

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

AN ORDINANCE

**AUTHORIZING AMENDMENTS TO A FUNDING AGREEMENT WITH
THE ANIMAL DEFENSE LEAGUE OF TEXAS FOR THE OPERATIONS
OF THE STRAY ANIMALS KENNELS PROJECT LOCATED AT 11300
NACOGDOCHES DRIVE IN CITY COUNCIL DISTRICT 10; AND
AUTHORIZING AMENDMENTS TO THE COMPANION PRIMARY
GROUND LEASE AND A SUB GROUND LEASE AGREEMENTS TO
PROVIDE THE OPTION FOR AN EXTENSION TERM FOR A PERIOD
NOT TO EXCEED 5 YEARS.**

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WHEREAS, the City of San Antonio (“City”) pursuant to Ordinance 2013-05-30-0355, entered into a Funding Agreement, Ground Lease and Sub Ground Lease with the Animal Defense League of Texas (“ADL”) to facilitate the construction and operation of the Stray Animals Kennel Project, located at 11300 Nacogdoches Drive for a term of 25 years; and

WHEREAS the Funding Agreement, and companion Primary Ground Lease and Sub Ground Lease terms and duration were set to coincide for the public purpose enabling the City’s Animal Care Services Department to increase the City’s shelter capacity and animal live outcome; and

WHEREAS, the proposed Amendments to Funding Agreement with ADL comprises provisions to: (1) specify animals eligible for reimbursement to include rescues from local residents and exclude returned animals; (2) set an annual number requirement of animals to be rescued from the City’s ACS facility; (3) require City approval and coordination of the animal intake process at the Project Site; (4) provide ADL with an option to defer its animal rescue commitment by one year but not more than five (5) years in order to maximize the number of pets being rescued under the agreement; (5) stipulate that the transfer of ownership of the kennel facility shall be deferred until ADL meets its minimum animal rescue obligations; and (6) provide the City Manager or designee discretion to amend the Funding Agreement to adjust the number of animals required to be rescued directly from the ACS Facility; **NOW THEREFORE**,

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

SECTION 1. The City Manager or designee, is hereby authorized to execute an amendment to the Funding Agreement between the City and the Animal Defense League of Texas, which was approved by Ordinance 2013-05-30-0355 for the design, construction and operation of a kennel facility for Stray Animals Kennels Project on Animal Defense League owned land at 11300 Nacogdoches for a 25-year term terminating on May 30, 2038. A copy of the Amendment to the Funding Agreement in substantial final form is attached and incorporated for all purposes, as **Attachment I.**

SECTION 2. The City Manager or designee is further authorized to negotiate and execute the First Amendment to Primary Ground Lease and First Amendment to Sub Ground Lease of project land and premises, located at 11300 Nacogdoches to provide the option of a lease extension for a term of one year, but not more than five (5) years after the initial term. A copy of the First Amendment to Primary Ground Lease and First Amendment to Sub Ground Lease in substantial final form is attached and incorporated for all purposes, as **Attachment II** and **III**.

SECTION 3. 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 ____, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney