

ORDINANCE NO. 25-1813

AN ORDINANCE OF THE CITY OF DENTON AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT 6 TO THE 2015-2016 FUNDING AGREEMENT BETWEEN THE CITY AND FRED MOORE DAY NURSERY SCHOOL; SAID AMENDMENT 6 TO REDUCE THE TERM OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2015-274, the City and the Fred Moore Day Nursery School (the “Subrecipient”) entered into an agreement on September 15, 2015, for public facility improvements to the Subrecipient’s facility located at 821 Cross Timber Street with an original term ending on December 31, 2025; and

WHEREAS, on August 21, 2017, November 10, 2017, and June 27, 2018 the City and the Subrecipient amended the Agreement to provide for the reversion of unspent CDBG funding to the City and to modify the reversion date with each amendment; and

WHEREAS, on October 5, 2018, the City and the Subrecipient amended the Agreement to extend the reversion date and to modify the budget for the expenditure of CDBG funds under the Agreement; and

WHEREAS, the Subrecipient completed the public facility improvements to the existing facility according to the 2015-2016 agreement on December 18, 2018; 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 6”) to reduce the term of the Agreement to expire on December 31, 2018, to clarify the start 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 6 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 6 to the Agreement, and to carry out the duties and responsibilities of the City under the Agreement as amended.

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 [\_\_\_\_ - \_\_\_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
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

**2015-2016 AGREEMENT BETWEEN THE  
CITY OF DENTON AND THE FRED MOORE  
DAY NURSERY SCHOOL**

**AMENDMENT 6 to Agreement**

This Amendment 6 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 September 15, 2015 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 December 31, 2025 (the “Agreement”); and

WHEREAS, the Subrecipient has met 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 December 31, 2018, 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 “September 1, 2025” with “December 31, 2018.”

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 6 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 6 to Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF DENTON**


**SUBRECIPIENT**

**FRED MOORE DAY NURSERY SCHOOL**

BY: \_\_\_\_\_  
SARA HENSLEY  
CITY MANAGER

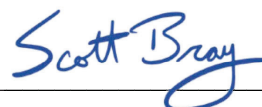
BY:  Signed by:  
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CARYN RIGGS, BOARD TREASURER

ATTEST:  
INGRID REX,  
CITY SECRETARY

ATTEST:  
DEBBIE STAFFORD, BOARD PRESIDENT  
BY:  DocuSigned by:  
36044C78E3D54E7...

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

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY:  Scott Bray  
Deputy City Attorney

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