergency Repair Cases in the City (D-All)

RECOMMENDATION OF STAFF: ADOPT AGENCY RES.

COUNCIL ACTION: RA 83-067

VOTING RECORD: mov: D3 Sec: D5
ayes: unanimous

ADDITIONAL ITEMS

36. Report requesting permission to apply for Office of Traffic Safety Grant for implementation of Driving Under the Influence (DUI) Awareness and Apprehension Program (D-All)

RECOMMENDATION OF STAFF: ADOPT STAFF RECOMMENDATION

COUNCIL ACTION: Staff rec. adopted,

VOTING RECORD: mov: D1 Sec: D4
ayes: unanimous

37. Res. memorializing Judge Lorenzo E. Patino (D-All)

RECOMMENDATION OF STAFF: ADOPT RES.

COUNCIL ACTION: CC83-739

VOTING RECORD: mov: D1 Sec: D1
ayes: unanimous

EXECUTIVE SESSION - CITY LEGAL MATTERS

adjoined into Exec session

MEETING DATE: 9/20/83
PAGE NO.: 10 of 10

ROLL CALL

SACRAMENTO CITY COUNCIL, SACRAMENTO REDEVELOPMENT AGENCY, SACRAMENTO HOUSING AUTHORITY, SACRAMENTO PARKING AUTHORITY

MOVED BY: *Fis* SECONDED BY: *Ser* DATE: 9/13/83

MOTION: _____

APPROVED
BY THE CITY COUNCIL

SEP 13 1983

OFFICE OF THE
CITY CLERK

		AYE	NO	ABSTAIN	ABSENT
FISHER	D2	/		/	
GARCIA	D6			/	
KASTANIS	D7	/			
POPE	D3				/
ROBIE	D8	/			

		AYE	NO	ABSTAIN	ABSENT
RUDIN	D4	/			
SERNA	D5	/			
SHORE	D1	/			
MILLER	M			/	

NOTES: *Bob Smith*

SEQUENCE ORDER _____