

ORDINANCE NO. 22-2069

AN ORDINANCE OF THE CITY OF DENTON AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITY USE AGREEMENT BETWEEN THE CITY OF DENTON PARKS AND RECREATION DEPARTMENT AND SPAN INC. AND MEALS ON WHEELS OF DENTON COUNTY FOR USE OF THE PARKS AND RECREATION SENIOR CENTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton (the “City”) recognizes that Span Inc. and Meals on Wheels of Denton County (“Span MOW”) provides a necessary service to the older adult community in Denton; and

WHEREAS, appropriate and responsible usage of City of Denton parks and recreation facilities is imperative to the preservation and orderly utilization of said facilities; and

WHEREAS, usage of City of Denton parks and recreation facilities is administered and monitored by the City of Denton Parks and Recreation Department to ensure compliance with adopted facility regulations and policies; and

WHEREAS, the Facility Use Agreement outlines the responsibilities for each cooperating party to ensure quality service to the senior center patrons; and

WHEREAS, the Facility Use Agreement will be effective from the time of execution until September 30, 2023, at which point a new annual agreement will be signed by the City Manager or the designee; and

WHEREAS, the City of Denton City Council finds that it is the public best interest to approve the Facility Use Agreement; NOW THEREFORE,

THE COUNCIL OF THE CITY DENTON HEREBY ORDAINS:

SECTION 1. The City of Denton City Council finds the recitations contained in the preamble of this ordinance are incorporated herein.

SECTION 2. The City Manager, or designee, is further authorized to execute on behalf of the City the Facility Use Agreement, a copy of which is attached hereto as Exhibit “A” and made a part hereof for all purposes.

SECTION 3. The City Manager, or designee, is further authorized to carry out all duties and obligations to be performed by the City under the Agreement.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by Brian Beck and seconded by Brandon Chase McGee; the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vicki Byrd, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Beck, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jesse Davis, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alison Maguire, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Chase McGee, At Large Place 5:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Watts, At Large Place 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


PASSED AND APPROVED this the 25<sup>th</sup> day of October, 2022.

  
 \_\_\_\_\_  
 GERARD HUDSPETH, MAYOR

ATTEST:  
 ROSA RIOS, CITY SECRETARY

BY:   
 \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
 MACK REINWAND, CITY ATTORNEY

  
 BY: \_\_\_\_\_



Facility Use Agreement  
Between  
The City of Denton ("City")  
and  
Span, Inc., and Meals on Wheels of Denton County ("Span/MOW")

This Facility Use Agreement sets the terms and understanding between the City of Denton and Span Inc. and Meals on Wheels of Denton County to provide nutritious meals to Denton area seniors ages 60 and older through meal delivery service and congregate meals.

**Background**

For several decades, the Parks and Recreation Department (PARC) and Span/MOW have had an ongoing relationship serving Denton area seniors. Currently, the Denton Senior Center is a distribution site for Span/MOW volunteers to pick up and deliver meals to homebound seniors in the community. Span staff and volunteers utilize the kitchen and two storage spaces for their daily operation.

**Purpose**

This Agreement will provide an outline of which Span/MOW operates within the policies and procedures set by the City and the Parks and Recreation Department to provide delivered meals, congregate meal service, and nutrition education to seniors.

The above goal will be accomplished by undertaking the following activities:

**1. Responsibilities of Span/MOW**

- a. Span/MOW shall provide Federal Administration on Aging Title III nutrition programs at the Site for purposes of serving the community.
- b. Adhere to all City of Denton and Parks and Recreation policies and procedures.
- c. Provide meals for seniors to enjoy as a congregate meal site.
- d. Ensure all staff and volunteers working in the kitchen are Food Handler Certified.
- e. Confirms equipment used (ice machine, refrigerator, freezer, stove, and heating cabinet) properly functioning on a daily basis and alerts City staff immediately of issues.
- f. Ensure perishable food items belonging to Span/MOW are not stored overnight.
- g. Clean all used surfaces and equipment used in kitchen and meal service areas at the conclusion of service each day in accordance with Food Code guidelines.
- h. Provide all necessary office supplies for operation, including but not limited to, a working printer or copier and paper.

2. Responsibilities of the City of Denton

- a. Provide a health-permitted kitchen with access to working appliances including a stove, heating cabinet, refrigerator, freezer, ice machine, and adequate counter space.
  - i. Space is available from 8 a.m. to 12 p.m., Monday — Friday apart from City observed holidays and other necessary building closures.
  - ii. Ensure health standards are being met and inspected annually.
- b. Provide and cover the cost of associated utilities.
- c. Provide storage area for coolers, on-site paperwork, and insulated bags used for delivering homebound meals.
- d. Provide space and allow Span/MOW to display such notices and advisements as may be required by the Title III program.

3. Responsibilities of both parties

- a. Each party agrees to maintain the following:
  - i. General Liability Insurance, \$1,000,000 minimum
  - ii. Automobile Insurance, \$500,000 minimum
  - iii. Worker's Compensation Insurance
- b. Use best efforts and cooperation for mutual benefit and the benefit of the senior community in Denton.

Reporting

Parks and Recreation staff on-site will be responsible for regularly evaluating the effectiveness and adherence to the agreement. Span/MOW will be responsible to share monthly congregate meal numbers with City staff.

Funding

This Agreement is not a commitment to funds. The City agrees to provide the in-kind donation of the facility usage and building operation which Span/MOW uses to provide nutritious meals to the community. Span/MOW agrees to cover the cost of their regular operation including, but not limited to, staffing, operations, and cost of goods and materials.

Duration

This Agreement is at will and may be modified by mutual consent of authorized officials from the City and Span/MOW. This Agreement shall become effective upon signature by the authorized officials from the City and Span/MOW and will remain in effect until October 30, 2023. This Agreement is subject to annual renewal by the parties on mutually agreeable terms and conditions, subject to regulations and/or conditions by the North Central Texas Area Agency on Aging regarding the operation of the program. This agreement may also be terminated if either party breaches the terms of the Agreement.

IN WITNESS HEREOF, the City of Denton, Texas has caused this Agreement to be executed by its duly authorized City Manager; and SPAN, INC. has executed this Agreement through their duly authorized undersigned officers on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF DENTON, TEXAS

*Sara Hensley*

SARA HENSLEY, CITY MANAGER

ATTEST:  
ROSA RIOS, CITY SECRETARY

BY: *Rosa Rios*



APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

*Mack Reinwand*

BY: \_\_\_\_\_

SPAN, INC

BY: *Michelle McMahon*

MICHELLE MCMAHON, EXECUTIVE DIRECTOR

WITNESS:

BY: *[Signature]*

THIS AGREEMENT HAS BEEN BOTH  
REVIEWED AND APPROVED as to  
financial and operational obligations and  
business terms.

DocuSigned by:

*Gary Packan*  
SIGNATURE

Gary Packan

PRINTED NAME

Director of Parks and Recreation

TITLE

Parks and Recreation

DEPARTMENT