

ORDINANCE NO. 22-05

AN ORDINANCE ESTABLISHING THE TERMS, FEES, COMPENSATION, CONDITIONS AND OTHER MATTERS RELATING TO THE GRANTING OF A CABLE FRANCHISE TO FALCON BROADBAND, INC. AND APPROVING AN AMENDED AND RESTATED CABLE FRANCHISE AGREEMENT BETWEEN FALCON BROADBAND, INC. AND THE CITY OF COLORADO SPRINGS

WHEREAS, in February 2018, the City of Colorado Springs granted a franchise to Falcon Broadband, Inc. (now Falcon Broadband, LLC) for the provision of cable television services within the City of Colorado Springs; and

WHEREAS, Falcon Broadband, LLC is known by its tradename, StratusIQ; and

WHEREAS, StratusIQ has requested amendments to the service area as defined in its franchise with the City of Colorado Springs for the provision of cable television services within the City of Colorado Springs; and

WHEREAS, Section 10-30(a) of the City Charter, which provides that no franchise shall be granted except upon the approval of the electors voting on the franchise, has been preempted by federal law; and

WHEREAS, Section 10-30(b) of the City Charter provides that unless the terms, fees, compensation, conditions, or any other matter relating to the granting of franchises are set by the vote of the electorate, the City Council shall establish those terms by ordinance; and

WHEREAS, City Council has reviewed the proposed Amended and Restated Cable Franchise Agreement between the City of Colorado Springs, Colorado and StratusIQ, which is attached hereto as Exhibit 1, ("Cable Franchise Agreement"); and

WHEREAS, the Cable Franchise Agreement contains the material terms of the proposed franchise, including the terms, fees, compensation, conditions and other matters relating to the granting of the cable television franchise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. As provided in in Section 10-30(b) of the Charter of the City of

Colorado Springs, the City Council hereby establishes the terms, fees, compensation, conditions and other matters relating to the granting of the cable television franchise by approving the Cable Franchise Agreement attached hereto as Exhibit 1.

Section 2. The Mayor is hereby authorized to execute the Cable Franchise Agreement.

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 25th day of January, 2022.

Finally passed: February 8, 2022

  
\_\_\_\_\_  
Council President

**Mayor's Action:**


- Approved on Feb. 10, 2022.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**


- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



CAO:   
COS: \_\_\_\_\_

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE ESTABLISHING THE TERMS, FEES, COMPENSATION, CONDITIONS AND OTHER MATTERS RELATING TO THE GRANTING OF A CABLE FRANCHISE TO FALCON BROADBAND, INC. AND APPROVING AN AMENDED AND RESTATED CABLE FRANCHISE AGREEMENT BETWEEN FALCON BROADBAND, INC. AND THE CITY OF COLORADO SPRINGS” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 25, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8th day of February 2022, and that the same was published by title and in summary, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 8th day of February 2022.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: January 28, 2022

2<sup>nd</sup> Publication Date: February 16th, 2022

Effective Date: February 21st, 2022

Initial: SBJ  
City Clerk