



MEMORANDUM

DATE: September 16, 2022
TO: The Honorable Mayor Hudspeth and Council Members
FROM: Sara Hensley, City Manager
SUBJECT: Staff Report

Upcoming Meetings

- A. Work Session of the City Council on **Tuesday, September 20, 2022** at **3:00 p.m.** in the City Council Work Session Room followed by a Regular Meeting at **6:30 p.m.** in the Council Chambers.

- B. Sustainability Framework Advisory Committee on **Friday, September 23, 2022**, at **1:00 p.m.** in the City Council Work Session Room.

OUR CORE VALUES

Integrity • Fiscal Responsibility • Inclusion • Transparency • Outstanding Customer Service

General Information & Status Update

- A. Pending Council Requests Work Session Topics – Pursuant to Ordinance No. 21-1837, the following items will be discussed during the August 2 Council Work Session. Each week, the topics included on the next week’s agenda will be in the Friday Report with more information, including the specific request language and staff information, available in the posted agenda for that meeting.
- (a) A Work Session to discuss and review the prospect of eliminating from City policy all unnecessary employee drug testing, except where unambiguously legally required by state or federal law.
 - (b) A Work Session to discuss and review the status of TXDOT roads the City intends to take back, and amendment of the Mobility Plan to include a roundabout at the intersection of Eagle, Bell, Dallas, and Locust.

Staff contact: Jennifer Rainey, City Manager’s Office

- B. Minority / Women Business Enterprise (M/WBE) - The Purchasing Department developed the M/WBE program in Fiscal Year 2020-21 to actively engage historically underutilized businesses (HUBs) in the City and Denton County, ensuring HUBs are included in business opportunities throughout the procurement process. Program initiatives included developing vendor training on registering as a HUB with the State and City, developing outreach material on the procurement process, and creating internal tracking tools to report on contracting and spending with HUBs.

Initiative	Status	Activity	Description
Vendor Training	<i>Complete</i>	On-line Workshop with Economic Development	HUB registration; procurement process; responding to solicitations
		Procurement Guide	Step-by-step guide on doing business with the City
Outreach	<i>Complete</i>	Vendor Catalog	Upload information on services and products provided
		Contract Awards	Value awarded to HUBs
Reporting	<i>On-going</i>	Purchase Orders Issued	Value paid to HUBs
		Amazon Purchases	Purchases with registered HUBs

In the current fiscal year, approximately 7.6 percent of purchase orders and 5.8 percent of contract awards are to HUBs. 3.1 percent of Amazon purchases have been made with HUBs.

The Procurement Department will continue to identify and implement activities as part of the M/WBE program to encourage and promote HUB participation with the City. Long term, a disparity study is needed to develop a formal plan with goals and target metrics for

HUB participation. Procurement is finalizing the second year of data collection and plans to secure a professional service agreement to perform the study in fiscal year 2023-24, after collecting three years of data. Staff contact: Cassandra Ogden, Finance

- C. Brian Boerner elected to TxSWANA Leadership – Brian Boerner was elected to serve as the 2023 Vice President of the Lone Star Chapter of the Solid Waste Association of North America (TxSWANA). With a membership of approximately 600 public and private sector solid waste professionals, TxSWANA is committed to advancing the solid waste management industry through a shared emphasis on education, advocacy, and research. As the leading local association in the solid waste management field, TxSWANA serves industry professionals through technical conferences, certifications, publications, and a large offering of technical training courses. TxSWANA operates as a 501(c)(3) organization and is managed by a Board of Directors duly elected at the association’s annual meeting held in August. Staff Contact: Brian Boerner, Solid Waste and Recycling
- D. Security Enhancements to City Hall – In April 2022, the Council was notified of an unauthorized entry into City Hall and staff’s subsequent review of facility security at that location. Additionally, City Hall security was further discussed by the Council on June 24, at which time staff notified the Council that it would be implementing a number of security enhancements over the ensuing months. Among the enhancements discussed were gated areas around the DTV access and basement access doors on the southeast side of the facility and gated access to the rear parking lot. The installation of gated access to the DTV and basement access doors has begun and will take approximately 10 days to complete. The installation of gates at the rear parking lot is expected to begin in mid-October. Staff will notify the Council of those dates when access to the rear parking lot may be affected. Once the gates are installed, they will be accessible using a City of Denton ID badge. Staff contact: Ryan Adams, City Manager’s Office
- E. New Service Available Online: Commercial Solid Waste Service Scheduling – Customer Service is excited to provide commercial customers with a new tool for scheduling solid waste services without having to call. The Commercial Solid Waste Service Request form is the newest addition to a growing number of tools available to our customers.

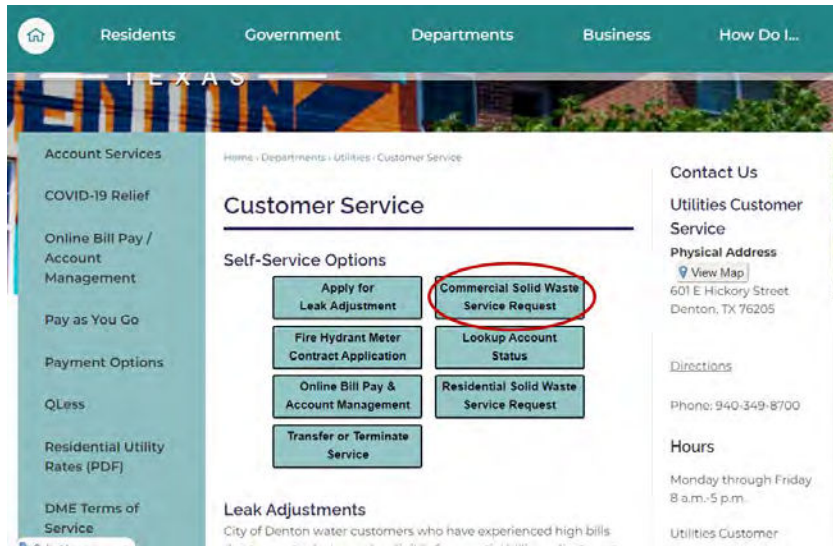
Customers can schedule the following services:

- Empty Containers (including an extra empty of a container on a set collection schedule)
- Remove Containers
- Container Relocations
- Lockbar Services
- Bulk & Brush Collections

The form requires service to be scheduled at least **2 business days in advance**. Employees of commercial customers scheduling services will need to provide their employee ID to aid in identity verification. If service is being scheduled by a 3rd party contractor who manages service for the account, the federal tax ID of the business must be provided or the document authorizing account management must be uploaded each time a request is submitted.

The new commercial solid waste service request form is available on the City of Denton website at www.cityofdenton.com/paymybill. The form is in the self-service options near the top of the page.

All request forms are mobile-friendly and available 24 hours a day. Customers should contact Customer Service at 940-349-8700 or customer.service@cityofdenton.com with questions. Staff contact: Christa Foster, Customer Service and Animal Services.



- F. City of Denton Marketing Team Recognized for Senior Recreation Guide – The City of Denton was awarded the Savvy Award for Creative Marketing and Communications at the City-County Communications and Marketing Association (3CMA) conference on September 8 for the work they did in conjunction with Parks and Recreation staff to create the Denton Senior Recreation Guide. The Senior Recreation Guide was also among a shortlist of finalists for 3CMA’s Diamond Award. Staff contact: Stephanie Gray, Marketing and Communications

- G. Denton Parks and Recreation at DFW Director’s Six Pack – The Denton Parks and Recreation placed third overall at the DFW Director’s Six Pack on Friday, September 9 at Lloyd Park at Joe Pool Lake in Grand Prairie. The Director’s Six Pack is an annual fundraising event hosted by a local Parks and Recreation Department that brings together several other Parks and Recreation departments in a day of athletic competition. Events this year included volleyball, corn hole, human foosball, archery, golf cart polo, and kayak races. Denton’s Parks and Recreation staff acquitted themselves admirably, placing third overall in the competition. Staff contact: Caroline Seward, Parks and Recreation



- H. Fall Play Guide Now Available – The Denton Parks and Recreation Fall/Winter 22-23 Play guide is now available. The 48-page guide provides a panoramic view of all programs and

activities provided by Denton Parks and Recreation, and includes information on: the city's special events; adult, youth, and adapted recreation programs; health and fitness programs at the city's recreation centers; trails, nature preserves, community gardening, and outdoor recreation; parks projects, facility rentals, and inclement weather shelters; the city's public art program, and the Parks, Recreation, Trails System Master Plan. The guide is available in print at all recreation centers, the Senior Center, Civic Center and City Hall. The guide is also available online by clicking the following link: [click here](#). Staff contact: Nikki Sassenus, Parks and Recreation.

- I. North Lakes Park Gravel Access Road Remains Closed – The gravel access road located at the intersection of Windsor Drive and Hinkle Drive and leads to the Remote-Control Airfield, North Lakes Dog Park, and North Lakes Recycling Center at Hinkle Drive, will remain closed through September 21 to accommodate construction at the North Lakes Tennis Center. Temporary parking will be available behind the Linda McNatt Animal Shelter. Park users cannot park at the Animal Shelter itself but should instead make use of overflow parking at the G. Roland Vela Soccer Complex at 3801 N. Elm Street or at the North Lakes Sports Complex located at 2226 W. Windsor Drive. While the gravel road remains closed, residents are encouraged to take their recyclables to the drop-off center located at the City of Denton Landfill, at 1527 S. Mayhill Rd, Monday through Friday from 7 a.m. to 4 p.m. Staff contact: James Donnell, Parks and Recreation
- J. Pre-Treatment on City Properties – Parks and Recreation staff will begin applying a pre-emergent herbicide to City-owned properties around September 19. The pre-emergent is designed to prevent unwanted plants, such as weeds, from germinating and growing. Applying pre-emergent annually is part of the City's Integrated Pest Management strategy. Residents should avoid contact with areas treated with pre-emergent for at least twelve hours following application. Parks and Recreation staff will ensure that clearly visible, informative signage is posted on all treated areas for a minimum of 48 hours after application. Staff contact: Marshall McGee, Parks and Recreation
- K. Severe Ozone Non-Attainment Classification of DFW – On September 6, 2022, the Texas Commission on Environmental Quality (TCEQ) held an open meeting on The Environmental Protection Agency's (EPA) updates on the attainment status of the DFW area with the National Ambient Air Quality Standards. **Attached** is a copy of the TCEQ presentation. The U.S. Environmental Protection Agency (USEPA) proposed that the DFW area, including all surrounding counties, be classified as a Severe Ozone Non-Attainment Area due to exceedances of the 8-hour ozone standard. The reclassification will become effective on September 14, 2022. Nitrogen oxide emissions from the Denton Energy Center (DEC) are considered ozone precursors which contribute to ambient ozone concentrations when combined with volatile organic compounds and sunlight. The reclassification is not expected to impact the DEC air permit or restrict the hours of operation. TCEQ has until 2027 to demonstrate progress towards reducing the ground level ozone level before emission reductions could be required from sources like the DEC, which has the most effective nitrogen oxide removal system available. Collectively, the point sources in the DFW airshed, including emissions from the DEC, only account for 14% of the nitrogen oxide emissions that contribute to ozone. On-road and off-road mobile sources account for over 63% and area sources make up the remaining 23%. The counties impacted by this new classification include Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise. Staff contact: Terry Naulty, DME

- L. Fire Department Assessment Document – The Denton Fire Department’s Community Risk Assessment & Standards of Cover (CRA & SOC), a document identifying hazards and risks within the Denton community, is [available online](#). It identifies the Fire Department's current capabilities and limitations against internationally recognized consensus standards. The CRA & SOC guides the Fire Department toward continuous improvement and will be updated periodically. Response data will be monitored closely to ensure the Fire Department is engaging the needs of the community while providing the best service possible. Highlights of the documents include total response times at the 90th percentile mark; effective response force capabilities; response time goals, as related to population density; travel time capability mapping; historical demand mapping; and future recommendations. This valuable document not only shows current capabilities, but also assists in planning for future Fire Department service needs and capabilities as the city continues to grow. The CRA & SOC is one of three documents that are required for international accreditation through the Center for Public Safety Excellence (CPSE) and the Commission on Fire Accreditation International (CFAI), which the Fire Department is actively pursuing. Staff contact: Brian Cox, Fire

- M. Hickory Creek Road Median Break – On September 8, a resident on Livingston Drive reached out to staff with concerns about the Hickory Creek Road Phase 2 (West) project. The resident was concerned that the current project design and construction does not have a median opening at Livingston Drive. To determine if the opening would improve mobility, staff is currently evaluating the possible addition of the median cut, determining the cost of installation and removal of the existing median, and the feasibility of the request to determine a path forward. Staff contact: Dustin Draper, Capital Projects/Engineering

- N. Old North Traffic Safety Interventions – Staff previously reported on repairs to Old North Road in the June 17, 2022, Friday Report, in response to a then-request by Mayor Pro Tem Beck to consider installing plastic bollards to discourage speeding and driving on the shoulder areas of the street. Based on a review by staff from Capital Projects/Engineering, Streets, and Traffic Operations, it was determined that plastic bollards would be installed at two intersections (Emerson Lane and Mill Pond Road) and at the bridge, to evaluate the influence of the devices on travel speeds. Plastic bollards were installed on September 14, and staff will be collecting post-installation speed surveys to assess the influence on travel speeds associated with this installation. The results of this evaluation, and similar evaluation of driver feedback signs, will be presented in a future Friday Report. Staff contact: Brett Bourgeois and Nathan George, Capital Projects/Engineering

- O. Transitional Housing Project RFP – The City of Denton is issuing a Request for Proposals (RFP) regarding the development of a Transitional Housing Project. This project would provide housing for people experiencing literal homelessness and living unsheltered, as a part of the City’s overall Housing Crisis Response System (HCRS). The bid invitation for RFP 8117 Transitional Housing will release on Friday, September 16, 2022, and closes at 11:00 a.m. on November 1, 2022. Interested parties can apply using [lonwave](#). Staff contact: Dani Shaw, Community Services

- P. Hotel Voucher Program Update – Earlier this year, the City of Denton secured additional hotel rooms for persons experiencing homelessness through the Hotel Voucher Program. These rooms were funded from June 15, 2022 through September 21, 2022 to increase temporary housing capacity during the extreme heat. As this temporary use of additional rooms concludes, capacity at the hotel will be reduced by 15 persons. Our Daily Bread

staff, who manage the Hotel Voucher Program, are assisting with the transition of those persons who have not obtained permanent housing to the Monsignor King Outreach Center shelter. Staff contact: Megan Ball, Community Services

Responses to Council Member Requests for Information

- A. Individuals Camping Behind Business on Fort Worth Drive – On September 8, Mayor Hudspeth shared a request involving an individual(s) camping in the City’s right of way, behind a storage facility on Fort Worth Drive. Staff are working with the individuals to complete a coordinated entry reassessment while they remain on the Emergency Housing Voucher List awaiting housing. Staff contact: Dani Shaw, Community Services
- B. Business Leaving Property Outside Overnight – On September 8, Mayor Hudspeth requested staff visit a business on Dallas Drive leaving property outside. A Community Improvement Services (CIS) officer visited the location, spoke with the owner, and advised of the concern. The owner stated he would comply as requested and a CIS officer will revisit to confirm. Staff contact: Dani Shaw, Community Services
- C. Bonnie Brae Street and Windsor Drive Intersection Inquiry Follow Up – On August 16, Council Member Davis requested information regarding a potential roundabout on Bonnie Brae Street and Windsor Drive. The improvements at this intersection are part of the Bonnie Brae Phase 6 Project which has a completed design. The current plan includes the creation of dedicated turn lanes on Bonnie Brae Street and the installation of a traffic signal. The project does not include the installation of a roundabout at that intersection of Bonnie Brae and Windsor Drive. A work session for the status of the entire Bonnie Brae project will be brought forward to City Council on October 18.

As a further clarification of the project scope in response to a request on September 9, plans were provided to Council Member Davis for the following street segments:

- Bonnie Brae PH 5 (Scripture to US-380): 50% schematic design. This project was paused due to construction congestion on Bonnie Brae Street and the need for additional which has been included in the Denton County TRIP 2022 Bond Election. This phase will follow completion of PH 4 and PH 6 and is not anticipated to start until 2025 if the funding is received.
- Bonnie Brae PH 6 (US-380 to US-77): 100% design. This phase is ready to advertise for bid pending completion of (Right of Way) ROW acquisition.

Staff contact: Kyle Pedigo, Capital Projects/Engineering

- D. Ector Street Bollard Request – On September 11, Council Member Davis submitted a request to staff regarding installing plastic bollards on Ector Street to visually narrow the street, as a tool to discourage speeding. Staff are currently conducting a similar evaluation on Old North Road. An update on this evaluation is presented in this week’s Friday Report, titled “Old North Traffic Safety Interventions.” Based on the outcome of this evaluation, and the driver feedback sign review, Capital Projects/Engineering staff will have information on the effectiveness of these tools to address speeding on the subject, and similar streets in the City. Staff contact: Brett Bourgeois and Nathan George, Capital Projects/Engineering.
- E. Foxcroft Circle Tree Replacement – On September 12, Mayor Pro Tem Beck reached out to staff on behalf of a resident concerned about a tree replacement on Foxcroft Circle. The

Foxcroft Circle construction is part of the Denton Street Rehabilitation project from the 2012 and 2014 Bond Program. The resident had concerns with the tree replacement timing for a tree that was damaged during the construction of Foxcroft Circle. Staff from Risk Management and Capital Projects/Engineering Department are working with the resident to resolve her concerns. Currently the tree replacement has been tentatively scheduled for September 19. Staff has sent invoices and scheduling coordination to the contractor (Reliable Paving), as well as the responsible party (Ornelas Trucking). Staff contact: Dustin Draper, Capital Projects/Engineering and Sara Bonehill, Risk Management

F. Animal Services Statistics – On September 14, Mayor Pro Tem requested tracked statistics for animal services, including those moving in and out of facilities, length of stay, and interactions with surrounding jurisdictions and rescue groups. Data points for the last full fiscal year were available, but some specific data points are unavailable because the information system currently utilized does not have the capability to capture or store them. Staff have been approved within the new budget to purchase and implement a new information system that will gather more of the data requested, but that will not be implemented until mid-next calendar year.

Staff work with multiple agencies on assistance and partnerships, but the following are those worked with most often:

- DASF-Denton Animal Support Foundation
- Denton County
- Humane Society
- Wild Rescue
- Other Local Animal Shelters
- Humane Tomorrow
- Happy Pet Project
- Rescue Row
- The Love Pit
- DFW Rescue Me
- Muttley Farms
- Texas Rustlers
- Operation Kindness
- I AM Dog Rescue

LOBBY DATA	TOTAL CALLS PRESENTED
FY 20/21	27,640

FIELD DATA	TOTAL CALLS ENTERED
FY 20/21	7,169

VOLUNTEER DATA	HOURS	ECONOMIC IMPACT
FY 20/21	4,551	\$134,311.36

FY 20/21 Live Release Rate: 89%

SHELTER DATA FY 20/21	CAT	DOG	OTHER	TOTALS
Intakes	2,043	2,558	260	4,861
Adoptions	1,552	1,355	122	3,029
Return to Owner	61	615	11	687
Rescue	6	138	8	152
Transfers	23	60	21	104
TNR Program	17	-	-	17

Staff contact: Tiffany Thomson, Customer and Animal Services

- G. Post Office and Real Estate in Relation to City Hall – On September 12, Council Member Davis inquired on real estate in relation to City Hall and City Hall West planning purposes. Regarding discussions on the City Hall Campus, the City sold the property currently occupied by the United States Post Office on East McKinney in 1969 to the U.S. Corps of Engineers, which continues to own the property today. In 1981, the City sold 218 N. Locust, the location of the old Post Office, to McNeill’s Furniture & Appliance of Denton, Inc., who continues to own the property. In 2013, Real Estate staff were requested to conduct ownership research the old Post Office site. At that time the research was conducted, however, no further action was taken, and no known inquiries have been received since. At last check, this building was being used as a storage facility The City is currently in the process of conducting a Facility Assessment and Master Plan. Both plans will have preliminary data back for staff to review and share with Council during the November 1 City Hall West Work Session and any future discussion regarding City Hall. Staff contacts: DeAnna Cody, Real Estate, and Trevor Crain, Facilities
- H. National Wildlife Habitat Program – On September 13, Mayor Pro Tem Beck requested information on the environmental benefits of the National Wildlife Federations (NWF) Community Wildlife Habitat Certification. Staff advised the City is completing outreach and engagement over the next three years to accumulate points to complete this certification process. Residents, schools, and businesses may register yards and/or landscape projects to earn habitat points and gain individual certifications, as well. The program is beneficial as an educational aspect of learning about habitats. If/when individuals register their yards, NWF may share the locations with the City for overall planning related to wildlife habitats. Staff contact: Michael Gange, Environmental Services and Sustainability
- I. Reporting a Water Main Break – On September 14, staff received a request from Mayor Pro Tem Beck from a USPS driver who expressed concern that he was unable to contact the City regarding the leak due to the long wait time when using the Customer Service phone line. Mayor Pro Tem asked for clarification on the process for reporting such water leaks in the City’s lines and staff contact the individual. Staff contacted the individual and informed them that water main breaks may be reported to Utility Dispatch at 940-349-7000. Calls to this number do not enter the Customer Service phone queue and are routed directly to our utility dispatch operators. Additionally, using the Engage Denton mobile app will send an email directly to dispatch as a “water-related emergency.” Users can submit requests by creating an account and logging in, or anonymously. Staff have made this information more prominent on the City website and will include in future water outage-related social media communications. Staff have also reached out to the individual to determine the location of the leak for further investigation. Staff contact: Ryan Adams, City Manager’s Office
- J. Board Member Debt Verification – On September 14, Council Member Davis inquired on the reappointment vetting process of a board member, and specifically the verification of debt process and processes or policies related to possible previous debts found later.

Customer Service staff identified opportunities to improve the process used to review applicant/(re)nominee account histories and balances approximately two years ago. As a result, staff made the steps more comprehensive to improve accuracy and reduce human oversight errors. The past-due balance related to this applicant/(re)nominee was not identified previously due to these process updates.

Prior to any balance being placed in an uncollected debt status, staff make every effort to ensure the customer is aware of the outstanding balance and follow with a final bill issued after an account closes. If the balance remains unpaid two weeks after the due date, a call is made to the number on file to remind the customer of the balance. A week later a letter is mailed to the customer letting them know the final date for payment to avoid referral to collections and reporting to credit bureaus. The account is reported to collections at least 90 days from the last date of service and the customer is sent a letter. At six months, the balance is placed in an uncollected debt status.

Staff take the responsibility in working with old balances very seriously and take several steps to validate whether a debt balance belongs to the customer. Identification information and account details are reviewed and matched against the current customer. Important information such as how the account reached a final status and whether the customer provided a forwarding address are also verified. Any reports of identity theft, previous address histories, and aliases may be evaluated if there is any uncertainty or if a customer does not acknowledge the balance as theirs. When an old balance is transferred to a customer's new/active account, staff will work with the customer on a payment plan to lessen the financial impact to the customer.

During the vetting process of a board member, should a department indicate an applicant/(re)nominee may have obligations owed to the City, the City Secretary's Office (CSO) notifies the applicant/(re)nominee via email that they may have obligations owed the City. The applicant/(re)nominee is asked to contact the respective department, and report back to the CSO when the matter has been resolved. In the Boards & Commissions Status Report provided to City Council, the applicant/(re)nominee will continue to show "Vetting Underway," until such time as the matter is resolved between the applicable department and the applicant/(re)nominee. Once the applicant/(re)nominee notifies CSO the matter has been resolved, staff verifies the matter with the department, and moves forward with scheduling the appointment if/when confirmed.

Following the updated verification process via Customer Service, staff verified the debt referenced by Council Member Davis as valid. Staff contacts: Christa Foster, Customer Service, and Rosa Rios, City Secretary

K. Medicinal Marijuana and Current Policy – On September 14, Mayor Pro Tem Beck inquired on existing policy as it related to medicinal marijuana used by citizens and city staff. Regarding interactions with Denton Police Department (DPD), anyone found to be operating a motor vehicle under the influence of a substance, with or without a prescription, will be arrested for driving while intoxicated under [Chapter 49 of the Texas Penal Code](#). However, if an individual is found without suspicion of intoxication, and only in possession of marijuana and holds a prescription/card for marijuana, they will not be arrested for possession, per [DPD General Order 524](#). Regarding policies related to City of Denton employees with a legal Texas medical marijuana prescription:

- A contracted lab performs drug and alcohol testing for employees as defined by Policy 108.12 (**attached**). If the test detects the presence of drugs or alcohol (referred to as non-negative result), it will go through a process at the lab including a review by the Medical Review Officer (MRO) before the results can be confirmed and released to the City.
 - For our positions that are subject to federal DOT regulations, 49 CFR Part 40 Section 40.151 states that a Medical Review Officer (MRO) "must not verify a test

negative based on information that a physician recommended that the employee use a drug listed in Schedule I of the Controlled Substances Act. (e.g., under a state law that purports to authorize such recommendations, such as the “medical marijuana” laws that some states have adopted).” In other words, medical marijuana under state law is not an exception under federal DOT regulations and the results will be confirmed positive.

- For our safety-sensitive positions that are not subject to DOT regulations, our MRO has advised that if someone has a non-negative result for marijuana and they have a ‘medical marijuana card,’ the result will be confirmed as positive. If someone has a non-negative result for marijuana and they have a valid prescription for Marinol (dronabinol) that has been filled at a pharmacy, that result can be confirmed negative.
- If the test is confirmed negative by the MRO, there would be no indication to the City that one of the substances screened was above the cutoff. The Specimen Result Certificate would have a final result disposition of negative and individually indicate that each drug came back with a negative result.
- Section XI.C.2. of the City’s Policy 108.12 defines the consequences of a confirmed positive test result. In short, “if an employee’s “non-negative” test result has been confirmed positive, the employee will be dismissed. However, the employee will be allowed to appeal his/her dismissal from employment” in accordance with the process outlined in Policy 108.12.
- Section III of the City’s Policy 108.12 defines what conditions must be met for Prescriptions and Over-The-Counter Medications, including, but not limited to, that “[t]he employee taking the drug or medication has informed his or her supervisor that he or she is taking a medication that could impair his or her ability to perform his or her job duties, including but not limited to the operation of vehicles or motorized equipment”. If the employee notifies of a medication, HR staff would engage in a process with the employee’s medical provider to determine if it would impair their ability to perform their duties and engage in the reasonable accommodation process.

Staff contacts: Frank Dixon, City Manager’s Office, and Sarah Kuechler, Human Resources

- L. Water Discharge and Trash Receptacles on Bryan and Norman Streets – On September 15, Mayor Pro Tem Beck shared photos documenting substantial water discharge from an apartment community building into Normal Street, as well as trash receptacles blocking sidewalks. Staff visited the location to inspect and found the building appeared to be designed to discharge water via a sub pump removing ground water from the underground parking garage. A Community Improvement Services officer will visit the property to address the concerns with property management. Staff contacts: Dani Shaw, Community Services, and Stephen Gay, Water
- M. Chief Strategy Officer – On Monday, September 12, Aimee Kaslik joined the City as the new Chief Strategy Officer. She brings with her over 23 years of municipal experience, much of which has been dedicated to performance excellence. This includes implementing best practices, innovative approaches, and national standards that promote a higher level of service, improve organizational efficiency and effectiveness, and elevate the use of data as an asset. She is one of fewer than 100 individuals around the world to be designated as a Chief Innovator by Bloomberg Philanthropies and will have the privilege of representing the City in that role moving forward. In the coming weeks, she will begin working with departments to identify core services and establish robust performance metrics aligned with

each. Doing so will bolster the organizations' ability to make data-informed, strategic decisions, identify high-performing programs and services, and establish baselines, benchmarks, and performance goals. Staff contact: Christine Taylor, City Manager's Office

Upcoming Community Events and Meetings

- A. Hispanic Heritage Month Celebration – The Parks and Recreation Department will host a Hispanic Heritage Month Celebration on September 17, starting at 10 a.m. at the MLK Jr. Recreation Center. This year's theme highlights "UNIDOS: Inclusivity for a Stronger Nation" and will feature keynote speaker Lilyan Prado-Carillo. Prado-Carillo is currently a bilingual specialist at Alexander Elementary and was awarded the Estrella de Tejas award from the Hispanic Women's Network of Texas in San Antonio for her leadership and contributions to the community. The event will also feature various vendors, resources, and raffles. Staff contact: Yosselin Muller, Parks and Recreation

- B. Denton Blues Festival – The Denton Black Chamber of Commerce is hosting the Denton Blues Fest this weekend at Quakertown Park. The festival runs from Friday, September 16, through Sunday, September 18. Artists on the lineup include Mr. Sipp "The Mississippi Blues Child," Captain Jack Watson, Dwayne Dopsie & the Zydeco Hellraisers, Vanessa Collier, Fingerprints, Lori Dawn, and many others. For more information on the Denton Blues Fest visit: www.dentonbluesfest.com. Denton Parks and Recreation is a co-sponsor to the Denton Blues Festival. Staff contact: Arianna Bencid, Parks and Recreation

- C. Composting Workshop – Compost is the single greatest soil amendment you can add to set your garden and landscape up for success! Learn how to make high-quality compost at home using materials most folks throw away. We'll give you the dirt on the most effective composting materials and methods. The event will be held on Thursday, September 22, from 6 p.m. to 7 p.m. at the Emily Fowler Library, located at 502 Oakland St. There is no cost to attend, and participants can register [online](#). Staff contact: Katherine Barnett, Environmental Services and Sustainability

- D. Denton Black Film Festival Screening at ALH Senior Center – The Denton Black Film Festival and the Southeast Denton Neighborhood Association will host a film screening of the award-winning documentary *Alice Street* to be followed by a panel discussion on Monday, September 26, beginning at 6 p.m. *Alice Street* tells the story of the friendship of two artists in Oakland, California that developed as the pair worked on an large four-story mural to represent the lived experiences of their respective communities – Chinese American and Afro Diasporic – within the context of a community continually threatened by gentrification.

The film will be screened at the American Legion Hall Senior Center (629 Lakey Street) beginning at 6 p.m. with panelists' discussion following. Panelists include Rev. Logan from the Ministerial Alliance; Colette Johnson, the current president of the Southeast Denton Neighborhood Association; Gerard Hudspeth, Denton Mayor; Donald McDade, Denton Planning and Zoning Commission; and Spencer Wilkinson, the director of the documentary. Staff contact: Cheylon Brown, Parks and Recreation

- E. TxSWANA Safety Committee Denton Landfill Small Hauler Outreach Event – On September 30 from 10:00 a.m. to 2:00 p.m., the Lone Star Chapter of the Solid Waste Association of North America (TxSWANA) Safety Committee will host a Small Hauler outreach event at the City of Denton Landfill. The Solid Waste Industry, as the sixth most

dangerous industry across the nation, is working to educate waste haulers, large and small, on actions they can do to protect themselves and the public as they work to keep our city and state clean. This event will focus on providing safety resources and information to small haulers with a total fleet of less than 10 trucks.

The event will be staffed by TxSWANA Safety Committee members from across the state and will consist of a short discussion with the identified equipment operators and distribution of literature to help define and drive solid waste hauler safety programs. Staff contact: Brian Boerner, Solid Waste and Recycling

- F. Chief of Police Swearing-In Ceremony – The community is invited to attend the swearing-in of Doug Shoemaker as the Denton Police Department’s Chief of Police at 2 p.m. Monday, October 3 at the Public Safety Training Center at 719 E. Hickory St. Staff contact: Frank Dixon, City Manager’s Office

- G. Día De Los Muertos Celebration – The Parks and Recreation Department will host a Día De Los Muertos Celebration on October 15, starting at 10 a.m. at the MLK Jr. Recreation Center. The celebration will feature keynote speaker Dr. Valerie Martinez-Ebers, who is a Distinguished Research Professor of Political Science and Director of the Latina/o and Mexican American Studies Program at the University of North Texas. This event will also feature various vendors, resources, and raffles. Staff contact: Cheylon Brown, Parks and Recreation

Attachments

- A. TCEQ Presentation14
- B. Policy 108.12 Anti-Substance Abuse and Rehabilitation Policy.....35

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Dallas Fort-Worth (DFW) 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Outreach Meeting

September 2022

2008 Eight-Hour Ozone Standard

- 75 parts per billion (ppb)
- Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties

Classification	Date of Classification	Attainment Deadline
Moderate	July 20, 2012	July 20, 2018
Serious	September 23, 2019	July 20, 2021
Severe (proposed)		July 20, 2027

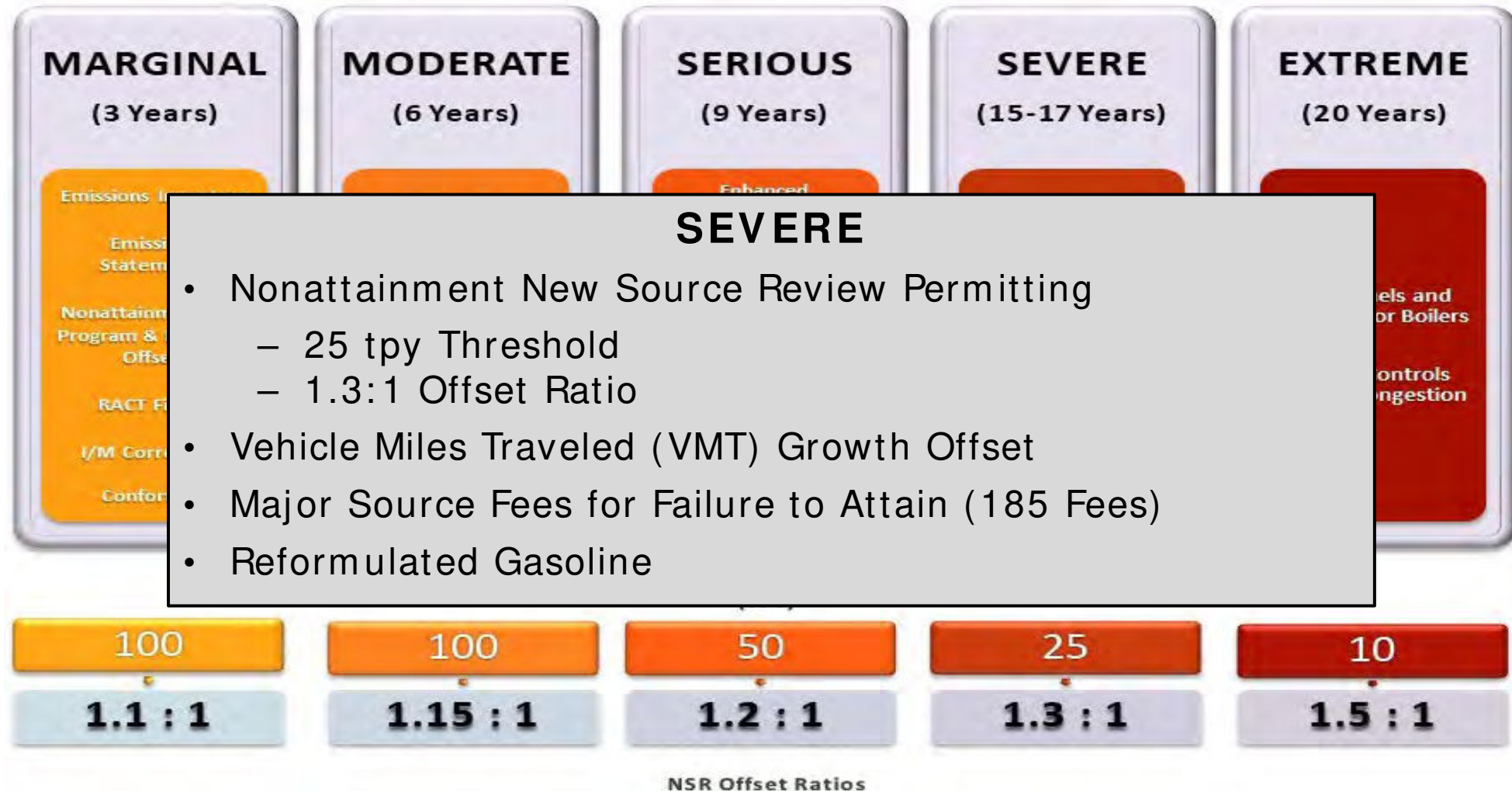
DFW Fourth High Ozone Values (ppb)

2017	2018	2019	2019 Design Value
77	81	73	77
2018	2019	2020	2020 Design Value
82	71	77	76
2019	2020	2021	2021 Design Value
73	71	85	76

Reclassification to Severe

- On April 13, 2022, the United States Environmental Protection Agency (EPA) proposed to reclassify the DFW area to severe.
 - July 20, 2027 attainment deadline, with a 2026 attainment year.
 - Required Attainment Demonstration (AD) and Reasonable Further Progress (RFP) SIP submittals due 18 months after effective date of reclassification.
- A recent consent decree requires the EPA to sign final action by September 15, 2022.

SIP Requirements for Ozone Nonattainment Areas



Emissions Inventories (EIs)



EIs estimate the amount of air pollutants released into the atmosphere.

There are four types of anthropogenic EIs.



TCEQ-developed from industry-reported emissions

Point sources: refineries, power plants, and cement plants



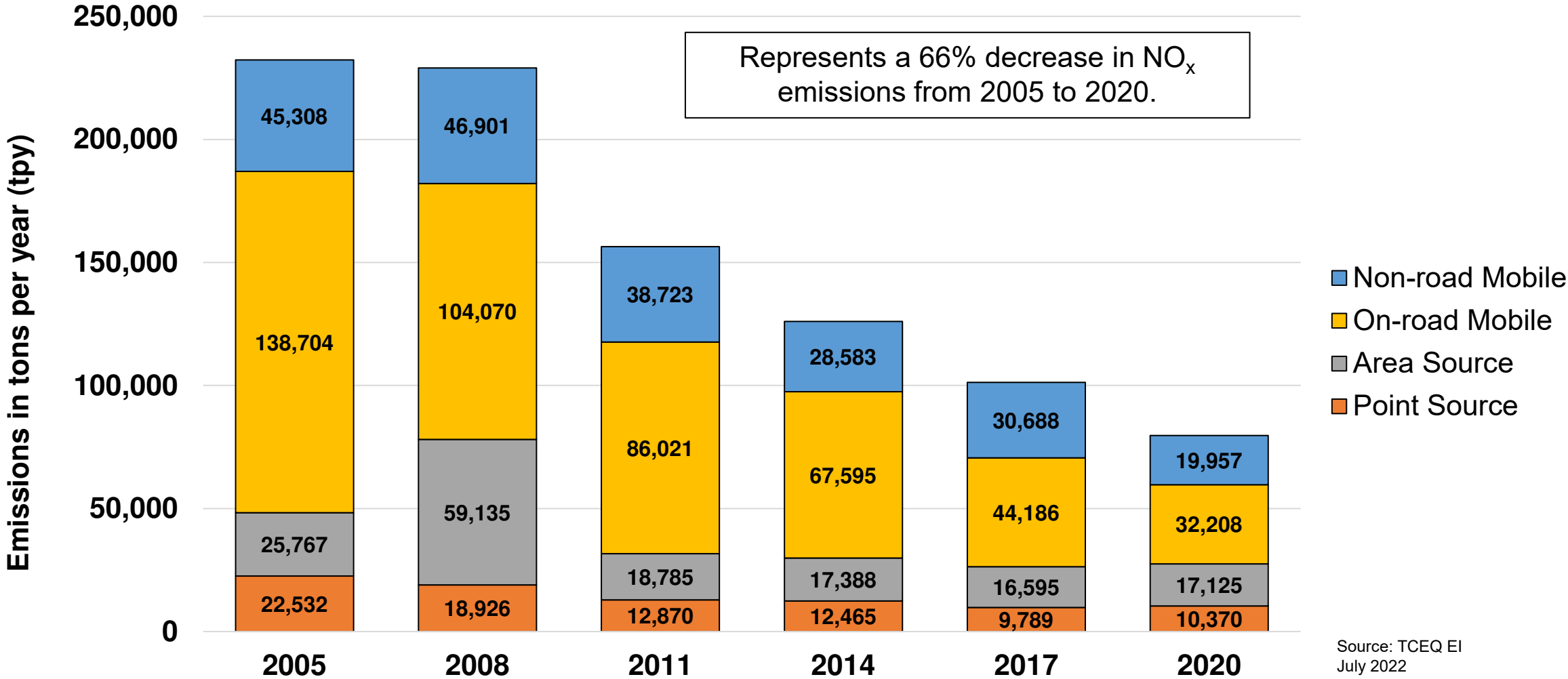
TCEQ-developed EIs

Area sources: consumer and commercial products, surface coatings, dry cleaners, gas stations

On-road mobile: cars and trucks

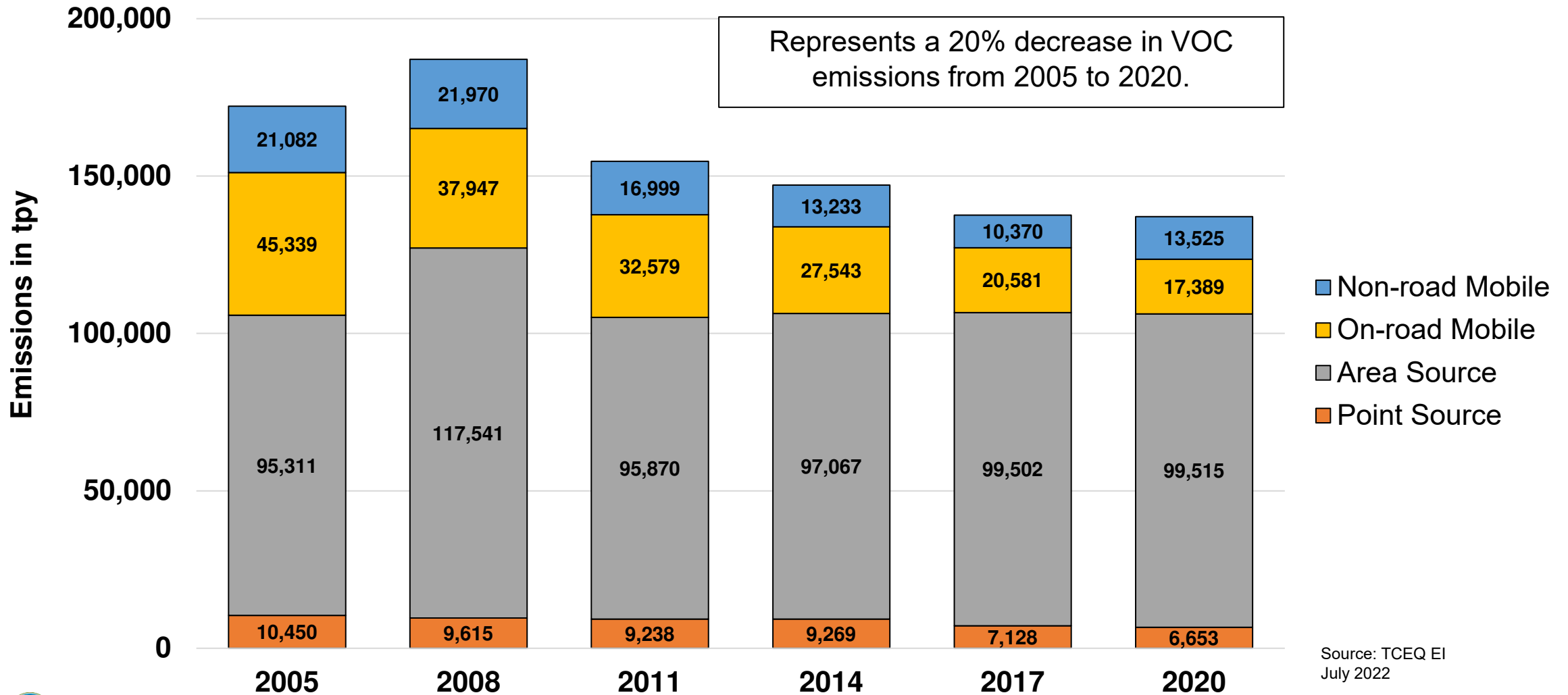
Non-road mobile: planes, trains, construction equipment

DFW Nonattainment Area Nitrogen Oxides (NO_x) Emissions Trends



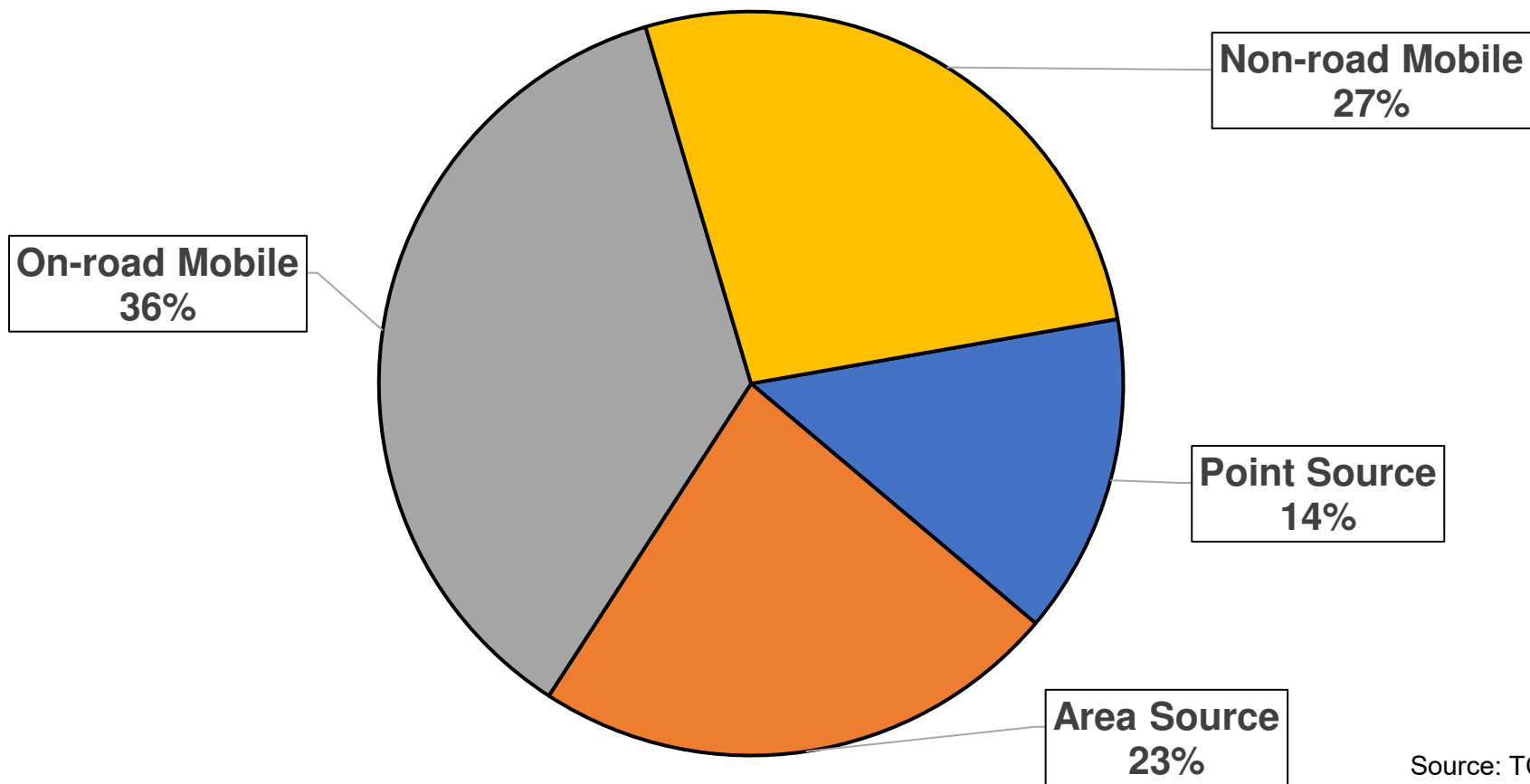
Source: TCEQ EI
July 2022

DFW Nonattainment Area Volatile Organic Compounds (VOC) Emissions Trends



Source: TCEQ EI
July 2022

2020 DFW Nonattainment Area NO_x Emissions

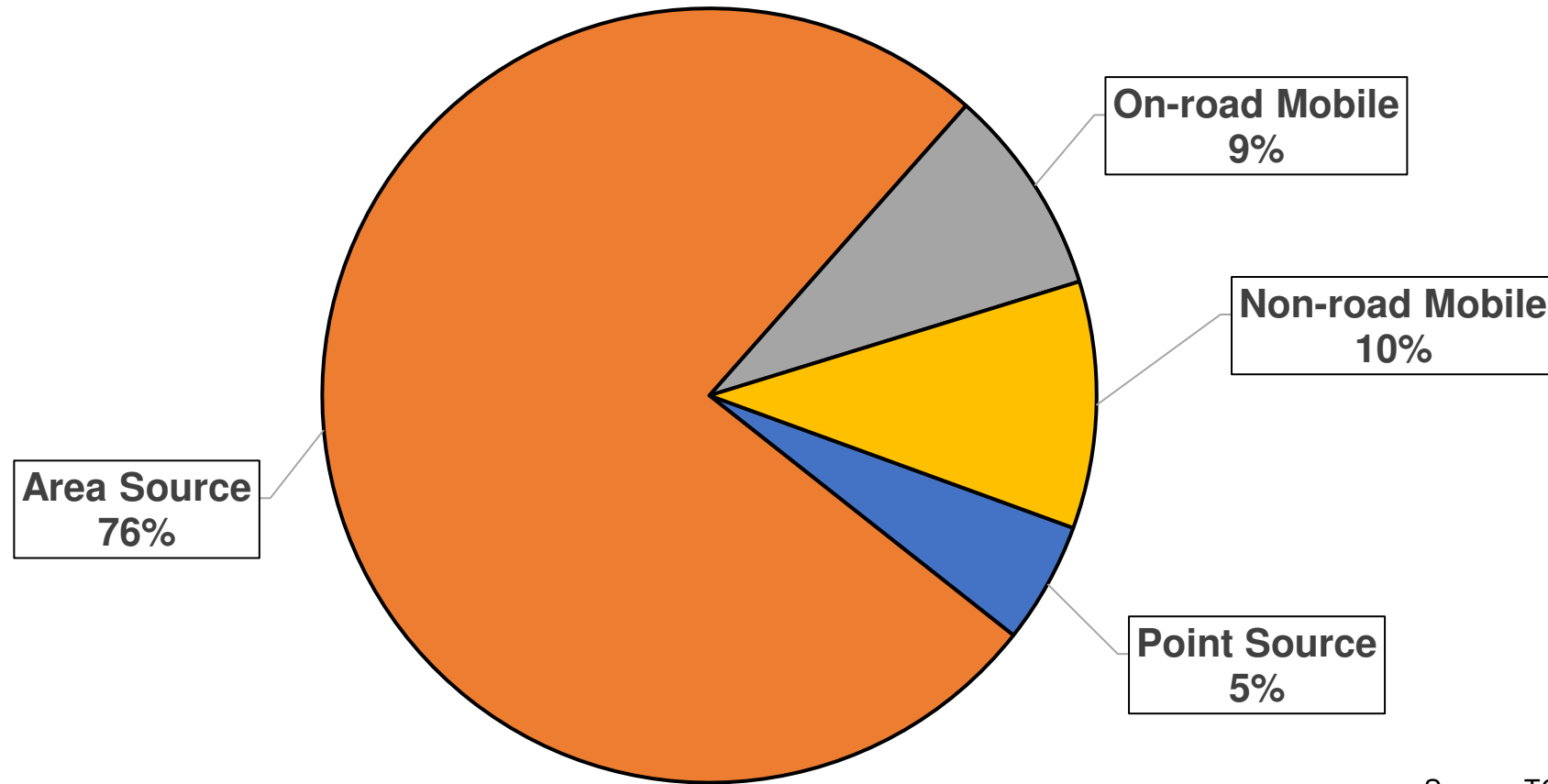


Counties:

- Collin
- Dallas
- Denton
- Ellis
- Johnson
- Kaufman
- Parker
- Rockwall
- Tarrant
- Wise

Source: TCEQ EI
Updated: July 2022

2020 DFW Nonattainment Area VOC Emissions



Counties:

- Collin
- Dallas
- Denton
- Ellis
- Johnson
- Kaufman
- Parker
- Rockwall
- Tarrant
- Wise

Source: TCEQ EI
Updated: July 2022

DFW Nonattainment Area Source VOC Top Emitting Categories

Area Source Category: *Not All Inclusive	2020 VOC Tons Per Year	% of Total Area Source VOC Emissions
Consumer and Commercial Personal Care Products	13,908	14%
Consumer and Commercial Household Products	10,611	11%
Surface Coating Finished Metals	8,327	8%
Consumer and Commercial Adhesives and Sealants	5,988	6%
Surface Coating Architectural Coatings	5,381	5%

*There are hundreds of area source emissions categories. Those listed above contributed 5% or more to the total 2020 area source VOC emissions.

Source: TCEQ EI
Updated: Aug 2022

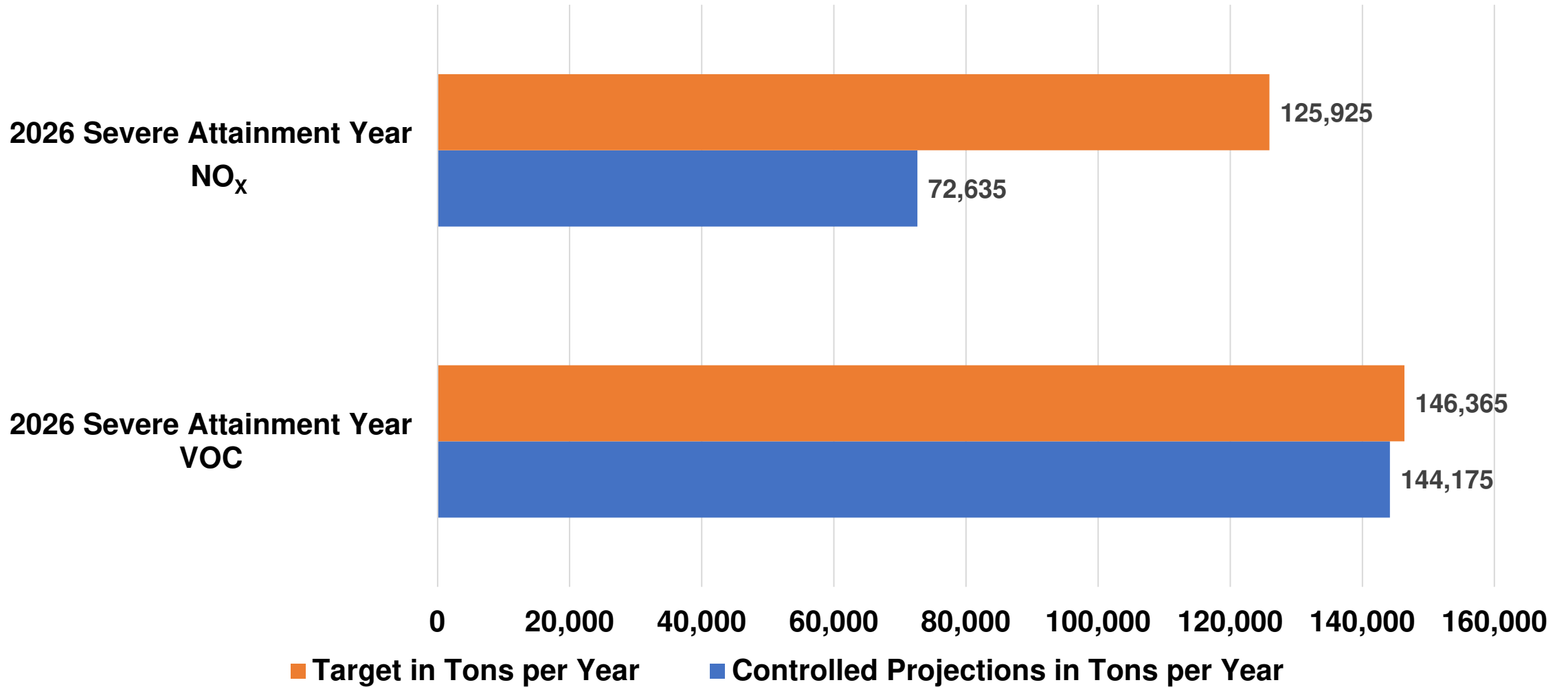
Progress Requirements for DFW 2008 Eight-Hour Ozone NAAQS Severe Classification

- The federal Clean Air Act (FCAA) requires incremental emissions reductions for moderate and above ozone nonattainment areas.
 - The requirement is called demonstrating reasonable further progress (RFP).
 - Ozone precursor emissions (NO_x and/or VOC) emissions are required to be reduced by:
 - 15% for the first six years, and
 - 3% per year thereafter.
 - DFW must demonstrate an **18% reduction** from 2020 to the attainment year (2026).



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DFW 2008 Eight-Hour Ozone NAAQS: NO_x and VOC RFP Preliminary Emissions Projections



Contingency Measures

- If the progress requirement is not met and/or the severe attainment date is missed, additional rules/reductions are required as contingency measures for specific years.
- Contingency measures would be automatically implemented in 2024 (milestone contingency year) and 2027 (year after the attainment year).
- Contingency measures require a 3% emissions reduction in NO_x and/or VOC.
 - Based on **preliminary** data, this is **approximately** 14.81 tons per day or 5,406 tpy.

FCAA Section 185 Fee

- DFW is required to attain by the end of 2026 to meet the July 20, 2027 severe attainment date.
- The FCAA Section 185 Fee is a penalty imposed if an area fails to meet its severe or extreme attainment date.
- If the state does not impose the Section 185 Fee, the EPA will impose the fee with interest. The revenue is not returned to the state.
- The Section 185 Fee applies to major sources of NO_x and VOC in the ozone nonattainment area.
 - Major sources are point sources, such as cement plants and power plants.

FCAA Section 185 Fee

- The Section 185 Fee rate is \$5,000 per ton of NO_x and VOC over a baseline amount and is adjusted by inflation, using the Consumer Price Index.
 - For calendar year 2021, the [EPA-published fee rate](#) was \$10,663.33 per ton.
- The Section 185 Fee could be imposed as early as 2028.
 - The estimated Section 185 Fee obligation for DFW could be as much as **\$45 million in 2028.**

FCAA Section 185 Fee

- The fee is required each year after the missed attainment date until the area is redesignated as attainment by the EPA.
- The Section 185 Fee due date to the EPA is to be determined.
 - The EPA proposed due date is 18 months from the effective date of the reclassification.
- We will be asking for stakeholder input on Section 185 rule development.

Reasonably Available Control Technology (RACT)

- VOC and NO_x RACT will be required.
- VOC and NO_x RACT were previously implemented for DFW, but TCEQ will reassess:
 - Negative declarations (any control strategies not previously applied due to lack of applicable source categories in the area); and
 - Major source RACT (control strategies for any major sources without existing requirements as stringent as RACT).
- Emission reductions from expanding RACT will be applied toward demonstrating attainment and RFP.

Reducing Ozone in DFW

- TCEQ staff are researching and estimating any potential federal emissions reductions that may be effective before 2026 (the attainment year) and could be used for DFW reductions.
- TCEQ staff are also researching potential control strategies in other states for further emissions reductions to demonstrate attainment, RFP, and contingency.

Reducing Ozone in DFW

- When assessing potential reduction strategies, TCEQ generally considers:
 - Effectiveness: Will the reduction help the area to attain or demonstrate progress towards the ozone standard?
 - Cost: What are the economic impacts?
 - Timeline: How quickly could the reduction be implemented? When do the benefits occur?
- The Air Quality Division requests feedback on any planned or volunteered emissions reductions that will occur before the end of 2026 at sources in the DFW nonattainment area.

Contact Information

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 - denine.calvin@tceq.texas.gov
- Jill Dickey-Hull
 - Emissions Assessment Section
 - jill.dickey@tceq.texas.gov
- To join the SIP/Air Quality update e-mail list go to:
www.tceq.texas.gov/airquality/sip/sipcontact.html

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 108.12
SUBJECT: STANDARDS OF CONDUCT FOR EMPLOYEES	INITIAL EFFECTIVE DATE: 07/15/91
TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION POLICY	LAST REVISION DATE: 11/26/13

POLICY STATEMENT:

The City of Denton recognizes that employee substance abuse can have a serious, adverse impact on its image as a major employer in Denton, its ability to deliver quality services to its citizens, and the general health, welfare, and safety of its employees and the public. The pervasive presence of substance abuse in our society and the adverse effect on employee health, safety, and productivity in the work place requires the establishment of an Anti-substance Abuse and Rehabilitation Program.

The City, in considering its daily operations of providing quality services to its citizens, recognizes its responsibility to implement appropriate measures necessary to the safe, efficient, and effective use of its resources, people, facilities, equipment, and finances. It is the City's responsibility to ensure public trust and, in doing so, must implement comprehensive safety measures that protect the well-being of its employees and citizens.

It is the policy of the City that employees are prohibited from manufacturing, using, possessing, selling, distributing, consuming, or transporting any controlled substances as defined by the Federal Controlled Substances Act or the Texas Controlled Substances Act, or any alcoholic beverages or *intoxicating substances* on *City property* or at any time when conducting City business or performing their job duties and responsibilities, including during any lunch or rest breaks that may be given in which the employee is required to return to work immediately following.

An employee is prohibited from performing his or her job duties while under the influence of *alcohol* or *drugs*, or if performance is *impaired*, while under the influence of lawfully prescribed or over-the-counter substances. An employee shall not have *drugs* or *alcohol* in his or her urine, blood stream, or breath except pursuant to a valid personal prescription. An employee shall not use or possess *alcohol* outside of *work hours* on *City property* where prohibited by this policy, state, or local law. An employee should not use or possess *alcohol* or *drugs* during any lunch or rest breaks that may be given in which the employee is required to return to work immediately following. The employee shall not use *alcohol* or *drugs* while wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) (refer to Public Usage and Standards Policy no. 505.02) or name, irrespective of whether the employee is on duty.

There is no intent to intrude upon the private lives of employees or applicants. However, the City is concerned with those job-related situations where the use of *drugs* or *alcohol* interferes with the health and safety of employees and the public, affects the employee's work performance during *work hours*, adversely

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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affects the job performance of other employees, is considered serious enough to be detrimental to the City's conduct of business, or affects the reputation of the City to the general public or threatens its integrity.

It is the policy of the City to have an appeal process in the case of employees with confirmed positive tests for *drugs* or *alcohol* and to deny employment to applicants with confirmed positive tests for *drugs*.

The City of Denton complies with all applicable regulations and *drug* and *alcohol testing* programs, including the Department of Transportation (DOT) and American with Disabilities Act (ADA). Unless otherwise specified, the City of Denton has adopted the drug and alcohol testing procedures and guidelines of the DOT.

This policy applies to all employees- regular full-time, regular part-time, temporary, and seasonal. Civil Service employees are subject to the applicable provisions of Chapter 143 of the Texas Local Government Code, Local Rules of the City of Denton Fire Fighters and Police Officers Civil Service Commission, and the general orders of the Police and Fire Departments, which may include the provisions of this policy. This policy also applies to persons serving in an official capacity as a volunteer for the City of Denton as outlined in the Volunteer Procedures policy # 409.07.

ADMINISTRATIVE PROCEDURES:**I. Definitions**

- A. *Adulterated* test results occur when an agent is added to the urine sample by the donor at the time of collection in an attempt to prevent detection of *drug* use.
- B. *Alcohol* is defined as ethyl alcohol. *Alcohol*, as used herein, includes any beverage, mixture, or preparation containing ethyl alcohol.
- C. *Alcohol testing* is testing for blood *alcohol* content by an intoxilizer instrument device operated pursuant to state law.
- D. *Cut-off levels* are established by analytical methods in the laboratory to determine a quantitative level of a *drug* in the body. The specific cut-off level is a standard selected by the DOT.
- E. *City property* or *premises* for purposes of this policy, includes **ALL** property, facilities, buildings, structures, parking areas, and vehicles owned, operated, leased, or under control of the City. An employee is not considered in violation of this policy by transporting or possessing alcoholic beverages on City streets if he or she is:
 - 1. off duty;
 - 2. not wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) or name;
 - 3. not operating a City-owned, leased, or borrowed vehicle;
 - 4. in a public access area; and
 - 5. in compliance with all applicable laws.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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- F. *Detectable level* indicates the presence of a *drug* or substance found in the body in amounts exceeding an established cut-off level. A detectable level of *alcohol*, as defined by the DOT, is .01 or greater.
- G. *Drug* is a controlled substance, controlled substance analogue, narcotic *drug*, or opiate as defined in Schedules I-V of the Federal Controlled Substance Act, or the Texas Controlled Substance Act, Texas Health & Safety Code, Chapter 481, if obtained or used without a valid prescription for the user or possessor (refer to section IV of this policy). This definition includes but is not limited to marijuana, hashish, cocaine, heroin, morphine, codeine, amphetamines, barbiturates, hallucinogens, inhalants producing mood and mind-altering vapors, and substances chemically similar to these *drugs*.
- H. *Drug test* is the collection of a urine specimen by trained personnel, laboratory analysis of that specimen by Enzyme Immunoassay (EMIT) screening, and confirmation of *drug*-positive EMIT tests using gas chromatography/mass spectrometry (GC/MS) methods and procedures, or other medically acceptable technology (such as oral fluid *drug testing*) deemed appropriate by the City of Denton.
- I. Emergency Call-Back is defined as those employees that on a continuous basis may be asked, but are not scheduled, to report to work outside of normal working hours in an emergency situation.
- J. *Impaired* is an employee's diminished capacity to perform duties of the job as determined by a supervisor and/or physician's statement.
- K. Intoxicating substances is defined to mean those substances that are being utilized for the intentional purpose of causing a physical or mind altering state.
- L. Negative Dilute test results occur when the creatinine and specific gravity levels approach "substituted" values, which might indicate that an attempt has been made by the donor to avoid drug detection.
- M. *On-Call* is defined as a period of time during which an employee is advised by his/her supervisor to be accessible for return to work for operational requirements that may develop outside normally scheduled *work hours*.
- N. Paraphernalia is defined as equipment, a product, or material that is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a drug or in injecting, ingesting, inhaling, or otherwise introducing into the human body a drug.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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- O. *Positive Dilute* test results occur when it has been determined by the laboratory through confirmation of the creatinine and specific gravity values that an attempt was made by the donor to avoid *drug* detection by “flushing out” the *drug* or by lowering the level of the *drug* to a concentration less than that of the testing cutoffs.
- P. *Random testing* describes the process of testing that assures each employee has an equal chance of being tested each time covered employees are selected for testing. All test results and selected employee names are confidential, and records are maintained separate from employee personnel files.
1. The Department of Transportation (DOT) regulates the percentage of covered employees who are to be randomly tested for *drugs* and *alcohol* per calendar year.
 2. Employees in other “safety sensitive” positions (as defined in section I-O of this policy) are tested at a minimum of the rate as employees falling under DOT.
- Q. *Reasonable suspicion* is a suspicion based on some objective fact derived from the surrounding circumstances to lead a reasonable person to suspect that an employee may be under the influence of *alcohol* or prohibited substances while on duty.
- R. *Safety-sensitive position* is a job where an employee's use of *drugs* or *alcohol* could create a threat to safety whereby the employee's ability to perform assigned duties is *impaired* and the performance of those duties in such mental or physical condition creates or could create a safety hazard that has caused or could cause injury or harm to the employee or other employees or citizens or damage to property.

Examples of “*safety-sensitive*” positions may include, but are not limited to:

- a. positions involving the use of a vehicle and/or motorized equipment, such as cars, trucks of any size, tractors, mowers, trimmers, trash compactors, saws, and drills as an incidental (10% of time or yearly average of 8 hours per pay period) or as a primary duty (more than 50% of time)
- b. positions using a deadly weapon
- c. positions with access to controlled substances and/or hazardous materials/chemicals as defined by the Texas Department of Health
- d. positions falling under the Department of Transportation rules and regulations
- e. fire civil service personnel,
- f. parks leisure services positions involving regular contact with children or elderly adults, or
- g. designated field personnel in water/wastewater utilities, electric utility, streets, traffic, solid waste, and parks maintenance.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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- S. *Substituted* test results occur when the creatinine concentration of the urine sample is less than or equal to 5 mg/dL and the specific gravity of the urine sample is less than or equal to 1.001 or greater than or equal to 1.020 on both the initial and confirmatory creatinine and specific gravity tests. These results suggest that the donor has altered the specimen to avoid detection of drug use.
 - T. *Unsuitable for testing* test results occur when unidentified adulterants or endogenous products are detected in the donor's urine and interfere with any of the testing process.
 - U. *Vehicular Accident* is defined as an event where any damage occurs to a vehicle, motor-driven equipment, or other property, or where an injury occurs to any person, due to the operation (use of or failure to use steering, braking, acceleration, and/or operational systems) of a vehicle or motor-driven equipment by an employee. However, this does not include normal wear and tear or incidents that the operator had no control over (such as flying debris that cannot be avoided) as determined by the supervisor.
 - V. *Work Hours* includes any time an employee is performing work for the City.
- II. Prohibited Items. The manufacture, use, possession, sale, distribution, consumption, or transportation of any of the following substances by employees while on *City property*, conducting City business, or performing job duties and responsibilities is prohibited. These violations will result in notification of appropriate law enforcement personnel, *reasonable suspicion drug*, and/or *alcohol testing*, and will result in disciplinary action, up to and including dismissal.
- A. *Drugs* (as defined in section I-G of this policy)
 - B. *Alcoholic* beverages or other *intoxicating substances* (as defined in sections I-B and I-K of this policy) —however, an employee may possess, consume, or transport alcoholic beverages while off duty (in compliance with section I-E of this policy) unless local or state law otherwise prohibits the possession or consumption of alcoholic beverages.
 - C. *Drug paraphernalia* (as defined in section I-N of this policy).

Prohibited items do not include the possession or transportation of any substance or item by Police Department personnel in fulfillment of legitimate law enforcement activities, nor is this description intended to infringe upon or impede any lawful law enforcement function associated with the investigation of criminal offenses under the Federal or State Controlled Substances Act, or ordinances of the City of Denton.

- III. Prescriptions and Over-The-Counter Medications. Prescriptions and over-the-counter medications are prohibited except when all of the following conditions are met:
- A. The prescription *drugs* are prescribed by a physician licensed to practice medicine in the United States or its territories for the person in possession of the *drugs*;

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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- B. The prescription has been filled by a registered/licensed pharmacist within the last twelve (12) months for the person possessing the *drug* or medication;
- C. The *drugs* or medications are ingested or administered only in the prescribed or recommended therapeutic dosages;
- D. The employee or applicant must be able to produce evidence of a valid prescription to a medical review officer as requested, and
- E. The employee taking the *drug* or medication has informed his or her supervisor that he or she is taking a medication that could impair his or her ability to perform his or her job duties, including but not limited to the operation of vehicles or motorized equipment.

The City, at all times, reserves the right to have a designated City physician determine if a prescription *drug* or medication produces hazardous effects and may restrict the job duties performed while using any *drug* or medication accordingly.

IV. Conferences

Employees attending training and conferences may participate in social functions associated with the conference. This may include the consumption of *alcohol*, so long as the employee is not wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) or name and the employee's conduct does not reflect adversely upon the City. Employees who consume *alcohol* at these functions shall follow the law and exercise caution in driving personal vehicles and shall not operate a City-owned, City-leased, or City-rented vehicle.

V. *Emergency Call-Back*

Employees subject to continuous *emergency call-back* are required to declare to their supervisors the use of *alcohol* or *drugs* including prescribed medication that might affect their ability to perform under an emergency. The supervisor shall determine if the employee is fit to work and in what capacity.

VI. *On-Call*

Because employees with *on-call* status are potentially required to be actively working, an "*on call*" employee is prohibited from consuming *alcoholic* beverages or using *drugs* that may impair his or her performance. If an employee is taking prescription medication that may impair his or her performance when called back to work, he or she should notify his or her supervisor. The supervisor shall determine if the employee is fit to work and in what capacity.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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VII. Use of Substances Outside of *Work Hours*

An employee shall not use or possess *drugs* or *alcohol* outside of *work hours* on *City property* as defined by section I-E, including during any lunch or rest breaks that may be given in which the employee is required to return to work immediately following. An employee shall not use *alcohol* or *drugs* before or after *work hours* while wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) or name.

VIII. Notice of Testing Policy

The Human Resources Department shall provide informed and/or written notice of its *drug* and *alcohol testing* policy to all job applicants and employees. The notice shall contain the following information:

- the need for *drug* and *alcohol testing*;
- circumstances under which testing may be required;
- the procedure for confirming an initial positive *drug* and/or *alcohol* test result;
- consequences of a confirmed positive test result;
- consequences of refusing to undergo a *drug* and/or *alcohol* test;
- the appeal procedures available for a positive test result; and
- the availability of *drug* abuse counseling and referral services.

Applicants will be notified of the City's policy to conduct *drug testing* as part of the employment process. When an applicant reports to a testing site for testing, he or she shall first present valid picture identification, such as issued by the Department of Public Safety or a passport to the tester.

IX. Consent

Before a *drug* or *alcohol* test is administered, the employee or job applicant will be required to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know or as required by law, except those exempt pursuant to DOT regulations 49 Part CFR 40.27. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's *drug testing* policy. **By continuing employment with the City of Denton, employees have consented to the adoption of this policy and testing program.**

A. Refusal to Test

1. Applicants: A job applicant who refuses to consent to a *drug test* will be denied employment with the City.
2. Employees: An employee who refuses to consent to a *drug* and/or *alcohol* test will be subject to dismissal.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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The consent form shall not be altered or changed by the applicant or employee. Altering or refusing to sign the consent form shall be considered a refusal to consent to the *drug* and/or *alcohol* test.

B. Complaints or Grievances

Any complaints or grievances about the testing procedure are to be made by the employee through his/her normal chain of command pursuant to the City of Denton Problem Solving Policy 115.02. Those conducting the testing shall not be harassed or abused either verbally or physically during any *drug* or *alcohol testing* procedure. Any conduct that is perceived by the testing personnel as harassing or verbally or physically abusing will be deemed as failing to cooperate fully with the collection of breath, saliva, and/or urine samples and shall be considered as insubordination and thus subject to disciplinary action up to and including dismissal.

X. Types of Testing

A. Pre-Employment (Job Applicant Testing)

Upon a conditional offer of employment, all applicants are required to pass a *drug* screen prior to his or her final appointment. An applicant will be notified of *drug testing* at the time of application and will be allowed the opportunity to withdraw his or her application anytime upon request.

B. Reasonable Suspicion

The decision to conduct *reasonable suspicion alcohol and drug testing* will be determined on a case-by-case basis. Note: With *reasonable suspicion*, an *alcohol* test will be conducted first. If the *alcohol* test is negative, then the employee will be subject to a *drug test*.

1. Criteria which may be used by appropriately trained management and supervisory personnel to determine if a test for an employee is necessary include, but are not limited to, the following:
 - a. Observed *alcohol* or *drug* use during working hours;
 - b. Apparent physical state of intoxication or *drug* induced impairment of motor function;
 - c. Incoherent or irrational mental state;
 - d. Marked changes in personal behavior or attitude not attributable to other factors;

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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- e. Deteriorating work performance, attendance, or tardiness problems not attributable to other factors;
 - f. Information received from appropriately trained sources in determining *reasonable suspicion* that indicates the employee has been involved in *alcohol* or *drug* use;
 - g. Other employee actions or conduct that leads to a suspicion of *drug* or *alcohol* use such as presence of physical symptoms that may include glassy or blood-shot eyes, *alcohol* beverage odor on breath, slurred speech, poor coordination or reflexes, unsteady gait, mood changes (including inappropriate gaiety or lethargic behavior), unpredictable responses to ordinary requests, etc. which leads managers and supervisors to believe that the employee is under the influence of *alcohol* or *drugs*, suffers from substance abuse or is in violation of City or departmental rules, regulations, or procedures concerning the use of such substances;
 - h. Any violation of the City of Denton's *Drug Free Work Place Policy* (108.11).
2. Supervisory Procedures in the Event of *Reasonable Suspicion*
- a. A supervisor or trained personnel (in compliance with section XV of this policy) may require an employee to undergo *alcohol* and *drug testing* if he/she has *reasonable suspicion* that the employee is under the influence of *alcohol* and/or *drugs* during *work hours* as described above. Supervisors are required to complete an "Observation Checklist" if they have received training (in compliance with XV of this policy), which can be found on the City's Intranet site, to list the symptoms or observations that formed the basis for their determination that *reasonable suspicion* existed to warrant the testing of an employee. This documentation shall be forwarded to the Human Resources Department. If a supervisor has not been trained, he/she should contact Human Resources or someone in their chain of command. The facts underlying the determination of *reasonable suspicion* should be disclosed to the employee at the time the supervisor requires the employee to undergo reasonable suspicion *alcohol* and *drug* testing.
 - b. If an employee refuses to consent to a *reasonable suspicion* test, he/she should be escorted to the Human Resources department if during normal *work hours*. If after normal *work hours*, he/she should be escorted home by appropriate supervisory personnel or another City employee with departmental authority and placed on administrative leave with pay until contacted by his or her supervisor. In the rare instances when a supervisor or another City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.

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- c. Once *the supervisor has established reasonable suspicion*, an employee must submit to an *alcohol* and *drug* screen immediately upon request. An *alcohol* test will be conducted first. If the *alcohol* test is negative or the results are at a *detectable level* below .039, then the employee will be subject to a *drug test*. The employee's supervisor shall give the employee a direct order, as a condition of employment, to submit to an *alcohol* and *drug* screen with the warning that refusal to comply will result in dismissal. (For results that are not negative or are .039 or above, refer to section XI. B. of this policy.)
- d. The employee shall be further instructed to cooperate throughout the *alcohol* and *drug* screening procedure, including following all directions received from trained personnel at the *alcohol* and *drug* screening collection site. **The employee, in no case, shall be permitted to continue working or remain unattended while screening approval or arrangements are being effected. The employee will be placed on administrative leave with pay pending results of the test.**
- e. The department supervisor shall immediately, if during normal weekday office hours (7 a.m. to 5 p.m., Monday through Friday), notify the Director of Human Resources or designated representative in the Human Resources Department to arrange for the *alcohol* and *drug* screening. If after normal weekday office hours, the supervisor should notify Human Resources the next business day. **If the necessity to arrange for an *alcohol* and *drug* screening occurs, the supervisor or another City employee with departmental authority must escort the employee to the designated *drug* screening collection site. The employee shall never be permitted to operate a vehicle or motorized equipment.**
- f. Supervisory personnel and appropriate medical personnel shall take the necessary actions to prevent the employee's alteration or falsification of the *alcohol* and *drug* screen procedure. An appropriate chain of custody procedure will be followed at the collection site to ensure the accuracy and integrity of the testing procedure and test results.
- g. **The employee should not return to work in any capacity until results are confirmed negative.**
- h. If the results are "non-negative," the employee needs to be escorted home by appropriate supervisory personnel or another City employee with departmental authority and placed on administrative leave without pay. **In the rare instances when a supervisor or other City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.**

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C. Post Accident

Vehicular Accidents (includes City vehicles and motorized equipment as well as leased vehicles, personal vehicles, rental vehicles, or borrowed vehicles if being operated to conduct City business):

1. An employee should ALWAYS be tested for *DRUGS* if any one or more of the following conditions apply:
 - a. there has been a death to a citizen or another employee during work hours due to a *vehicular accident*;
 - b. there has been a vehicular accident from which injury to an employee or citizen has occurred during work hours that requires immediate treatment at a doctor's office or hospital;
 - c. there has been any damage to City and/or citizen property during work hours due to a vehicular accident (exceptions include employee's vehicle being hit from behind while legally stopped); or
 - d. there has been a vehicular accident on a public street during work hours and the police officer issues a citation to the employee.
2. An employee should ALWAYS be tested for *ALCOHOL* if any one or more of the following conditions apply:
 - a. there is *reasonable suspicion* as determined by an appropriately trained supervisor; or
 - b. an employee has a commercial driver's license and is required to use the license to perform his/her job duties and has an accident while using his/her commercial driver's license that involves one or more of the following:
 - i. a human fatality;
 - ii. a bodily injury which requires immediate medical treatment away from the scene AND a citation is issued to the employee (a DOT test is not required if a citation is not issued); or
 - iii. there has been disabling damage to any motor vehicle requiring tow away AND a citation is issued to the employee (a DOT test is not required if a citation is not issued).

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3. A *drug test* must be conducted along with ANY post-accident *alcohol test* unless the *alcohol test* results are .04 or greater.
4. **Under no circumstances should a post-accident test be waived if any of the above criteria are met.**
 - a. If required, an *alcohol test* should be conducted immediately (if there are no incapacitating injuries). If an *alcohol test* is not conducted within two (2) hours after the accident, a memo should be written as to why an *alcohol test* was not conducted within that time frame. This memo should be forwarded to the Human Resources department to be filed. All attempts to test should cease if it has been longer than eight (8) hours.
 - b. A *drug test* should be conducted immediately (if there are no incapacitating injuries). If a *drug test* is not conducted within two (2) hours, a memo should be written as to why a *drug test* was not conducted within that time frame. This memo should be forwarded to the Human Resources Department to be filed. All attempts to test should cease if it has been longer than thirty-two (32) hours.
5. It is the employee's responsibility to contact his or her supervisor immediately, unless incapacitated, after an accident has occurred so that appropriate action can be taken. Failure to report an accident will result in disciplinary action, up to and including dismissal.
6. Oral fluid testing may be conducted for post-accident drug tests. Employees with negative test results may return to work. Section XI.A. will apply for employees with "non-negative" test results and employees required to take a drug test under the DOT guidelines.
7. If oral fluid collection cannot be taken on-site, the employee shall be escorted to the *alcohol* and/or *drug* screening collection site by appropriate supervisory personnel or other City employee with departmental authority. **The employee shall not be permitted to operate a vehicle or motorized equipment.**
8. Employees who are tested as a result of a non-DOT accident may return to work and assigned duties as long as the result(s) of the drug and/or alcohol test (where applicable) is/are confirmed negative.

Employees who are tested as a result of a DOT accident will be escorted to the testing facility for an alcohol test and a split specimen urine drug screen. In this instance, the employee may return to work and assigned duties as long as the initial result(s) of the alcohol and/or drug test is/are confirmed negative.

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If the result(s) is/are “non-negative,” the employee needs to be escorted home by appropriate supervisory personnel or another City employee with departmental authority and will not be able to return to work until the results are confirmed negative. **In the rare instances when a supervisor or another City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.**

D. On-the-Job Injuries

1. If there is a *reasonable suspicion* that the employee is under the influence of *alcohol* and/or *drugs* during *work hours* and that *drugs* or *alcohol* contributed to the injury, then a supervisor or trained personnel may require an employee, in compliance with sections X.B. and XV of this policy, to undergo *alcohol* and *drug testing*.
2. It is the employee's responsibility to contact his or her supervisor immediately, unless incapacitated, after an injury has occurred so that appropriate action can be taken. Failure to report an injury will result in disciplinary action, up to and including dismissal.

The Director of Human Resources or designated representative of the Human Resources Department shall be responsible for notifying the Department Head or designee of the *alcohol* and/or *drug* screening results as soon as this information is available. When requested, copies of the laboratory report reflecting the *alcohol* and *drug* screening results shall be transmitted to the aforementioned officials when the report is available.

E. Employees Transferring to Other Jobs within the City

Any employee moving from a “non-safety” sensitive position to a “*safety-sensitive*” position or moving from a “*safety-sensitive*” position (as defined by the City) to a DOT “*safety-sensitive*” position (as defined by the Department of Transportation) will be required to pass a *drug* screen as a condition of final appointment.

Questions concerning whether a specific position is deemed *safety-sensitive* should be addressed to the Human Resources Department.

F. Random Testing

1. Federally Regulated *Random testing*

In response to the DOT 49 CFR regulations, employees who are in positions that require the use of a commercial driver's license (CDL) are subject to random *drug* and

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alcohol testing according to federal regulations and guidelines.

2. *Random testing* per City of Denton Policy

Employees in positions that are considered *safety-sensitive positions* (as defined by section I-R of this policy) are subject to random *drug* and *alcohol testing*. Questions concerning whether a specific position is deemed safety sensitive should be addressed to the Human Resources Department.

Employees who are tested under *random testing* may return to work and assigned duties pending confirmed results of the test. If the results are confirmed negative, no further action is taken. If the results are “non-negative,” the employee needs to be escorted home by appropriate supervisory personnel or another City employee with departmental authority and will not be able to return to work until the results are confirmed negative. **In the rare instances when a supervisor or another City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.**

G. Follow-up Testing

In the event an employee self refers in accordance with section XII or appeals a termination in accordance with section XI.C.2, the employee may be subject to follow-up testing.

Follow-up tests are unannounced. Follow-up tests will be conducted in accordance with the recommendation of the Substance Abuse Professional. However, for DOT employees at least six (6) tests must be conducted in the first 12 months after the employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

XI. Confirmation of Test Results

A. Confirmed Positive Results of *Drug* Screen

In the event an oral fluid *drug test* is conducted and the results are non-negative or for DOT tests, the employee will be escorted by the supervisor or another City employee with departmental authority to the *drug* screening collection site for a urine *drug test*. For all *drug testing*, if the initial *urine drug test* is non-negative, a second test of the same sample will be performed to confirm results. The results of a positive *urine drug test* shall not be released until the results are confirmed through GC/MS testing and MRO review.

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1. *Drugs tested and cut off levels*

<u>List of Drugs Tested For</u>	<u>Also Known As</u>	<i>Cut-off Levels</i>	
		<u>Urine</u>	<u>Oral Fluid</u>
*Amphetamines	Speed, Uppers, etc.	500 ng/ml	50 ng/ml
*Methamphetamines	Meth, Ice, Crank, etc.	(incl. in Amph)	50 ng/ml
*Opiates	Heroin, Opium, etc.	2,000 ng/ml	40 ng/ml
*Cannabinoids	Marijuana, Hashish, etc.	50 ng/ml	12 ng/ml
*Cocaine	Coke, Crack, etc.	150 ng/ml	20 ng/ml
*Phencyclidine	Angel, Dust, Hog, etc.	25 ng/ml	10 ng/ml

The City also reserves the right to test for:

<u>List of Drugs Tested For</u>	<u>Common References</u>	<i>Cut-off Levels</i>	
		<u>Urine</u>	<u>Oral Fluid</u>
Synthetic Cannabinoids	K2, Spice, etc.	N/A	N/A

* Detection limit in a given specimen will vary within the listed range and will depend on which class members and/or metabolites are present.

* Detection limits have also been set by HHS.

However, nothing contained in the above cut off levels shall conflict with standards promulgated by the Department of Transportation (DOT).

The City reserves the right to modify the *drugs* to be tested given the circumstances of the reasonable suspicion test, unless it conflicts with DOT rules and regulations. In the case of a conflict, the City reserves the right to test for other substances under its non-DOT testing guidelines, if applicable.

2. Retest of original sample

An employee or applicant who does not pass the *drug test* may request a retest of the original sample within three (3) business days of his or her receipt of the *drug test* results at his/her expense. The employee or applicant may request retesting by the same laboratory or by a second laboratory that is certified to perform *drug tests* by the HHS (Department of Health and Human Services) under the National Laboratory Certification Program (NLCP). The originating laboratory must follow the external chain-of-custody procedure outlined in the HHS mandatory guidelines for federal workplace *drug testing* programs when transferring the sample. If the two tests have conflicting results, a third test will be run at a different, approved lab and funded by the City. The result of the third test will be binding.

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Any employee requesting a retest of the original sample will be required to use any accrued vacation time pending the results of the test. If the employee has no accrued vacation time, the employee will be placed on administrative leave without pay. If the final test is confirmed negative, the employee will be reimbursed for vacation time used or the time placed on administrative leave without pay and the cost of the second test.

3. Procedure for Insufficient Amount of Urine

- a. If an employee or applicant is unable to give a sufficient sample as defined by DOT, he/she will follow DOT guidelines for insufficient amount of urine for a *drug test* (49 CFR Part 40.193) – These guidelines allow the individual to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. If the applicant/employee refuses to make the attempt to provide a new urine specimen or leaves the collection site before the collection process is complete, the collection process will be discontinued. This will be considered a refusal to test (as defined in section IX-A of this policy).
- b. If the applicant/employee has not provided a sufficient amount of urine after following the DOT guidelines above, the City’s Designated Employer Representative (DER) will direct the applicant/employee to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. (Note: Employees will be placed on administrative leave with pay until the evaluation is provided to Human Resources or five days whichever comes first.)
If accepted by the MRO, the test will be cancelled. If not accepted by the MRO, the test will be considered a refusal to test (as defined in section IX-A of this policy).

4. Procedures for Dilute, *Unsuitable*, *Substituted*, or *Adulterated Drug test* Results

If the initial *drug* screen is reported as a *negative dilute*, no further action will be required UNLESS the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL.

Under these circumstances, a job applicant or employee will be required to provide a new sample immediately under direct observation (direct observation means a trained lab technician will visually observe the production of the urine specimen). The result of the second test will be the test of record.

- a. If the initial *drug* screen is reported as a *positive dilute*, this will be considered a refusal to test (as defined in section IX-A).
- b. If the initial *drug* screen is reported as *unsuitable* or *rejected for testing*, the

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employee or job applicant must provide a new sample under direct observation as soon as possible.

- c. If the initial *drug* screen is reported as *substituted* or *adulterated*, this will be considered a refusal to test (as defined in section IX-A).

B. Detectable levels and Confirmed Positive Results of Alcohol

If the initial *alcohol test* is above .000, a second test will be performed to confirm results. The results of a positive *alcohol test* shall not be released until results are confirmed.

1. If an employee's confirmed test result is between .001 and .019, he/she will be removed immediately from his/her *safety-sensitive position* until there is no *detectable level* of *alcohol* in his/her system and will be subject to discipline, up to and including dismissal.
2. If an employee's confirmed test result is between .02 and .039, he/she will be removed immediately from his/her *safety-sensitive position* for a minimum of twenty-four (24) hours and be subject to discipline, up to and including dismissal.
3. If an employee's confirmed Blood *Alcohol Content* test result is .04 or greater, he/she will be dismissed from employment unless appealed and overturned.

C. Consequences of a Confirmed Positive Test Result

1. Applicants: A job applicant will be denied employment with the City if his or her initial positive test results have been confirmed. Applicants who are denied employment due to a positive *drug test* result must wait two years before applying for another position with the City.
2. Employees: If an employee's "non-negative" test result has been confirmed positive, the employee will be dismissed. However, the employee will be allowed to appeal his/her dismissal from employment. The appeal must be submitted in writing to the Human Resources Director within 10 business days of the dismissal. The appeal should include a thorough explanation as to why the employee feels he/she should not be dismissed. Upon request of an appeal, the employee will be required to meet with a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP). The employee must meet with the SAP within three (3) business days of appealing the dismissal. If this timeframe cannot be met due to the SAP's schedule, the employee must notify the Human Resources Director or designated representative prior to the expiration of the three (3) business days.

After the employee meets with the SAP, any report provided by the SAP will be sent to the City's Human Resources Department. A panel consisting of the City Manager, an Assistant City Manager, and the Human Resources Director or alternate member at the

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discretion of the City Manager will meet to review the appeal and any report sent by the SAP. If the panel overturns the dismissal, the employee may be required to complete any recommendations of the SAP. If an employee is dismissed because of a positive test result, he/she must wait two years before applying for another position with the City.

XII. EAP Self-Referral

Except for all civil service and non civil service positions in the police department and divisions of the police department, disciplinary action may not be taken against employees who voluntarily identify themselves as having a *drug* or *alcohol* problem and obtain counseling and rehabilitation through the City's Employee Assistance Program. However, employees are responsible for violation of policies and procedures and for performing job duties and responsibilities at an acceptable level. Disciplinary action may be imposed for an employee who violates policies and procedures or fails to properly perform job duties and responsibilities both prior to and after the self-referral. **An employee may not make a self-referral in order to avoid a potential *drug* or *alcohol* test or disciplinary action.** An employee may only self-refer once. Employees will be required to enter into an agreement with the City, which will include participation in a follow-up testing program.

XIII. Confidentiality of Test Results

All information from an employee's or job applicant's *drug* and *alcohol* screen shall be disclosed only to those with a need to know of test results, including but not limited to the City Manager, City Attorney, Human Resource Director or Designated Employer Representative, Risk Manager, Department Head, and/or Supervisor. The City and its agents may communicate test results among themselves for official purposes both orally and in writing, and at a judicial or administrative proceeding, including applicable state or federal agencies. Disclosure of test results to any other person, agency, or organization is prohibited to persons not eligible to receive the test results under any applicable law. The results of a positive *drug test* shall not be released until the results are confirmed.

XIV. Laboratory Testing Requirements

All *drug* and *alcohol testing* of employees and applicants shall be conducted at facilities or laboratories selected by the City (with the exception of a retest as outlined in section XI). To be considered as a testing site, a facility or laboratory must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a testing facility include:

- A. Testing procedures that ensure privacy to employees and job applicants consistent with the prevention of tampering;
- B. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;

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- C. Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
- D. Retention and storage procedures that ensure reliable results of confirmatory tests of original samples.

XV. Education and Training

The City shall train supervisory personnel on the physical, behavioral, and performance indicators of probable *drug* use and *alcohol* misuse. The City shall also provide information to employees covered under the DOT on the effects and consequences of prohibited *drug* use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited *drug* use.

XVI. Employment At-Will

Like all other City of Denton policies, this policy does not alter the employment at-will relationship. This provision shall not be construed as creating contractual rights or as establishing a “just cause” disciplinary or dismissal standard.

**INFORMAL STAFF REPORT
TO MAYOR AND CITY COUNCIL**

SUBJECT:

Overview of Drug and Alcohol Related Policies for City of Denton Employees

BACKGROUND:

Council Member Byrd requested a two-minute pitch on the Sept. 20, 2022 Council meeting as follows: *“I would like to schedule a 2-minute pitch to discuss and review the prospect to eliminate from city policy all unnecessary employee drug testing except where unambiguously legally REQUIRED by state or federal law.”*

This Informal Staff Report has been prepared to provide an overview of the City of Denton’s current employment policies for drug and alcohol testing.

INFORMATION:

The City currently has policies in place to provide a work environment that is free of the problems associated with the use and abuse of alcohol and controlled substances, to protect the health and safety of employees and the public, and to remain compliant with federal and state laws.

The key City policies relevant to drug and alcohol testing are *City Policy 108.12* Anti-Substance Abuse and Rehabilitation and *Policy 108.11* Drug and Alcohol-Free Workplace. These policies are **attached** to this report; however, the following is a brief summary of drug and alcohol testing practices:

Main Types:	Summary Only:
Pre-Employment Drug Screening	<p>Per <i>City Policy 108.12</i>, upon a conditional offer of employment, all applicants are required to pass a drug screen prior to their final appointment. An applicant will be notified of drug testing at the time of application and will be allowed the opportunity to withdraw their application anytime upon request. This has been required for all positions per City policy to ensure public trust and integrity of the City’s workforce before placing an individual using illegal or controlled substances in the workplace and on the City’s payroll.</p> <p>There are also federal and state regulations which may require pre-employment drug screening for certain positions, including complying with the federal Department of Transportation (DOT) requirements. Certain licenses or certifications may also require drug screening in order to hold the license or certification and therefore be eligible for employment; for example, the Texas Commission on Law Enforcement (TCOLE) requires that peace officers must be drug tested to be licensed.</p>

<p>Random Testing for Defined Safety-Sensitive Positions</p>	<p>The City only conducts random drug testing for <i>safety-sensitive positions</i> in compliance with federal Department of Transportation (DOT) requirements (DOT 49 CFR regulations) and for safety-sensitive positions as defined in <i>City Policy 108.12</i>.</p> <p><i>City Policy 108.12</i> defines safety-sensitive positions as follows:</p> <ul style="list-style-type: none"> • “I.R. Safety-sensitive position is a job where an employee's use of drugs or alcohol could create a threat to safety whereby the employee's ability to perform assigned duties is impaired and the performance of those duties in such mental or physical condition creates or could create a safety hazard that has caused or could cause injury or harm to the employee or other employees or citizens or damage to property. <p>Examples of “safety-sensitive” positions may include, but are not limited to:</p> <ol style="list-style-type: none"> a. positions involving the use of a vehicle and/or motorized equipment, such as cars, trucks of any size, tractors, mowers, trimmers, trash compactors, saws, and drills as an incidental (10% of time or yearly average of 8 hours per pay period) or as a primary duty (more than 50% of time) b. positions using a deadly weapon c. positions with access to controlled substances and/or hazardous materials/chemicals as defined by the Texas Department of Health d. positions falling under the Department of Transportation rules and regulations e. fire civil service personnel, f. parks leisure services positions involving regular contact with children or elderly adults, or g. designated field personnel in water/wastewater utilities, electric utility, streets, traffic, solid waste, and parks maintenance.”
<p>Reasonable Suspicion Testing</p>	<p>Reasonable Suspicion is a suspicion based on some objective fact derived from the surrounding circumstances to lead a reasonable person to suspect that an employee may be under the influence of alcohol or prohibited substances <i>while on duty</i>. Criteria which may be used by appropriately trained management and supervisory personnel to determine if a test for an employee is necessary and procedures for reasonable suspicion are outlined in <i>City Policy 108.12</i>. If the criteria are met, any City employee on duty may be subject to reasonable suspicion testing.</p>
<p>Post-Accident Testing</p>	<p><i>City Policy 108.12</i> defines the criteria and procedures for when an employee should be tested after a vehicular accident. The City of Denton is committed to providing a safe and secure working environment and it has a legitimate interest in determining the cause of accidents so that it can undertake appropriate corrective measures. DOT positions have certain requirements that must be met.</p>

Considerations and factors that would need to be evaluated further if City Council wishes to have a work session on this topic:

- **Health & Safety** – The health and safety of all employees and the public is the first and foremost priority. The responsibilities and functions of certain safety-sensitive jobs could result in serious bodily injury, harm, or even death, to the employee or others, if the employee is impaired on the job. Having certain tools, such as testing, allows the City as an employer to take proactive and reactive measures to ensure safety and compliance with those policies.
- **Federal Grant Compliance** – As a grantee for numerous federal grants, the City of Denton must comply with the federal *Drug-Free Workplace Act of 1988*. The Act requires certain federal contractors and all federal grantees to provide a drug-free workplace as a precondition of receiving a contract or grant from a federal agency. The Drug-Free Workplace Act considers cannabis to be a “controlled substance,” alongside other drugs such as heroin and methadone, and as such, is subject to the rules under the Act. Therefore, to remain a federal grantee, the City must have a drug-free workplace policy and program that prohibits cannabis.

In the U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration (SAMSHA), the [model plan](#) for a Comprehensive Drug-Free Workplace includes applicant testing, random testing for designated sensitive positions, reasonable suspicion testing, and accident or unsafe practice testing.

Staff would need to evaluate if changes to the City’s current requirements may risk the City’s good faith effort to maintain a drug-free workplace and meet the requirements of the Act.

- **Clear Test Standard** – Currently, if an employee is sent for testing while on duty (whether that be random, reasonable suspicion, or post-accident testing), there is a clear-cut standard for the application of the test results that a positive test result for marijuana is a violation of City policy.

To have any level of subjectivity may open the City up to significant risk because there is a considerable opportunity for inconsistent interpretation and application, among other concerns. One concern is defining at what point a substance in the bloodstream of an individual will or will not have an impact on cognitive and physical functions to not impair their ability to perform their job. Having an unclear standard that can be challenged easily could, among other risk and liability concerns, limit the City’s ability as an employer to take or uphold the necessary employment actions to ensure the health and safety of employees and the public or could limit the City’s ability to defend itself against claims.

- **Standard Test Panels** – Practically, most tests are structured standard panel tests trying to detect the presence of multiple illegal drugs. DOT (49 CFR Part 40 Subpart F) requires that we test for five classes of drugs: marijuana, cocaine, opiates, amphetamines and methamphetamines, and Phencyclidine (PCP); often referred to as a 5-panel test.

It is possible to order a 4-panel test for non-DOT positions that excludes testing for marijuana. However, if a test is being used to determine what an employee may be under the influence of while on-duty, a full 5-panel should be used, especially in Reasonable Suspicion and Post Accident testing. Furthermore, if there are different tests used in different scenarios at the contracted lab for testing, it may risk the lab applying the wrong test in the different scenarios. This could risk compliance with federal laws if not applied appropriately.

CONCLUSION:

City staff are continuing to review current City of Denton personnel policies to make necessary updates and recommendations. City staff are currently reviewing and proposing edits and updates to both Policies 108.11 and 108.12, which are expected to be brought forward for City Council approval of the Policy Statements of these documents later this year or early next year. There may be areas that can be recommended to be changed or modified without significantly increasing the City's risk (for example, removing the current policy provision that bars an applicant from applying for City jobs for 2 years after they fail a pre-employment drug test). Staff plans to continue the review that has started and bring forward the recommended policy provisions at a later date.

In addition, HR and Safety staff have recently hosted, and will continue to host, Reasonable Suspicion trainings for supervisors, to ensure they are properly trained and prepared to address any situations appropriately per City policy.

ATTACHMENTS:

- Policy 108.12 Anti-Substance Abuse and Rehabilitation Policy
- Policy 108.11 Drug and Alcohol-Free Workplace

Reference Links:

- *U.S. Department of Transportation (DOT) - Procedures for Transportation Workplace Drug and Alcohol Testing Programs* (<https://www.transportation.gov/odapc/part40>)
- *U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration (SAMSHA) – Model Plan for a Comprehensive Drug-Free Workplace* (<https://www.samhsa.gov/workplace/about/background#model-plan>)

Other:

- City of Denton Random Drug Testing Statistics 2019 - 2022

	2019	2020	2021	2022 YTD	Total 2019 - YTD 2022
Negative	143	139	188	196	666
Positive	1	0	0	2	3
Total:	144	139	188	198	669

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PARTICIPATING DEPARTMENTS:

Human Resources, Legal, and City Manager’s Office

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 108.12
SUBJECT: STANDARDS OF CONDUCT FOR EMPLOYEES	INITIAL EFFECTIVE DATE: 07/15/91
TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION POLICY	LAST REVISION DATE: 11/26/13

POLICY STATEMENT:

The City of Denton recognizes that employee substance abuse can have a serious, adverse impact on its image as a major employer in Denton, its ability to deliver quality services to its citizens, and the general health, welfare, and safety of its employees and the public. The pervasive presence of substance abuse in our society and the adverse effect on employee health, safety, and productivity in the work place requires the establishment of an Anti-substance Abuse and Rehabilitation Program.

The City, in considering its daily operations of providing quality services to its citizens, recognizes its responsibility to implement appropriate measures necessary to the safe, efficient, and effective use of its resources, people, facilities, equipment, and finances. It is the City's responsibility to ensure public trust and, in doing so, must implement comprehensive safety measures that protect the well-being of its employees and citizens.

It is the policy of the City that employees are prohibited from manufacturing, using, possessing, selling, distributing, consuming, or transporting any controlled substances as defined by the Federal Controlled Substances Act or the Texas Controlled Substances Act, or any alcoholic beverages or *intoxicating substances* on *City property* or at any time when conducting City business or performing their job duties and responsibilities, including during any lunch or rest breaks that may be given in which the employee is required to return to work immediately following.

An employee is prohibited from performing his or her job duties while under the influence of *alcohol* or *drugs*, or if performance is *impaired*, while under the influence of lawfully prescribed or over-the-counter substances. An employee shall not have *drugs* or *alcohol* in his or her urine, blood stream, or breath except pursuant to a valid personal prescription. An employee shall not use or possess *alcohol* outside of *work hours* on *City property* where prohibited by this policy, state, or local law. An employee should not use or possess *alcohol* or *drugs* during any lunch or rest breaks that may be given in which the employee is required to return to work immediately following. The employee shall not use *alcohol* or *drugs* while wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) (refer to Public Usage and Standards Policy no. 505.02) or name, irrespective of whether the employee is on duty.

There is no intent to intrude upon the private lives of employees or applicants. However, the City is concerned with those job-related situations where the use of *drugs* or *alcohol* interferes with the health and safety of employees and the public, affects the employee's work performance during *work hours*, adversely

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affects the job performance of other employees, is considered serious enough to be detrimental to the City's conduct of business, or affects the reputation of the City to the general public or threatens its integrity.

It is the policy of the City to have an appeal process in the case of employees with confirmed positive tests for *drugs* or *alcohol* and to deny employment to applicants with confirmed positive tests for *drugs*.

The City of Denton complies with all applicable regulations and *drug* and *alcohol testing* programs, including the Department of Transportation (DOT) and American with Disabilities Act (ADA). Unless otherwise specified, the City of Denton has adopted the drug and alcohol testing procedures and guidelines of the DOT.

This policy applies to all employees- regular full-time, regular part-time, temporary, and seasonal. Civil Service employees are subject to the applicable provisions of Chapter 143 of the Texas Local Government Code, Local Rules of the City of Denton Fire Fighters and Police Officers Civil Service Commission, and the general orders of the Police and Fire Departments, which may include the provisions of this policy. This policy also applies to persons serving in an official capacity as a volunteer for the City of Denton as outlined in the Volunteer Procedures policy # 409.07.

ADMINISTRATIVE PROCEDURES:**I. Definitions**

- A. *Adulterated* test results occur when an agent is added to the urine sample by the donor at the time of collection in an attempt to prevent detection of *drug* use.
- B. *Alcohol* is defined as ethyl alcohol. *Alcohol*, as used herein, includes any beverage, mixture, or preparation containing ethyl alcohol.
- C. *Alcohol testing* is testing for blood *alcohol* content by an intoxilizer instrument device operated pursuant to state law.
- D. *Cut-off levels* are established by analytical methods in the laboratory to determine a quantitative level of a *drug* in the body. The specific cut-off level is a standard selected by the DOT.
- E. *City property* or *premises* for purposes of this policy, includes **ALL** property, facilities, buildings, structures, parking areas, and vehicles owned, operated, leased, or under control of the City. An employee is not considered in violation of this policy by transporting or possessing alcoholic beverages on City streets if he or she is:
 - 1. off duty;
 - 2. not wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) or name;
 - 3. not operating a City-owned, leased, or borrowed vehicle;
 - 4. in a public access area; and
 - 5. in compliance with all applicable laws.

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- F. *Detectable level* indicates the presence of a *drug* or substance found in the body in amounts exceeding an established cut-off level. A detectable level of *alcohol*, as defined by the DOT, is .01 or greater.
- G. *Drug* is a controlled substance, controlled substance analogue, narcotic *drug*, or opiate as defined in Schedules I-V of the Federal Controlled Substance Act, or the Texas Controlled Substance Act, Texas Health & Safety Code, Chapter 481, if obtained or used without a valid prescription for the user or possessor (refer to section IV of this policy). This definition includes but is not limited to marijuana, hashish, cocaine, heroin, morphine, codeine, amphetamines, barbiturates, hallucinogens, inhalants producing mood and mind-altering vapors, and substances chemically similar to these *drugs*.
- H. *Drug test* is the collection of a urine specimen by trained personnel, laboratory analysis of that specimen by Enzyme Immunoassay (EMIT) screening, and confirmation of *drug*-positive EMIT tests using gas chromatography/mass spectrometry (GC/MS) methods and procedures, or other medically acceptable technology (such as oral fluid *drug testing*) deemed appropriate by the City of Denton.
- I. Emergency Call-Back is defined as those employees that on a continuous basis may be asked, but are not scheduled, to report to work outside of normal working hours in an emergency situation.
- J. *Impaired* is an employee's diminished capacity to perform duties of the job as determined by a supervisor and/or physician's statement.
- K. Intoxicating substances is defined to means those substances that are being utilized for the intentional purpose of causing a physical or mind altering state.
- L. Negative Dilute test results occur when the creatinine and specific gravity levels approach "substituted" values, which might indicate that an attempt has been made by the donor to avoid drug detection.
- M. *On-Call* is defined as a period of time during which an employee is advised by his/her supervisor to be accessible for return to work for operational requirements that may develop outside normally scheduled *work hours*.
- N. Paraphernalia is defined as equipment, a product, or material that is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a drug or in injecting, ingesting, inhaling, or otherwise introducing into the human body a drug.

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- O. *Positive Dilute* test results occur when it has been determined by the laboratory through confirmation of the creatinine and specific gravity values that an attempt was made by the donor to avoid *drug* detection by “flushing out” the *drug* or by lowering the level of the *drug* to a concentration less than that of the testing cutoffs.
- P. *Random testing* describes the process of testing that assures each employee has an equal chance of being tested each time covered employees are selected for testing. All test results and selected employee names are confidential, and records are maintained separate from employee personnel files.
1. The Department of Transportation (DOT) regulates the percentage of covered employees who are to be randomly tested for *drugs* and *alcohol* per calendar year.
 2. Employees in other “safety sensitive” positions (as defined in section I-O of this policy) are tested at a minimum of the rate as employees falling under DOT.
- Q. *Reasonable suspicion* is a suspicion based on some objective fact derived from the surrounding circumstances to lead a reasonable person to suspect that an employee may be under the influence of *alcohol* or prohibited substances while on duty.
- R. *Safety-sensitive position* is a job where an employee's use of *drugs* or *alcohol* could create a threat to safety whereby the employee's ability to perform assigned duties is *impaired* and the performance of those duties in such mental or physical condition creates or could create a safety hazard that has caused or could cause injury or harm to the employee or other employees or citizens or damage to property.

Examples of “*safety-sensitive*” positions may include, but are not limited to:

- a. positions involving the use of a vehicle and/or motorized equipment, such as cars, trucks of any size, tractors, mowers, trimmers, trash compactors, saws, and drills as an incidental (10% of time or yearly average of 8 hours per pay period) or as a primary duty (more than 50% of time)
- b. positions using a deadly weapon
- c. positions with access to controlled substances and/or hazardous materials/chemicals as defined by the Texas Department of Health
- d. positions falling under the Department of Transportation rules and regulations
- e. fire civil service personnel,
- f. parks leisure services positions involving regular contact with children or elderly adults, or
- g. designated field personnel in water/wastewater utilities, electric utility, streets, traffic, solid waste, and parks maintenance.

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- S. *Substituted* test results occur when the creatinine concentration of the urine sample is less than or equal to 5 mg/dL and the specific gravity of the urine sample is less than or equal to 1.001 or greater than or equal to 1.020 on both the initial and confirmatory creatinine and specific gravity tests. These results suggest that the donor has altered the specimen to avoid detection of drug use.
- T. *Unsuitable for testing* test results occur when unidentified adulterants or endogenous products are detected in the donor's urine and interfere with any of the testing process.
- U. *Vehicular Accident* is defined as an event where any damage occurs to a vehicle, motor-driven equipment, or other property, or where an injury occurs to any person, due to the operation (use of or failure to use steering, braking, acceleration, and/or operational systems) of a vehicle or motor-driven equipment by an employee. However, this does not include normal wear and tear or incidents that the operator had no control over (such as flying debris that cannot be avoided) as determined by the supervisor.
- V. *Work Hours* includes any time an employee is performing work for the City.

II. Prohibited Items. The manufacture, use, possession, sale, distribution, consumption, or transportation of any of the following substances by employees while on *City property*, conducting City business, or performing job duties and responsibilities is prohibited. These violations will result in notification of appropriate law enforcement personnel, *reasonable suspicion drug*, and/or *alcohol testing*, and will result in disciplinary action, up to and including dismissal.

- A. *Drugs* (as defined in section I-G of this policy)
- B. *Alcoholic* beverages or other *intoxicating substances* (as defined in sections I-B and I-K of this policy) —however, an employee may possess, consume, or transport alcoholic beverages while off duty (in compliance with section I-E of this policy) unless local or state law otherwise prohibits the possession or consumption of alcoholic beverages.
- C. *Drug paraphernalia* (as defined in section I-N of this policy).

Prohibited items do not include the possession or transportation of any substance or item by Police Department personnel in fulfillment of legitimate law enforcement activities, nor is this description intended to infringe upon or impede any lawful law enforcement function associated with the investigation of criminal offenses under the Federal or State Controlled Substances Act, or ordinances of the City of Denton.

- III. Prescriptions and Over-The-Counter Medications. Prescriptions and over-the-counter medications are prohibited except when all of the following conditions are met:
 - A. The prescription *drugs* are prescribed by a physician licensed to practice medicine in the United States or its territories for the person in possession of the *drugs*;

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- B. The prescription has been filled by a registered/licensed pharmacist within the last twelve (12) months for the person possessing the *drug* or medication;
- C. The *drugs* or medications are ingested or administered only in the prescribed or recommended therapeutic dosages;
- D. The employee or applicant must be able to produce evidence of a valid prescription to a medical review officer as requested, and
- E. The employee taking the *drug* or medication has informed his or her supervisor that he or she is taking a medication that could impair his or her ability to perform his or her job duties, including but not limited to the operation of vehicles or motorized equipment.

The City, at all times, reserves the right to have a designated City physician determine if a prescription *drug* or medication produces hazardous effects and may restrict the job duties performed while using any *drug* or medication accordingly.

IV. Conferences

Employees attending training and conferences may participate in social functions associated with the conference. This may include the consumption of *alcohol*, so long as the employee is not wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) or name and the employee's conduct does not reflect adversely upon the City. Employees who consume *alcohol* at these functions shall follow the law and exercise caution in driving personal vehicles and shall not operate a City-owned, City-leased, or City-rented vehicle.

V. *Emergency Call-Back*

Employees subject to continuous *emergency call-back* are required to declare to their supervisors the use of *alcohol* or *drugs* including prescribed medication that might affect their ability to perform under an emergency. The supervisor shall determine if the employee is fit to work and in what capacity.

VI. *On-Call*

Because employees with *on-call* status are potentially required to be actively working, an "*on call*" employee is prohibited from consuming *alcoholic* beverages or using *drugs* that may impair his or her performance. If an employee is taking prescription medication that may impair his or her performance when called back to work, he or she should notify his or her supervisor. The supervisor shall determine if the employee is fit to work and in what capacity.

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VII. Use of Substances Outside of *Work Hours*

An employee shall not use or possess *drugs* or *alcohol* outside of *work hours* on *City property* as defined by section I-E, including during any lunch or rest breaks that may be given in which the employee is required to return to work immediately following. An employee shall not use *alcohol* or *drugs* before or after *work hours* while wearing a City of Denton uniform or any other article of clothing furnished by the City to employees with an approved City of Denton logo(s) or name.

VIII. Notice of Testing Policy

The Human Resources Department shall provide informed and/or written notice of its *drug* and *alcohol testing* policy to all job applicants and employees. The notice shall contain the following information:

- the need for *drug* and *alcohol testing*;
- circumstances under which testing may be required;
- the procedure for confirming an initial positive *drug* and/or *alcohol* test result;
- consequences of a confirmed positive test result;
- consequences of refusing to undergo a *drug* and/or *alcohol* test;
- the appeal procedures available for a positive test result; and
- the availability of *drug* abuse counseling and referral services.

Applicants will be notified of the City's policy to conduct *drug testing* as part of the employment process. When an applicant reports to a testing site for testing, he or she shall first present valid picture identification, such as issued by the Department of Public Safety or a passport to the tester.

IX. Consent

Before a *drug* or *alcohol* test is administered, the employee or job applicant will be required to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know or as required by law, except those exempt pursuant to DOT regulations 49 Part CFR 40.27. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's *drug testing* policy. **By continuing employment with the City of Denton, employees have consented to the adoption of this policy and testing program.**

A. Refusal to Test

1. Applicants: A job applicant who refuses to consent to a *drug test* will be denied employment with the City.
2. Employees: An employee who refuses to consent to a *drug* and/or *alcohol* test will be subject to dismissal.

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The consent form shall not be altered or changed by the applicant or employee. Altering or refusing to sign the consent form shall be considered a refusal to consent to the *drug* and/or *alcohol* test.

B. Complaints or Grievances

Any complaints or grievances about the testing procedure are to be made by the employee through his/her normal chain of command pursuant to the City of Denton Problem Solving Policy 115.02. Those conducting the testing shall not be harassed or abused either verbally or physically during any *drug* or *alcohol testing* procedure. Any conduct that is perceived by the testing personnel as harassing or verbally or physically abusing will be deemed as failing to cooperate fully with the collection of breath, saliva, and/or urine samples and shall be considered as insubordination and thus subject to disciplinary action up to and including dismissal.

X. Types of Testing

A. Pre-Employment (Job Applicant Testing)

Upon a conditional offer of employment, all applicants are required to pass a *drug* screen prior to his or her final appointment. An applicant will be notified of *drug testing* at the time of application and will be allowed the opportunity to withdraw his or her application anytime upon request.

B. Reasonable Suspicion

The decision to conduct *reasonable suspicion alcohol and drug testing* will be determined on a case-by-case basis. Note: With *reasonable suspicion*, an *alcohol* test will be conducted first. If the *alcohol* test is negative, then the employee will be subject to a *drug test*.

1. Criteria which may be used by appropriately trained management and supervisory personnel to determine if a test for an employee is necessary include, but are not limited to, the following:
 - a. Observed *alcohol* or *drug* use during working hours;
 - b. Apparent physical state of intoxication or *drug* induced impairment of motor function;
 - c. Incoherent or irrational mental state;
 - d. Marked changes in personal behavior or attitude not attributable to other factors;

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- e. Deteriorating work performance, attendance, or tardiness problems not attributable to other factors;
 - f. Information received from appropriately trained sources in determining *reasonable suspicion* that indicates the employee has been involved in *alcohol* or *drug* use;
 - g. Other employee actions or conduct that leads to a suspicion of *drug* or *alcohol* use such as presence of physical symptoms that may include glassy or blood-shot eyes, *alcohol* beverage odor on breath, slurred speech, poor coordination or reflexes, unsteady gait, mood changes (including inappropriate gaiety or lethargic behavior), unpredictable responses to ordinary requests, etc. which leads managers and supervisors to believe that the employee is under the influence of *alcohol* or *drugs*, suffers from substance abuse or is in violation of City or departmental rules, regulations, or procedures concerning the use of such substances;
 - h. Any violation of the City of Denton's *Drug Free Work Place Policy* (108.11).
2. Supervisory Procedures in the Event of *Reasonable Suspicion*
- a. A supervisor or trained personnel (in compliance with section XV of this policy) may require an employee to undergo *alcohol* and *drug testing* if he/she has *reasonable suspicion* that the employee is under the influence of *alcohol* and/or *drugs* during *work hours* as described above. Supervisors are required to complete an "Observation Checklist" if they have received training (in compliance with XV of this policy), which can be found on the City's Intranet site, to list the symptoms or observations that formed the basis for their determination that *reasonable suspicion* existed to warrant the testing of an employee. This documentation shall be forwarded to the Human Resources Department. If a supervisor has not been trained, he/she should contact Human Resources or someone in their chain of command. The facts underlying the determination of *reasonable suspicion* should be disclosed to the employee at the time the supervisor requires the employee to undergo reasonable suspicion *alcohol* and *drug testing*.
 - b. If an employee refuses to consent to a *reasonable suspicion* test, he/she should be escorted to the Human Resources department if during normal *work hours*. If after normal *work hours*, he/she should be escorted home by appropriate supervisory personnel or another City employee with departmental authority and placed on administrative leave with pay until contacted by his or her supervisor. In the rare instances when a supervisor or another City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.

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- c. Once *the supervisor has established reasonable suspicion*, an employee must submit to an *alcohol* and *drug* screen immediately upon request. An *alcohol* test will be conducted first. If the *alcohol* test is negative or the results are at a *detectable level* below .039, then the employee will be subject to a *drug test*. The employee's supervisor shall give the employee a direct order, as a condition of employment, to submit to an *alcohol* and *drug* screen with the warning that refusal to comply will result in dismissal. (For results that are not negative or are .039 or above, refer to section XI. B. of this policy.)
- d. The employee shall be further instructed to cooperate throughout the *alcohol* and *drug* screening procedure, including following all directions received from trained personnel at the *alcohol* and *drug* screening collection site. **The employee, in no case, shall be permitted to continue working or remain unattended while screening approval or arrangements are being effected. The employee will be placed on administrative leave with pay pending results of the test.**
- e. The department supervisor shall immediately, if during normal weekday office hours (7 a.m. to 5 p.m., Monday through Friday), notify the Director of Human Resources or designated representative in the Human Resources Department to arrange for the *alcohol* and *drug* screening. If after normal weekday office hours, the supervisor should notify Human Resources the next business day. **If the necessity to arrange for an *alcohol* and *drug* screening occurs, the supervisor or another City employee with departmental authority must escort the employee to the designated *drug* screening collection site. The employee shall never be permitted to operate a vehicle or motorized equipment.**
- f. Supervisory personnel and appropriate medical personnel shall take the necessary actions to prevent the employee's alteration or falsification of the *alcohol* and *drug* screen procedure. An appropriate chain of custody procedure will be followed at the collection site to ensure the accuracy and integrity of the testing procedure and test results.
- g. **The employee should not return to work in any capacity until results are confirmed negative.**
- h. If the results are "non-negative," the employee needs to be escorted home by appropriate supervisory personnel or another City employee with departmental authority and placed on administrative leave without pay. **In the rare instances when a supervisor or other City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.**

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C. Post Accident

Vehicular Accidents (includes City vehicles and motorized equipment as well as leased vehicles, personal vehicles, rental vehicles, or borrowed vehicles if being operated to conduct City business):

1. An employee should ALWAYS be tested for *DRUGS* if any one or more of the following conditions apply:
 - a. there has been a death to a citizen or another employee during work hours due to a *vehicular accident*;
 - b. there has been a vehicular accident from which injury to an employee or citizen has occurred during work hours that requires immediate treatment at a doctor's office or hospital;
 - c. there has been any damage to City and/or citizen property during work hours due to a vehicular accident (exceptions include employee's vehicle being hit from behind while legally stopped); or
 - d. there has been a vehicular accident on a public street during work hours and the police officer issues a citation to the employee.
2. An employee should ALWAYS be tested for *ALCOHOL* if any one or more of the following conditions apply:
 - a. there is *reasonable suspicion* as determined by an appropriately trained supervisor; or
 - b. an employee has a commercial driver's license and is required to use the license to perform his/her job duties and has an accident while using his/her commercial driver's license that involves one or more of the following:
 - i. a human fatality;
 - ii. a bodily injury which requires immediate medical treatment away from the scene AND a citation is issued to the employee (a DOT test is not required if a citation is not issued); or
 - iii. there has been disabling damage to any motor vehicle requiring tow away AND a citation is issued to the employee (a DOT test is not required if a citation is not issued).

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3. A *drug test* must be conducted along with ANY post-accident *alcohol test* unless the *alcohol test* results are .04 or greater.
4. **Under no circumstances should a post-accident test be waived if any of the above criteria are met.**
 - a. If required, an *alcohol test* should be conducted immediately (if there are no incapacitating injuries). If an *alcohol test* is not conducted within two (2) hours after the accident, a memo should be written as to why an *alcohol test* was not conducted within that time frame. This memo should be forwarded to the Human Resources department to be filed. All attempts to test should cease if it has been longer than eight (8) hours.
 - b. A *drug test* should be conducted immediately (if there are no incapacitating injuries). If a *drug test* is not conducted within two (2) hours, a memo should be written as to why a *drug test* was not conducted within that time frame. This memo should be forwarded to the Human Resources Department to be filed. All attempts to test should cease if it has been longer than thirty-two (32) hours.
5. It is the employee's responsibility to contact his or her supervisor immediately, unless incapacitated, after an accident has occurred so that appropriate action can be taken. Failure to report an accident will result in disciplinary action, up to and including dismissal.
6. Oral fluid testing may be conducted for post-accident drug tests. Employees with negative test results may return to work. Section XI.A. will apply for employees with "non-negative" test results and employees required to take a drug test under the DOT guidelines.
7. If oral fluid collection cannot be taken on-site, the employee shall be escorted to the *alcohol* and/or *drug* screening collection site by appropriate supervisory personnel or other City employee with departmental authority. **The employee shall not be permitted to operate a vehicle or motorized equipment.**
8. Employees who are tested as a result of a non-DOT accident may return to work and assigned duties as long as the result(s) of the drug and/or alcohol test (where applicable) is/are confirmed negative.

Employees who are tested as a result of a DOT accident will be escorted to the testing facility for an alcohol test and a split specimen urine drug screen. In this instance, the employee may return to work and assigned duties as long as the initial result(s) of the alcohol and/or drug test is/are confirmed negative.

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If the result(s) is/are “non-negative,” the employee needs to be escorted home by appropriate supervisory personnel or another City employee with departmental authority and will not be able to return to work until the results are confirmed negative. **In the rare instances when a supervisor or another City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.**

D. On-the-Job Injuries

1. If there is a *reasonable suspicion* that the employee is under the influence of *alcohol* and/or *drugs* during *work hours* and that *drugs* or *alcohol* contributed to the injury, then a supervisor or trained personnel may require an employee, in compliance with sections X.B. and XV of this policy, to undergo *alcohol* and *drug testing*.
2. It is the employee's responsibility to contact his or her supervisor immediately, unless incapacitated, after an injury has occurred so that appropriate action can be taken. Failure to report an injury will result in disciplinary action, up to and including dismissal.

The Director of Human Resources or designated representative of the Human Resources Department shall be responsible for notifying the Department Head or designee of the *alcohol* and/or *drug* screening results as soon as this information is available. When requested, copies of the laboratory report reflecting the *alcohol* and *drug* screening results shall be transmitted to the aforementioned officials when the report is available.

E. Employees Transferring to Other Jobs within the City

Any employee moving from a “non-safety” sensitive position to a “*safety-sensitive*” position or moving from a “*safety-sensitive*” position (as defined by the City) to a DOT “*safety-sensitive*” position (as defined by the Department of Transportation) will be required to pass a *drug* screen as a condition of final appointment.

Questions concerning whether a specific position is deemed *safety-sensitive* should be addressed to the Human Resources Department.

F. Random Testing

1. Federally Regulated *Random testing*

In response to the DOT 49 CFR regulations, employees who are in positions that require the use of a commercial driver's license (CDL) are subject to random *drug* and

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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alcohol testing according to federal regulations and guidelines.

2. *Random testing* per City of Denton Policy

Employees in positions that are considered *safety-sensitive positions* (as defined by section I-R of this policy) are subject to random *drug* and *alcohol testing*. Questions concerning whether a specific position is deemed safety sensitive should be addressed to the Human Resources Department.

Employees who are tested under *random testing* may return to work and assigned duties pending confirmed results of the test. If the results are confirmed negative, no further action is taken. If the results are “non-negative,” the employee needs to be escorted home by appropriate supervisory personnel or another City employee with departmental authority and will not be able to return to work until the results are confirmed negative. **In the rare instances when a supervisor or another City employee with departmental authority is unable to escort the employee home, the supervisor may make arrangements for a reasonable party to pick-up the employee from the worksite.**

G. Follow-up Testing

In the event an employee self refers in accordance with section XII or appeals a termination in accordance with section XI.C.2, the employee may be subject to follow-up testing.

Follow-up tests are unannounced. Follow-up tests will be conducted in accordance with the recommendation of the Substance Abuse Professional. However, for DOT employees at least six (6) tests must be conducted in the first 12 months after the employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

XI. Confirmation of Test Results

A. Confirmed Positive Results of *Drug* Screen

In the event an oral fluid *drug test* is conducted and the results are non-negative or for DOT tests, the employee will be escorted by the supervisor or another City employee with departmental authority to the *drug* screening collection site for a urine *drug test*. For all *drug testing*, if the initial *urine drug test* is non-negative, a second test of the same sample will be performed to confirm results. The results of a positive *urine drug test* shall not be released until the results are confirmed through GC/MS testing and MRO review.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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1. *Drugs tested and cut off levels*

<u>List of Drugs Tested For</u>	<u>Also Known As</u>	<i>Cut-off Levels</i>	
		<u>Urine</u>	<u>Oral Fluid</u>
*Amphetamines	Speed, Uppers, etc.	500 ng/ml	50 ng/ml
*Methamphetamines	Meth, Ice, Crank, etc.	(incl. in Amph)	50 ng/ml
*Opiates	Heroin, Opium, etc.	2,000 ng/ml	40 ng/ml
*Cannabinoids	Marijuana, Hashish, etc.	50 ng/ml	12 ng/ml
*Cocaine	Coke, Crack, etc.	150 ng/ml	20 ng/ml
*Phencyclidine	Angel, Dust, Hog, etc.	25 ng/ml	10 ng/ml

The City also reserves the right to test for:

<u>List of Drugs Tested For</u>	<u>Common References</u>	<i>Cut-off Levels</i>	
		<u>Urine</u>	<u>Oral Fluid</u>
Synthetic Cannabinoids	K2, Spice, etc.	N/A	N/A

* Detection limit in a given specimen will vary within the listed range and will depend on which class members and/or metabolites are present.

* Detection limits have also been set by HHS.

However, nothing contained in the above cut off levels shall conflict with standards promulgated by the Department of Transportation (DOT).

The City reserves the right to modify the *drugs* to be tested given the circumstances of the reasonable suspicion test, unless it conflicts with DOT rules and regulations. In the case of a conflict, the City reserves the right to test for other substances under its non-DOT testing guidelines, if applicable.

2. Retest of original sample

An employee or applicant who does not pass the *drug test* may request a retest of the original sample within three (3) business days of his or her receipt of the *drug test* results at his/her expense. The employee or applicant may request retesting by the same laboratory or by a second laboratory that is certified to perform *drug tests* by the HHS (Department of Health and Human Services) under the National Laboratory Certification Program (NLCP). The originating laboratory must follow the external chain-of-custody procedure outlined in the HHS mandatory guidelines for federal workplace *drug testing* programs when transferring the sample. If the two tests have conflicting results, a third test will be run at a different, approved lab and funded by the City. The result of the third test will be binding.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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Any employee requesting a retest of the original sample will be required to use any accrued vacation time pending the results of the test. If the employee has no accrued vacation time, the employee will be placed on administrative leave without pay. If the final test is confirmed negative, the employee will be reimbursed for vacation time used or the time placed on administrative leave without pay and the cost of the second test.

3. Procedure for Insufficient Amount of Urine

- a. If an employee or applicant is unable to give a sufficient sample as defined by DOT, he/she will follow DOT guidelines for insufficient amount of urine for a *drug test* (49 CFR Part 40.193) – These guidelines allow the individual to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. If the applicant/employee refuses to make the attempt to provide a new urine specimen or leaves the collection site before the collection process is complete, the collection process will be discontinued. This will be considered a refusal to test (as defined in section IX-A of this policy).
- b. If the applicant/employee has not provided a sufficient amount of urine after following the DOT guidelines above, the City’s Designated Employer Representative (DER) will direct the applicant/employee to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. (Note: Employees will be placed on administrative leave with pay until the evaluation is provided to Human Resources or five days whichever comes first.)
If accepted by the MRO, the test will be cancelled. If not accepted by the MRO, the test will be considered a refusal to test (as defined in section IX-A of this policy).

4. Procedures for Dilute, *Unsuitable*, *Substituted*, or *Adulterated Drug test* Results

If the initial *drug* screen is reported as a *negative dilute*, no further action will be required UNLESS the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL.

Under these circumstances, a job applicant or employee will be required to provide a new sample immediately under direct observation (direct observation means a trained lab technician will visually observe the production of the urine specimen). The result of the second test will be the test of record.

- a. If the initial *drug* screen is reported as a *positive dilute*, this will be considered a refusal to test (as defined in section IX-A).
- b. If the initial *drug* screen is reported as *unsuitable* or *rejected for testing*, the

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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employee or job applicant must provide a new sample under direct observation as soon as possible.

- c. If the initial *drug* screen is reported as *substituted* or *adulterated*, this will be considered a refusal to test (as defined in section IX-A).

B. Detectable levels and Confirmed Positive Results of Alcohol

If the initial *alcohol test* is above .000, a second test will be performed to confirm results. The results of a positive *alcohol test* shall not be released until results are confirmed.

1. If an employee's confirmed test result is between .001 and .019, he/she will be removed immediately from his/her *safety-sensitive position* until there is no *detectable level* of *alcohol* in his/her system and will be subject to discipline, up to and including dismissal.
2. If an employee's confirmed test result is between .02 and .039, he/she will be removed immediately from his/her *safety-sensitive position* for a minimum of twenty-four (24) hours and be subject to discipline, up to and including dismissal.
3. If an employee's confirmed Blood *Alcohol Content* test result is .04 or greater, he/she will be dismissed from employment unless appealed and overturned.

C. Consequences of a Confirmed Positive Test Result

1. Applicants: A job applicant will be denied employment with the City if his or her initial positive test results have been confirmed. Applicants who are denied employment due to a positive *drug test* result must wait two years before applying for another position with the City.
2. Employees: If an employee's "non-negative" test result has been confirmed positive, the employee will be dismissed. However, the employee will be allowed to appeal his/her dismissal from employment. The appeal must be submitted in writing to the Human Resources Director within 10 business days of the dismissal. The appeal should include a thorough explanation as to why the employee feels he/she should not be dismissed. Upon request of an appeal, the employee will be required to meet with a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP). The employee must meet with the SAP within three (3) business days of appealing the dismissal. If this timeframe cannot be met due to the SAP's schedule, the employee must notify the Human Resources Director or designated representative prior to the expiration of the three (3) business days.

After the employee meets with the SAP, any report provided by the SAP will be sent to the City's Human Resources Department. A panel consisting of the City Manager, an Assistant City Manager, and the Human Resources Director or alternate member at the

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

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discretion of the City Manager will meet to review the appeal and any report sent by the SAP. If the panel overturns the dismissal, the employee may be required to complete any recommendations of the SAP. If an employee is dismissed because of a positive test result, he/she must wait two years before applying for another position with the City.

XII. EAP Self-Referral

Except for all civil service and non civil service positions in the police department and divisions of the police department, disciplinary action may not be taken against employees who voluntarily identify themselves as having a *drug* or *alcohol* problem and obtain counseling and rehabilitation through the City's Employee Assistance Program. However, employees are responsible for violation of policies and procedures and for performing job duties and responsibilities at an acceptable level. Disciplinary action may be imposed for an employee who violates policies and procedures or fails to properly perform job duties and responsibilities both prior to and after the self-referral. **An employee may not make a self-referral in order to avoid a potential *drug* or *alcohol* test or disciplinary action.** An employee may only self-refer once. Employees will be required to enter into an agreement with the City, which will include participation in a follow-up testing program.

XIII. Confidentiality of Test Results

All information from an employee's or job applicant's *drug* and *alcohol* screen shall be disclosed only to those with a need to know of test results, including but not limited to the City Manager, City Attorney, Human Resource Director or Designated Employer Representative, Risk Manager, Department Head, and/or Supervisor. The City and its agents may communicate test results among themselves for official purposes both orally and in writing, and at a judicial or administrative proceeding, including applicable state or federal agencies. Disclosure of test results to any other person, agency, or organization is prohibited to persons not eligible to receive the test results under any applicable law. The results of a positive *drug test* shall not be released until the results are confirmed.

XIV. Laboratory Testing Requirements

All *drug* and *alcohol testing* of employees and applicants shall be conducted at facilities or laboratories selected by the City (with the exception of a retest as outlined in section XI). To be considered as a testing site, a facility or laboratory must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a testing facility include:

- A. Testing procedures that ensure privacy to employees and job applicants consistent with the prevention of tampering;
- B. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: ANTI-SUBSTANCE ABUSE AND REHABILITATION	REFERENCE NUMBER: 108.12
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- C. Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
- D. Retention and storage procedures that ensure reliable results of confirmatory tests of original samples.

XV. Education and Training

The City shall train supervisory personnel on the physical, behavioral, and performance indicators of probable *drug* use and *alcohol* misuse. The City shall also provide information to employees covered under the DOT on the effects and consequences of prohibited *drug* use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited *drug* use.

XVI. Employment At-Will

Like all other City of Denton policies, this policy does not alter the employment at-will relationship. This provision shall not be construed as creating contractual rights or as establishing a “just cause” disciplinary or dismissal standard.

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 108.11
SUBJECT: STANDARD OF CONDUCT FOR EMPLOYEES	INITIAL EFFECTIVE DATE: 06/20/89
TITLE: DRUG AND ALCOHOL FREE WORK PLACE	LAST REVISION DATE: 01/01/02

POLICY STATEMENT:

It is the policy of the City of Denton to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of alcohol and controlled substances is inconsistent with the behavior expected of employees and subjects the City to unacceptable risks of work place accidents or other failures that would undermine the City's ability to operate effectively and efficiently. Noncompliance with the policy set forth below will result in termination.

GENERAL:

The City of Denton shall, in compliance with the Omnibus Drug Initiative Act of 1988, take those steps required by the Act to ensure that its work place is drug and alcohol free. All employees shall receive a copy of the City's "Drug and Alcohol Free Work Place" policy, Appendix I. All persons newly hired by the City shall receive a copy of the policy during the new employee orientation process. Any employee found in violation of this policy shall be disciplined and such discipline may include termination. The City provides an Employee Assistance Program that is designed to assist employees and their families with personal and behavioral problems that have or could adversely affect job performance.

ADMINISTRATIVE PROCEDURES:

- I. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on City property or other work sites where employees may be assigned or elsewhere during work hours is strictly prohibited. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent such activity impairs an employee's ability to perform his or her job or where such use, sale, possession, distribution, manufacture, or transfer affects the reputation of the City to the general public or threatens its integrity. Persons violating the City policy will be subject to disciplinary action that may include termination for a first offense.
- II. Employees are prohibited from possessing, consuming or transporting any alcoholic beverages or other intoxicating substances on City property at any time when conducting City business or when performing their job duties and responsibilities or otherwise violating Policy 108.12.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: DRUG AND ALCOHOL FREE WORK PLACE	REFERENCE NUMBER: 108.11
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III. Employees who are convicted of controlled substances-related violations or alcohol-related violations occurring in the work place under state or federal law or who plead guilty or “no contest” to such charges will be terminated. Employees must report the conviction to the Director of Human Resources or designated representative and Department Director or designated representative within five (5) business days from the date of the conviction.

IV. Employees who are arrested for controlled substances-related violations or alcohol-related violations occurring in the work place must report the arrest to the Director of Human Resources or designated representative and Department Director or designated representative as soon as possible but no later than twenty-four (24) hours. Failure to do so will result in disciplinary action, up to and including termination from employment for a first offense.

"Controlled Substance" is defined to mean those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. § 812, and includes, but is not limited to, marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, heroin, amphetamines, and barbiturates. When used in this policy, the term "drugs" means "controlled substances." The term does not include those controlled substances used pursuant to and in accordance with a valid prescription.

V. DRUG FREE AWARENESS PROGRAM

- A. The Human Resources Department shall publish a policy statement notifying all employees that the City is committed to maintaining a drug and alcohol free work place. This policy statement shall be given to all persons newly hired by the City during new employee orientation.
- B. The City shall establish a drug and alcohol free work place awareness program for its employees and as mandated by the Federal Department of Transportation's regulations, for employees who are required to possess and utilize a commercial driver's license to perform their jobs and for supervisors who oversee those employees. The purpose will be to make employees aware of the dangers of drug and alcohol abuse and the assistance that is available to combat these problems. This program shall include an educational component designed to inform employees of the dangers of drug and alcohol abuse in the work place. This program shall inform all employees of the City's commitment to maintaining a drug and alcohol free work place. The program shall direct employees to seek assistance through the City's Employee Assistance Program. The program will further alert employees to the penalties for violating this policy.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: DRUG AND ALCOHOL FREE WORK PLACE	REFERENCE NUMBER: 108.11
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C. Employees must, as a condition of employment:

1. Abide by the terms of the City's "Drug and Alcohol Free Work Place" policy, attached as Appendix I; and,
2. Notify their supervisor or Department Director and Director of Human Resources or designee of any criminal drug or alcohol statute conviction for a violation (or a plea of no contest) occurring at the work place no later than five (5) days after such conviction. Notify their supervisor or Department Director and the Director of Human Resources or designee of any arrest for drug or alcohol related violations occurring at the work place as soon as possible but no later than twenty four (24) hours.
3. A Department Director, upon receiving notification of an employee's conviction (or plea of guilty or no contest) or arrest of a violation, must notify the Director of Human Resources immediately. The Director of Human Resources will in turn notify the affected Department Director if he/she becomes aware of a conviction or arrest. The Director of Human Resources must ensure that the appropriate federal funding agency is notified of the conviction within ten (10) days after the City was notified of the conviction.
4. The Omnibus Drug Initiative Act of 1988 requires the City to take appropriate disciplinary action within thirty (30) days after receiving notice of an employee's conviction (or a plea of guilty or no contest) of a violation of a criminal drug or alcohol statute occurring at the work place. The disciplinary action will be termination.
5. Supervisors who suspect an employee is involved in some illegal drug-related activity will notify their Department Director and Director of Human Resources, or designee, immediately to determine appropriate actions. All supervisory personnel shall read and be familiar with this policy and the City's Employee Assistance Program.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: DRUG AND ALCOHOL FREE WORK PLACE	REFERENCE NUMBER: 108.11
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APPENDIX I
CITY OF DENTON
DRUG AND ALCOHOL FREE WORK PLACE POLICY

It is the policy of the City of Denton to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of alcohol and controlled substances is inconsistent with the behavior expected of employees and subjects the City to unacceptable risks of work place accidents or other failures that would undermine the City's ability to operate effectively and efficiently. Noncompliance with the policy set forth below will result in termination.

- I. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on City property or other work sites where employees may be assigned or elsewhere during work hours is strictly prohibited. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent such activity impairs an employee's ability to perform his or her job, or where such use, sale, possession, distribution, manufacture, or transfer affects the reputation of the City to the general public or threatens its integrity. Persons violating the City policy will be subject to disciplinary action, which may include termination for a first offense.
- II. Employees are prohibited from possessing, consuming or transporting any alcoholic beverages or other intoxicating substances on City property at any time when conducting City business or when performing their job duties and responsibilities (see Policy 108.12).
- III. Employees who are convicted of controlled substances-related violations or alcohol-related violations in the work place under state or federal law or who plead guilty or "no contest" to such charges will be terminated. Employees must report the conviction to the Director of Human Resources or designated representative and Department Director or designated representative within five (5) business days.
- IV. Employees who are arrested for controlled substances-related violations or alcohol-related violations in the work place must report the arrest to the Director of Human Resources or designated representative and Department Director or designated representative as soon as possible but no later than twenty-four (24) hours. Failure to do so will result in disciplinary action, up to and including termination from employment for a first offense.

I have read and understand the foregoing policies and agree to abide by the terms and conditions set forth.

Employee Name (Please Print or Type)

Employee Signature

Department/Division

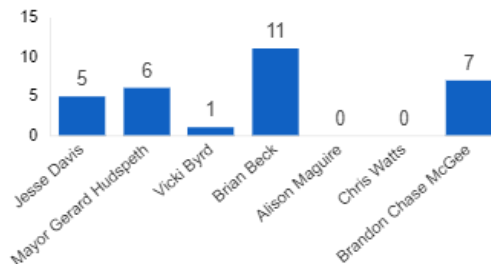
Date

"Controlled Substance" is defined to mean those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. § 812, and includes, but is not limited to, marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, heroin, amphetamines, and barbiturates. When used in this policy, the term "drugs" means "controlled substances." The term does not include those controlled substances used pursuant to and in accordance with a valid prescription.

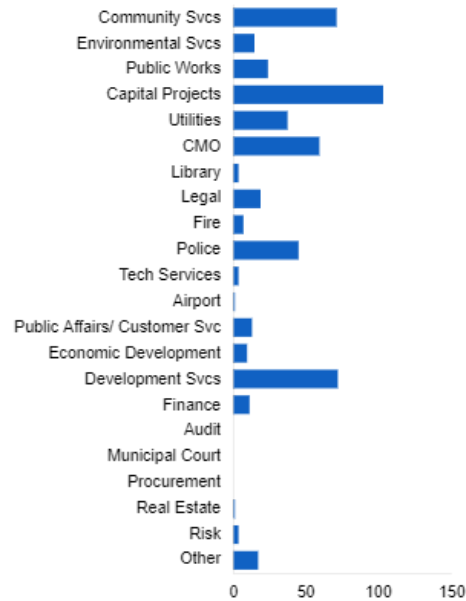
"Alcohol" is defined as ethyl alcohol. Alcohol, as used herein, includes any beverage, mixture or preparation containing ethyl alcohol.

FY 21/ 22 Council Requests

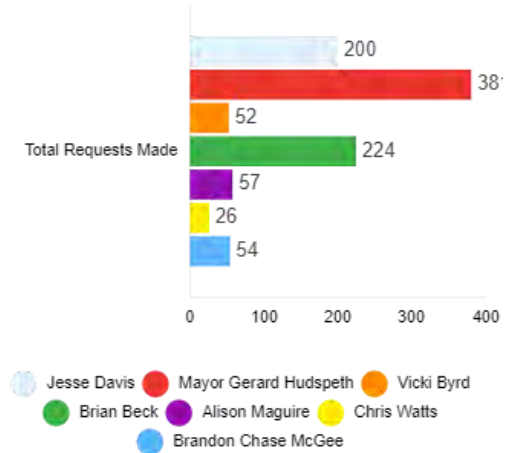
Number of Pending Requests by Council Member



Number of Requests for Departments

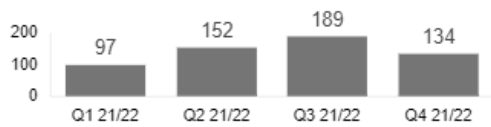


Current Year Requests by Council Person



Some requests involve multiple departments, causing the total requests by department to add up higher than the total request count

Number of Requests Per Quarter



Council Requests

30

Completed, In Progress, or Scheduled





Council Request Form



Council Request Form

Friday Report - Council Requests

	Summary of Request	Council Member Requestor	Date Received	Staff Assigned	Department	Comments	Action	Status
1	Inquiry on measuring benefits and effectiveness of 380 agreements for the City and the community	Council Member McGee	09/16/22	Wayne Emerson	Economic Development	Information will be included in a future Friday Report.	In Progress	
2	Inquiry on map/list of parks locations with benches and tables	Mayor Pro Tem Beck	09/15/22	Gary Packan	Parks	Information will be included in a future Friday Report.	In Progress	
3	Inquiry on requirements, scope, costs, and potential role in placemaking to replace street signage in West Denton Residential National Register District	Mayor Pro Tem Beck	09/15/22	Scott McDonald	Development Services	Information will be included in a future Friday Report.	In Progress	
4	Inquiry on gaps in coverage area for Go Zone/DCTA	Council Member McGee	09/15/22	Becky Diviney, Logan Pior	Capital Projects/Engineering	Information will be included in a future Friday Report.	In Progress	
5	Inquiry on public-facing charter amendment educational summary and workflows/time tables	Mayor Pro Tem Beck	09/15/22	Mack Reinwand, Rosa Rios	City Secretary's Office Legal	Information will be included in a future Friday Report.	In Progress	
6	Request for staff to contact community member for facility usage for Toys-for-Tots program storage and distribution	Mayor Pro Tem Beck	09/14/22	Gary Packan, Trevor Crain	Facilities Parks	Information will be included in a future Friday Report.	In Progress	
7	Request for staff to advise on sending voter registration cards within utility bills	Council Member McGee	09/14/22	Mack Reinwand, Rosa Rios	City Secretary's Office Legal	Information will be included in a future Friday Report.	In Progress	
8	Request for an update and ETA from TxDOT on clean-up under the bridge, off of the Fort Worth Drive service road.	Mayor Hudspeth	09/08/22	Becky Diviney, Danielle Shaw, Gary Packan	Capital Projects/Engineering Community Services Parks	Information will be included in a future Friday Report.	In Progress	
9	Request to review information regarding the Inflation Reduction Act	Council Member McGee	09/16/22	Antonio Puente, Becky Diviney, Cassey Ogden	Capital Projects/Engineering DME Finance	Information has been shared with staff for review.	Complete	
10	Request to address excessive water discharge and trash receptacles blocking sidewalks on Normal/Bryan	Mayor Pro Tem Beck Council Member McGee	09/15/22	Danielle Shaw, Stephen Gay	Community Services Wastewater Water	Information will be included in September 16 Friday Report.	Complete	
11	Inquiry on an Animal Shelter Advisory Board member	Council Member Davis	09/14/22	Amanda Brown, Rosa Rios, Tiffany Thomson	Animal Services City Secretary's Office Legal	Information will be included in September 16 Friday Report.	Complete	
12	Inquiry on the tracked statistics for animal services	Mayor Pro Tem Beck	09/14/22	Tiffany Thomson	Animal Services	Information will be included in September 16 Friday Report.	Complete	
13	Inquiry on possibilities an individual would experience with a legal TX medicinal marijuana prescription and various interactions with the City	Mayor Pro Tem Beck	09/14/22	Frank Dixon, Mack Reinwand, Sarah Kuechler	Human Resources Legal Police	Information will be included in September 16 Friday Report.	Complete	
14	Request to connect resident with volunteer opportunities assisting community members experiencing homelessness	Mayor Hudspeth	09/14/22	Danielle Shaw	Community Services	Staff contacted the resident to provide organizations to assist.	Complete	
15	Request for staff to ask DENCO 911 to give Council an informational presentation	Council Member McGee	09/13/22	Frank Dixon	Police	Staff will reach out to request.	Complete	
16	Inquiry on the National Wildlife Federations Community Wildlife Habitat Program/Certification	Mayor Pro Tem Beck	09/13/22	Michael Gange	Environmental Services	Information will be included in September 16 Friday Report.	Complete	
17	Inquiry on Downtown Post Office, Locust-facing Post Office, and City Hall West facilities in relation to Master Plan and January bond committee	Council Member Davis	09/12/22	Deanna Cody, Scott McDonald, Trevor Crain	Development Services Facilities Real Estate	Information will be included in September 16 Friday Report.	Complete	
18	Request to address tree loss, stump grind, and new tree placement for resident	Mayor Pro Tem Beck	09/12/22	Becky Diviney, Deby Skawinski, Dustin Draper	Capital Projects/Engineering Risk Management	Information will be included in September 16 Friday Report.	Complete	
19	Request for staff to review letter regarding USCM Mayor's Compact	Mayor Pro Tem Beck	09/12/22	Mack Reinwand	Legal	Staff reviewed letter.	Complete	
20	On behalf of concerned residents, I am requesting plastic bollards at the end of the shoulder stripes on Ector Street (i.e., four per intersection, one at each corner), as a road narrowing traffic calming device. Residents have consistently requested stop signs, speed bumps, etc. for traffic calming. But from my conversations with engineers what I am requesting will visually narrow the road and prove more effective and less costly.	Council Member Davis	09/09/22	Becky Diviney	CIP - Traffic Engineering Public Works-Traffic	Information will be included in September 16 Friday Report.	Complete	
21	Request to explore options for reporting water leaks as a non-resident.	Mayor Pro Tem Beck Mayor Hudspeth Council Member McGee	09/09/22	Tiffany Thomson	Customer Service	Information will be included in September 16 Friday Report.	Complete	
22	Request for PDFs of the Bonnie Brae plans from Scripture to US 77.	Council Member Davis	09/09/22	Becky Diviney	Capital Projects/Engineering	Information will be included in September 16 Friday Report.	Complete	
23	Request to address persons camping in the City's right of way, behind the storage business Fort Worth Drive.	Mayor Hudspeth	09/08/22	Danielle Shaw	Community Services	Information will be included in September 16 Friday Report.	Complete	

	Summary of Request	Council Member Requestor	Date Received	Staff Assigned	Department	Comments	Action	Status
24	Request for staff to address the issue of tires being left out overnight at a tire shop on Dallas Drive.	Mayor Hudspeth	09/08/22	Danielle Shaw	Community Services	Information will be included in September 16 Friday Report.	Complete	
25	Two-minute pitch request for a work session to discuss updates to Section 2-272C, including adding financial payment for any financial engagement and adding the City Secretary to notice requirements.	Mayor Hudspeth	09/16/22	Mack Reinwand, Madison Rorschach, Rosa Rios	City Secretary's Office Internal Audit Legal	Staff will schedule for the Sept. 27 Council meeting.	To be Scheduled	
26	Two-minute pitch request for a work session to discuss 1) the status of the TXDOT roads we intend to take back; and 2) amending the Mobility Plan to show a roundabout at the intersection of Eagle/Bell/Dallas/ Locust.	Council Member Davis	08/16/22	Becky Diviney	Capital Projects/Engineering	Scheduled for the Sept. 20 Council meeting.	Scheduled	
27	Two-minute pitch request to discuss and review the prospect to eliminate from city policy all unnecessary employee drug testing except where unambiguously legally REQUIRED by state or federal law.	Council Member Byrd	08/16/22	Mack Reinwand, Sarah Kuechler	Human Resources Legal	Scheduled for the Sept. 20 Council meeting.	Scheduled	



City of Denton Meeting Calendar

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Criteria : Begin Date: 9/1/2022, End Date: 11/30/2022

Date	Time	Meeting Body	Meeting Location
<u>September 2022</u>			
9/1/2022	8:00 AM	Agenda Committee	City Hall Conference Room
9/1/2022	8:30 AM	Economic Development Partnership Board	Development Service Center Training Rooms
9/1/2022	4:00 PM	Public Art Committee	Civic Center Community Room
9/5/2022	6:00 PM	Board of Ethics	Council Work Session Room
9/8/2022	3:00 PM	Health & Building Standards Commission	Development Service Center
9/9/2022	12:00 PM	Community Services Advisory Committee	Development Service Center (401 N. Elm Street, Denton, Texas)
9/9/2022	1:00 PM	Committee on the Environment	Sustainability Office
9/12/2022	9:00 AM	Public Utilities Board	Council Work Session Room
9/12/2022	10:00 AM	Development Code Review Committee	Development Service Center
9/12/2022	5:30 PM	Historic Landmark Commission	Development Service Center
9/12/2022	5:30 PM	Library Board	Meeting Room at the Emily Fowler Central Library, 502 Oakland St., Denton, Texas
9/12/2022	6:00 PM	Parks, Recreation and Beautification Board	Civic Center Community Room
9/13/2022	2:00 PM	City Council	Council Work Session Room
9/14/2022	11:00 AM	Economic Development Partnership Board	Development Service Center Training Rooms
9/14/2022	3:00 PM	Airport Advisory Board	Airport Terminal Meeting Room
9/14/2022	4:30 PM	Planning and Zoning Commission	Council Work Session Room & Council Chambers
9/15/2022	3:00 PM	Committee on Persons with Disabilities	Development Service Center
9/20/2022	3:00 PM	City Council	Council Work Session Room & Council Chambers
9/23/2022	1:00 PM	Sustainability Framework Advisory Committee	Council Work Session Room
9/26/2022	9:00 AM	Public Utilities Board	Council Work Session Room

Meeting Calendar continued...

Date	Time	Meeting Body	Meeting Location
9/26/2022	10:00 AM	Development Code Review Committee	Development Service Center d
9/26/2022	5:30 PM	Zoning Board of Adjustment	Council Chambers
9/27/2022	2:00 PM	City Council	Council Work Session Room & Council Chambers
9/28/2022	9:00 AM	Mobility Committee	Council Work Session Room
9/28/2022	12:00 PM	Downtown Denton Tax Increment Financing Zone No. 1 Board	Development Service Center Training Rooms
9/28/2022	1:00 PM	Civil Service Commission	City Hall East Human Resources Training Room
9/28/2022	5:00 PM	Planning and Zoning Commission	Council Work Session Room & Council Chambers

October 2022

10/3/2022	6:00 PM	Board of Ethics	Council Work Session Room
10/3/2022	6:00 PM	Parks, Recreation and Beautification Board	Civic Center Community Room
10/6/2022	8:00 AM	Agenda Committee	City Hall Conference Room
10/6/2022	8:30 AM	Economic Development Partnership Board	Development Service Center Training Rooms
10/6/2022	4:00 PM	Public Art Committee	Civic Center Community Room
10/10/2022	9:00 AM	Public Utilities Board	Council Work Session Room
10/10/2022	10:00 AM	Development Code Review Committee	Development Service Center
10/10/2022	5:30 PM	Historic Landmark Commission	Development Service Center
10/10/2022	5:30 PM	Library Board	Meeting Room at the North Branch Library, 3020 N. Locust, Denton, Texas
10/11/2022	11:30 AM	City Council	Council Work Session Room & Council Chambers
10/12/2022	11:00 AM	Economic Development Partnership Board	Development Service Center Training Rooms
10/12/2022	3:30 PM	Airport Advisory Board	Airport Terminal Meeting Room
10/12/2022	5:00 PM	Planning and Zoning Commission	Council Work Session Room & Council Chambers
10/13/2022	3:00 PM	Health & Building Standards Commission	Development Service Center
10/14/2022	12:00 PM	Community Services Advisory Committee	Development Service Center (401 N. Elm Street, Denton, Texas)

Meeting Calendar continued...

Date	Time	Meeting Body	Meeting Location
10/17/2022	5:30 PM	Traffic Safety Commission	Development Service Center
10/18/2022	12:00 PM	City Council	Development Service Center & Council Chambers
10/18/2022	12:00 PM	Planning and Zoning Commission	Development Service Center
10/18/2022	2:00 PM	City Council	Council Work Session Room & Council Chambers
10/19/2022	3:00 PM	Animal Shelter Advisory Committee	Council Work Session Room
10/24/2022	9:00 AM	Public Utilities Board	Council Work Session Room
10/24/2022	5:30 PM	Internal Audit Advisory Committee	City Hall Conference Room
10/25/2022	2:00 PM	City Council	Council Work Session Room & Council Chambers
10/26/2022	9:00 AM	Mobility Committee	Council Work Session Room
10/26/2022	12:00 PM	Downtown Denton Tax Increment Financing Zone No. 1 Board	Development Service Center Training Rooms
10/26/2022	5:00 PM	Planning and Zoning Commission	Council Work Session Room & Council Chambers
10/28/2022	1:00 PM	Sustainability Framework Advisory Committee	Council Work Session Room
10/31/2022	5:30 PM	Zoning Board of Adjustment	Council Chambers

November 2022

11/1/2022	2:00 PM	City Council	Council Work Session Room & Council Chambers
11/3/2022	8:00 AM	Agenda Committee	City Hall Conference Room
11/3/2022	8:30 AM	Economic Development Partnership Board	Development Service Center Training Rooms
11/4/2022	12:00 PM	Bond Oversight Committee	Development Service Center
11/7/2022	6:00 PM	Board of Ethics	Council Work Session Room
11/7/2022	6:00 PM	Parks, Recreation and Beautification Board	Civic Center Community Room
11/9/2022	11:00 AM	Economic Development Partnership Board	Development Service Center Training Rooms
11/9/2022	3:00 PM	Airport Advisory Board	Airport Terminal Meeting Room
11/14/2022	9:00 AM	Public Utilities Board	Council Work Session Room
11/14/2022	5:30 PM	Historic Landmark Commission	Development Service Center

Meeting Calendar continued...

Date	Time	Meeting Body	Meeting Location
11/14/2022	5:30 PM	Library Board	Meeting Room at the South Branch Library, 3228 Teasley Lane, Denton, Texas
11/15/2022	11:30 AM	City Council	Development Service Center & Council Chambers
11/15/2022	2:00 PM	City Council	Council Work Session Room & Council Chambers
11/16/2022	9:00 AM	Mobility Committee	Council Work Session Room
11/16/2022	5:00 PM	Planning and Zoning Commission	Council Work Session Room & Council Chambers
11/16/2022	6:00 PM	Denton Police Department Chief of Police Advisory Board	Public Safety Training Center 719 E. Hickory Street Denton, Texas 76205
11/17/2022	3:00 PM	Committee on Persons with Disabilities	Development Service Center
11/17/2022	6:00 PM	City Council	Embassy Suites Denton Convention Center & Council Chambers
11/18/2022	1:00 PM	Sustainability Framework Advisory Committee	Council Work Session Room
11/23/2022	12:00 PM	Downtown Denton Tax Increment Financing Zone No. 1 Board	Development Service Center Training Rooms
11/29/2022	11:30 AM	City Council	Denton ISD Central Services Building & Council Chambers



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

City Council

Tuesday, September 27, 2022

2:00 PM

Council Work Session Room
&
Council Chambers

Special Called Meeting

WORK SESSION BEGINS AT 2:00 P.M. IN THE COUNCIL WORK SESSION ROOM

CLOSED MEETING BEGINS IMMEDIATELY FOLLOWING THE WORK SESSION IN THE COUNCIL WORK SESSION ROOM

CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE CLOSED MEETING IN THE COUNCIL CHAMBERS

CITY COUNCIL CONSIDERATION OF THE PUBLIC HEARING AGENDA ITEMS WILL BEGIN AT 6:30 P.M. IN THE COUNCIL CHAMBERS

REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Individuals may speak during a Council meeting under one of the following categories:

Open Microphone:

At regular meetings only, individuals can speak on any topic that is not on the agenda for no longer than four (4) minutes per individual. This portion of the meeting occurs immediately after the start of the regular meeting session. Please note, Council members cannot engage in a discussion on topics presented during this portion and there are limited slots available for this portion of the meeting.

Comments on Agenda Items:

Public comments can be given for any item considered by the Council, EXCEPT work session reports or closed meetings. Individuals are only able to comment one time per agenda item and cannot use more than one method to comment on a single agenda item. Public comments are limited to three (3) minutes per citizen.

Public Hearing Items:

Individuals are limited to four (4) minutes per public hearing item.

Individuals may participate by using one of the following methods:

1. In Person for Regular or Consent Agenda Items:

To provide in-person comments regular or consent agenda items (excluding public hearing items), Individuals must be present at the meeting and submit a speaker card (available at the meeting location) to the City Secretary prior to the item being called.

2. In Person for Public Hearing Items:

For public hearing items, speaker cards are encouraged but not required.

3. eComment:

The agenda is posted online at <https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>. Once the agenda is posted, a link to make virtual comments using the eComment module will be made available next to the meeting listing on the Upcoming Events Calendar. Using eComment, Individuals may indicate support or opposition and submit a brief comment about a specific agenda item. eComments may be submitted up until the start of the meeting at which time the ability to make an eComment will be closed. eComments will be sent directly to members of the City Council immediately upon submission and recorded by the City Secretary into the Minutes of the Meeting.

4. By Phone:

Individuals may register to provide comments by phone. Instructions and a link to register to comment by phone will be available at www.cityofdenton.com/publicmeetings until noon of the meeting date. Residents will submit contact information using the link provided and receive further instructions via email on how to join the meeting by phone and provide comments.

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, September 27, 2022, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

WORK SESSION

1. Citizen Comments on Consent Agenda Items

This section of the agenda allows citizens to speak on any item listed on the Consent Agenda prior to its consideration. Each speaker will be given a total of three (3) minutes to address any item(s). Any person who wishes to address the City Council regarding these items may do so by utilizing the "By Phone" registration process as referenced under the REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL detailed at the beginning of this agenda. Registration is required prior to the time the City Council considers this item. Registrants may call in and remain on hold or receive a call back at the time the Work Session is called to Order and are encouraged to ensure they remain accessible to accept the call.

2. Requests for clarification of agenda items listed on this agenda.

3. Work Session Reports

- A. ID 22-1164 Receive a report, hold a discussion and give staff direction regarding the One Water Master Plan Overview and update on the Wastewater Master Plan.
[Estimated Presentation/Discussion Time: 45 minutes]
- B. ID 22-1412 Receive a report, hold a discussion, and give staff direction regarding the Citywide Speed

Study.

[Estimated Presentation/Discussion Time: 1 hour]

- C. ID 22-1640** Receive a report, hold a discussion and give staff direction regarding the Economic Development Partnership and the contract between the City of Denton and the Denton Chamber of Commerce.

[Estimated Presentation/Discussion Time: 1 hour]

- D. ID 22-1840** Receive a report, hold a discussion, and give staff direction regarding amending the Mobility Plan connecting Windsor Drive and Masch Branch Road.

[Estimated Presentation/Discussion Time: 30 minutes]

- E. ID 22-883** Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

[Estimated Presentation/Discussion Time: 30 minutes]

Following the completion of the Work Session, the City Council will convene in a Closed Meeting in the Council Work Session Room to consider specific item(s) when these items are listed below under the Closed Meeting section of this agenda. The City Council reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

1. Closed Meeting:

- A. ID 22-1711** Consultation with Attorneys under Texas Government Code Section 551.071 and Deliberations Involving Medical or Psychiatric Records of Individuals under Texas Government Code Chapter 551.0785.

Receive information from staff, discuss, and provide staff with direction related to a police officer's plan benefits related to an injury in the line of duty. Consultation with the City's attorney regarding legal issues associated with benefits where a public discussions of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas; to consider information in the medical or psychiatric records related to a police officer's injury in the line of duty.

- B. ID 22-1928** Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys regarding a legal update on the Delilah Project, where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position.

Any final action, decision, or vote on a matter deliberated in a Closed Meeting will only be taken in an Open Meeting that is held in compliance with Texas Government Code, Chapter 551, except to the extent such final decision, or vote is taken in the Closed Meeting in accordance with the provisions of Section 551.086 of the Texas Government Code (the ‘Public Power Exception’). The City Council reserves the right to adjourn into a Closed Meeting or Executive Session as authorized by Texas Government Code, Section 551.001, et seq. (The Texas Open Meetings Act) on any item on its open meeting agenda or to reconvene in a continuation of the Closed Meeting on the Closed Meeting items noted above, in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.086 of the Texas Open Meetings Act.

NOTE: Any item for which a formal action at the Special Called Meeting has been taken by Council may be subject to a request for a motion for reconsideration at any time during the meeting, at the Concluding Items Section, or after the meeting. In order to comply with the Texas Open Meetings Act, a request for a motion for reconsideration made during, at the end of, or after a Council meeting will be placed on the agenda and considered at the next official meeting of the City Council.

Following the Closed Meeting, the City Council will reconvene in Open Meeting to take action, if any, on matters discussed in closed session.

Following the completion of the Close Meeting, the City Council will convene in a Special Called Meeting in the Council Chambers to consider the following items:

4. CONSENT AGENDA

Each of these items is recommended by Staff or a board, commission, and committee. Approval thereof will be strictly on the basis of the those recommendations. Approval of the Consent Agenda authorizes the City Manager or his designee to implement each item in accordance with the Staff recommendations. The City Council has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

For those items recommended by a specific board, commission, or committee, the agenda item will reference that recommendation. To view the video of the related board, commission, or committee meeting, as applicable, a link can be found within the applicable supporting documentation (Exhibit 1).

Listed below are bids, purchase orders, contracts, and other items to be approved under the Consent Agenda (Agenda Items A – AF). This listing is provided on the Consent Agenda to allow Council Members to discuss or withdraw an item prior to approval of the Consent Agenda. If no items are pulled, the Consent Agenda Items will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. **ID 22-822** Consider approval of the minutes of September 13, 2022 Meeting.
- B. **ID 22-1390** Consider nominations/appointments to the City’s Boards, Commissions, and Committees: Airport Advisory Board, Animal Shelter Advisory Committee, Board of Ethics, Committee on Persons with Disabilities, Community Services Advisory Committee, Denton Police Department Chief of Police Advisory Board, Health & Building Standards Commission, Historic Landmark Commission, Internal Audit Advisory Committee, Library Board, Parks, Recreation & Beautification Board, Planning & Zoning Commission, Public Art Committee, Public Utilities Board, Sustainability Framework Advisory Committee, Traffic Safety Commission, and Zoning Board of Adjustment.

- C. **ID 22-1974** Consider approval of a resolution of the City of Denton providing the September 15, 2022 meeting absence of a Committee on Persons with Disabilities member be excused; and providing an effective date.
- D. **ID 22-1975** Consider approval of a resolution of the City of Denton providing the September 14, 2022 meeting absence of a Planning & Zoning Commission member be excused; and providing an effective date.
- E. **ID 22-1637** Consider approval of a resolution of the City Council of the City of Denton, approving the updated Infrastructure Financing Policy for Water and Sewer Development Planned Lines; and declaring an effective date.
- F. **ID 22-1832** Consider adoption of an ordinance of the City of Denton, Texas approving the Meet and Confer agreement between the City of Denton and the Denton Police Officers Association; and providing an effective date.
- G. **ID 22-1701** Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Lifeworks Community; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed two hundred dollars (\$200); and providing for an effective date.
- H. [ID 22-1905](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an agreement between the City of Denton and the Children’s Advocacy Center for Denton County, providing for client and clinical services to victims of child abuse and non-offending family members; and providing for the expenditure of funds in the amount of \$189,975.00; and providing for an effective date.
- I. [ID 22-1560](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and CASA of Denton County to provide General Fund dollars for the Court Advocacy Program in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$36,000.00; and providing an effective date.
- J. [ID 22-1561](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Chisholm Trail RSVP to provide General Fund Dollars for a program to match seniors with volunteer opportunities in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$9,250.00; and providing an effective date.
- K. [ID 22-1562](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Communities in Schools of North Texas, Inc. to provide General Fund Dollars for the Case Management Program in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$34,000.00; and providing an effective date.
- L. [ID 22-1563](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Denton Christian Preschool to provide General Fund Dollars for the Preschool Education in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$30,000.00; and providing an effective

date.

- M. [ID 22-1564](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and the Denton County MHMR Center to provide General Fund Dollars for the Local Outreach to Suicide Survivors (LOSS) Program in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$28,000.00; and providing an effective date.
- N. [ID 22-1565](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Grace Like Rain, Inc. DBA Giving Grace to provide General Fund Dollars for the Housing Focused Case Management Program in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$75,000.00; and providing an effective date.
- O. [ID 22-1566](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and North Texas Solutions for Recovery, Inc. to provide General Fund Dollars for the Residential Treatment Program in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$100,000.00; and providing an effective date.
- P. [ID 22-1567](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Opening Doors International Services, Inc. to provide General Fund Dollars for Immigration Services in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$12,000.00; and providing an effective date.
- Q. [ID 22-1568](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and PediPlace to provide General Fund Dollars for the Child Healthcare Program in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$25,000.00; and providing an effective date.
- R. [ID 22-1579](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an agreement by and between the United Way of Denton County, Inc. and the City of Denton and providing for the expenditure of funds for Homelessness Initiatives in the amount of \$80,000.00 for partial funding for staffing of the program in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefore; and providing an effective date.
- S. [ID 22-1580](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an agreement by and between the City of Denton and United Way of Denton County, Inc. providing for the expenditure of funds in the amount of \$15,000.00 for a grant to fund homeless management information system (HMIS) licenses in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefore; and providing an effective date.
- T. [ID 22-1581](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an agreement by and between the City of Denton and United Way of Denton County, Inc., providing for the expenditure of funds in the amount of \$80,000.00 for a partial matching grant to fund the Barriers Fund for the prevention and diversion of

homelessness in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefore; and providing an effective date.

- U. [ID 22-1839](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a service agreement with Grace Like Rain, INC. DBA Giving Grace, providing for Street Outreach program services in furtherance of the coordinated system of homelessness assistance programs; authorizing the expenditure of funds in an amount not to exceed \$128,450.00; and providing an effective date.
- V. **ID 22-1911** Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute Amendment 2 to Agreement with United Way of Denton County, Inc. to extend to December 31, 2022 the term of an Agreement for working capital to be used in support of City of Denton residents and to be repaid during the agreement's term; and providing an effective date.
- W. **ID 22-1921** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Signature Automation, LLC, for the jail door control system for the Police Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8034 - awarded to Signature Automation, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$189,140.00).
- X. **ID 22-1925** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with GBGC, LLC, dba Gulf Coast Gunbusters, for the destruction of seized and surrendered firearms per Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) guidelines; providing for the expenditure of funds therefor; and providing an effective date (RFP 8066 - awarded to GBGC, LLC, dba Gulf Coast Gunbusters, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year term).
- Y. **ID 22-1927** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Gray Event Management, LLC dba Bad Dawg Tennis, for tennis classes, lessons, leagues, tournaments, and other tennis programs for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8049 - awarded to Gray Event Management, LLC dba Bad Dawg Tennis, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$1,100,000.00).
- Z. [ID 22-1485](#) Consider adoption of an ordinance of the City of Denton granting the Denton Main Street Association a noise exception for the Fall Twilight Tunes Series, which will be held on Thursday, October 6, October 13, October 20 and October 27, 2022, from 6:00 p.m. to 7:30 p.m. at Wolff's Park - 108 Industrial Street; and providing an effective date.
- AA. [ID 22-1813](#) Consider adoption of an ordinance of the City of Denton granting a noise exception for the Geezerpalooza event, which will be held on Saturday, October 22, 2022, and Sunday, October 23, 2022, at Industrial Street between Hickory Street and Mulberry

Street; and providing an effective date.

- AB. [ID 22-1814](#)** Consider adoption of an ordinance of the City of Denton granting The Village Church Denton a noise exception for the Service in the Parks events, which will be held on Sunday, October 23, 2022, and April 16, 2023, from 10:00 a.m. to 11:00 a.m., at North Lakes Park in Denton, Texas; and providing an effective date.
- AC. [ID 22-1815](#)** Consider approval of a resolution of the City of Denton authorizing the City Manager or designee to execute an agreement allowing alcoholic beverages at Denton Main Street Association's Fall Twilight Tunes Series, on Thursday, September 29, 2022, Thursday, October 6, 2022, Thursday, October 13, 2022, Thursday, October 20, 2022, and Thursday, October 27, 2022, from 6:00 p.m. to 7:30 p.m. at Wolff's Park; and providing an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).
- AD. [ID 22-1817](#)** Consider approval of a resolution of the City of Denton authorizing the City Manager, or designee, to execute an agreement allowing the Campus Theatre Concessions, LLC to sell alcoholic beverages at the Denton's Day of the Dead Festival, on Saturday, October 29, 2022, from 11:00 a.m. to 11:00 p.m.; and providing for an effective date.
- AE. [ID 22-1818](#)** Consider adoption of an ordinance of the City of Denton granting the Denton Day of the Dead Festival Inc. a noise exception for the Denton's Day of the Dead Festival on Friday, October 28, 2022, Saturday, October 29, 2022, and Sunday, October 30, 2022, at Industrial Street and Hickory Street in Denton, Texas; and providing an effective date.
- AF. ID 22-1821** Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a interlocal agreement between the City of Denton, Texas and Denton Independent School District for the joint use of the McMath Middle School Gold Gym and for use of the South Lakes Park football, track, tennis, and softball fields.

5. ITEMS FOR INDIVIDUAL CONSIDERATION – CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

-- PLACEHOLDER IN THE EVENT EMINENT DOMAIN ITEMS ARE SCHEDULED; OTHERWISE, WILL BE DELETED. --

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 22-1173** Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Texas Equal Access Fund; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed Seventeen Hundred Dollars (\$1,700); and providing an effective date.
- B. ID 22-1641** Consider adoption of an ordinance approving an agreement between the City of Denton, Texas, and the Denton Chamber of Commerce regarding an Economic Development Program; and providing an effective date.
- C. ID 22-1664** Consider adoption of an ordinance of the City of Denton, Texas, amending the fiscal year 2021-2022 budget and annual program of services of the City of Denton to allow for

adjustments to the Electric Fund of sixty three million dollars, (\$63,000,000) for the purposes of purchasing power, increased outage and property insurance premiums, and debt service; declaring a public purpose; directing the City Secretary attach a copy to the 2021-2022 budget; requiring approval by at least five votes; and providing a severability clause, an open meetings clause, and an effective date.

- D. ID 22-1803** Consider adoption of an ordinance of the City of Denton, Texas, renaming and reassigning the Economic Development Investment Fund to a new Catalyst Fund; defining and committing certain revenues of the City; providing a severability clause; and providing an effective date.
- E. ID 22-1804** Consider adoption of an ordinance of the City of Denton, Texas, establishing a Return on Investment (ROI) Ordinance; providing a severability clause; and providing an effective date.
- F. ID 22-1855** Consider adoption of an ordinance of the City of Denton, Texas, establishing the rates for Solid Waste and Recycling collection service; repealing Ordinance No. 21-2114; providing for a repealer; providing for a severability clause; and, providing an effective date. The Public Utilities Board (PUB) recommends approval (5-0).
- G. ID 22-1856** Consider adoption of an ordinance of the City of Denton, Texas, establishing the rates for Water service; repealing Ordinance No. 21-2112; providing for a repealer; providing for a severability clause; and, providing an effective date. The Public Utilities Board (PUB) recommends approval (5-0).
- H. ID 22-1857** Consider adoption of an ordinance of the City of Denton, Texas, establishing the rates for Wastewater service; repealing Ordinance No. 21-2113; providing for a repealer; providing for a severability clause; and, providing for an effective date. The Public Utilities Board (PUB) recommends approval (5-0).
- I. ID 22-1858** Consider adoption of an ordinance of the City of Denton, Texas, establishing the rates for Miscellaneous Fees, Deposits, Billings and Procedures for Administrative Services to City Utilities Customers; repealing Ordinance No. 18-1494; providing for a repealer; providing for a severability clause; and, providing for an effective date.
- J. ID 22-1966** Consider adoption of an ordinance of the City of Denton, Texas, approving an amendment to the existing rates and fees for city owned property and facilities upon Denton Enterprise Airport; and declaring an effective date.
- K. ID 22-1967** Consider adoption of an ordinance of the City of Denton, Texas, adopting a schedule of fees for the Denton Fire Department; superseding all prior fees in conflict with such schedule; providing severability; providing a repealer; and establishing an effective date.
- L. ID 22-1968** Consider adoption of an ordinance of the City of Denton, Texas, adopting a schedule of fees for the Denton Public Library; superseding all prior ordinances establishing fees in conflict with such schedule; providing for severability; and providing for an effective date.
- M. ID 22-1969** Consider adoption of an ordinance of the City of Denton, Texas, adopting a schedule of fees for the use of the Denton Police Department Training Facilities, Firearms Range, Special Events, Off-Duty Police Officers, and Motor Vehicle Escorts for Hire; providing

for severability; providing a repealer; and establishing an effective date.

- N. ID 22-1970** Consider adoption of an ordinance of the City of Denton, Texas, adopting a schedule of fees for cemeteries and use of certain park facilities; superseding all prior fees in conflict with such schedule; and providing for severability and an effective date.
- O. ID 22-1971** Consider adoption of an ordinance of the City of Denton, Texas, adopting a schedule of Permit Fees for permits issued by the Building Official, including Building Permit Fees, Consumer Health Permit Fees, Fence and Retaining Wall Permit Fees, Mobile Home Moving Fees; Temporary Permit Fees, and Investigation and Administrative Fees; providing for severability; and establishing an effective date.
- P. ID 22-1972** Consider adoption of an ordinance of the City of Denton, Texas, adopting a schedule of fees for the Development Services and Engineering Departments as authorized by the Denton Development Code for the City of Denton, Texas; providing for severability; and establishing an effective date.

7. BUDGET ITEMS FOR INDIVIDUAL CONSIDERATION

Note: Action on these items will occur on or after 6:30 p.m. in accordance with the published public notices.

- A. ID 22-257** Consider adoption of an ordinance of the City of Denton, Texas, adopting the fiscal year 2022-2023 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023; and declaring an effective date.
- B. ID 22-258** Consider adoption of an ordinance of the City of Denton, Texas, levying the ad valorem property tax of the City of Denton, Texas, for the year 2022, on all taxable property within the corporate limits of the City on January 1, 2022, and adopting a tax rate of \$0.XXXXXX per \$100 of valuation for 2021; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Denton debt; providing for limited exemptions of certain homesteads; providing for enforcement of collections; providing for a severability clause; and providing an effective date.
- C. ID 22-259** Consider adoption of an ordinance of the City of Denton, Texas, approving the 2022 tax rolls; and providing an effective date.
- D. ID 22-260** Consider adoption of an ordinance of the City of Denton, Texas, ratifying the adoption of the fiscal year 2022-2023 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023 when the budget will raise more revenue from property taxes than last year's budget; and providing an effective date.

8. PUBLIC HEARINGS

Note: Action on these items will occur on or after 6:30 p.m. in accordance with the published public notice.

- A. PD22-0006a** Hold a public hearing and consider adoption of an ordinance of the City of Denton to rezone approximately 2.407 acres from a Mixed-Use Neighborhood (MN) District to a

Planned Development (PD) District. The site is generally located at the southeast corner of US 380 and Ector Street, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability and an effective date. The Planning and Zoning Commission voted (6-0) to recommend approval of the request. (PD22-0006a, Home Zone, Cameron Robertson)

- B. Z22-0006a** Hold a public hearing and consider approval of an ordinance of the City of Denton, Texas regarding a change in the zoning district and use classification from a Residential 2 (R2) Zoning District to a Light Industrial (LI) Zoning District on approximately 9.56 acres of land, generally located on the northeast corner of US 380 (University Drive) and Thomas J. Egan Road, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause; and establishing an effective date. The Planning and Zoning Commission voted [7-0] to recommend approval of the zoning change request. (Z22-0006a, US 380 & Thomas J Egan Industrial, Ron Menguita)
- C. DCA22-0004 a** Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Denton Development Code, specifically amendments related to Section 7.9 - Parking and Loading; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [5-2] to recommend approval of the amendments. (DCA22-0004a, Parking and Loading, Ron Menguita)

9. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

B. Possible Continuation of Closed Meeting topics, above posted.

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on September 23, 2022, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.

Tentative Work Session Topics and Meeting Information
Updated: September 16, 2022

Meeting Date	Item	Legistar ID	Departments Involved	Type	Estimated Time
September 20, 2022 Work Session (@3:00 p.m.) Regular Meeting (@6:30 p.m.)	A. Audit Project 027 - Technology Services: Phase 2	21-2812	Internal Audit	City Business	0:30
	B. MUD Policy & Application Requirements	22-1446	Planning	City Business	0:30
	C. Two-Minute Pitch: Byrd, Davis	22-882	City Manager's Office	Council Request	0:30
	Closed Meeting Item(s): Annual Reviews: City Auditor/Municipal Judge		Legal	City Business	0:30
	Total Est. Time:				2:00
Other Major Items for Meeting: Public Hearings: Tax Rate and Budget					
September 27, 2022 Work Session (@2:00 p.m.) Special Called Meeting (@6:30 p.m.) No other work session items may be added	A. One Water Master Plan Overview and Update on Wastewater Master Plan	22-1164	Water Administration	City Business	0:45
	B. Citywide Speed Study	22-1412	Capital Projects/Engineering	City Business	1:00
	C. Economic Development Partnership Contract with Denton Chamber of Commerce	22-1640	Economic Development	City Business	1:00
	D. Amending Mobility Plan to Connect Windsor Dr. and Masch Branch Rd.	22-1840	Capital Projects/Engineering	Council Request: Davis (7/19/2022)	0:30
	E. Two-Minute Pitch:	22-883	City Manager's Office	Council Request	0:30
Closed Meeting Item(s)		Legal	City Business	0:30	
Total Est. Time:				4:15	
Other Major Items for Meeting: Budget Adoption					
October 11, 2022 Special Called Meeting (@ 11:30 p.m.) Work Session Room	A. Mayor and Council Priorities	TBD	City Manager's Office	Council Priority	TBD
	B. Update from DCTA Board Representative	21-2806	City Manager's Office	City Business	0:30
Total Est. Time:				TBD	
October 18, 2022 Special Called Joint Meeting with P&Z (@ 12:00 p.m.) At the Development Service Center	TBD	TBD	City Manager's Office	City Business	1:30
Total Est. Time:				1:30	
October 18, 2022 Work Session (@2:00 p.m.) Regular Meeting (@6:30 p.m.)	A. Audit Projects: 003-Procurement, 012-Economic Dev. Retention & Expansion and 013-Grants Mgmt.	22-1878	Internal Audit	City Business	0:45
	B. Charging Stations	22-1282	Development Services	Council Request: Watts (6/07/2022)	0:30
	C. Bell Avenue	22-1719	Capital Projects/Engineering	City Business	1:00
	D. Roadway Impact Fees	22-1720	Capital Projects/Engineering	City Business	1:00
	E. Two-Minute Pitch:	22-1667	City Manager's Office	Council Request	0:30
Closed Meeting Item(s):		Legal (if any)	City Business		
Total Est. Time:				3:45	
Other Major Items for Meeting:					
October 25, 2022 Work Session (@2:00 p.m.) Special Called Meeting (@6:30 p.m.)	A. Audit Project 029 - Police Body-Worn Camera Usage	21-2813	Internal Audit	City Business	0:30
	B. Legislative Program	22-1830	City Manager's Office	City Business	1:00
	C. Responsive Speed Limit Sign Program	22-1721	Capital Projects/Engineering	Council Request: Davis (6/28/2022)	0:45
	D. Citywide Speed Study Follow-up	22-1841	Capital Projects/Engineering	City Business	0:30
	E. Public Facility Corporations	22-1453	City Manager's Office	Council Request: Watts (6/28/2022)	0:30
	F. Two-Minute Pitch:	22-1675	City Manager's Office	Council Request	0:30
Closed Meeting Item(s):		Legal (if any)	City Business		
Total Est. Time:				3:45	
Other Major Items for Meeting: Citywide Speed Study Public Hearing					
November 1, 2022 Work Session (@2:00 p.m.) Regular Meeting (@6:30 p.m.)	A. City Hall West Plan	22-1552	Facilities	Council Priority	0:45
	B. Discussing Prevention of Criminal History Information on Job Application	22-1761	City Manager's Office	Council Request: McGee (8/02/2022)	0:30
	C. Roadway Impact Fees Follow Up	22-1900	Capital Projects/Engineering	City Business	0:30
	D. Water, Wastewater Impact Fee Study	22-1930	Finance	City Business	1:30
	E. Two-Minute Pitch:	22-1676	City Manager's Office	Council Request	0:30
Closed Meeting Item(s):		Legal (if any)	City Business		
Total Est. Time:				3:45	
Other Major Items for Meeting:					
November 15, 2022 Special Called Joint Meeting with DHA (@ 11:30 a.m.) At the Development Service Center	A. Denton Housing Strategy	22-1823	City Manager's Office	City Business	0:45
	B. City of Denton and Denton Housing Authority Housing Priorities	22-1824	City Manager's Office	City Business	0:45
	C. Topics for Future Areas of Collaboration or Partnership	22-1825	City Manager's Office	City Business	0:30
Total Est. Time:				2:00	
November 15, 2022 Work Session (@2:00 p.m.) Regular Meeting (@6:30 p.m.)	A. Audit Follow-Up Reviews – CIP: Planning & Design, and CIP: Construction	22-1166	Internal Audit	City Business	0:30
	B. Solicitation/Panhandling Policy	22-1281	Police; Community Services	Council Request: Hudspeth (6/07/2022)	0:45
	C. GreenSense Update	22-1847	DME	City Business	0:45
	D. Two-Minute Pitch:	22-1677	City Manager's Office	Council Request	0:30
	Closed Meeting Item(s):		Legal (if any)	City Business	
Total Est. Time:				2:30	
Other Major Items for Meeting:					
November 17, 2022 Mayor's State of the City Embassy Suites Denton Convention Center (6:00 p.m. - 8:30 p.m.)	State of the City	N/A	City Manager's Office	City Business	2:30
Total Est. Time:				2:30	
November 29, 2022 Special Called Joint Meeting with Denton ISD (@ 11:30 a.m.) Denton ISD Central Services Building	TBD	TBD	City Manager's Office	City Business	TBD
	TBD	TBD	City Manager's Office	City Business	TBD
	TBD	TBD	City Manager's Office	City Business	TBD
Closed Meeting Item(s):		Legal (if any)	City Business		
Total Est. Time:				0:00	
December 6, 2022 Work Session (@2:00 p.m.) Regular Meeting (@6:30 p.m.)	A. Denton County Transit Authority Update	21-2807	City Manager's Office	City Business	0:30
	B. Bond Election in 2023	TBD	Finance	City Business	0:30
	C. Two-Minute Pitch:	22-1678	City Manager's Office	Council Request	0:30
	Closed Meeting Item(s)		Legal (if any)	City Business	
Total Est. Time:				1:30	
Other Major Items for Meeting: Public Hearings for Roadway Impact Fees					
December 13, 2022 Work Session (@2:00 p.m.) Special Called Meeting (@6:30 p.m.)	A. Audit Project 030 – Solid Waste Operations: Phase 1	22-1167	Internal Audit	City Business	0:30
	B. Criteria Manuals Discussion (Water, Wastewater, Transportation, et al)	22-1714	Capital Projects/Engineering	City Business	0:45
	C. Two-Minute Pitch:	22-1679	City Manager's Office	Council Request	0:30
	Closed Meeting Item(s):		Legal (if any)	City Business	
Total Est. Time:				1:45	
Other Major Items for Meeting: Public Hearing for Criteria Manuals					

Meeting Date	Item	Legistar ID	Departments Involved	Type	Estimated Time
	Item	Legistar ID	Departments	Type	Estimated Work Session Date
Work Session Dates to be Determined	Sanger ETJ Boundary Adjustment	21-2653	Development Services	City Business	:45
	Denton Energy Center Alternate Fuel Study	TBD	DME	City Business	TBD
	Roadway Funding Strategies	22-741	Finance	City Business	1:00
	Item	Dates	Departments	Type	Estimated Work Session Date
Council Priorities and Significant Work Plan Items to be Scheduled					
	Item	Date Approved	Department	Estimated Hours to Complete	Requestor
Approved Council Pitches to be Scheduled					

1 Street Closure Report: Upcoming Closures

SCR Sep 19th - 25th

	Street/ Intersection	From	To	Closure Start Date	Closure End Date	Description	Department	Department Contact
1	Bonnie Brae St	@ Ft Worth Dr	RxR Crossing	09/25/22	09/27/22	Railroad Crossing		
2	Clubhouse Dr (2600 - 2412)	Mustang Dr	Sombrero Dr	10/03/22	10/21/22	Panel Repair	Streets	Roy San Miguel
3	Crisoforo Dr	Santos Dr	Morin Dr	09/26/22	10/28/22	Sidewalk Repair	Streets	Roy San Miguel
4	Daughtry St	@ Meadow St	RxR Crossing	09/26/22	09/27/22	Railroad Crossing		
5	Juno Ln	Stuart Rd	Yellowstone Pl	10/03/22	10/07/22	Mill & Overlay	Streets	Jeremy Wilks
6	Mingo Rd	@ Fishtrap Rd	RxR Crossing	10/04/22	10/07/22	Railroad Crossing		
7	Mockingbird Ln	Stockton St	Mingo Rd	09/19/22	10/14/22	Restore the paving leavouts	Public Works Inspections	Armano Beltran
8	Pertain St	@ Mingo Rd	RxR Crossing	10/04/22	10/07/22	Railroad Crossing		
9	Prairie St	@ Bell Ave	RxR Crossing	09/27/22	10/05/22	Railroad Crossing		
10	Rockhill Rd	@ Rhoades Rd	RxR Crossing	10/04/22	10/07/22	Railroad Crossing		
11	Savage Dr	Hayes St	Comer St	09/19/22	09/30/22	Mill & Overlay	Streets	Jeremy Wilks
12	Union Lake Rd	Wind River Ln	Valencia Ln	09/26/22	10/21/22	Sidewalk repair	Streets	Roy San Miguel
13	Vintage Blvd	@ Ft Worth Dr	RxR Crossing	09/25/22	09/27/22	Railroad Crossing		
14	Wintercreek Dr (1212)	Green Bend Dr	Beechwood Dr	10/03/22	10/21/22	Concrete Panel Repair	Streets	Roy San Miguel

2 Street Closure Report: Current Closures

	Street/ Intersection	From	To	Closure Start Date	Closure End Date	Description	Department	Department Contact
1	Augusta Dr	Colonial Dr	Augusta Dr (2900)	07/11/22	09/30/22	Utility installations and pavement replacement.	Engineering	Scott Fettig
2	Ave H	Prairie St	Louise St	09/05/22	10/21/22	Street Reconstruction	Engineering	Dustin Draper
3	Barberry Ave	Baytree Ave	Trumpet Vine	08/22/22	09/30/22	Sidewalk Repair	Streets	Roy San Miguel
4	Baytree Ave	Hawthorn Dr	Barberry Ave	08/22/22	09/30/22	Sidewalk Repair	Streets	Roy San Miguel
5	Bonnie Brae St	Windsor Dr	Carril Al Lago Dr	08/15/22	09/23/22	open cut for infrastructure installation from westside bonnie brae to east side of bonnie brae including utility taps in 2 phases	Private Development	Lee Thurmond
6	Bradshaw St	Hickory St	McKinney St	03/21/22	10/01/22	Utility installations and pavement replacement.	Engineering	Scott Fettig
7	Clover Ln	Robinwood Ln	Glenwood Ln	05/23/22	09/30/22	Wastewater Collections will be installing a new sewer main line and services.	Wastewater	Tiffany Sherrane
8	College Park Dr	Peach St	Fowler Dr	04/18/22	09/23/22	Water Distribution will be installing a new water main line and services.	Water	Tiffany Sherrane
9	Colonial Dr	Thunderbird Dr	South Dead End	07/11/22	09/30/22	Utility installations and pavement replacement.	Engineering	Scott Fettig
10	Crawford St	Hickory St	McKinney St	03/21/22	10/01/22	Utility installations and pavement replacement.	Engineering	Scott Fettig
11	Forrestridge Dr	El Paseo St	Wellington Oaks Cir	07/19/22	09/23/22	Street Panels Repair	Streets	Roy San Miguel
12	Fowler Dr	College Park Dr	Peach St	04/18/22	09/23/22	Water Distribution will be installing a new water main line and services	Water	Tiffany Sherrane
13	Fulton St	W Oak	Grace Temple	09/07/22	11/18/22	Street Reconstruction	Engineering	Dustin Draper
14	Greenway Dr	Thunderbird Dr	South Dead End	07/11/22	09/30/22	Utility installations and pavement replacement.	Engineering	Scott Fettig
15	Hayes St.	Savage Dr.	Cruise St.	09/15/22	09/20/22	Mill & Overlay	Streets	Jeremy Wilks
16	Hettie St	Paisley St	McKinney St	03/21/22	10/01/22	Utility installations and pavement replacement.	Engineering	Scott Fettig
17	Hickory St	Railroad Ave	Exposition St	09/06/22	10/04/22	Demo on floor plan (private work)	Public Works Inspections	Armando Beltran
18	Hickory St	Exposition St	Ruddell St	05/02/22	12/31/22	Utility installations and pavement replacement.	Engineering	Scott Fettig
19	Hill Alley St	Jackson St	Martin St	06/06/22	10/28/22	Utility replacement and roadway reconstruction	Engineering	Seth Garcia
20	Indian Paint Way	Lakeview Blvd	Hawthorn Dr	08/29/22	09/30/22	Concrete Panel Repair	Streets	Roy San Miguel
21	Jackson St	Morse St	Hill Alley St	06/06/22	10/28/22	Utility replacement and roadway reconstruction	Engineering	Seth Garcia
22	Jim Christal Rd	Western Blvd	Masch Branch Rd	04/18/22	10/31/22	Exeter PH2. Installing Public Water, Sewer, and Storm Utilities	Private Development Public Works Inspections	Jeremiah Tillman-David
23	Johnson Ln	John Paine Rd	Lavon Ln	09/02/22	11/25/22	Storm Installation	Private Development Public Works Inspections	Jeremiah Tillman-David
24	Juno Ln	Stuart Rd	Sheraton Rd	08/29/22	09/30/22	Curb & Gutter Repair	Streets	Roy San Miguel
25	Live Oak St	Robinwood Ln	Crestwood Pl	05/23/22	09/30/22	Wastewater collections will be installing a new sewer main line and services.	Wastewater	Tiffany Sherrane
26	Livingston Dr	Hickory Creek Rd	Hemingway Dr	08/17/22	09/30/22	Pavement, sidewalk, valley gutter, and subgrade stabilization on Livingston where it ties into Hickory Creek Rd.	Engineering	Dustin Draper

	Street/ Intersection	From	To	Closure Start Date	Closure End Date	Description	Department	Department Contact
27	Mack Pl	Paisley St	Lee Dr	08/22/22	09/30/22	Street Reconstruction	Engineering	Dustin Draper
28	Masch Branch Rd	Lovers Ln	Hampton Rd	06/24/22	09/30/22	Bridge collapse at 3288 N. Masch Branch Rd	Drainage	Gabriel Rodriguez
29	McKinney St	Crawford Rd	Audra Ln	05/19/22	09/30/22	Utility installations and pavement replacement.	Engineering	Scott Fetting
30	McKinney St	Bell Ave	Frame St	09/06/22	10/04/22	Inlets and approaches	Public Works Inspections	Armando Beltran
31	Mistywood Ln	Sherwood St	Robinwood Ln	05/23/22	09/30/22	Wastewater Collections will be installing a new sewer main line and services.	Wastewater	Tiffany Sherrane
32	Morse St	Lakey St	Jackson St	06/06/22	10/28/22	Utility replacement and roadway reconstruction	Engineering	Seth Garcia
33	North Texas Blvd	I-35W	Oak St	12/13/21	10/31/22	Utility installations and pavement replacement. There will be multiple phases of closures. Will not be all at one time.	Engineering	Scott Fetting
34	North Texas Blvd	Oak St	Hickory St	06/10/22	10/31/22	Utility installations and pavement replacement.	Engineering	Scott Fetting
35	Oak St	Crawford St	Wood St	04/04/22	12/31/22	Utility installations and pavement replacement.	Engineering	Scott Fetting
36	Panhandle St	Aileen St	Malone St	08/24/22	10/07/22	Street Reconstruction	Engineering	Dustin Draper
37	Parkside Dr	Windsor Dr	Bowling Green St	05/31/22	10/07/22	Utility installations and pavement replacement.	Engineering	Scott Fetting
38	Peach St	Locust St	Palmer Dr	04/18/22	09/23/22	Water Distribution will be installing a new water main line and services.	Water	Tiffany Sherrane
39	Peach St	Locust St	Fowler Dr	07/18/22	09/30/22	Upgrading 15" Storm pipe to 18"	Drainage	Gabriel Rodriguez
40	Robertson St	Bell Ave	Morse St	08/15/22	10/31/22	Utility installations and pavement replacement.	Engineering	Seth Garcia
41	Robinwood Ln	Kayewwod Dr	Emerson Ln	05/23/22	09/30/22	Wastewater Collections will be installing a new sewer main line and services.	Wastewater	Tiffany Sherrane
42	Rose St	Paisley St	Uland St	04/25/22	10/01/22	Pavement Replacement	Engineering	Scott Fetting
43	Stella St	North Texas Blvd	Bonnie Brae St	10/29/21	10/31/22	Utility installations and pavement replacement.	Engineering	Scott Fetting
44	Uland St	Rose St	Railroad Ave	04/25/22	10/07/22	Utility installations and pavement replacement.	Engineering	Scott Fetting
45	Western Blvd	Jim Christal Rd	Airport Rd	08/01/22	09/30/22	Paving (2) drive approaches	Public Works Inspections	Jeremiah Tillman-David
46	Western Blvd	Jim Christal	Airport Rd	09/06/22	09/30/22	Connecting to existing 8" SS stub and running SS lateral to property.	Private Development Public Works Inspections	Jeremiah Tillman-David
47	Windsor Dr	Fireside Ln	Bonnie Brae St	06/06/22	10/01/22	Utility installations and pavement replacement.	Engineering	Scott Fetting
48	Wood St	McKinney St	Hickory St	04/11/22	12/31/22	Utility installations and pavement replacement.	Engineering	Scott Fetting

3 Street Closure Report: Completed Closures

	Street/ Intersection	From	To	Closure Start Date	Closure End Date	Description	Department	Department Contact
1	Ave C	I-35 Frontage Rd	Westdale Private Dr	08/29/22	08/30/22	Water tap on existing line	Private Development	Tucker Eller
2	Ave D	Highland St	Maple St	07/18/22	08/19/22	Street Reconstruction	Engineering	Dustin Draper
3	Bonnie Brae St	Scripture St	Panhandle St	08/15/22	08/24/22	Paving of the Northbound lanes between Scripture & Panhandle requires the lanes to be closed.	Engineering	Robin Davis
4	Collier St	I-35 Frontage Rd	Westdale Private Dr	08/31/22	09/07/22	Water taps on existing line	Private Development	Tucker Eller
5	Cope St.	Cruz St.	Dixon Ln.	08/25/22	08/30/22	Mill & Overlay	Streets	Jeremy Wilks
6	Cruise St	Fiste St	Comer St	08/31/22	09/14/22	Mill & Overlay	Streets	Jeremy Wilks
7	Foxcroft Cir	Old North	Archer Trail	05/02/22	08/26/22	Street Reconstruction	Engineering	Dustin Draper
8	Harvard Dr	Yale Dr	Cul de sac	08/01/22	09/09/22	Curb and Sidewalk Repair	Streets	Roy San Miguel
9	Hickory St	Bonnie Brae St	Bonnie Brae St	08/22/22	08/27/22	Access from Bonnie Brae will be closed while paving of the remaining NB lanes occurs.	Engineering	Robin Davis
10	Hillcrest St	Panhandle St	Scripture St	05/10/22	09/09/22	Street Reconstruction	Engineering	Dustin Draper
11	Lipizzan Dr (2909)	Paddock Way	Lipizzan Ct	08/08/22	09/02/22	Concrete Panel Repair	Streets	Roy San Miguel
12	Marquette Dr (3608)	Centenary Dr	Cul de sac	06/27/22	08/19/22	ADA / Sidewalk Repair	Streets	Roy San Miguel
13	Mayhill Rd	US380/University Dr	Quail Creek Rd	08/22/22	09/02/22	Sanitary Sewer Inspections will be performed requiring various lanes to be closed. The road will remain open.	Engineering Inspections Public Works Wastewater	Tracy L. Beck, PE, PMP
14	Oak St	Bonnie Brae St	Bonnie Brae St	08/15/22	08/23/22	Reconstruction of the Northbound lanes of Bonnie Brae require closing the Oak and Bonnie Brae Intersection	Engineering	Robin Davis
15	Oak St	Fulton St	Fry St	08/26/22	09/06/22	Utility work in roadway	Public Works Inspections	Stephany Trammell
16	Ponder St	Linden	Broadway	08/10/22	09/09/22	Street Reconstruction	Engineering	Dustin Draper
17	Sycamore St	Carroll	Welch St	07/18/22	09/02/22	Street Reconstruction	Engineering	Dustin Draper
18	Various Streets			07/25/22	09/09/22	Annual street micro seal maintenance. Various streets. A complete list of the streets receiving treatment this year can be found at https://www.discussdenton.com/street-operations	Streets	Roy San Miguel