

ORDINANCE NO. 939

AN ORDINANCE AMENDING THE TOWN OF HOLLYWOOD PARK
FRANCHISE AGREEMENT WITH CITY PUBLIC SERVICE ENERGY
TO INCREASE THE FRANCHISE FEE FROM 4% TO 4.5%

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that the franchise agreement with City Public Service Energy approved in Ordinance No. 878 is amended in the following particulars:

SECTION 1. Description. This agreement hereby grants the City of San Antonio, acting by and through the City Public Service Board, (CPS Energy), a twenty (20) year franchise commencing on FEB 1ST, 2014 for transmission, distribution and sale of electricity and gas within CPS Energy's certificated service area and within the Town of Hollywood Park, Texas (Franchise Agreement). CPS Energy may construct, operate and maintain in, upon, over, under, and across the present and future streets, alleys, public ways and places within the Town of Hollywood Park, Texas (City) all the facilities CPS Energy deems reasonably necessary for the rendition of safe, reliable and economical electric and gas service (CPS Energy Facilities).

SECTION 2. Payment for Street Rental. CPS Energy shall make a payment for street rental to the City in the amount of four and one-half percent (4.5%) of CPS Energy's gross receipts from the sale of electricity and gas within the City. "Gross receipts" excludes uncollectibles. The payment for street rental shall be treated by CPS Energy as a system-wide cost of service, and shall not be identified separately on the customer bill.

2.1 The payment for street rental will reflect CPS Energy's gross receipts for such sales, on a quarterly basis and will be due to the City within thirty (30) days after the close of each quarter in CPS Energy's fiscal year.

2.2 If at any time within the term of this franchise the City passes an ordinance increasing the franchise fee from 4.5% to 5.5%, CPS Energy agrees to execute documents necessary to accept this increased fee. Payment of the additional 1% shall be treated by CPS Energy as a City-specific fee and will be identified separately as a surcharge on bills of customers residing within the City limits. Payment to the City of this additional street rental fee will be made consistent with the procedure described in Section 2.1, beginning no sooner than the following quarter, as soon as the implemented surcharge is reflected on customer bills.

SECTION 3. Limitation on Assessments. No revision is made to this Section.

SECTION 4. Audits. No revision is made to this Section.

SECTION 5. Construction. Operation and Maintenance of Facilities. No revision is made to this Section.

5.1 No revision is made to this Subsection.

5.2 No revision is made to this Subsection.

SECTION 6. Civic Improvements. No revision is made to this Section.

SECTION 7. Use of Pole Space. No revision is made to this Section.

SECTION 8. Rate Schedules. No revision is made to this Section.

SECTION 9. Furnishing of Information. No revision is made to this Section.

SECTION 10. Uniform Franchise Benefits. No revision is made to this Section.

SECTION 11. Limited indemnity. No revision is made to this Section.

SECTION 12. Effective Date. This Franchise Agreement shall become effective upon its adoption by the City in the form authorized by the board of CPS Energy. It shall supersede and take precedence over inconsistent ordinances, resolutions, or regulations hereafter or heretofore passed by the City. The payments provided for in SECTION 2 shall be effective for CPS Energy's gross receipts from electric and gas sales within the City commencing the first day of the month of the beginning of the following business quarter upon adoption by the City and receipt of documentation by CPS Energy.

SECTION 13. Headings. No revision is made to this Section.

SECTION 14. Continuation of Agreement. No revision is made to this Section.

SECTION 15. Assignment. No revision is made to this Section.

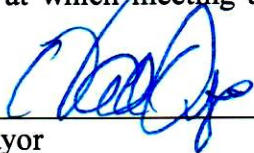
Exhibit A: Confidentiality Agreement for an Inter-governmental Transfer of Information. No revision is made to this Exhibit.

PASSED AND APPROVED, on the 18th day of March, 2014 at a regular meeting of the City Council of the Town of Hollywood Park, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

ATTEST:



City Secretary



Mayor

APPROVED:



City Attorney

