

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING THE EXECUTION OF A 35-YEAR RENT FREE LEASE AGREEMENT FROM BROOKS DEVELOPMENT AUTHORITY TO THE CITY OF SAN ANTONIO FOR OPERATION OF A NEW BROOKS SPAY AND NEUTER FACILITY, LOCATED IN COUNCIL DISTRICT 3.**

\* \* \* \* \*

**WHEREAS**, Brooks Development Authority (BDA) will design and construct a 2,240 square foot spay and neuter facility that includes two exam rooms, a surgery prep area with two wash tables, a surgery room with two surgery tables, and cat and dog holding rooms; and

**WHEREAS**, the City will lease the facility from BDA and will either operate the facility or contract with another animal care agency to operate it; and

**WHEREAS**, this ordinance will authorize the execution of a 35-year rent free lease agreement from BDA to the City of San Antonio, located in Council District 3; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee or the Director of the Department of Transportation and Capital Improvements or his designee is authorized to execute a 35-year rent free lease agreement from Brooks Development Authority (BDA) to the City of San Antonio for operation of a new Brooks Spay and Neuter Facility, located in Council District 3. A one-time payment of one hundred dollars and applicable Common Area Maintenance (CAM) charges are authorized to be paid to BDA. A copy of the lease agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 2.** Funding in the amount up to \$3,218.00 for this ordinance is available in Fund 11001000 and Cost Center 3701010001 as part of the Fiscal Year 2016 Budget. Additional funding for the annual CAM charge of \$3,118.00 is contingent upon City Council approval of the Fiscal Year 2017 and subsequent budgets that fall within the term period of this contract approved by City Council.

**SECTION 3.** Payment not to exceed the budgeted amount is authorized to Brooks Development Authority and should be encumbered with a purchase order.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP

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Item #15-5643B

Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED AND APPROVED** this \_\_\_\_ day \_\_\_\_\_.

**M A Y O R**  
Ivy R. Taylor

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Martha G. Sepeda, Acting City Attorney