

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

AN ORDINANCE

APPROVING A CONTRACT AMENDMENT REGARDING THE MERCHANT PAYMENT INSTRUMENT PROCESSING AGREEMENT WITH PAYMENTECH LLC AND JPMORGAN CHASE BANK, N.A. TO EXTEND ITS TERM FOR AN ADDITIONAL TWO YEARS ENDING JUNE 30, 2019 WITH AN OPTIONAL ADDITIONAL ONE YEAR EXTENSION TO END JUNE 30, 2020; AND APPROVING TWO NEW FEES THAT WILL BE INCORPORATED INTO THE AMENDED AGREEMENT.

* * * *

WHEREAS, pursuant to Ordinance No. 2012-06-12-0520, passed and approved on June 12, 2012, the *Merchant Payment Instrument Processing Agreement* (“Agreement”) with JPMORGAN CHASE BANK, N.A. and PAYMENTECH, LLC (“Chase Paymentech”) was approved, under which Chase Paymentech has provided merchant banking services for an initial three (3) year term commencing July 1, 2012, with the option in the City to renew for one (1) additional two (2) year term under the same terms and conditions, subject to approval of the City Council; and

WHEREAS, pursuant to Ordinance No. 2015-06-04-0492, passed and approved June 4, 2015, the Agreement was extended for its two (2) year renewal term beginning July 1, 2015 and ending June 30, 2017; and

WHEREAS, City Staff has recommended that the Agreement be amended to provide for (a) one (1) additional two (2) year renewal term that will begin July 1, 2017 and end June 30, 2019 and (b) one (1) optional additional one (1) year term that would begin July 1, 2019 and end June 30, 2020, and as so amended, that the Agreement be extended for the two (2) year renewal term that will begin July 1, 2017 and end June 30, 2019; and

WHEREAS, City Staff has also recommended that the Agreement be further amended to provide for two new fees for new services that will be utilized by the City during remaining term of the Agreement, which fees and their purpose are as follows:

1. A \$0.15 Hosted Pay Page Transaction Fee (the “Hosted Pay Page Transaction Fee”) as part of the development of the online payment portal and kiosk for the Library Public Printing Project; and

2. A Wireless Fee of \$25 monthly per merchant account for the processing of credit card transactions via wireless terminals in connection with the Downtown Parking Project; and

WHEREAS, upon consideration and deliberation of the matter, the City Council has determined that it is in the best interest of the City to accept and follow all of the City Staff recommendations set out above; **NOW THEREFORE:**

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

SECTION 1. The *June 2017 Amendment to Merchant Payment Instrument Processing Agreement* (“Second Extension”) between the City and Paymentech, LLC for itself and on behalf of JPMorgan Chase Bank, N.A. is hereby approved in all things. A copy of the Second Extension is attached hereto as **Attachment I**. The Second Extension also provides for the \$0.15 Hosted Pay Page Transaction Fee in connection with the Library Public Printing Project. The Deputy Chief Financial Officer or his designee is hereby authorized to execute the Second Extension on behalf of the City of San Antonio. The Deputy Chief Financial Officer or his designee is hereby further authorized to execute any and all further instruments and/or documents approved by the City Attorney that are determines to be necessary in order to implement the Hosted Pay Page Amendment, specifically including but not limited to a Data Share Authorization document.

SECTION 2. The *Fees / Entitlement Amendment to the Merchant Application & Agreement* that provides for a Wireless Fee of \$25 monthly per merchant account in connection with the Downtown Parking Project (the “Downtown Parking Project Amendment”) is hereby approved in all things. A copy of the Downtown Parking Project Amendment is attached hereto as **Attachment II**. The Deputy Chief Financial Officer or his designee is hereby authorized to execute the Downtown Parking Project Amendment on behalf of the City of San Antonio. Any and all actions heretofore taken on behalf of the City with regard to the Downtown Parking Project Amendment are hereby ratified and confirmed in all things.

SECTION 3. *[Insert Fiscal Language]*

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SECTION 4. This Ordinance shall take effect immediately if passed by eight (8) affirmative votes; otherwise this Ordinance shall take effect ten (10) days from the date of passage hereof.

PASSED and APPROVED this ____ day of ____, 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

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