

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.

AN ORDINANCE

RATIFYING THE FIRST AMENDMENT AND EXTENSION OF THE INTERLOCAL AGREEMENT WITH CPS ENERGY FOR FLEET SERVICES AND FUEL, TO EXTEND THE TERM OF THE AGREEMENT FROM OCTOBER 1, 2015 THROUGH DECEMBER 31, 2015, WITH UP TO TWO ONE-MONTH EXTENSIONS AT THE CITY'S OPTION; AND APPROVING A NEW INTERLOCAL AGREEMENT WITH CPS ENERGY FOR USE OF USE OF CNG FACILITIES FOR AN INITIAL TERM COMMENCING UPON EXECUTION BY BOTH PARTIES AND ENDING ON SEPTEMBER 30, 2016, WITH TWO ONE-YEAR RENEWAL TERMS AT THE CITY'S OPTION.

* * * *

WHEREAS, on April 1, 2010, the City of San Antonio ("City") entered into that certain *Interlocal Agreement For Fleet Services And Fuel* ("Agreement") with CPS Energy ("CPS"), under which CPS acquired access to use of City's Compressed Natural Gas (CNG) fuel dispensing facility located at City's Northeast Service Center –Toolyard site ("CNG Facility"); and

WHEREAS, the final one (1) year renewal term of the Agreement expired on September 30, 2015; and

WHEREAS, CPS desires to continue to have access to the CNG Facility; and

WHEREAS, City Staff has recommended that the Agreement be amended to extend its term through December 31, 2015, with up to two (2) additional one-month extensions at City's option; and

WHEREAS, City Staff has also recommended that the City enter into a new Interlocal Agreement For Use of CNG Facilities ("New Agreement") with CPS that will provide CPS access to use of the CNG Facility for a term commencing upon execution by both parties and ending on September 30, 2016, with two (2) one year renewal terms at the City's option; and

WHEREAS, upon consideration and deliberation of the matter, the City Council has determined that it is in the best interests of the City to (1) extend the Agreement and (2) approve the New Agreement; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The *First Amendment And Extension Of Interlocal Agreement For Fleet Services And Fuel* (“Amendment and Extension”) between the City and CPS is hereby approved in all things. A copy of the Amendment and Extension is attached hereto as **Attachment I**. The City Manager or her Designee, or the Director of Building and Equipment Services or his designee, are each hereby authorized to execute the Amendment and Extension on behalf of the City.

SECTION 2. All actions heretofore taken on behalf of the City under the Agreement and the Amendment and Extension through the date of this Ordinance are hereby ratified in all things.

SECTION 3. The New Interlocal Agreement between the City and CPS is hereby approved in all things. A copy of the New Interlocal Agreement is attached hereto as **Attachment II**. The City Manager or her Designee, or the Director of Building and Equipment Services or his designee, are each hereby authorized to execute the New Interlocal Agreement on behalf of the City.

SECTION 4. Funds generated by this ordinance will be deposited into Fund 77001000, Internal Order 235000000006 and General Ledger 4303112.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately if passed by eight (8) affirmative votes; otherwise this Ordinance shall take effect ten (10) days from the date of passage hereof.

PASSED and APPROVED this ____ day of _____, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

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