

1st Reading:  
2nd Reading:

**SPONSOR: HARRELL**

**ORDINANCE NO. \_\_\_\_**

**BILL NO. 22-72**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FOURTH AMENDMENT TO THE LEASE AGREEMENT WITH SUMNERONE, INC. FOR COPY MACHINES TO EXTEND THE LEASE TERM FOR ANOTHER TWO YEARS AND EXCHANGE THE COPY MACHINE AT PUBLIC WORKS.**

**WHEREAS**, in February 2017, via ordinance No. 3672, the City approved a contract for the purchase/lease of copy machines for City Hall, Public Works, Community Development, and RiverChase with Datamax, Inc., now SumnerOne, Inc., for a five (5) year term (the “Lease Agreement”); and

**WHEREAS**, via Ordinance No. 3959, the City entered into a First Amendment to the Lease Agreement to switch out certain copy machines to ensure the machines met the City’s needs; and

**WHEREAS**, via Ordinance No. 4192, the City entered into a Second Amendment to extend the term for the Lease Agreement for an additional six (6) months; and

**WHEREAS**, via Ordinance No. 4249, the City entered into a Third Amendment to remove a copy machine at RiverChase YMCA; and

**WHEREAS**, the current Lease Agreement is set to expire on October 14, 2022 and staff recommends extending the current lease term for another twenty-four months, with an amendment to exchange the Public Works black and white copy machine for a color copy machine; and

**WHEREAS**, the Board of Aldermen now desires to and finds it in the best interest of the City to again amend the Lease Agreement to extend the term of the Lease Agreement for an additional twenty-four (24) months, ending October 14, 2024, and replace the Copy Machine at Public Works (Kyocera TA3511I) with a refurbished Kyocera 4052ci, or similar unit, for color copies.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:**

**ORD. NO. \_\_\_\_**

ORD. NO. \_\_\_\_

**Section 1.** The Board of Aldermen hereby authorizes the Mayor to execute on behalf of the City a Fourth Amendment to the Lease Agreement between the City and SumnerOne, Inc. for copy machines, substantially in the form of Exhibit 1 attached hereto and incorporated herein by reference (the “Fourth Amendment”).

**Section 2.** This ordinance shall be in full force and effect after the date of its passage and approval.

PASSED this 25<sup>th</sup> day of August, 2022.

\_\_\_\_\_  
JOE MAURATH, MAYOR

APPROVED this 25<sup>th</sup> day of August, 2022.

\_\_\_\_\_  
JOE MAURATH, MAYOR

ATTEST:

\_\_\_\_\_  
Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Ayes:

Abstain:

Nays:

Absent:

ORD. NO. \_\_\_\_

**EXHIBIT 1**

**FOURTH AMENDMENT TO THE LEASE AGREEMENT  
BETWEEN THE CITY OF FENTON AND SUMNERONE**

This Fourth Amendment to the Lease Agreement between the City of Fenton and SumnerOne, Inc. ("Fourth Amendment") being entered into this 25<sup>th</sup> day of August, 2022, by and between the **City of Fenton**, a municipal corporation authorized to do business in the State of Missouri and **SumnerOne, Inc.**, a corporation organized and existing under the laws of the State of Missouri having a principal office at 6691 Manchester Ave., St. Louis, MO 63139.

**WHEREAS**, on March 23, 2017, after completing its competitive bidding procedures, the City of Fenton approved Ordinance No. 3672 entering into a five-year Lease Agreement with Datamax, Inc., now SumnerOne, Inc., for copy machines (the "Lease Agreement"); and

**WHEREAS**, via Ordinance No. 3959, the City entered into a First Amendment to the Lease Agreement to switch out certain copy machines to ensure the machines met the City's needs; and

**WHEREAS**, via Ordinance No. 4249, the City entered into a Third Amendment to the Lease Agreement to remove a copy machine at RiverChase YMCA; and

**WHEREAS**, both parties now desire to amend the Lease Agreement to extend the term of the Lease Agreement for an additional twenty-four (24) months, ending October 14, 2024, and replace the Copy Machine at Public Works (Kyocera TA35111) with a refurbished Kyocera 4052ci, or similar unit, for color copies.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and agreements herein set forth and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Lease Agreement shall be amended as stated in Addendum F, attached hereto and incorporated herein by reference.

2. The parties hereby reaffirm that all other provisions of the Lease Agreement not specifically amended herein shall remain in full force and effect and shall be deemed incorporated herein and binding on the parties.

3. The Lease Agreement together with the First, Second, Third, and Fourth Amendment represents the entire agreement among the parties, and SumnerOne, Inc. agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in this Fourth Amendment.

**IN WITNESS WHEREOF**, the parties hereto execute this Fourth Amendment the day and year first above written.

**CITY OF FENTON**

By: \_\_\_\_\_  
JOE MAURATH, MAYOR

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jane Hungler, City Clerk

**SUMNERONE, INC.**

Signature: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



LEASING DIVISION

**ADDENDUM "F"**

**Lease Agreement #3-06863 between City of Fenton City Hall (Lessee) and SumnerOne Inc (Lessor) has hereby been amended to reflect the following:**

*The above referenced Lease original term date of 10/14/2022 will be extended for an additional 24 months. The monthly payment of \$795.28 will remain the same for this extended time period, which includes 30,333 B/W copies per month and 4,000 color copies per month. The maintenance overages will continue to bill monthly at the rate of .0056 per B/W page and .05 per color page. The Kyocera TA35111 at Public Works will be replaced with a Refurbished Kyocera 4052ci (or similar unit). New term date will now be 10/14/2024.*

**Equipment covered:**  
Kyocera TA-4052CI SN:W2M6600048 TAG:VH788-COMMUNITY DEVELOPMENT  
Kyocera TA-6052CI SN:W2D8704214 TAG:SJ977-CITY HALL  
COLOR MFP (Model TBD) -PUBLIC WORKS

*All other terms and conditions of the Lease Agreement will remain the same.*

**ACCEPTED BY:**

BY \_\_\_\_\_ DATE \_\_\_\_\_  
City of Fenton City Hall (Lessee)

TITLE \_\_\_\_\_

**ACCEPTED BY:**

BY \_\_\_\_\_ DATE \_\_\_\_\_  
SumnerOne Inc (Lessor)

TITLE \_\_\_\_\_