

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, PROVIDING FOR, AUTHORIZING, AND APPROVING THE EXPENDITURE OF HOTEL OCCUPANCY TAX FUNDS FOR PUBLIC ART IN THE AMOUNT OF \$45,000 AWARDED TO ARTIST PAULA COLLINS (FILE 6607) WHICH IS AVAILABLE FROM ONLY ONE SOURCE AND IN ACCORDANCE WITH CHAPTER 252.022 OF THE TEXAS LOCAL GOVERNMENT CODE SUCH PURCHASES ARE EXEMPT FROM THE REQUIREMENTS OF COMPETITIVE BIDDING AND 2014 BOND FUNDS FOR PUBLIC SAFETY-RELATED PUBLIC ART IN THE AMOUNT OF \$9,300 AWARDED TO KIRKPATRICK ARCHITECTURE STUDIO FOR ITS PROFESSIONAL SERVICES (FILE 6796) FOR THE PURCHASE AND INSTALLATION OF TWO BRICK SCULPTURES DEPICTING THE HISTORY OF THE DENTON POLICE DEPARTMENT TO BE DISPLAYED ON THE EXTERIOR OF CITY HALL EAST; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AGREEMENTS REQUIRED UNDER FILES 6607 AND 6796; AND PROVIDING AN EFFECTIVE DATE. THE PUBLIC ART COMMITTEE RECOMMENDS APPROVAL (4-3).

WHEREAS, Section 252.022 of the *Texas Local Government Code* provides that procurement of items that are only available from one source, including items that are only available from one source because of patents, copyrights, secret processes, or natural monopolies; films, manuscripts or books; electricity, gas, water, and other utility purchases; captive replacement parts or components for equipment; and library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and need not be submitted to competitive bids; and the City Council wishes to procure one or more of the items mentioned in the above paragraph;

WHEREAS, Section 254.022 of the *Texas Local Government Code* provides that a provider of defined professional services or a group or association need not be selected on the basis of competitive bids and that the contract must be awarded on the basis of a fair and reasonable price; and the City Council wishes to procure professional service;

WHEREAS, the professional services provider, Kirkpatrick Architecture Studio, is being selected as the most highly qualified on the basis of its demonstrated competence and qualifications to perform the proposed professional services; and the fees under the proposed contract with Kirkpatrick Architecture Studio 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 following purchase of materials, equipment or supplies, as described in the "File" listed herein, and on file in the office of the Purchasing Agent, and the license terms attached are hereby approved:

| <u>FILE NUMBER</u> | <u>VENDOR</u> | <u>AMOUNT</u> |
|--------------------|---------------------------------|---------------------------|
| 6607 | Paula Collins | \$45,000 (the "Proposal") |
| 6796 | Kirkpatrick Architecture Studio | \$ 9,300 (the "Proposal") |

SECTION 2. The City Council hereby finds that the bid under File 6607, and the award thereof, constitutes a procurement of items that are available from only one source, including, items that are only available from one source because of patents, copyrights, secret processes, or natural monopolies; films, manuscripts or books; electricity, gas, water, and other utility purchases; captive replacement parts or components for equipment; and library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and need not be submitted to competitive bids.

SECTION 3. The City Council hereby finds that the fees under the proposed contract with Kirkpatrick Architecture Studio under File 6796 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.

SECTION 4. The acceptance and approval of the above items or services shall not constitute a contract between the City and the person or entity submitting the quotation for such items until such person shall comply with all requirements specified by the Purchasing Department.

SECTION 5. The City Manager is hereby authorized to execute any contract relating to the items or services specified in Section 1 and the expend funds as required by the attached contracts hereby authorized and incorporated herein.

SECTION 6. The City Council of the City of Denton, Texas hereby expressly delegates the authority to take any actions that may be required, or permitted to be performed by the City of Denton under File 6607 and File 6796 to the City Manager of the City of Denton, Texas, or his designee.

SECTION 7. The findings in the preamble of this ordinance are incorporated herein by reference.

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

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [___ - ___]:

Mayor Chris Watts: _____

Gerard Hudspeth, District 1: _____

Keely G. Briggs, District 2: _____

Don Duff, District 3: _____

John Ryan, District 4: _____

Dalton Gregory, At Large Place 5: _____

Sara Bagheri, At Large Place 6: _____

PASSED AND APPROVED this the _____ day of _____, 2018.

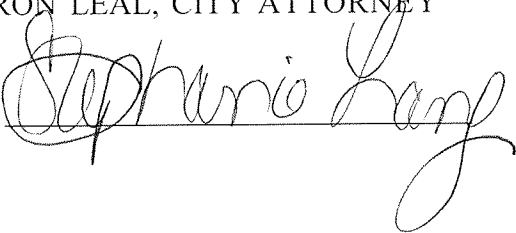
CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM
AARON LEAL, CITY ATTORNEY

BY:

_____