

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING A POLICY FOR THE LICENSING OF TEMPORARY MASTER ANTENNA TELEVISION SYSTEMS IN THE CITY OF CHULA VISTA

The City Council of the City of Chula Vista does hereby resolve as follows:

WHEREAS, the City Council of the City of Chula Vista has heretofore expressed its concern over the establishment of master antenna television systems in new residential developments wherein the existing franchisee for provision of cable television to the citizens of the City of Chula Vista has not introduced its own system for providing cable television service, and

WHEREAS, said master antenna television systems are in the nature of temporary cable television by virtue of the fact that they should be required to be compatible with the cable television system operated by franchisees of cable television in the City of Chula Vista in order to provide for subsequent incorporation of such master antenna systems into the overall cable television system of the City of Chula Vista, and also by virtue of that fact that said systems would be utilizing the public rights of way within the City of Chula Vista, and

WHEREAS, the City Council desires to establish a policy for the licensing of said temporary systems, which licensing would constitute an encroachment permit for a maximum period of five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby establish the following policy for the licensing of master antenna television systems:

LICENSES FOR MASTER ANTENNA TELEVISION SYSTEMS.

(a) From time to time City may, after a public hearing by the City Council, grant developers, or those qualified to construct and operate such systems who have so contracted with the developers of residential subdivisions a license to lay and use lines, wires, coaxial cable and appurtenances television service along, across, and upon public streets, ways, alleys and places within the service area within the City of Chula Vista.

(b) The license shall require as a condition of the grant thereof, that the Licensee install a master antenna system utilizing CATV equipment and facilities identical to that being installed by Grantee or most recently installed by Grantee in its service area at the time the Licensee commences construction of its master antenna system in accordance with the technical specifications supplied by Grantee.

(c) Grantee shall furnish to the Licensee, at Grantee's actual variable cost, full and complete technical information and specifications for the installation and maintenance of the Licensee's master antenna television system.

(d) The license shall require, as a condition of the grant thereof, that the Licensee sell its master antenna television system to Grantee at the end of five (5) years

after the effective date of the license, or any time prior to the termination of said period upon mutual agreement of Licensee and Grantee. The Licensee shall furnish to Grantee at least one hundred eighty (180) days prior to the expiration date of its license such detailed information as may be reasonably necessary to determine the fair market value of the Licensee's master antenna television system as may be requested by Grantee.

(e) Grantee shall purchase the Licensee's master antenna television system within one hundred eighty (180) days of an offer by Licensee to sell such master antenna system or within one hundred eighty (180) days after the expiration of the license, whichever occurs first. If the Licensee and Grantee cannot agree on the price or terms of sale within one hundred eighty (180) days of an offer by Licensee to sell or within one hundred eighty (180) days after the expiration of the license, whichever occurs first, then the Licensee and Grantee shall within thirty (30) days, each appoint one person to hear and determine the dispute and if they shall be unable to agree within thirty (30) days, then the two persons so chosen shall select a third impartial arbitrator. The arbitration to determine the fair market value of the Licensee's master antenna television system shall comply with and be governed by the provisions of the California Arbitration Act, Section 1280 through 1294.2 of the California Code of Civil Procedure. The decision of the arbitrators shall be final and conclusive upon both the Licensee and Grantee. The cost of such arbitration shall be borne in equal proportions by the Licensee and Grantee.


(f) If agreement, between Licensee and Grantee by way of arbitration or otherwise, as to the price or terms of sale is not reached prior to expiration of the license, the City Manager, at his discretion, may grant an extension of the license to the time when the sale is finally consummated and title to the system passes from Licensee to Grantee.


(h) City shall give the public and Grantee thirty (30) days written notice of any hearing by the City Council considering the grant of a license to construct and operate a master antenna television system within the service area described hereinabove.

(i) Licensee shall conform to the rules and regulations of the Federal Communications Commission as applicable to CATV systems effective March 31, 1972 and as may be amended from time to time.

Presented by

Approved as to form by


George D. Lindberg, City Attorney


George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, CALIFORNIA, this 12th day of December, 1972,
by the following vote, to-wit:

AYES: Councilmen Scott, Hobel, Hamilton, Hyde, Egdahl

NAYES: Councilmen None

ABSENT: Councilmen None

Thomas D. Hamilton Jr
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, City Clerk of the City of Chula Vista,
California, DO HEREBY CERTIFY that the above and foregoing is a full,
true and correct copy of _____
and that the same has not been amended or repealed.

DATED: _____

City Clerk

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