

ORDINANCE NO. 2490

AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING, PURSUANT TO ORDINANCE NO. 2459 AS AMENDED, A NONEXCLUSIVE CATV COMMUNICATIONS FRANCHISE TO VIACOM INTERNATIONAL, INC., D/B/A VIACOM CABLEVISION TO OPERATE A CABLE COMMUNICATIONS SYSTEM (CATV) WITHIN THE CITY LIMITS OF THE CITY OF KIRKLAND, WASHINGTON.

WHEREAS, the City of Kirkland heretofore retained 3-H Management and Consultants, Inc. to administer and regulate CATV franchise operations within the City of Kirkland pursuant to Ordinance No. 2459 as amended by Ordinance No. 2471, including the holding of public hearings on franchise applications; and

WHEREAS, such a public hearing was held by 3-H Management and Consultants, Inc. on August 29, 1979; and

WHEREAS, thereafter, the hearing report and recommendation of 3-H Management and Consultants, Inc. was forwarded to the Kirkland City Council for consideration at its regular meeting on October 15, 1979; and

WHEREAS, following said consideration, the City Council voted to accept the report and recommendation of 3-H Management and Consultants, Inc. and to award, at this time, a single nonexclusive CATV franchise to Viacom International, Inc. d/b/a Viacom Cablevision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The City of Kirkland hereby grants, subject to the conditions, requirements, and regulations of Ordinance No. 2459 as amended by Ordinance No. 2471, a nonexclusive CATV communication franchise to Viacom International, Inc. d/b/a Viacom Cablevision.

Section 2. The rights, privileges, and franchise herein granted, unless hereafter renewed pursuant to the provisions of Ordinance No. 2459, shall cease and terminate November 19, 1994, (15 years from the date of adoption of this Ordinance). Within 90 days after termination, the grantee, if required by the City of Kirkland, shall at its own cost and expense, remove from the City streets and other public areas, its CATV communication system installed hereunder, and shall replace all portions of said streets and other public areas that may have been disturbed, in as good condition for public use as the abutting portions

thereof. The CATV communication system of the grantee installed hereunder, shall not be abandoned either in whole or in part without the consent of the City.

The rights, privileges, and franchise herein granted shall become null and void and cease forthwith if, at any time, the grantee fails to post, keep and maintain the bond and insurance requirements established in Section 24 of Ordinance No. 2459 as amended by Ordinance No. 2471. Otherwise, any termination shall occur at the end of the franchise term, or in accordance with Section 8 of Ordinance No. 2459.

Section 3. Grantee shall complete its system facilities installation and have service available within the present city limits of the City of Kirkland and, within areas hereafter annexed to the City, within the time periods established in Ordinance No. 2459 as amended by Ordinance No. 2471, or as established in grantee's application for franchise, whichever time periods shall be shorter.

Section 4. Grantee shall pay to the City of Kirkland a sum more particularly set forth in Ordinance No. 2459. Should the grantee at any time become delinquent in payment to the City, this franchise may be revoked by ordinance of the City Council after notice of this proposed action is given. The Kirkland City Council, pursuant to and under its police powers, reserves the right to amend any section of this Ordinance at any time, provided that such amendment is adopted pursuant to the provisions of Section 16 of Ordinance No. 2459 as now or hereafter amended.

Section 5. If, during the term of the franchise or any extension thereof, the City shall acquire by purchase or condemnation any of grantee's property or assets maintained or used hereunder, no greater sum shall be allowed for the value of the rights herein granted in addition to all other elements effecting the value of such purchase or condemned property than the actual cost of obtaining the franchise.

Section 6. Initial installation and subscription or service rates to be charged customers of the CATV system by grantee shall not exceed the following:

Monthly basic services	\$ 8.95
Extra outlet per month	3.00
Installation:	
First outlet	25.00
Additional outlet	15.00
Transfer outlet	15.00
Premium and basic installation at same time	19.95
Reconnection charge	15.00

Transfer account name only 10.00  
Low income elderly discount:  
Monthly basic services less 2.00

In order to qualify for the low income elderly discount, a low income elderly citizen must sign an affidavit substantially in the form attached to the original of this ordinance as Exhibit "A" and be approved by the City Manager or 3-H Management and Consultants, Inc.

Grantee agrees not to increase the basic monthly service rate set forth above for at least 24 months following the first subscriber connection within the City of Kirkland. Grantee retains its rights to run special promotions which may include discounts from the above rates at its discretion.

Section 7. The grantee proposed in its application for franchise, installation of a system with 30 or more channels of viewing capacity. As a condition of the franchise grant, grantee shall construct a 30 channel capacity system (subject to FCC approval of extended channel availability) and upon installation to serve the first customer within the City of Kirkland, grantee shall have no less than 18 active separate channels available for viewing.

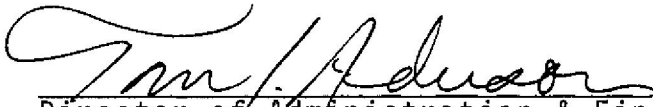
Section 8. This Ordinance shall be in force and take effect five (5) days from and after its passage by the Council and publication as required by law.

PASSED by majority vote of the Kirkland City Council in regular meeting on the 19th day of November, 1979.

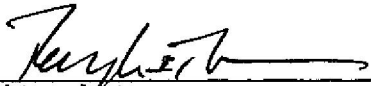
SIGNED IN AUTHENTICATION thereof on the 19th day of November, 1979.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Director of Administration & Finance  
(ex officio City Clerk)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Ord. 2490

EXHIBIT "A"

A F F I D A V I T

STATE OF WASHINGTON)  
COUNTY OF KING            ) ss  
CITY OF KIRKLAND            )

I, \_\_\_\_\_, being first  
(Please print name)

duly sworn on oath, depose and say:

1. That I am single/married person and that my spouse's name is \_\_\_\_\_; that I am 62 years of age or older, and that my spouse's age is \_\_\_\_\_.

2. That my income from all sources is \$333.33 per month or less or \$4,000.00 per annum or less; if married, our income from all sources is \$500.00 per month or less or \$6,000.00 per annum or less.

3. That I/we are presently residing in our home located at \_\_\_\_\_.

4. That I make and execute this Affidavit, under the penalties of perjury, for the purpose of having VIACOM CABLEVISION grant me a special rate for Community Antenna Television (CATV) service to my home located as above indicated. That the monthly rate for CATV basic service shall be reduced by \$2.00 per month. (Ordinance \_\_\_\_\_)

5. I further affirm and promise that in the event I am qualified to receive the above reduced CATV basic rate that I will promptly notify VIACOM CABLEVISION in writing in the event of any change in my financial condition that would disqualify me from receiving special rates and/or in the event that I move from the above described premises.

6. I further acknowledge and promise to repay unto VIACOM CABLEVISION promptly any undercharge that has been made for such services if it is determined that I was not qualified to receive such special rate pursuant to the Ordinances of the City.

7. I further agree to provide VIACOM CABLEVISION, or its duly authorized representative, such additional information about my income and residence as may be required from time to time.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature Witness