

Ordinance No. 188988

Extend term of right-of-way use agreement granted to T-Mobile West Corporation, Inc. for mobile telecommunications services (Ordinance; amend Ordinance No. 185790).

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council approved a right-of-way use agreement for T-Mobile West Corporation, Inc. (T-Mobile) to build and operate wireless facilities within the City's streets for providing mobile telecommunications services. Ordinance No. 185790.
2. The Council amended the right-of-way use agreement in 2013 and again in 2017. Ordinance Nos. 185956 and 188392. 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 T-Mobile's existing right-of-way use agreement by one year.

NOW THEREFORE, the Council directs:

- a. Ordinance No. 185790 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 terms and conditions of the right-of-way use agreement shall remain the same and unchanged.
- c. On or before the thirtieth (30th) day after this Ordinance becomes effective, T-Mobile shall file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by T-Mobile, subject to approval, as to form, by the City Attorney. Any failure on the part of T-Mobile to file such written acceptance within such time shall be deemed an abandonment and rejection of this Ordinance, and this

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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

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

Mary Hull Caballero
Auditor of the City of Portland

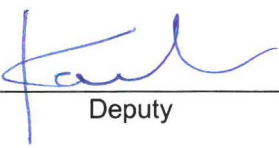
By:



Deputy

Agenda No. **188988**
ORDINANCE NO.
Title

Extend term of right-of-way use agreement granted to T-Mobile West Corporation, Inc. for mobile telecommunications services (Ordinance; amend Ordinance No. 185790)

INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>MAY 22 2018</u>
COMMISSIONER APPROVAL	<p align="center">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p> <p>ACTION TAKEN:</p> <p><i>TWL for JC</i></p> <p>MAY 30 2018 PASSED TO SECOND READING JUN 06 2018 9:30 A.M.</p>
Mayor—Finance & Administration - Wheeler <i>✓</i>	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
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:	
<i>✓</i> 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"/>	1. Fritz	1. Fritz <i>✓</i>	
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	2. Fish	2. Fish <i>✓</i>	
	3. Saltzman	3. Saltzman <i>_____</i>	
	4. Eudaly	4. Eudaly <i>✓</i>	
	Wheeler	Wheeler <i>✓</i>	