

**CITY OF LAGO VISTA, TEXAS**

**ORDINANCE NO. 15-07-16-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA GRANTING AN EXTENSION TO THE FRANCHISE AGREEMENT ADOPTED BY ORDINANCE 84-09-24-01 TO PEDERNALES ELECTRIC COOPERATIVE, INC. ("PEC"), FOR PROVISION OF THE ELECTRIC LIGHT, HEAT AND POWER LINES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETING.**

**WHEREAS**, the City Council of the City of Lago Vista and Pedernales Electric Cooperative, Inc. ("PEC") adopted a franchise agreement by Ordinance 84-09-24-01 on April 17, 1985 which expired on September 30, 2014; and

**WHEREAS**, the franchise agreement allowed PEC the right, privilege and franchise to use the City's streets, alleys and public places to construct, maintain and operate electric light and power lines with all necessary or desirable appurtenances; and

**WHEREAS**, PEC is in the process of undertaking a review of all of its franchise agreements with cities and conducting a cost of service study, the outcome of which may affect the way in which franchise fees are integrated into rates; and

**WHEREAS**, PEC has requested that the franchise adopted by Ordinance 84-09-24-01 which expired on September 30, 2014 be reinstated and allowed to be extended until December 31, 2015

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:**

**Section 1. Findings.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**Section 2. Renewal.** That the previously granted franchise pursuant to Ordinance No. 84-09-24-01 be reinstated and extended to Pedernales Electric Cooperative, Inc., its successors and assigns (hereinafter referred to as PEC), under which PEC shall have the right, privilege and franchise until December 31, 2015, to construct, maintain and operate in the present and future easements for public use granted to the City over and under the streets, alleys, and public places of the City of Lago Vista (hereinafter referred to as the "City"), Texas and its successors, electric light and power lines, with all necessary or desirable appurtenances (including underground conduits, poles, wires, transmission lines and other structures and telephone wires), for the purpose of supplying electricity to the said City, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

**Section 3. Benefit.** This franchise is intended for the sole benefit of the City and PEC and shall not be construed to create any right, benefit, or cause of action in any third party.

**Section 4. Continuance of Terms.** From and after the effective date of this Ordinance, PEC will continue to pay pursuant to the franchise agreement franchise fees to the City for use of City streets, alleys, and public ways to deliver electricity to retail customers and all other terms of such agreement shall remain unchanged.

**Section 5. Not Exclusive.** This franchise is not exclusive, and nothing herein shall be construed so as to prevent the City of Lago Vista, Texas from granting other like or similar rights and privileges to any other person, firm or corporation consistent with applicable state law.

**Section 6. Amendment of Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

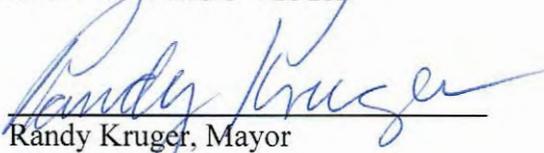
**Section 7. Severability.** If any section, subsection, sentence or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected. It is the intent of the City Council in adopting this Ordinance, that no provision or regulation contained herein shall become inoperative, or fails by reason of the unconstitutionality or invalidity of any other section, subsection, sentence or phrase of this Ordinance.

**Section 8. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City Charter.

**Section 9. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** this 16 day of July, 2015.

**CITY OF LAGO VISTA**

  
Randy Kruger, Mayor

ATTEST:  
  
Sandra Barton, City Secretary