

ORDINANCE 2020-11-05-0792

APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH IKE SMART CITY, LLC FOR THE CONTINUED OPERATION OF THE DIGITAL COMMUNITY KIOSKS AND OFF-PREMISES ADVERTISING THROUGH DECEMBER 31, 2030.

* * * * *

WHEREAS, on December 14, 2017, the City of San Antonio City Council approved a contract with Ike Smart City, LLC for the installation, maintenance, and operation of digital kiosks for an initial term of five years with the City’s option to renew for an additional four one-year periods; and

WHEREAS, the kiosks include information on wayfinding, VIA bus routes, B-Cycle, local events, local businesses, and City programs; and

WHEREAS, the kiosks provide free Wi-Fi internet access to the public and emergency communications when needed; and

WHEREAS, the kiosks also have air quality sensors and pedestrian sensors, are ADA accessible, and can provide content in multiple languages; and

WHEREAS, this is a revenue contract with no costs to the City; and

WHEREAS, this amendment will extend the initial term through December 31, 2030 with all other terms and conditions remaining the same; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of the First Amendment to the Ike Agreement between the City of San Antonio and Ike Smart City, LLC, in the form attached hereto and incorporated herein for all purposes as **Attachment I**, are hereby approved. The City Manager or designee is hereby authorized to enter and execute said agreement.

SECTION 2. Funds generated by this ordinance will be deposited in Fund 11001000, Internal Order 211000000105, and General Ledger Account 4407744.

SECTION 3. 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 4. This Ordinance becomes effective immediately upon its passage by eight (8) votes or more and 10 days after passage upon its approval by less than eight (8) votes.

JG
11/05/2020
Item No. 14

PASSED AND APPROVED this 5th day of November, 2020.



M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

November 05, 2020

Item: 14

Enactment Number:

File Number: 20-6382

2020-11-05-0792

Ordinance approving an amendment to the professional services agreement with IKE Smart City LLC for the continued operation of the Digital Community Kiosks and off-premises advertising through December 31, 2030. [John Peterek, Assistant to the City Manager; Brian Dillard, Director, Office of Innovation]

Councilmember Jada Andrews-Sullivan made a motion to approve. Councilmember Adriana Rocha Garcia seconded the motion. The motion passed by the following vote:

Aye: 10 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Gonzales, Cabello Havrda, Sandoval, Courage and Perry

Absent: 1 Pelaez

Attachment I

FIRST AMENDMENT TO IKE AGREEMENT

BETWEEN THE CITY OF SAN ANTONIO AND IKE SMART CITY, LLC

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This FIRST AMENDMENT TO THE IKE AGREEMENT by and between THE CITY OF SAN ANTONIO, a Texas Municipal Corporation (the "City") and IKE SMART CITY, LLC, an Ohio Limited Liability Company ("Ike"), is hereby entered into by the parties. The City and Ike may be referred to herein collectively as the "Parties."

RECITALS

On December 14, 2017, the Ike Agreement between the Parties (this "Agreement"), together with the Integration Agreement for the City of San Antonio Digital Community Kiosks to which it is attached and incorporated into, was passed and approved by the San Antonio City Council through Ordinance No. 2017-12-14-1017 (the "Ordinance"). Subsequent to the passing of this Agreement through the Ordinance, it has become necessary to issue this First Amendment to this Agreement to extend the initial term set forth therein.

AMENDMENT

NOW THEREFORE, the Parties hereby agree and amend as follows:

1. **REVISION.** Exhibit B, Section 1. Term is hereby revised to read as follows:
 1. **Term.** The term of this Agreement shall be for a period commencing upon the Effective Date and expiring on December 31, 2030 (the "Initial Term"). At the City's option, this Agreement may be renewed under the same terms and conditions for up to four (4) additional one (1) year periods (individually, a "Renewal Term", collectively the "Renewal Terms", and together with the Initial Term, the "Term"). Renewals shall be in writing and signed by the City at least ninety (90) days prior to the expiration of the Initial Term or then current Renewal Term, as applicable.
2. **PROVISIONS REMAIN IN EFFECT.** All other terms, conditions, covenants, and provisions of this Agreement not specifically mentioned herein and revised by this document, are retained in their entirety, unchanged, and remain in full force in effect for the duration of said contract, and any renewals thereof.
3. **ENTIRE AGREEMENT.** This Agreement, as amended, embodies the complete agreement of the Parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the Parties relating to matters

herein.

EXECUTED and **AGREED** to as of the dates indicated below.

CITY OF SAN ANTONIO

IKE SMART CITY, LLC

Printed Name: **Brian Dillard**
Title: **Chief Innovation Officer**
Date: _____



Printed Name: Pete Scantland
Title: CEO
Date: 10/27/20

Approved as to Form:

Assistant City Attorney