

ORDINANCE 2020-04-23-0288

**AUTHORIZING THE EXECUTION OF AN AMENDMENT AND ONE (1) YEAR EXTENSION OF THE INTERLOCAL AGREEMENT FOR FIRE PROTECTION, HAZMAT, AND EMERGENCY RESPONSE SERVICES WITH CPS ENERGY FOR THE FACILITIES AT THE CALAVERAS POWER STATION, EFFECTIVE MAY 1, 2020 THROUGH APRIL 30, 2021.**

\* \* \* \* \*

**WHEREAS**, pursuant to Ordinance No. 2009-05-14-0389, passed and approved May 14, 2009, the San Antonio Fire Department ("SAFD") by and through the City of San Antonio and City Public Service Board ("CPS Energy") entered into that certain Emergency Response Interlocal Cooperation Agreement ("Agreement") under which the City agreed to provide emergency response to events occurring at Calaveras Lake and the Calaveras Power Station; and

**WHEREAS**, the initial term of the Agreement commenced on May 15, 2009 and terminates on April 30, 2020; and

**WHEREAS**, the City and CPS Energy desire to amend SECTION 1. SERVICES, Article 1.01 of the Agreement to provide that the Agreement be extended for a one (1) year term beginning May 1, 2020 and end April 30, 2021; and

**WHEREAS**, fees will continue to be charged to CPS for the services provided by SAFD; and

**WHEREAS**, City Staff has recommended to the City Council that the Agreement be amended and extended in the manner described above; and

**WHEREAS**, the City Council, upon consideration of and deliberations on such recommendation, desires to accept City Staff's recommendation; **NOW THEREFORE:**

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

**SECTION 1.** The City Council approves the terms and conditions of the First Amendment and Extension of Emergency Response Interlocal Cooperation Agreement among the San Antonio Fire Department and CPS Energy.

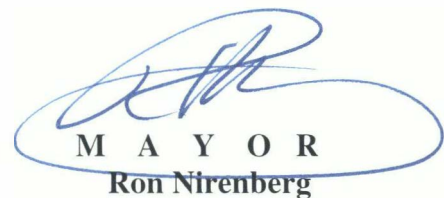
**SECTION 2.** The City Manager or designee is hereby authorized to execute an amendment and extension to the Emergency Response Interlocal Cooperation Agreement for the provision of fire protection, firefighting, HAZMAT, and emergency response services by the San Antonio Fire Department. A copy of the First Amendment and Extension is attached hereto and incorporated herein for all purposes as **Exhibit I**.

**SECTION 3.** Funds generated by this ordinance will be deposited in Fund 11001000, Internal Order 220000000011, and General Ledger Account 4404141.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.


**SECTION 5.** This Ordinance shall be effective immediately upon its passage by eight (8) affirmative votes or the 10<sup>th</sup> day after its passage by less than eight (8) affirmative votes.

**PASSED AND APPROVED this 23<sup>rd</sup> day of April, 2020.**



**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**



Tina Flores, Acting City Clerk

**APPROVED AS TO FORM:**



Andrew Segovia, City Attorney



## City of San Antonio

### City Council

April 23, 2020

**Item: 16**

**Enactment Number:**

**File Number: 20-2753**

**2020-04-23-0288**

Ordinance approving an extension for one year of the current Interlocal Agreement with CPS Energy for emergency response services at Calaveras Lake and the Calaveras Power Station. [Maria Villagomez, Deputy City Manager; Charles N. Hood, Fire Chief]

Councilmember John Courage made a motion to approve. Councilmember Roberto C. Treviño seconded the motion. The motion passed by the following vote:

**Aye:** 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,  
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

## EXHIBIT I

**FIRST AMENDMENT AND EXTENSION OF  
EMERGENCY RESPONSE INTERLOCAL COOPERATION AGREEMENT**

STATE OF TEXAS                   §  
   §  
COUNTY OF BEXAR           §

This *First Amendment and Extension Of Emergency Response Interlocal Cooperation Agreement* (hereinafter referred to as "Extension") is made and entered into by and between the **CITY OF SAN ANTONIO** (hereinafter referred to as "City"), a Texas Municipal Corporation acting by and through its City Manager or City Manager's designee and **City Public Service Board** (herein after referred to as "CPS Energy"), acting by and through its authorized representative, both of which may be referred to herein collectively as the "Parties".

**WHEREAS**, the Parties previously entered into an Emergency Response Interlocal Cooperation Agreement (hereinafter referred to as "Agreement"), approved by San Antonio City Council in Ordinance 2009-05-14-0389, under which City agreed to provide emergency response to events occurring at Calaveras Lake and the Calaveras Power Station; and

**WHEREAS**, pursuant to Section 1 Services, Article 1.01 of the Agreement, City began providing Services on May 15, 2009 until April 30, 2020; and

**WHEREAS**, the Parties now wish to extend the Agreement for a period from May 1, 2020 through April 30, 2021;

**NOW, THEREFORE**, for and in consideration of the mutual premises contained herein and other good and valuable consideration, the Parties severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described.

**I. AMENDMENT AND EXTENSION OF AGREEMENT**

**1.1 SECTION I. SERVICES, Article 1.01 Services Provided** of the Agreement is hereby amended to read as follows:

**"1.01 Services Provided.** The City agrees to provide emergency response to events occurring at Calaveras Lake and the Calaveras Power Station that require fire

protection, firefighting, HAZMAT and EMS services ("Services") in the same manner and to the same extent as if the Calaveras Power Station were located within the city limits of San Antonio, except as limited by the provisions of this Agreement. City shall provide these Services beginning on May 15, 2009 and ending on April 30, 2021, unless one of the parties terminates this Contract earlier than that date pursuant to the provisions of this Agreement."

## **II. REMAINDER OF AGREEMENT UNCHANGED AND IN FULL FORCE AND EFFECT**

- 2.1 Except as amended by Section I of this Extension, all other the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

## **III. EFFECTIVE DATE**

- 3.1 This Effective Date shall mean the latest date on which this Extension is signed by both Parties following approval of the Extension by an ordinance of the San Antonio City Council.

***\*\* Remainder of Page Intentionally Left Blank \*\****  
*Signatures on the Following Page*

**EXECUTED and AGREED TO** by the Parties this the 30<sup>th</sup> day of April, 2020, to be effective as of the date set forth above.

**CITY OF SAN ANTONIO**

By: \_\_\_\_\_  
City Manager or Assistant City Manager  
City of San Antonio

Date \_\_\_\_\_

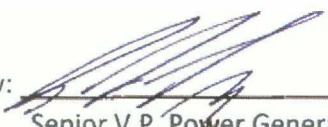
**Attest:**

\_\_\_\_\_  
City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Assistant City Attorney

**CITY PUBLIC SERVICE BOARD**

By: \_\_\_\_\_  
Senior V.P. Power Generation

Date 4/14/2020