



City Council Memorandum

To: Mayor Hicks & City Councilmembers
From: Melanie Mesko Lee, City Administrator
Date: October 12, 2016
Item: Approve Extension of Comcast Franchise Agreement through December 31, 2016

Council Action Requested:

Approve the attached resolution extending the franchise agreement with Comcast of Minnesota/Wisconsin through December 31, 2016.

Background Information:

The City's current franchise agreement with Comcast is set to expire late October, 2016. Hastings Community TV Executive Director Tom Wright has been working with a franchise attorney since 2015 to negotiate a new franchise agreement. Tom indicates that the negotiations are coming to a close, however are not yet finalized. An extension to the end of the year is being recommended.

This is not an exclusive franchise. This document outlines the general provisions the franchisee must comply with. Other providers are open to negotiate separate franchise terms and provide services.

Financial Impact:

Public, Educational, and Governmental "PEG" fees are paid to provide public access channels.

Advisory Commission Discussion:

N/A

Council Committee Discussion:

N/A

Attachments:

- Resolution

City of Hastings

Resolution # 10-____-16

**RESOLUTION OF THE CITY OF HASTINGS, MINNESOTA
GRANTING COMCAST OF MINNESOTA/WISCONSIN, INC.,
A FRANCHISE EXTENSION THROUGH DECEMBER 31, 2016**

WHEREAS, on or about October 1, 2001, the City of Hastings, Minnesota granted Cable Television Franchise Ordinance (“Franchise”) which is currently held by Comcast of Minnesota/Wisconsin, Inc. (“Comcast”); and

WHEREAS, Comcast has requested renewal of the Franchise; and

WHEREAS, the initial term of the Franchise is due to expire on or about October 26, 2016; and

WHEREAS, both the City and Comcast desire to reserve all of their respective rights under state and federal law regarding the franchise renewal process, specifically all rights provided by 47 U.S.C. 546.

NOW, THEREFORE, the City of Hastings, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from October 27, 2016 through and including December 31, 2016.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Comcast hereby agree that neither party waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the City; and (2) Comcast’s acceptance of this Resolution.

Adopted by the City of Hastings, Minnesota, this 17th day of October, 2016.

ATTEST:

CITY OF HASTINGS, MINNESOTA

By: _____
Julie Flaten, City Clerk

By: _____
Paul J. Hicks, Mayor

ACCEPTANCE AND AGREEMENT

Comcast of Minnesota/Wisconsin, Inc. hereby accepts this Resolution No. _____ (“Resolution”) and hereby accepts the terms, provisions and recitals of the Resolution and agrees to be bound by the Franchise.

Dated this ___ day of _____, 2016.

COMCAST OF MINNESOTA/WISCONSIN, INC.

By: _____

Its: _____

SWORN TO BEFORE ME this
___ day of _____, 2016.

NOTARY PUBLIC