

ORDINANCE No. 188241

Extend term of franchise granted to Sprint Communications Company L.P. to build and operate telecommunications facilities in City streets (Ordinance; amend Ordinance No. 172141)

The City of Portland ordains:

Section 1. The Council finds:

1. On April 8, 1998, the Council granted a Franchise to Sprint Communications Company L.P. ("Sprint") to build and operate telecommunications facilities within the City's streets. Ordinance No. 172141.
2. City staff are negotiating a renewal agreement with Sprint, including updated franchise language and compensation consistent with similarly situated franchisees. Although franchise negotiations for a renewal agreement are in progress, the parties have not reached agreement on all terms.
3. City staff recommends that the Council extend the existing Sprint Franchise to allow time for the parties to complete negotiations and to formally conclude the Portland City Charter procedure for franchises, which can take up to four months or more from the date of required initial publication.
4. The City Council previously extended the term of Sprint's telecommunications Franchise until February 14, 2017. Ord. No. 186948.
5. The City and Sprint acknowledge that the provisions of a mutually agreeable renewed franchise agreement between Sprint and the City will supersede the provisions of the current extended Franchise, and time is of the essence to conclude negotiations.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 172141 is hereby amended to extend the term of the Franchise, continuously and without interruption, through the earlier to occur of: (i) December 31, 2017 or (ii) the effective date of a renewal agreement agreed to by Sprint and the City and approved by City Ordinance.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.
- c. On or before the thirtieth (30th) day after this ordinance becomes effective, Sprint Communications Company, LP shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Sprint, meeting the approval of the City Attorney. Any failure on the part of Sprint to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance, and this ordinance shall thereupon be null and void. Such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms contained in this ordinance.

Passed by the Council: FEB 22 2017

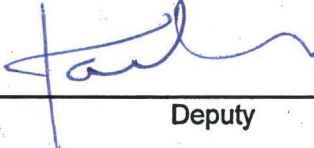
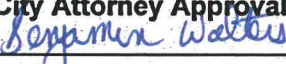
Mary Hull Caballero
Auditor of the City of Portland

By: 
Deputy

Mayor Ted Wheeler
Prepared by: JLi/BEWalters
January 30, 2017

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Agenda No.
ORDINANCE NO. 188241
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>FEB 07 2017</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom	ACTION TAKEN: FEB 15 2017 PASSED TO SECOND READING FEB 22 2017 9:30 A.M.
Prepared by: Melvin Riddick Date Prepared: 1/4/17	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval:	
City Attorney Approval: 	
Council Meeting Date: February 15, 2017	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input checked="" type="checkbox"/>	1. Fritz	✓	
	2. Fish	✓	
	3. Saltzman	✓	
	4. Eudaly	✓	
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	Wheeler	_____	_____