

AN ORDINANCE 2014 - 05 - 15 - 0329

**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.**

\* \* \* \* \*

**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.

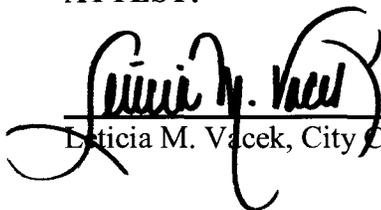
**SECTION 2.** There is no fiscal impact associated with this Ordinance.

**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 15th day of May, 2014.

  
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Robert F. Greenblum, City Attorney

<b>Agenda Item:</b>	9 ( in consent vote: 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 28A, 28B, 29, 29A, 29B )
<b>Date:</b>	05/15/2014
<b>Time:</b>	09:40:29 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	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. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				