

ORDINANCE NO. 2017 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, PROVIDING FOR, AUTHORIZING, AND APPROVING THE EXECUTION BY THE CITY MANAGER, OR HIS DESIGNEE, OF AGREEMENT BY AND BETWEEN THE CITY OF DENTON AND BLACK & VEATCH CORPORATION, A DELAWARE CORPORATION, IN AN AMOUNT NOT TO EXCEED \$963,930.00 FOR PROJECT AND ENGINEERING REVIEW SERVICES IN CONJUNCTION WITH THE DENTON ENERGY CENTER PROJECT; APPROVING THE EXECUTION OF SUCH OTHER AND FURTHER RELATED DOCUMENTS DEEMED NECESSARY TO EFFECTUATE THIS AGREEMENT BY THE CITY MANAGER OR HIS DESIGNEE, WHICH ARE INCIDENT OR RELATED THERETO; AUTHORIZING THE EXPENDITURE OF FUNDS THEREFORE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton is a Texas home-rule municipal corporation governed by the constitution and laws of the State of Texas; and

WHEREAS, on March 13, 2017, Denton's Public Utilities Board ("PUB"), after due notice of the public meeting was provided as required by law, considered all proposals provided by firms in response to Denton's Request For Proposals for an Owner's Engineer in conjunction with the Denton Energy Center Project and finds that Black & Veatch Corporation should be selected as the Owner's Engineer; and

WHEREAS, the PUB, after discussion, consideration and deliberation, then recommended to Denton's City Council, by a vote of five (5) for and zero (0) against, that the Agreement By and Between City of Denton, a Texas home-rule municipal corporation, and Black & Veatch Corporation, in an amount not to exceed \$963,930.00 be approved; and

WHEREAS, Denton's City Council has considered all proposals provided by firms in response to Denton's Request For Proposals for an Owner's Engineer in conjunction with the Denton Energy Center as well as the recommendation of the PUB and finds that Black & Veatch Corporation should be selected as the Owner's Engineer for the Denton Energy Center Project; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON ORDAINS:

SECTION 1. The recitations contained in the above Preamble are incorporated herewith and are considered to be a part of this Ordinance.

SECTION 2. The City Council, approves and authorizes the City Manager and City Secretary, or their designees, to execute, and attest respectively, the Agreement By and Between City of Denton, a Texas home-rule municipal corporation, and Black & Veatch Corporation, a Delaware corporation, in an amount not to exceed \$963,930.00 and under the terms and conditions set forth in Exhibit "A", including all exhibits attached thereto, and made a part hereof, and to consummate the execution and delivery thereof on behalf of the City of Denton by or at the direction of the City Manager, or his designee.

SECTION 3. The City Council, approves and authorizes the City Manager and City Secretary, and their respective designees, to execute and attest respectively, all other documents which are incident and related to the Agreement By and Between City of Denton and Black & Veatch Corporation referenced herein as Exhibit A, and to take such additional actions as the City Manager, or his designee, shall determine to be necessary and advisable to effectuate the matters set forth above.

SECTION 4. The City Manager, the City Attorney, or their designees, be, and each of them individually is, authorized and empowered to perform all such acts and obligations as required with respect to the Agreement By and Between City of Denton and Black & Veatch Corporation described herein as Exhibit A.

SECTION 5. The expenditure of funds as provided for in this ordinance is authorized.

SECTION 6. Immediately following the execution and delivery of the Agreement By and Between City of Denton and Black & Veatch Corporation, referenced herein as Exhibit A, the City Secretary is hereby directed to seal and maintain the same in her custody and control, as documents excepted from public disclosure under the provisions of §552.101 of the Texas Government Code (the "Confidential Information Exception") unless otherwise lawfully ordered to disclose said documents.

SECTION 7. This ordinance and a copy of the Agreement By and Between City of Denton and Black & Veatch Corporation referenced herein as Exhibit A, including the related exhibits, as redacted of Confidential Information shall be open for public inspection. However, the non-redacted Agreement By and Between City of Denton and Black & Veatch Corporation referenced herein as Exhibit A, including the related exhibits, appended to this Ordinance shall not be produced for public inspection, but shall be sealed, as provided for in Section 6 above.

SECTION 8. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the ____ day of March, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

By:  _____