

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

AN ORDINANCE

**APPROVING AN AGREEMENT WITH CPS ENERGY FOR
PERMANENT ACCESS TO HIGH-SPEED COMMUNICATIONS
BROADBAND LINES.**

* * * * *

WHEREAS, in 2007, the City Council passed Ordinance No. 2007-06-21-0714 approving a Memorandum of Understanding (“MOU”) under which the City and CPS Energy agreed to cooperate in the development of a joint high-speed communications wide area network using excess high-speed communications broadband lines (also referred to as “dark fiber”) throughout the electric distribution system; and

WHEREAS, access to these broadband lines gave the City for the first time the ability to develop a citywide broadband network (hereinafter referred to as “COSANet”) by connecting City facilities and communications equipment to CPS Energy broadband lines at substations; and

WHEREAS, the MOU established a governance structure for planning the connection of City facilities to the CPS Energy broadband lines (hereinafter referred to as the “Network Operations Committee”); and

WHEREAS, in 2012 City officials called for expanding the benefits of COSANet to other governmental and educational institutions in the community, but there was an impediment to achieving this goal given that under the MOU CPS Energy reserved the right to rescind access to the broadband lines if they were needed for utility operations; and

WHEREAS, the City and CPS Energy have reached agreement on that addresses this impediment by granting the City permanent and irrevocable use of excess CPS Energy broadband lines in exchange for access to City-owned towers for the installation of antenna equipment and access to share City-owned broadband lines where they exist; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of the Infeasible Right of Use Agreement between the City of San Antonio and CPS Energy (the “IRU Agreement”) are hereby approved. A copy of the IRU Agreement in its final form and executed by CPS Energy is attached hereto and made a part of this Ordinance as **Exhibit “A.”**

SECTION 2. Except as superseded by the IRU Agreement, the provisions of the MOU as approved by Ordinance No. 2007-06-21-0714 remain in effect. The City Council finds that the terms and conditions of the IRU Agreement will enable City staff to engage in meaningful

GG
10/30/14
Item No. _____

discussions with other governmental entities in the community interested in connecting and financially contributing to being a part of COSANet.

SECTION 3. The City Manager or her designee is hereby authorized to execute the IRU Agreement and any and all other documents necessary to fulfill the purpose and intent of this Ordinance.

SECTION 4. This Ordinance shall become effective immediately upon the passage by eight (8) affirmative votes of the City Council, otherwise will become effective following the tenth (10th) day after passage thereof.

PASSED AND APPROVED, this 30th day of October 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek
City Clerk

Robbie F. Greenblum,
City Attorney