

ORDINANCE No. 189081

Extend term of franchise granted to Northwest Metal Fab & Pipe, Inc. to construct, operate and maintain a conduit system within City streets (Ordinance; amend Ordinance No. 180044)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2006, the City Council approved an ordinance granting a ten-year franchise to Northwest Metal Fab & Pipe, Inc. (Northwest Metal) to construct, operate and maintain a conduit system within City streets. Ordinance No. 180044. The franchise became effective on June 3, 2006.
2. In 2016, City Council granted a two-year extension. Ordinance No. 187815. Northwest Metal requested the extension to give it time to find a qualified third party to purchase its conduit system. At the time, staff recommended that no additional extensions be granted at the end of the initial two-year extension.
3. Northwest Metal reports it is in negotiations with potential buyers and requests a second extension. In the meantime, Northwest Metal agrees to work with the City on a renewed franchise if it cannot successfully negotiate a sale by the end of this second extension.
4. Staff recommends that Council extend the franchise for nine months to allow time for Northwest Metal to sell its existing conduit facilities to a qualified third party, acceptable to the City, and to continue negotiating a renewed franchise. At the end of this second extension, Northwest Metal agrees it will have successfully negotiated a sale or staff will have a renewed franchise with Northwest Metal to present to Council.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 180044 is amended to extend the term of the franchise, continuously and without interruption, through March 3, 2019.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.
- c. On or before the thirtieth (30th) calendar day after this ordinance becomes effective, Northwest Metal shall file with the City Auditor a written acceptance of this ordinance that meets the approval of the City Attorney and is executed by a duly authorized representative of Northwest Metal. Any failure on the part of Northwest Metal to file such written acceptance within such time shall be deemed an

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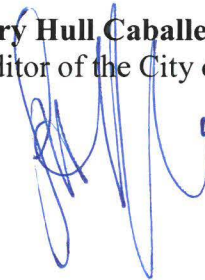
abandonment and rejection of this ordinance. Such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms contained in this ordinance and Ordinance No. 180044.

Passed by the Council: JUL 25 2018

Mayor Ted Wheeler
Prepared by: MR/MKH
June 18, 2018

Mary Hull Caballero
Auditor of the City of Portland

By:



Deputy

Agenda No.
ORDINANCE NO. 189081
Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u>JUL 10 2018</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>✓</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart CFO, Bureau Head: Jennifer Cooperman Division Head: Thomas W. Lannom</p> <p>Prepared by: Melvin Riddick Date Prepared: 6/18/18</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: <i>MK</i></p> <p>City Attorney Approval: <i>✓</i></p>	<p>ACTION TAKEN:</p> <p><i>JUL 18 2018</i> PASSED TO SECOND READING JUL 25 2018 9:30 A.M.</p>
<p>Council Meeting Date July 11, 2018</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<i>✓</i>	
2. Fish	2. Fish	<i>_____</i>	
3. Saltzman	3. Saltzman	<i>✓</i>	
4. Eudaly	4. Eudaly	<i>✓</i>	
Wheeler	Wheeler	<i>✓</i>	