

## ORDINANCE No. 185770

Extend term of franchise granted to Sprint Communications Company, LP to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 172141)

The City of Portland ordains:

### Section 1. The Council finds:

1. On April 8, 1998, the Council granted a franchise to Sprint Communications Company, LP to build and operate telecommunications facilities within the City's streets. Ordinance No. 172141.
2. The City Council previously extended the term of Sprint's telecommunications franchise until December 31, 2012. Ordinance No. 185055.
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 City is implementing various aspects of the revised code provisions, and City staff has begun negotiating a renewal agreement, including revised standardized franchise language to address the code amendments. Although franchise negotiations for a renewal agreement are in progress, parties have not agreed on all terms. City staff recommends that the City Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the formal Portland City Charter procedure for proposed franchises, which can take up to four months or more from the date of the required initial publication.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 172141 is hereby amended to extend the term of the franchise, continuously and without interruption, through February 14, 2015.
- 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, Sprint Communications Company, LP shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Sprint Communications Company, LP, meeting the approval of the City Attorney. Any failure on the part of Sprint Communications Company, LP to file such written acceptance within such time shall be deemed an 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.

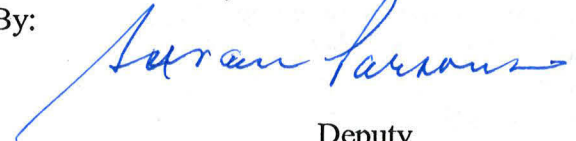
Passed by the Council:

DEC 05 2012

Mayor Sam Adams  
Prepared by: MRiddick/BEWalters  
November 8, 2012

LaVonne Griffin-Valade  
Auditor of the City of Portland

By:



Deputy

~~1329~~ = 1381 =

✓140

807281

Agenda No.  
**ORDINANCE NO. 185770**  
Title

Extend term of franchise granted to Sprint Communications Company, LP to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 172141)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b></p>	<p>CLERK USE: DATE FILED <u>NOV 20 2012</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>CAO: Jack D. Graham <i>[Signature]</i> Bureau: Revenue Bureau Head: Thomas W. Lannom</p>	<p><b>ACTION TAKEN:</b></p> <p style="text-align: center;">NOV 28 2012 PASSED TO SECOND READING DEC 05 2012 9:30 A.M.</p>
<p>Prepared by: MRiddick/JLi Date Prepared: November 7, 2012</p>	
<p><b>Financial Impact Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p>	
<p><b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date November 28, 2012</p>	
<p><b>City Attorney Approval</b> <i>[Signature]</i></p>	

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

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	✓	