

ORDINANCE 2022-05-05-030.6

APPROVING AN AMENDMENT TO THE DEPOSITORY BANKING SERVICES AND LOCKBOX SERVICES CONTRACT WITH FROST BANK TO EXTEND THE TERM OF THE CONTRACT FOR AN ADDITIONAL NINE (9) MONTHS COMMENCING ON JULY 1, 2022, AND ENDING ON MARCH 31, 2023, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL MONTHS UNDER THE SAME TERMS AND CONDITIONS.

* * * * *

WHEREAS, pursuant to Ordinance No. 2017-06-15-0451, passed and approved on June 15, 2017, the City entered into a contract with Frost Bank for depository banking services and lockbox services, which commenced on July 1, 2017, and as renewed and extended by Ordinance No. 2020-05-21-0342, expires on June 30, 2022 ("Contract"); and

WHEREAS, in December 2021 the City issued a Request for Proposals for depository banking and lockbox services; and

WHEREAS, to ensure the City's ability to continue to have depository banking and lockbox services without interruption while the City evaluates the proposals, City Staff has recommended that the Contract be amended to extend the Contract for an additional nine (9) month period, the term of which will commence July 1, 2022, and terminate March 31, 2023, with the option for City to extend for one (1) additional three (3) month term; and

WHEREAS, upon consideration and deliberation of the matter and the City Staff recommendation on it, the City Council has determined that it is in the best interest of the City to accept the City Staff recommendation; **NOW THEREFORE:**

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

SECTION 1. This *Amendment and Extension of Depository Banking Services and Lockbox Services Contract* ("Extension") between the City and Frost Bank is hereby approved in all things. A copy of the Extension is attached hereto as **Exhibit I**. The Chief Financial Officer or the Deputy Chief Financial Officer is hereby authorized to execute the Extension on behalf of the City of San Antonio.


SECTION 2. Annual fees/costs for the depository banking services and lockbox services are paid through interest earned on a compensating balance held at Frost Bank.

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 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 4. This ordinance is effective immediately upon passage by eight or more affirmative votes; otherwise, it is effective on the tenth day after passage.


PASSED and APPROVED this 5th day of May, 2022.


M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:


Debbie Racca-Sittre, Acting City Clerk


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting May 5, 2022

18.

2022-05-05-0306

Ordinance approving an amendment to the Depository Banking Services and Lockbox Services Contract with Frost Bank to extend the term of the contract for an additional nine months, commencing on July 1, 2022, and ending on March 31, 2023, with the option to renew for three additional months under the same terms and conditions. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

Councilmember Viagran moved to Approve on the Consent Agenda. Councilmember Rocha Garcia seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage, Perry

LC
05/05/22
Item No. 18

Exhibit I

**AMENDMENT AND EXTENSION
OF
DEPOSITORY BANKING SERVICES
AND
LOCKBOX SERVICES
CONTRACT**

This *Amendment And Extension Of Depository Banking Services And Lockbox Services Contract* ("Extension") is entered into by and between the **CITY OF SAN ANTONIO, TEXAS** (hereinafter referred to as "CITY"), a Texas Home-Rule Municipal Corporation, acting by and through its City Manager, or its Chief Financial Officer, pursuant to Ordinance No. 2022-05-05-_____, passed and approved May 5, 2022, and **FROST BANK** (hereinafter referred to as "DEPOSITORY"), a Texas state banking corporation operating pursuant to the laws of the State of Texas and authorized to perform depository and lockbox services in this State. CITY and DEPOSITORY are sometimes hereafter referred to individually as "a PARTY" and collectively as "the PARTIES". This Extension is as follows:

WHEREAS, pursuant to Ordinance No. 2017-06-15-0451, passed and approved on June 15, 2017, the San Antonio City Council ("City Council") authorized the execution of a *Depository Banking Services And Lockbox Services Contract* ("Contract") with DEPOSITORY to provide banking and related services for an initial three (3) year term commencing July 1, 2017, with the option for 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, the City Council approved the renewal and extension of the Contract for the two (2) year extension, commencing July 1, 2020, and terminating June 30, 2022, by Ordinance No. 2020-05-21-0342; and

WHEREAS CITY desires, and DEPOSITORY has agreed, to amend and extend the Contract for an additional nine (9) month period, the term of which will commence July 1, 2022, and terminate March 31, 2023, with the option for City to extend for one (1) additional three (3) month term; **NOW, THEREFORE:**

For valuable consideration, the PARTIES hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks of each PARTY under the Contract.

**ARTICLE I
AMENDMENT AND EXTENSION OF CONTRACT**

1.1 CITY and DEPOSITORY mutually agree to amend Article V. TERM of the Contract, and hereby extend the term of the Contract, under the same terms and conditions, for a nine (9) month period, the term of which will commence July 1, 2022, and terminate March 31, 2023, with the

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option for City to extend for one (1) additional three (3) month term. CITY, at its sole discretion and option, shall have the right to renew or extend this Contract for one (1) additional three (3) month term, under the same terms and conditions without further action by the San Antonio City Council, subject to and contingent upon appropriation of funding therefore.

ARTICLE II
REMAINDER OF CONTRACT UNCHANGED
AND IN FULL FORCE AND EFFECT

2.1 The terms and conditions of the Contract, as amended pursuant to Article I above, shall remain unchanged and in full force and effect during its extended term.

ARTICLE III
CONFLICT PROVISIONS

3.1 In the event of conflict between any provision(s) in the Contract and any provision(s) in this document, the provision(s) in this document shall control and prevail.

EXECUTED this the ____ day of _____, 2022, to be effective July 1, 2022. This Amendment and Extension may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

CITY:
CITY OF SAN ANTONIO, TEXAS

DEPOSITORY:
FROST BANK

BY: _____
Troy Elliott, CPA
Deputy Chief Financial Officer

BY: _____
Mallory Ahl
Senior Vice President

Approved as to Form:

Assistant City Attorney

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