

## **ORDINANCE No. 188984**

Extend term of a franchise granted to NewPath Networks, LLC to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180376)

The City of Portland ordains:

Section 1. The Council finds:

1. In August 2006, the City Council granted a franchise to NewPath Networks, LLC, to build and operate wireless facilities within the City's streets. Ordinance No. 180376.
2. The Council amended the right-of-way use agreement in 2015 and again in 2017. Ordinance Nos. 186949 and 188268. The 2017 amendment extended the term to August 31, 2018.
3. City staff need time to develop new right-of-way use agreements for mobile telecommunications carriers because small cells were not addressed by previously negotiated agreements. The City recently concluded a small cell pilot program for attachments on non-city-owned poles in the right-of-way. Staff is analyzing data from the pilot program and will draft recommended policy and process changes to wireless siting in the right-of-way to accommodate small cell, and future, technology.
4. Furthermore, City bureaus are developing a wireless master plan for City-owned assets to establish policies for leasing City property to attach wireless infrastructure and related aesthetic standards. The wireless master plan will apply to non-city-owned poles when appropriate.
5. City staff recommends that the Council extend T-Mobile's existing right-of-way use agreement by one year.

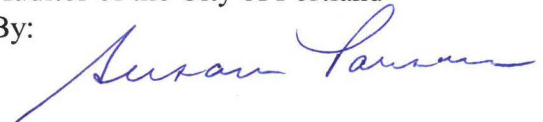
NOW, THEREFORE, the Council directs:

- a. Ordinance No. 180376 is hereby amended to extend the term of the franchise, continuously and without interruption, to June 30, 2019.
- 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, NewPath Networks, LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by NewPath Networks, LLC, subject to approval, as to form, by the City Attorney. Any failure on the part of NewPath Networks, LLC 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, conditions and restrictions contained in this Ordinance.

Passed by the Council: JUN 06 2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By:



Deputy

Mayor Ted Wheeler  
Prepared by: MR/MKH  
April 16, 2018

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 Agenda No.  
**ORDINANCE NO. 188984**  
 Title

Extend term of a franchise granted to NewPath Networks, LLC to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180376)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Wheeler</b>	CLERK USE: DATE FILED <u>MAY 22 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler <i>YC</i> 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: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart CFO, Bureau Head: Jennifer Cooperman Division Head: Thomas W. Lannom  Prepared by: Melvin Riddick Date Prepared: 5/4/18	<b>ACTION TAKEN:</b>  <div style="font-size: 2em; transform: rotate(-15deg); opacity: 0.5; position: absolute; left: 100px; top: 100px;">         TNL for JC          TNL       </div>
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"/>	MAY 30 2018 PASSED TO SECOND READING JUN 06 2018 9:30 A.M.
<b>City Auditor Office Approval:</b>  <b>City Attorney Approval:</b> <i>MKH</i>	
Council Meeting Date <b>May 30, 2018</b>	

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