

ORDINANCE No. 185475

*Extend a temporary, revocable permit to Clear Wireless LLC, to use the City Streets to provide wireless broadband Internet access services and establish terms and conditions. (Ordinance; amend Ordinance 181246)

The City of Portland ordains:

Section 1. The Council finds:

1. In July, 2002, the Council approved a template for right-of-way agreements for wireless companies seeking to place antennae on existing or taller replacement utility poles in the streets. Resolution No. 36089. The resolution implemented a policy of co-location, requiring wireless companies to place antennae on existing buildings or structures before building cell towers in neighborhoods. The terms and conditions of the right-of-way agreement were established after a public involvement process, and were designed to balance the need for wireless service with the need to retain the character of neighborhoods.
2. In 2004, the Council granted a temporary, revocable permit to Clear Wireless LLC to build and operate wireless facilities within the City's streets. Ordinance No. 181246
3. On October 26, 2011, the City Council adopted non-emergency Ordinance No. 184957, amending Title 17 of the Portland City Code. Among other matters, the ordinance updated, clarified and reorganized various code sections. The Bureau of Transportation will need to adopt administrative regulations implementing various aspects of the revised code provisions. This process will affect some of the standard franchise language. As the bureau works to complete this process, the Office for Community Technology is recommending that the City Council extend existing franchises.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 181246 is hereby amended to extend the term of the temporary, revocable permit, continuously and without interruption, from June 30, 2012 to January 31, 2013.
- 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, Clear Wireless LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by Clear Wireless LLC, subject to the approval of as to form by the City Attorney. Any failure on the part of Clear Wireless 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.

Section 2. The Council declares an emergency exists because a lapse in Clear Wireless LLC's authority to use the public right-of-way may potentially harm the public welfare by disrupting some services provided to the public by the permittee; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUN 27 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

Commissioner Dan Saltzman
Prepared by: MRiddick/BEWalters
June 18, 2012

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Agenda No. **ORDINANCE NO. 185475**
Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman	CLERK USE: DATE FILED <u>JUN 22 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - <i>Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>Susan Parsons</i></u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: OCT Bureau Head: <i>David C. Olson</i> Prepared by: Melvin Riddick Date Prepared: June 14, 2012 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date June 27, 2012 City Attorney Approval <i>Benjamin Walters</i>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	