

# City of Calistoga

## Staff Report

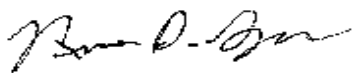
**TO:** Honorable Mayor and Members of City Council  
**FROM:** Richard Spitler, City Manager  
**DATE:** October 20, 2015  
**SUBJECT:** Amending Chapter 13.12 (Cable System Franchise Regulation) of the Calistoga Municipal Code

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APPROVAL FOR FORWARDING:




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Richard D. Spitler, City Manager

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2 **ISSUE:** Consideration of an ordinance amending Chapter 13.12 (Cable System  
3 Franchise Regulation) of the Calistoga Municipal Code.  
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5 **RECOMMENDATION:** Introduce Ordinance and waive first reading.  
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7 **BACKGROUND:** The City Council held a public hearing on October 6<sup>th</sup> on the  
8 subject recommendation to amend the City's Cable System Franchise Regulation  
9 contained in Chapter 13.12 of the Municipal Code. The amendments are being  
10 made to reflect that Comcast ended the City's franchise agreement on September  
11 1<sup>st</sup>. The proposed changes reflect this and other changes as a result of the Digital  
12 Infrastructure and Video Competition Act (DIVCA). It also includes a requirement  
13 that an additional 1% of the fees received by Comcast be directed towards the cost  
14 of providing our public access channel, if desired by the City.  
15 Prior to the hearing Comcast had some comments and suggested changes to the  
16 draft ordinance. Based upon this, staff requested that the Council continue the public  
17 hearing to its October 20<sup>th</sup> regular meeting which was granted by the Council.  
18 Staff has revised the ordinance to address Comcast's concerns, as they were seen  
19 as minor changes. Attachment 1 is the proposed ordinance showing the changes  
20 since the last Council meeting in a strike and underlined fashion. A clean copy is  
21 provided as Attachment 2.  
22

23 **DISCUSSION:**

24 As stated, the proposed ordinance also includes a requirement that Comcast collect  
25 an additional 1% of its revenues to go towards our public education governmental  
26 channel, if desired by the City. Presently the City operates Channel 28 as our public  
27 education governmental channel. With adoption of these code amendments the City  
28 can require that Comcast collect an additional 1% of the fees from consumers to be  
29 directed towards the cost of providing our public access channel to pay for a third  
30 party to operate this station.

31 All of the cities in Napa County use Napa Valley TV, a non-profit company, to  
32 administer the public education governmental (PEG) channel. Should the City  
33 Council adopt this code amendment, staff will present a proposal on November 3rd  
34 to allow the City Manager to negotiate an agreement with Napa Valley TV to  
35 administer Channel 28 in Calistoga. They could live broadcast City Council and  
36 Planning Commission meetings and broadcast other City and public announcements  
37 on Channel 28.

38 **FISCAL IMPACT:** This ordinance does not propose any changes to the amount of the  
39 franchise fee which is 5%, however, the proposed PEG fee is a new fee and the  
40 imposition of a 1% PEG fee on video providers will enable City to pay for assistance to  
41 run the public access TV station (approximately \$16,000 per year).

42 **ATTACHMENTS:**

- 43 1. Ordinance Amending Chapter 13.12 Cable System Franchise Regulation- Redlined  
44 Version  
45 2. Ordinance Amending Chapter 13.12 Cable System Franchise Regulation- Clean  
46 Copy