

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

ORDINANCE

APPROVING AMENDMENT NO. 7 TO AUTOMATED TELLER MACHINE LICENSE AGREEMENT WITH CARDTRONICS USA, INC., TO: (1) PROVIDE FOR ATM SERVICES AT SIXTEEN LOCATIONS THROUGHOUT THE CITY FOR A FIVE (5) TERM BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 30, 2024 AND (2) INCREASE THE TRANSACTION FEE AND REVISE THE LICENSE FEE FOR WITHDRAWAL TRANSACTIONS; AND RATIFYING THE THREE MONTH EXTENSION OF THE AGREEMENT FROM OCTOBER 1, 2019 THROUGH DECEMBER 31, 2019.

* * * * *

WHEREAS, pursuant to Ordinance Number 2010-10-21-0919, passed and approved October 21, 2010, the City entered into that certain Automated Teller Machine License Agreement ("Agreement") with **CARDTRONICS USA, INC.** ("Cardtronics"); and

WHEREAS, City and Cardtronics entered into that certain First Amendment to Automated Teller Machine License Agreement ("First Amendment") dated September 15, 2011; and

WHEREAS, City and Cardtronics entered in that certain Extension Agreement and Second Amendment to Automated Teller Machine License Agreement ("Extension Agreement and Second Amendment") pursuant to Ordinance No. 2013-11-21-0814, passed and approved November 21, 2013; and

WHEREAS, City and Cardtronics entered into that certain Third Amendment to Automated Teller Machine License Agreement ("Third Amendment") pursuant to Ordinance No. 2014-06-19-0444, passed and approved June 19, 2014; and

WHEREAS, City and Cardtronics entered into that certain Memorandum of Understanding dated August 21, 2014; and

WHEREAS, City and Cardtronics entered into that certain Administrative Amendment No. 4 to Automated Teller Machine License Agreement ("Fourth Amendment") on June 5, 2015; and

WHEREAS, City and Cardtronics entered into that certain Administrative Amendment No. 5 to Automated Teller Machine License Agreement ("Fifth Amendment") on April 20, 2016; and

WHEREAS, City and Cardtronics entered into that certain Administrative Amendment No. 6 to Automated Teller Machine License Agreement ("Sixth Amendment") on September 7, 2017; and

WHEREAS, City and Cardtronics entered into that certain letter agreement dated as of October 1, 2019, pursuant to which the term of the Agreement was extended through December 31, 2019 on the same terms and conditions; and

WHEREAS, City and Cardtronics desire to amend the Agreement as it has been heretofore amended to (1) increase the Transaction Fee for any type of withdrawal transaction under the Agreement; and

WHEREAS, City and Cardtronics also desire to further amend the Agreement to provide for a five (5) year renewal term, which shall commence on January 1, 2020 and end on December 31, 2024;

WHEREAS, City Staff recommends (1) that the amendments to the Agreement as described above be approved; (2) that the Agreement as amended be extended for a term beginning January 1, 2020 and ending December 31, 2024; and (3) that the extension of the Agreement through December 31, 2020 be ratified and confirmed in all things; and

WHEREAS, the City Council, upon consideration of and deliberations on such recommendation, desires to accept City Staff's recommendation; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of Amendment No. 7 to Automated Teller Machine License Agreement ("Seventh Amendment") as described above are hereby approved. The extension of the Agreement as so amended for a term beginning January 1, 2020 and ending December 30, 2024 is also hereby approved.

The City Manager, or his designee, or the Deputy Chief Financial Officer, or his designee, are each hereby authorized eight (8) business days from the effective date of this Ordinance within which to negotiate and execute the Seventh Amendment, substantially according to the terms and conditions set forth in **Attachment I** to this Ordinance. If the Seventh Amendment is not negotiated and executed within said eight (8) business days, or if the parties cannot agree to terms of such document within such time, then there shall be no authority to execute the Third Amendment unless there is subsequent City Council approval.

SECTION 2. The execution of the letter agreement extending the term of the Agreement for three months, from October 1, 2019 through December 31, 2019, on the same terms and conditions, is hereby ratified and confirmed in all things. All actions taken on behalf of the City in connection with the Agreement during the extended term are hereby ratified and confirmed in all things.

SECTION 3. Funds generated by this ordinance will be deposited per the table below:

Fund No.	Internal Order No.	General Ledger Account
11001000	207000000809	4401131
29016000	245000000030	4401131
29006000	242000000001	4401131

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance is effective immediately, upon passage by eight (8) affirmative votes; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED and APPROVED this ____ day of _____, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

A T T A C H M E N T I

DRAFT