

ORDINANCE 2021-12-02-0914

**APPROVING THE FIRST AMENDMENT TO AND THIRD EXTENSION
OF THE PROFESSIONAL SERVICES AGREEMENT FOR SHORT TERM
RENTAL PERMITTING, COLLECTING AND COMPLIANCE SERVICES
WITH HOST COMPLIANCE LLC TO PROVIDE FOR ONE (1)
ADDITIONAL ONE (1) YEAR TERM TO COMMENCING DECEMBER
21, 2021 AND END DECEMBER 20, 2022.**

* * * * *

WHEREAS, pursuant to Ordinance No. 2018-11-15-0915, passed and approved November 15, 2018, the City entered into that one certain *Professional Services Agreement For Short Term Rental Registration, Permitting, Collection And Compliance Services* ("the Agreement") with Host Compliance LLC ("Host Compliance"), under which Host Compliance shall provide the City with the City with Short Term Rental registration, permitting, compliance, and collection services for a one (1) year term commencing December 21, 2018, with two (2) renewal terms of one (1) year each on the same terms and conditions at the City's option; and

WHEREAS, the Agreement was renewed for its first one (1) year renewal term beginning December 21, 2019 and ending December 20, 2020, upon the same terms and conditions, pursuant to that certain *First Extension Of Professional Services Agreement For Short Term Rental Permitting, Collections And Compliance Services* ("First Extension"); and

WHEREAS, the Agreement was renewed for its second one (1) year renewal term beginning December 21, 2020 and ending December 20, 2021, upon the same terms and conditions, pursuant to that certain *Second Extension Of Professional Services Agreement For Short Term Rental Permitting, Collections And Compliance Services* ("Second Extension"); and

WHEREAS, City Staff has recommended (i) that **ARTICLE II. TERM**, Section 2.2 of the Agreement be amended to provide for one additional one (1) year term, to commence December 21, 2021 and end December 20, 2022 (the "Third Extension"); and (ii) as so amended, the Agreement be extended for the additional period; and

WHEREAS, consideration of and deliberations on the City Staff recommendation, the City Council finds and determines that it should be accepted; **NOW THEREFORE:**

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

SECTION 1. The *First Amendment To And Third Extension Of Professional Services Agreement For Short Term Rental Permitting, Collections And Compliance Services* ("First Amendment and Third Extension") is hereby approved. A true and correct copy of the First Amendment and Third Extension is attached hereto and made a part hereof for all purposes as **Exhibit I**.

SECTION 2. The Deputy Chief Financial Officer or his designee is hereby authorized to execute the First Amendment and Third Extension on behalf of the City.


SECTION 3. Funding in the amount of \$247,394.00 for this ordinance is available in Fund 29006000, Cost Center 8002120002 and General Ledger 5201040 as part of the Fiscal Year 2022 Adopted Budget approved by the City Council.

SECTION 4. Payment is authorized to Host Compliance LLC and should be encumbered with a purchase order.

SECTION 5. 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 6. This Ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage hereof.


PASSED AND APPROVED this 2nd day of December, 2021.


M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:


Debbie Racca-Sittre, Interim City Clerk


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting December 2, 2021

25.

2021-12-02-0914

Ordinance extending the Professional Services Agreement with Host Compliance LLC, for the monitoring, compliance and collection of hotel occupancy taxes for short term rentals, for a one year term beginning December 21, 2021 and ending December 20, 2022. The estimated contract value is \$247,394.00. Funding is available in the FY 2022 Adopted Budget in the Hotel Occupancy Tax fund. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

Councilmember Courage moved to approve. Councilmember Viagran seconded the motion. The motion carried by the following vote:

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

Absent: Sandoval

RKN
12/02/21
Item No. 25

E X H I B I T I

**FIRST AMENDMENT TO AND THIRD EXTENSION OF
PROFESSIONAL SERVICES AGREEMENT FOR
SHORT TERM RENTAL PERMITTING, COLLECTIONS
AND COMPLIANCE SERVICES**

THE STATE OF TEXAS §
 §
THE COUNTY OF BEXAR §

This *First Amendment To And Third Extension Of Professional Services Agreement For Short Term Rental Permitting, Collections And Compliance Services* ("First Amendment and Third Extension") is made and entered into by and between the **CITY OF SAN ANTONIO** (hereinafter referred to as "City"), a Texas Municipal Corporation, acting by and through its Deputy Chief Financial Officer, and **HOST COMPLIANCE, LLC, a wholly owned subsidiary of Granicus, LLC**, acting by and through its duly authorized officials (hereinafter referred to as "Consultant"). City and Consultant are sometimes hereinafter referred to as the "Parties".

WHEREAS, pursuant to Ordinance No. 2018-11-15-0915, passed and approved November 15, 2018, the City and Consultant entered into that one certain *Professional Services Agreement For Short Term Rental Permitting, Collections And Compliance Services* ("Agreement"), providing for Consultant to provide the services described therein for a one (1) year period beginning December 21, 2018 and ending December 20, 2019, with two (2), one (1) year options to extend the Agreement; and

WHEREAS, the Agreement was renewed by the Parties for its first one (1) year renewal term beginning December 21, 2019 and ending December 20, 2020, upon the same terms and conditions, pursuant to that certain *First Extension Of Professional Services Agreement For Short Term Rental Permitting, Collections And Compliance Services* ("First Extension"); and

WHEREAS, the Agreement was renewed by the Parties for its second one (1) year renewal term beginning December 21, 2020 and ending December 20, 2021, upon the same terms and conditions, pursuant to that certain *Second Extension Of Professional Services Agreement For Short Term Rental Permitting, Collections And Compliance Services* ("First Extension"); and

WHEREAS, the Parties desire to amend **ARTICLE II. TERM**, Section 2.2 of the Agreement to provide for one additional one (1) year term, to commence December 21, 2021 and end December 20, 2022; **NOW, THEREFORE:**

Remainder of Page Intentionally Left Blank

FOR THE GOOD AND VALUABLE CONSIDERATION OF THE OBLIGATIONS AND UNDERTAKINGS OF EACH OF THE PARTIES TO THE OTHER, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

I. AMENDMENT OF AGREEMENT

- 1.1 **ARTICLE II. TERM**, Section 2.2 of the Agreement is hereby amended so that it shall hereafter read as follows:

“2.2 City shall have the right to extend the Agreement under the same terms and conditions for one (1) additional one (1) year term pursuant to a written agreement signed by the Parties. The additional term shall commence December 21, 2021 and end December 20, 2022. The consent of City's City Council for either of such extensions shall not be required.”

II. INCORPORATION OF TERMS AND CONDITIONS OF CONTRACT BY REFERENCE

- 2.1 Except as revised by this First Amendment and Third Extension, all terms and conditions of the Agreement are incorporated into this First Amendment and Third Extension, are made a part hereof for all purposes, and shall remain in full force and effect.

III. RENEWAL AND EXTENSION OF AGREEMENT

- 3.1 As amended pursuant to ARTICLE I, Section 1.1 above, the Agreement is hereby renewed and extended under the same terms and conditions for the third one (1) year renewal term beginning December 21, 2021 and ending December 20, 2022.

IV. CONFLICT PROVISIONS

- 4.1 Any conflict between the provisions of this Second Extension and the provisions of the Agreement shall be resolved in favor of this Second Extension.

Remainder of Page Intentionally Left Blank

IV. ENTIRE AGREEMENT

The Agreement, as amended and extended as set forth above, 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 this the ____ day of _____, 2021, to be effective from and after December 21, 2021.

CITY:

CITY OF SAN ANTONIO

LICENSEE:

HOST COMPLIANCE, LLC
a Granicus Company

Troy Elliott, CPA
Deputy Chief Financial Officer

BY: _____
Jessica Yang
Manager of Business and Contracts
Granicus LLC

Brendan Stierman,
Contracts Manager
Granicus LLC

Approved as to form:

Robert K. Nordhaus
Assistant City Attorney