

RESOLUTION NO. 6548

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS GRANTING A NON-EXCLUSIVE FRANCHISE TO PROVIDE CABLE SERVICE TO VERIZON CALIFORNIA INC.

WHEREAS, the City of Redlands is a "Franchising Authority" as defined by Title VI of the Communications Act and is authorized to grant one or more nonexclusive cable franchises pursuant to Government Code section 53066;

WHEREAS, Verizon California Inc. ("Franchisee") is in the process of planning and installing a Fiber to the Premise Telecommunications Network ("FTTP Network") that will occupy the public rights-of-way within the City for the transmission of non-cable services pursuant to its status as a telecommunications carrier as set forth in Title II of the Communications Act and under authority granted by the State of California; and

WHEREAS, the FTTP Network, once installed, will enable the provision of cable service to the residents of Redlands; and

WHEREAS, negotiations between the City and the Franchisee have resulted in a franchise agreement, which agreement comports with the requirements of applicable law; and

WHEREAS, notice of public hearing before the City Council of the City of Redlands ("this City Council") to consider the proposed cable franchise agreement was properly published in the Redlands Daily Facts on September 19 and September 26, 2006, in accordance with Government Code sections 6066 and 53066.3(a); and

WHEREAS, this City Council has reviewed the legal, technical and financial qualifications of the Franchisee to operate and provide cable service within the City and the City's staff has prepared a Report dated October 3, 2006 ("Staff Report") setting forth those qualifications, the future cable-related needs and interest of the City and its residents, and examining each of the requirements and criteria set forth by federal, state and local law with respect to granting an additional cable television franchise, as well as any applicable provisions in existing franchises; and

WHEREAS, after receiving the comments of interested persons and entities at a public hearing affording due process to all such persons on entitlements, and deliberation of the entire record regarding this matter before it, including other pertinent information, and specifically considering each of the requirements and criteria enumerated in Government Code section 53066.3(a), 47 U.S.C. section 541(a), and all other applicable provisions of law, as well as any applicable provisions in existing franchises, this City Council determines that it is in the public interest to approve the proposed cable television franchise agreement and authorize and direct the execution of the proposed Franchise Agreement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDLANDS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: This City Council concludes the cable-related needs and interests of the City and the Franchisee's legal, technical and financial qualifications to operate and provide cable service within the City are accurately identified by the Staff Report and the supporting evidence presented at the public hearing on October 3, 2006. The Staff Report and other supporting evidence presented are hereby adopted by this City Council in its entirety as its ascertainment of the cable-related needs and interests of the City, and the Franchisee's qualifications to operate and provide cable service within the City. The Staff Report and evidence also supports this City Council's consideration of each of the requirements and criteria enumerated in Government Code section 53066.3(a), 47 U.S.C. section 541 (a), all other applicable provisions of law, as well as any applicable provision in existing franchises. The Staff Report is submitted herewith and hereby incorporated by reference.

SECTION 2: This City Council determines that it is in the public interest to grant a nonexclusive franchise to operate and provide cable service to Franchisee. As evidence of its consideration of each of the factors enumerated in Government Code section 53066.3(a), 47 U.S.C. § 541(a)(3), all other applicable provisions of law, as well as any applicable provisions in existing franchises, this City Council hereby adopts the Findings of Fact in support of this determination. A copy of the Findings of Fact is attached hereto and hereby incorporated by reference.

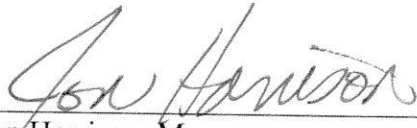
SECTION 3: This City Council authorizes the grant of a nonexclusive franchise to the Franchisee to operate and provide cable service within the City. This authorization is made in accordance with the applicable provisions of Government Code section 53066.3 and Title VI of the Communications Act. A copy of the Franchise Agreement in the form set forth and presented to public hearing on October 3, 2006 is directed to be retained in the office of the City Clerk for the purpose of public inspection.

SECTION 4: The Franchise Agreement in the form set forth and presented to this City Council at this public hearing is approved, and the City Manager is authorized and directed to execute that agreement on behalf of the City.

SECTION 5: The effective date of the Franchise Agreement shall be the date set forth in the Franchise Agreement.

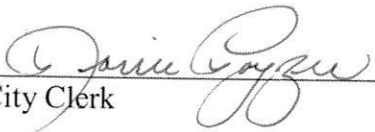
SECTION 6: The City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 3rd day of October, 2006.



Jon Harrison, Mayor

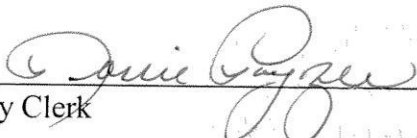
Attest:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof held on the 3rd day of October, 2006, by the following vote:

AYES: Councilmembers Gilbreath, Gallagher, Aguilar; Mayor Harrison
NOES: Councilmember Gil
ABSENT: None
ABSTAIN: None



City Clerk