

**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, THE NEGOTIATION
AND EXECUTION OF AN ADVANCED FUNDING AGREEMENT WITH
TEXAS DEPARTMENT OF TRANSPORTATION, AUTHORIZING CPS
ENERGY TO ENTER, DESIGN, CONSTRUCT AND MAINTAIN STREET
LIGHTING IMPROVEMENTS IN THE RIGHT OF WAY LOCATED ON
LOOP 368 (BROADWAY STREET) AT HUMPHREY AVENUE, A
ROADWAY ON THE STATE HIGHWAY SYSTEM, NECESSARY FOR
COMPLETION OF THE SAN ANTONIO CHILDREN'S MUSEUM
PROJECT, A 2012 – 2017 BOND PROJECT**

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WHEREAS, in May 12, 2012, the San Antonio voters approved the 2012 - 2017 Bond Program which consists of five propositions totaling \$596 million; and

WHEREAS, these Bond Program funds will be used on various capital improvement projects, to address community infrastructure needs and improve the overall quality of life in San Antonio; and

WHEREAS, part of this program, \$3,000,000.00 in Library, Museum and Cultural Arts Improvements General Obligation Bond funds were approved for San Antonio Children's Museum's relocation and expansion, to increase its accessibility to San Antonio families and provide additional educational programming to young children; and

WHEREAS, City Council approved a funding agreement in the amount of \$1,800,000.00 with San Antonio Children's Museum, the acquisition in the amount of \$1.2 million and lease of privately-owned real properties located at East Mulberry Avenue and Humphrey Avenue, and the closure of approximately 0.261 acres of Humphrey Avenue public right-of-way located between Margaret Street and Pine Street) through Ordinances 2013-01-17-0022, 2013-01-17-0023, 2013-01-17-0024 and 2013-01-17-0025; and

WHEREAS, the Texas Transportation Code requires municipalities to enter into an agreement when improvements are made on roadways on the state highway system and this Advance Funding Agreement is consistent with such requirements and, in this instance, will allow CPS Energy to enter and complete the necessary improvements; and

WHEREAS, this Ordinance will authorize on behalf of CPS Energy, the negotiation and execution of an Advance Funding Agreement with **Texas Department of Transportation** and will authorize CPS Energy to enter, design, construct and maintain street lighting improvements in the right of way located on Loop 368 (Broadway Street) at Humphrey Avenue, a roadway on the state highway system, which is necessary in order to complete the San Antonio Children's Museum Project; and

WHEREAS, approval of this Ordinance will be in continuation of City Council policy to complete previously approved 2012 - 2017 General Obligation Bond-funded projects; **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 to execute an Advance Funding Agreement with Texas Department of Transportation and authorizing CPS Energy to enter, design, construct and maintain street lighting improvements in the right of way located on Loop 368 (Broadway Street) at Humphrey Avenue, a roadway on the state highway system in connection with the San Antonio Children’s Museum Project.

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
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney