

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADVANCED FUNDING AGREEMENT (AFA) AND LANDSCAPE MAINTENANCE AGREEMENT (LMA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PROVIDING LANDSCAPE, SCENIC ENHANCEMENT AND IRRIGATION ON US HIGHWAY 377 FROM ROSELAWN DRIVE TO COUNTRY CLUB ROAD (THE "AGREEMENT"); AUTHORIZING THE CITY MANAGER TO PERFORM ALL OBLIGATIONS OF THE CITY UNDER THE AGREEMENTS INCLUDING THE EXPENDITURE OF FUNDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Green Ribbon is a program established by the Texas State Legislature in 1999 to allocate funding for landscaping and other enhancement activities in Texas Department of Transportation ("TXDOT") districts that have air quality non-attainment and near non-attainment counties, of which Denton County is one, with the program goal to establish trees and plants in state highway rights-of-way to help mitigate the effects of air pollution; and

WHEREAS, the City provided concept designs to TXDOT to upgrade the landscaping and scenic enhancement including tree, shrubs, groundcovers, and irrigation on US Hwy 377 from Roselawn Drive to Country Club Road; and

WHEREAS, the City of Denton has been awarded funds for this project pursuant to the Green Ribbon Program; and

WHEREAS, the funding for this project will be paid by the City using general funds with reimbursement from TXDOT each month during the project. The City is not required to fund costs during the construction phase. The design of the project was paid by the City; and

WHEREAS, once approved by TXDOT, the City of Denton will bid and manage the contracted installation of all improvements. Upon completion of landscape improvements, the City of Denton Parks and Recreation Department (PARC) will be responsible for regular maintenance of the improvements; and

WHEREAS, the proposed Advanced Funding Agreement (AFA) and Landscape Maintenance Agreement ("LMA") affirms TXDOT will provide funding for the construction and installation for all landscape materials including trees, plants, irrigation, and concrete mow strips, and after installation, the City will assume all maintenance responsibilities and the financial obligation attendant to the maintenance; and

WHEREAS, City staff reviewed the AFA and LMA required by TXDOT and is of the opinion they should be approved; and

WHEREAS, the City Council finds it is in the public interest to approve the AFA and LMA; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as true and as if fully set forth in the body of this ordinance.

SECTION 2. The City Manager, or designee, is hereby authorized to execute on behalf of the City the AFA and LMA with TXDOT, drafts of which are attached hereto as Exhibit “A” and made a part hereof for all purposes, and a substantially similar agreements as may be required by TXDOT will be signed by the City Manager or designee.

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 Agreements, including, but not limited to, the expenditure of funds.

SECTION 4. 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 [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2023.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, INTERM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

A handwritten signature in blue ink, appearing to read "Amanda Brown", is written over a light blue rectangular background.

BY: _____