

# Resolution No. 1998-33

[\(Council Minutes 98/10/19\)](#)

## RESOLUTION NO. 1998-33

A RESOLUTION of the City Council of the City of Lakewood, Washington, approving the amendment of cable television franchise rights in the City of Lakewood, increasing the franchise fee from 3% to 5%

WHEREAS, Cable TV Puget Sound, Inc. ("Franchisee") was duly authorized to operate and maintain a cable communication system in that area of Pierce County without comprising the City of Lakewood, which original franchise was adopted by Pierce County through its Ordinance No. 83-120; and,

WHEREAS, pursuant to Pierce County Ordinance No. 95-123, Pierce County approved the transfer of the cable franchise ownership from the Franchisee to TeleCommunications, Inc., ("TCI" or parent of Franchisee); and,

WHEREAS, effective February 28, 1996, the City of Lakewood was incorporated as a Non-Charter Optional Code City, pursuant to Title 35A of the Revised Code of Washington (RCW); and,

WHEREAS, pursuant to the provisions of section 35.02.160 RCW, as it was in effect on February 28, 1996, the cable television franchise referred to above was canceled, provided that TCI is permitted to continue operation of the franchise for a period not less than the remaining term of the original franchise or five (5) years, whichever is shorter; and,

WHEREAS, while most, if not all other, cities in Pierce County are receiving a franchise fee in the amount of five percent (5%) of gross revenues, an adjustment upward from the earlier three percent (3%) of gross revenues included in franchise agreements, the City of Lakewood still receives only the lower three percent (3%) of gross revenues franchise fee; and,

WHEREAS, to bring the City of Lakewood into conformity with the franchise fee rates being received by most, if not all other, cities in Pierce County, it is appropriate that the disparity in current franchise fees be corrected and addressed, so that the City of Lakewood will, also, receive franchise fees at the rate of five percent (5%) of gross revenues, recognizing that the value of the City of Lakewood streets and infrastructure is equivalent to the value that TCI has ascribed to streets and infrastructure of other jurisdictions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES, as Follows:

Section 1. That the terms of the cable television franchise rights operative pursuant to RCW 35.02.160 shall be amended so as to increase the franchise fee payments to the City of Lakewood from 3% of gross revenues to 5% of gross revenues, is approved, with no other terms or conditions thereof being amended, and the City Manager or designee is authorized to execute such agreement or written memorandum to implement such amendment.

Section 2. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 19th day of October, 1998.

CITY OF LAKEWOOD

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Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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