

ORDINANCE NO. 25-1812

AN ORDINANCE OF THE CITY OF DENTON AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT 1 TO THE 2014-2015 FUNDING AGREEMENT BETWEEN THE CITY AND FRED MOORE DAY NURSERY SCHOOL; SAID FIRST AMENDMENT TO REDUCE THE TERM OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and Fred Moore Day Nursery School (the “Subrecipient”) entered into an agreement on August 27, 2014, to provide Community Development Block Grant (“CDBG”) funds for public facility improvements to the Subrecipient’s facility located at 821 Cross Timber Street with an original term ending on August 31, 2029 (the “Agreement”); and

WHEREAS, the Subrecipient completed the public facility improvements to the existing facility according to the Agreement on November 3, 2015; and

WHEREAS, the Subrecipient used the facility to meet the CDBG national objective of benefitting low- and moderate-income persons for more than five years following the completion of the facility improvements; and

WHEREAS, the CDBG regulations promulgated by the United States Department of Housing and Urban Development require that any facility improved with CDBG funds be used to meet a CDBG national objective for five years after the expiration of the agreement for the provision of those funds, or for such longer period of time as determined to be appropriate by the City; and

WHEREAS, the Agreement included the 5-year compliance period in its term prior to expiration of the Agreement; and

WHEREAS, the City deems it necessary to amend the Agreement in the form attached hereto as Exhibit “A” (“Amendment 1”) to reduce the term of the Agreement to expire on November 30, 2015, to clarify the start date of the five-year CDBG compliance period and to allow the Subrecipient to fulfill their obligations; and

WHEREAS, the City Council of the City hereby finds that amending the Agreement in the form of Amendment 1 is in the public interest; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this Ordinance are found to be true and incorporated herein by reference.

SECTION 2. The City Manager or their designee is hereby authorized to execute Amendment 1 to the Agreement, and to carry out the duties and responsibilities of the City under the Agreement as amended by Amendment 1.

SECTION 3. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this Ordinance was made by _____ and seconded by _____. The Ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____
Scott Bray
Deputy City Attorney

**2014-2015 AGREEMENT BETWEEN THE
CITY OF DENTON AND THE FRED MOORE
DAY NURSERY SCHOOL**

AMENDMENT 1 to Agreement

This Amendment 1 to Agreement is made by and between the City of Denton (the “City”) and Fred Moore Day Nursery School (“Subrecipient”).

WHEREAS, the City and the Subrecipient entered into an agreement on August 27, 2014 for the funding of public facility improvements at the Subrecipient’s facility using Community Development Block Grant (“CDBG”) funds with an original term ending on August 31, 2029 (the “Agreement”); and

WHEREAS, the Subrecipient used the facility to meet the CDBG national objective of benefitting low- and moderate-income persons for more than five years following the completion of the public facility improvements; and

WHEREAS, the CDBG regulations promulgated by the United States Department of Housing and Urban Development require that any facility improved with CDBG funds be used to meet a CDBG national objective for five years after the expiration of the agreement for the provision of those funds, or for such longer period of time as determined to be appropriate by the City; and

WHEREAS, the Agreement included the 5-year compliance period in its term prior to expiration of the Agreement; and

WHEREAS, the parties deem it necessary to reduce the term of the Agreement to November 30, 2015, to meet the five-year minimum Community Development Block Grant requirement from the project completion to allow the parties to fulfill their obligations and to provide a public benefit; and

NOW THEREFORE, for good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the City and Subrecipient agree as follows:

1. Section 1, “Term”, of the Agreement is hereby amended to replace the termination date of “August 31, 2029” with “November 30, 2015.”
2. All other provisions, terms, covenants, duties, rights, obligations, and agreements contained in the Agreement shall remain in full force and effect.

3. This Amendment 1 to Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment 1 to Agreement as of the _____ day of _____, 2025.

CITY OF DENTON

BY: _____

SARA HENSLEY
CITY MANAGER

ATTEST:
INGRID REX, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  Scott Bray
Deputy City Attorney

SUBRECIPIENT

FRED MOORE DAY NURSERY SCHOOL

Signed by:
BY: 
BD08AF4A0AC5439...

CARYN RIGGS, BOARD TREASURER

ATTEST:
DEBBIE STAFFORD, BOARD PRESIDENT

DocuSigned by:
BY: 
36044C78E3D54E7...

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

Signed by:

F418EB1B782348F...

Signature

Director of Community Services

Title

Community Services

Department