



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** May 1, 2023

**SUBJECT:** Consideration and Public Hearing for Ordinance 2023-250, an Ordinance Granting to Comcast of Colorado IX, LLC, a Nonexclusive Franchise to Construct, Install and Operate a Cable System and Provide Cable Television Service Within the Town and, In Connection Therewith, To Make Reasonable Use of Town Streets and Other Public Places Within the Town.

**ACTION PROPOSED:** Approve Ordinance 2023-250

**ATTACHMENTS:**

1. Ordinance 2023-250
2. Cable Franchise Agreement

**PRESENTED BY:** Mitzi McCoy, Deputy Town Manager

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### AGENDA ITEM DESCRIPTION:

Enclosed for review and consideration is a Cable Franchise Agreement between the Town of Johnstown and Comcast of Colorado IX, LLC. This agreement will allow Comcast to provide cable services to the residents and businesses in the Town of Johnstown. This agreement is a “competitive” cable franchise as the Town of Johnstown already has a cable franchise agreement with another cable provider. As such, this agreement is somewhat different in that it does not include specific build out provisions, but instead includes requires biannual meetings to discuss anticipated construction and timelines. This agreement is intended to be a 10-year agreement that begins on June 1, 2023, however, if deployment plans change and build out ceases, the agreement term can be shortened to 3 years, allowing the agreement to be renegotiated. This franchise agreement includes a 5% franchise fee.

### LEGAL ADVICE:

Ordinance was prepared by the Town Attorney.

*The Community That Cares*

johnstown.colorado.gov

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Consulting counsel, Ken Fellman, Esq. of Kissinger and Fellman P.C. prepared the cable franchise agreement.

**FINANCIAL ADVICE:**

NA

**RECOMMENDED ACTION:** Approve Ordinance 2023-250 upon first reading.

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**SUGGESTED MOTIONS:**

**For Approval:** I move to approve Ordinance No. 2023-250, an ordinance granting to Comcast of Colorado IX, LLC, a nonexclusive franchise to construct, install and operate a cable system and provide cable television service within the Town and, in connection therewith, to make reasonable use of town streets and other public places within the Town.

**For Denial:** I move to deny Ordinance No. 2023-250, an ordinance granting to Comcast of Colorado IX, LLC, a nonexclusive franchise to construct, install and operate a cable system and provide cable television service within the Town and, in connection therewith, to make reasonable use of town streets and other public places within the Town.

*Reviewed and Approved for Presentation,*



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Town Manager