

ORDINANCE No. 188715

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:

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. The City Council previously extended the term of Sprint's telecommunications Franchise until December 31, 2017. Ordinance No. 188241.
3. City staff continue to negotiate a renewal agreement with Sprint, including updated franchise language and compensation consistent with similarly situated franchisees. Although franchise negotiations for a renewal agreement remain in progress, the parties have not reached agreement on all terms.
4. City staff recommends that the Council extend the existing Sprint Franchise to allow time for the parties to complete negotiations, and then to formally initiate and conclude the Portland City Charter procedure for franchises. This formal process can take up to four months or more from the date of required initial publication.
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) June 30, 2018 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:

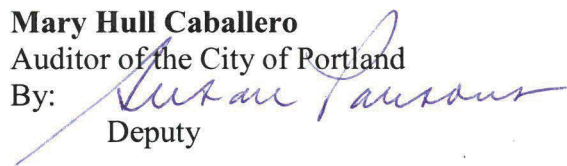
DEC 13 2017

Mayor Ted Wheeler
Prepared by: MRiddick/BEWalters
November 9, 2017

Mary Hull Caballero
Auditor of the City of Portland

By:

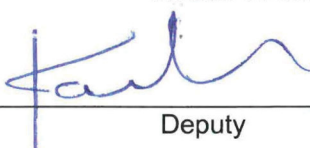

Deputy

A handwritten signature in blue ink, appearing to read "Susan Parsons", is written over the word "Deputy".

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Agenda No.
ORDINANCE NO.
Title

188715

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INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>NOV 28 2017</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration - Wheeler	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom	DEC 06 2017 PASSED TO SECOND READING DEC 13 2017 9:30 A.M.
Prepared by: Melvin Riddick Date Prepared: 11/6/17	
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: December 6, 2017	

AGENDA	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><th style="width: 40%;">FOUR-FIFTHS AGENDA</th><th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th></tr><tr><td></td><td style="width: 20%;">YEAS</td><td style="width: 20%;">NAYS</td></tr><tr><td>1. Fritz</td><td>1. Fritz</td><td style="text-align: center;">✓</td></tr><tr><td>2. Fish</td><td>2. Fish</td><td style="text-align: center;">✓</td></tr><tr><td>3. Saltzman</td><td>3. Saltzman</td><td style="text-align: center;">_____</td></tr><tr><td>4. Eudaly</td><td>4. Eudaly</td><td style="text-align: center;">✓</td></tr><tr><td>Wheeler</td><td>Wheeler</td><td style="text-align: center;">✓</td></tr></table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz	✓	2. Fish	2. Fish	✓	3. Saltzman	3. Saltzman	_____	4. Eudaly	4. Eudaly	✓	Wheeler	Wheeler	✓
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1. Fritz	1. Fritz	✓																				
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3. Saltzman	3. Saltzman	_____																				
4. Eudaly	4. Eudaly	✓																				
Wheeler	Wheeler	✓																				
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)																						
CONSENT <input checked="" type="checkbox"/>																						
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)																						