

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD SUPPLEMENT TO A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DENTON, TEXAS AND THE LAW FIRM OF COLE SCHOTZ, P.C., DALLAS, TEXAS FOR LEGAL SERVICES RELATING TO TRANSACTIONAL AND REGULATORY WORK PERTAINING TO THE TEXAS MUNICIPAL POWER AGENCY; PROVIDING FOR ADDITIONAL EXPENDITURE AGENCY OF NOT-TO-EXCEED \$400,000; PROVIDING AN EFFECTIVE DATE. (FILE 5380 IN THE ADDITIONAL AMOUNT NOT-TO-EXCEED \$400,000, AGGREGATING A TOTAL NOT-TO-EXCEED \$799,500).

WHEREAS, on October 12, 2013, the City Manager awarded a Professional Services Agreement (hereafter the "Agreement") to Cole Schotz, P.C. in the amount of \$75,000 for legal services regarding operational, transitional, transactional, and related legal work relating to the Texas Municipal Power Agency; and

WHEREAS, on November 18, 2014, City Council approved a First Supplement to the Professional Services Agreement with Cole Schotz, P.C., (hereafter the "First Supplement") in the further amount of \$125,000 aggregating a not-to-exceed amount of \$200,000 for additional services relating to the Texas Municipal Power Agency; and

WHEREAS, on March 3, 2016, the Purchasing Manager approved a Change Order to the Professional Services Agreement with Cole Schotz, P.C., in the further amount of \$49,500 aggregating a not-to-exceed amount of \$249,500 for additional services relating to the Texas Municipal Power Agency; and

WHEREAS, on June 7, 2016, the City Council approved a Second Supplement to the Professional Services Agreement with Cole Schotz, P.C. (hereafter the "Second Supplement") in the further amount of \$150,000 aggregating a not-to-exceed amount of \$399,500 for additional services relating to the Texas Municipal Power

WHEREAS, there appears to the Council that further professional services must be completed; and the City Manager having recommended to the Council that the "Second Supplement to Professional Services Agreement with Cole Schotz, P.C. (hereafter the "Second Supplement") be authorized to amend such Agreements, with respect to the scope of work and an increase in the payment amount by \$400,000; and said fees under the proposed Second Supplement are fair and reasonable, and are consistent with and not higher than the recommended practices and fees published by the professional associations applicable to the provider's profession; and such fees do not exceed the maximum provided by law; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The City Manager is hereby authorized to enter into the "Third Supplement to Professional Services Agreement" with Cole Schotz, P.C. (the "Third Supplement"), in

substantially the form that is attached hereto as Exhibit "A" and incorporated herewith by reference, which increases the amount of the engagement by and between the City of Denton, Texas and Cole Schotz, P.C., which Agreement is on file in the office of the Purchasing Agent, in the additional amount of \$400,000, which amount is hereby approved; and the expenditure of funds therefor is hereby authorized in accordance with said Second Supplement. The total purchase order amount therefore increases to the amount of not-to-exceed \$799,500.

SECTION 2. The City Council of the City of Denton, Texas hereby expressly delegates the authority to expend funds and to take any actions that may be required or permitted to be performed by the City of Denton, Texas under File No. 5380, to the City Manager of the City of Denton, Texas, or his designee.

SECTION 3. The recitations and statements contained in the preamble hereto are incorporated herewith as a part of this Ordinance for all purposes.

SECTION 4. This ordinance shall become effective, and is hereby approved on this date.

PASSED AND APPROVED this the _____ day of _____, 2016.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

By: _____