

ORDINANCE No. 187129

Extend term of a right-of-way use agreement granted to Sprint Spectrum, LP for mobile telecommunications services (Ordinance; amend Ordinance No. 185717)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council approved a right-of-way use agreement for Sprint Spectrum, L.P. for three years to provide mobile telecommunications services. Ordinance No. 185717. The ordinance will expire on June 30, 2015.
2. In 2014, City staff began a programmatic review of the City's program for siting wireless facilities in the right-of-way. City staff anticipates that this review will result in program changes, which will impact future right-of-way use agreements with wireless carriers. City staff expects the review to be completed by the end of 2015, at which time the parties will renegotiate the wireless right-of-way agreement for a new term. City staff recommends the Council extend the existing right-of-way use agreement for two years to allow sufficient time to complete the programmatic review and for the parties to negotiate a new right-of-way use agreement and formally complete the Portland City Charter procedure for proposed franchises and similar agreements, which can take up to four months or more from the date of the required initial publication. Furthermore, staff recommends that the ordinance be amended to provide more certainty to the parties on the remittance annual inflation of Sprint Spectrum, LP's annual payments to provide for more efficient and effective administration of the ordinance for both parties.

NOW, THEREFORE, the Council directs:

- a. Section 3.A.2(b) of Ordinance No. 185717 shall be replaced with the following language:

(b) The Right-of-Way Use Fee shall increase annually by 3.0% over the rent paid during the prior year. This increase is applicable beginning January 1, 2015 and every year thereafter for the term of this Agreement.
- b. Section 1.B of Ordinance No. 185717 is amended to extend the term of the wireless right-of-way agreement, continuously and without interruption, from June 30, 2015 to June 30, 2017.
- c. All other conditions and terms of Ordinance No. 185717 shall remain unchanged.
- d. On or before the thirtieth day after this ordinance becomes effective, Sprint Spectrum, LP must file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by Sprint Spectrum, LP, subject to the approval of as to form by the City Attorney. Any failure by Sprint Spectrum, LP, 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 any 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: MAY 20 2015

Mayor Charlie Hales  
Prepared by:  
HDobson/BEWalters  
April 27, 2015

**Mary Hull Caballero**  
Auditor of the City of Portland

By

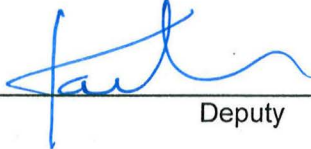


Deputy

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Agenda No.  
**ORDINANCE NO. 187129**  
Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Hales</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: OMF/BRFS, Revenue CAO: Fred Miller CFO, Bureau Head: Kenneth L. Rust</p> <p>Prepared by: Hillary Dobson Date Prepared: 4/27/2015</p> <p><b>Impact Statement</b> Completed <input checked="" type="checkbox"/>      Amends Budget <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><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date <b>May 13, 2015</b></p>	<p>CLERK USE: DATE FILED <u>MAY 08 2015</u></p> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p> <p style="text-align: center;">MAY 13 2015 PASSED TO SECOND READING MAY 20 2015 9:30 A.M.</p>
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AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:																		
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input checked="" type="checkbox"/></p> <p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><th></th><th style="width: 25%; text-align: center;">YEAS</th><th style="width: 25%; text-align: center;">NAYS</th></tr><tr><td>1. Fritz</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>2. Fish</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>3. Saltzman</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>4. Novick</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>Hales</td><td style="text-align: center;">✓</td><td></td></tr></table>		YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Saltzman	✓		4. Novick	✓		Hales	✓		
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