



Legislation Details (With Text)

File #: PUB16-203 **Version:** 1 **Name:**

Type: Public Utilities Board

File created: 8/30/2016 **In control:** Public Utilities Board

On agenda: 9/12/2016 **Final action:**

Title: Consider a recommendation that the City Council adopt 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).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Original Agreement.pdf, 2. Exhibit 2 - Ordinance.pdf, 3. Exhibit 3 - Third Supplement.pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Agenda Information Sheet

DEPARTMENT: Denton Municipal Electric

CM/ ACM: Howard Martin

Date: September 12, 2016

SUBJECT

Consider a recommendation that the City Council adopt 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).

BACKGROUND

A Professional Legal Services Agreement with Cole Schotz, P.C. was approved on October 12, 2013 in the amount of \$75,000 for legal services regarding operational, transitional, transactional, and related legal work relating to the Texas Municipal Power Agency. A First Supplement in the amount of \$125,000 was approved by Council on November 18, 2014. On March 3, 2016, a change order in the amount of \$49,500 was approved by the Purchasing Manager increasing the total amount of the engagement to \$249,500. On June 7, 2016, a Second Supplement was approved in the amount of \$150,000. A detailed description of the services to be provided under the Third Supplement is included in the attached exhibit.

In accordance with provisions of Texas Local Government Code Chapter 252.022, the procurement of professional services may be exempted from competition. City staff is recommending approval of the Third Supplement based upon the detailed qualifications criteria of Cole Schotz, P.C. and the continuity of existing services.

OPTIONS

1. Recommend that the City Council approve the ordinance.
2. Do not recommend approval and direct that other actions be taken.

RECOMMENDATION

Recommend approval a Third Supplement to the Professional Services Agreement with Cole Schotz, P.C. in the amount of \$400,000 for a total not-to-exceed amount of \$799,500).

ESTIMATED SCHEDULE OF PROJECT

The services to be performed will begin immediately upon Council approval. The agreement will remain in effect for the period which may be reasonably required for completion of the project.

FISCAL INFORMATION

The legal services will be funded from Denton Municipal Electric account 600001.7854.9210A. A line will be added to Purchase Order 165328 upon Council approval.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: **Organizational Excellence**
Related Goal: **2.3 Promote superior utility services and facilities**

EXHIBITS

Exhibit 1: Original Agreement and Supplements
Exhibit 2: Ordinance
Exhibit 3: Third Supplement

Respectfully submitted:
Phil Williams
General Manager

Prepared by:
Elizabeth Bell
Denton Municipal Electric

