

ORDINANCE NO. 160, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A NON-EXCLUSIVE FRANCHISE BY THE CITY OF FORT COLLINS
TO COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC. AND ITS
SUCCESSORS AND ASSIGNS FOR THE RIGHT TO MAKE REASONABLE USE OF,
AND ERECT, CONSTRUCT, OPERATE AND MAINTAIN THROUGH, THE PUBLIC
RIGHTS-OF-WAY, EASEMENTS AND OTHER PUBLIC PROPERTY ANY
EQUIPMENT NECESSARY AND APPURTENANT TO THE OPERATION AND
MAINTENANCE OF A CABLE SYSTEM AND THE PROVISION OF CABLE SERVICES
TO RESIDENTS WITHIN THE CITY

A. Comcast of California/Colorado/Florida/Oregon, Inc. ("Comcast") currently holds a cable television franchise (the "Franchise") with the City granted by Ordinance No. 067, 2015, on July 7, 2015.

B. The Franchise was scheduled to expire by its terms on July 31, 2025.

C. The Franchise was extended by Ordinance No. 116, 2025, and is now set to expire October 31, 2025.

D. Comcast and the City have been negotiating a new cable franchise agreement (the "Franchise Agreement"). The Franchise Agreement is attached hereto as Exhibit A.

E. The Franchise Agreement includes the following major terms and conditions:

- (1) a term of ten years, from November 1, 2025 through October 31, 2035;
- (2) a requirement that Comcast pay the City a franchise fee of five percent of the gross revenues that Comcast receives from the operation of its cable system in the City;
- (3) revised public, educational, and governmental ("PEG") funding for public access channels compared to the Franchise; and
- (4) provision of three High Definition channels and four Standard Definition channels for PEG use.

F. Section 1 of Article XI of the City Charter and Section 6-3 of the City Code set forth notice and hearing requirements that must be satisfied prior to the City granting a cable television franchise. Such notice requirements have been met prior to first reading of this Ordinance.

G. Section 6-12 of the City Code provides for a performance bond or letter of credit requirement, unless the City Council waives or reduces such requirement for a

franchisee that has faithfully performed its obligations to the City to operate a cable franchise for more than five (5) years.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The notice and hearing requirements of Section 1 of Article XI of the City Charter and Section 6-3 of the City Code relating to the granting of a cable television franchise have been satisfied as of the completion of first reading of this Ordinance for the Comcast Franchise Agreement.

Section 2. The grant of a cable television franchise to Comcast in accordance with the terms and conditions of the Franchise Agreement is in the best interests of the City and its residents and will meet the future cable related needs of the community.

Section 3. The Comcast has faithfully operated a cable franchise in the City for more than five years consistent with the requirements of the cable franchise and accordingly the City Council reduces the performance bond or letter of credit requirement in Section 6-12 of the City Code to the letter of credit requirement contained in section 5.4 of the Franchise Agreement.

Section 4. The Mayor is hereby authorized to execute the Franchise Agreement with Comcast in substantially the form attached as Exhibit A with such modifications or additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on October 7, 2025, and approved on second reading for final passage on October 21, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: October 31, 2025

Approving Attorney: Ted Hewitt

Exhibit: Exhibit A - Franchise Agreement