

ORDINANCE No. 187815

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. On April 5, 2006 the Portland City Council approved an ordinance granting a ten-year franchise to Northwest Metal Fab & Pipe, Inc. to construct, operate and maintain a conduit system within City streets. Ordinance No. 180044. The franchise became effective on June 3, 2006.
2. City staff has developed a proposed renewal franchise with Northwest Metal Fab & Pipe, Inc. including revised standardized franchise language. Although franchise negotiations for a renewal agreement are in progress, Northwest Metal Fab & Pipe, Inc. has stated its intention to attempt to sell the conduit system to a qualified third party, acceptable to the City, and has requested a two year extension of the existing franchise to allow for conclusion of this process.
3. City staff recommends that the Council extend the existing franchise to allow additional time for Northwest Metal Fab & Pipe to complete an anticipated sale of existing conduit facilities to a qualified third party, acceptable to the City, and to finalize the terms of a renewed franchise agreement. City staff recommends that no additional extensions be granted, and that Northwest Metal Fab & Pipe be required to enter into a renewed franchise agreement with the City after expiration of the two year extension, regardless of whether a willing and qualified buyer is confirmed.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 180044 is amended to extend the term of the franchise, continuously and without interruption, through June 3, 2018.
- b. The Minimum Annual Franchise Fee under Section 2.B.12 of the franchise shall continue at \$20,000 per year during the period of the extension.
- c. All other terms and conditions of the franchise shall remain the same and unchanged.


- d. On or before the thirtieth (30th) day after this ordinance becomes effective, Northwest Metal Fab & Pipe, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance meeting the approval of the City Attorney, executed by a duly authorized representative of Northwest Metal Fab & Pipe, Inc.. Any failure on the part of Northwest Metal Fab & Pipe, Inc. 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 and Ordinance No. 180044.

Passed by the Council: JUN 15 2016

Mayor Charlie Hales
Prepared by: JLi/BEWalters
April 29, 2016

Mary Hull Caballero
Auditor of the City of Portland

By:


Deputy

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Agenda No.
ORDINANCE NO.

187815

Title

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INTRODUCED BY Commissioner/Auditor: Mayor Hales	CLERK USE: DATE FILED <u>MAY 31 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales	Mary Hull Caballero Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <u>Susan Pearson</u> Deputy
Position 2/Works - Fish	ACTION TAKEN: JUN 08 2016 PASSED TO SECOND READING JUN 15 2016 9:30 A.M.
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL Bureau: OMF/BRFS, Revenue CAO: Fred Miller CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannon	
Prepared by: Jennifer Li Date Prepared: May 12, 2016	
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: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date June 8, 2016	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	