

### EXHIBIT 3

ORDINANCE NO. 2016-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DENTON, TEXAS AND NELSON + MORGAN ARCHITECTS, INC. FOR ARCHITECTURAL, STRUCTURAL, MECHANICAL, AND ENGINEERING DESIGN SERVICES TO SUPPORT THE DESIGN OF THE NEW CITY OF DENTON FLEET SERVICES ANNEX FACILITY TO BE LOCATED AT 1527 SOUTH MAYHILL ROAD; PROVIDING AN EFFECTIVE DATE (FILE NO. 5497 IN THE ADDITIONAL AMOUNT NOT-TO-EXCEED \$158,035.00; AGGREGATING A TOTAL NOT-TO-EXCEED \$202,948.09).

WHEREAS, on February 14, 2014, the City awarded a Professional Services Agreement for Architect or Engineering Services (hereafter the "Agreement") to Nelson + Morgan Architects, Inc., Denton, Texas, in the amount of \$24,840 for professional engineering services regarding the design of the City of Denton's Fleet Services Facility Expansion; said Agreement was approved by the City of Denton Purchasing staff in accordance with their authority; and

WHEREAS, on August 27, 2015, City of Denton Purchasing staff approved the further amount of \$20,073.09 aggregating a not-to-exceed amount of \$44,913.09 for additional services to be rendered on the Fleet Services Facility Expansion Project for the Solid Waste Department of the City; said Agreement was approved by the City of Denton Purchasing staff in accordance with their authority; and

WHEREAS, there appears to the Council that further professional services must be completed in order to move the Facility Expansion Project forward to completion; and Staff having recommended, the Public Utilities Board having approved, and the City Manager having recommended to the Council that the "Second Amendment to Professional Services Agreement with Nelson + Morgan Architects, Inc., (hereafter the "Second Amendment") be authorized to amend such Agreements, with respect to the scope of work and an increase in the payment amount by \$158,035.00; and said fees under the proposed Second Amendment 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 "Second Amendment to Professional Services Agreement" with Nelson + Morgan Architects, Inc., (the "Second Amendment"), 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 Nelson + Morgan Architects, Inc., which Agreement is on file in the office of the Purchasing Agent, in the additional amount of \$158,035, which amount is hereby approved; and the expenditure of funds therefor is hereby authorized in accordance with said Second Amendment. The total purchase order amount therefore increases to the amount of not-to-exceed \$202,948.09.

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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 5497, 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 immediately upon its passage and approval.

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: \_\_\_\_\_