

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

AN ORDINANCE

**AUTHORIZING, ON BEHALF OF CPS ENERGY AND OTHER
PRIVATE DEVELOPMENT ENTITIES, THE NEGOTIATION AND
EXECUTION OF ADVANCED FUNDING AGREEMENTS WITH TEXAS
DEPARTMENT OF TRANSPORTATION, AUTHORIZING CPS
ENERGY, ITS CONTRACTORS OR OTHER PRIVATE ENTITIES TO
ENTER, DESIGN, CONSTRUCT AND MAINTAIN STREET LIGHTING
IMPROVEMENTS IN THE TXDOT RIGHT OF WAY.**

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WHEREAS, based on the Texas Department of Transportation (TxDOT) policy, authorization for improvements on State rights-of-way only can be granted to the appropriate governmental entities; and

WHEREAS, the City of San Antonio is responsible for providing lighting along public streets, while CPS Energy is the City's agent and developers or other private entities must seek approval from the City; and

WHEREAS, CPS Energy or other developers must submit requests to install street light fixtures within the city limits to City of San Antonio Development Services Department or to the Transportation and Capital Improvements Department; and

WHEREAS, the Development Services Department or to the Transportation and Capital Improvements Department sends an authorization letter to install street light fixtures to CPS Energy or other developers, the City would then enter into an Advanced Funding Agreement with TxDOT for those improvements located along TxDOT right-of-way; and

WHEREAS, these improvements are funded by CPS Energy or the developers; however, once installed, the City may be responsible for paying the monthly rates for the street lights; and

WHEREAS, this Ordinance authorizes on behalf of CPS Energy and other private development entities, the negotiation and execution of an Advance Funding Agreement with **Texas Department of Transportation** and authorizes CPS Energy, its contractors or other private entities to enter, design, construct and maintain street lighting improvements in the TxDOT right of way; **NOW THEREFORE**,

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

SECTION 1. The City Manager or her designee is hereby authorized on behalf of CPS Energy and other private development entities, to execute an Advance Funding Agreement with **Texas Department of Transportation** and authorizing CPS Energy, its contractors or other

private entities to enter, design, construct and maintain street lighting improvements in TxDOT's right of way.

SECTION 2. There is no fiscal impact associated with this Ordinance.

SECTION 3. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this ____ day of _____, 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney