

ORDINANCE No. 188987

Extend term of right-of-way use agreement granted to New Cingular Wireless PCS, LLC for mobile telecommunications services (Ordinance; amend Ordinance No. 185789)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council granted a right-of-way use agreement to New Cingular Wireless PCS, LLC for three years to build and operate wireless facilities within the City's streets for providing mobile telecommunications services. Ordinance No. 185789.
2. The Council amended the right-of-way use agreement in 2015 and again in 2017. Ordinance Nos. 187131 and 188391. The 2017 amendment extended the term to June 30, 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 New Cingular Wireless PCS, LLC's existing right-of-way use agreement by one year.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 185789 is hereby amended to extend the term of the right-of-way use agreement, continuously and without interruption, to June 30, 2019.

- b. All other conditions and terms of Ordinance No. 185789 shall remain unchanged.
- c. On or before the thirtieth day after this Ordinance becomes effective, New Cingular Wireless PCS, LLC must file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by New Cingular Wireless PCS, LLC, subject to the approval as to form by the City Attorney. Any failure by New Cingular, to file such written acceptance within such time shall be deemed an abandonment and rejection of this Ordinance, and this Ordinance shall then be null and void without further action by Council. 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

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

Mary Hull Caballero
Auditor of the City of Portland
By:



Deputy

Agenda No. 188987
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>MAY 22 2018</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <i>HC</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 ACTION TAKEN: <i>TWL for JC</i> MAY 30 2018 PASSED TO SECOND READING JUN 06 2018 9:30 A.M.
BUREAU APPROVAL 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 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: <i>MKH</i> Council Meeting Date May 30, 2018	

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"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)					
		1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
		2. Fish	2. Fish	<input checked="" type="checkbox"/>	
		3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
		4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
		Wheeler	Wheeler	<input checked="" type="checkbox"/>	