



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-8695

**Type:** Miscellaneous Item

**In control:** City Council A Session

**On agenda:** 1/16/2020

**Title:** Ordinance amending the Funding Agreement with Animal Defense League of Texas relating to the facility for 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 Sub Ground Lease Agreements to provide the option for an extension term for a period not to exceed 5 years. [Maria Villagomez, Deputy City Manager; Heber Lefgren, Director, Animal Care Services]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft FY20 ADL Kennels Project Funding Agmt Amendment v 12.9.19, 2. FY20\_ADL Kennels\_1st Subground Lease Amendment\_draft\_12.9.19, 3. FY20\_ADL Kennels\_1st Primary Ground Lease Amendment\_draft\_12.9.19, 4. 19-8695 - Draft Ordinance, 5. Ordinance 2020-01-16-0007, 6. Ordinance 2020-01-16-0007 Contract

| Date      | Ver. | Action By              | Action  | Result |
|-----------|------|------------------------|---------|--------|
| 1/16/2020 | 1    | City Council A Session | adopted | Pass   |

**DEPARTMENT:** Animal Care Services

**DEPARTMENT HEAD:** Heber Lefgren

**COUNCIL DISTRICT(S) IMPACTED:** City Wide

**SUBJECT:** Approval of Amendments to the Funding Agreement and companion Primary Ground Lease and Sub Ground Lease Agreements with Animal Defense League of Texas to operate the Stray Animals Kennels Project facility.

### SUMMARY:

An Ordinance authorizing amendments to the Funding Agreement with Animal Defense League of Texas relating to the facility for the Stray Animal Kennel Project located at 11300 Nacogdoches Drive in City Council District 10; and authorizing amendments to the companion Primary Ground Lease and Sub Ground Lease Agreements to provide the option for an extension term for a period not to exceed 5 years.

### BACKGROUND INFORMATION:

On May 30, 2013, through Ordinance No. 2013-05-30-0355, City Council authorized a Funding Agreement,

Primary Ground Lease and Sub Ground Lease with the Animal Defense League of Texas (ADL) to facilitate the construction and operation of the Stray Animals Kennels Project, located at 11300 Nacogdoches (Project Site) for a term of 25 years. The City provided ADL with \$2,200,000.00 for the design, construction, and operation of the facility and in return, ADL agreed to rescue 73,232 animals from ACS through May 2038 (3,184 annually) as compensation for the funds provided by the City.

The City recommends amending this contract to provide ADL with the ability to continue to rescue pets directly from ACS and expand its capacity by taking pets from ACS field officers and directly from San Antonio Residents. These modifications would create additional opportunities for the city. For example, the current contract does not allow ADL to house any animals that are not first brought to ACS. These amendments would provide the community with enhanced animal rescue services.

The proposed modifications to the current Agreement include:

- (1) Allowing dogs and cats that are impounded directly at the ADL facility from San Antonio residents to be counted towards the requirement of the agreement
- (2) Requiring ACS' approval of ADL's intake policy and process;
- (3) Requiring that a minimum of 3,100 dogs and cats are rescued from the City's ACS facility annually and provide the City Manager or designee the discretion to make adjustments to the number of pets each year if needed.
- (4) Allowing ACS field officers to drop off animals directly to the ADL facility without being impounded at ACS
- (5) Providing ADL with an option to defer its animal rescue commitment by one year but not more than five years in order to maximize the number of pets being rescued under the agreement; and
- (6) Stipulating that the transfer of ownership of the kennel facility shall be deferred until ADL meets its minimum animal rescue obligations.

Modifications to the Primary Ground Lease and Sub Ground Lease Agreements would allow the transfer of ownership of the kennel facility until ADL meets its minimum animal rescue obligations under the Funding Agreement by one year but not more than five years.

## **ISSUE:**

This Ordinance authorizes amendments to the Funding Agreement, Primary Ground Lease and Sub Ground Lease between the City of San Antonio and Animal Defense League of Texas for the operation and management of the kennels facility located at ADL in order to allow ADL to intake and house animals brought directly to ADL from San Antonio residents. While this amendment will still require ADL to rescue a minimum 3,100 animals annually directly from ACS across all city contracts, this amendment will also provide additional intake services for San Antonio residents.

The ordinance also authorizes an amendment that allows ACS and ADL to maximize the number of pets actually being rescued over the term of the lease by allowing ADL to defer rescue commitments into future years in lieu of paying the \$27 per-animal reimbursement fee as long as the deferment does not exceed 5 years. In the event ADL does not meet the requirements under the contract, ADL would still be required to pay \$27 per-animal for the unmet number of pets.

## **ALTERNATIVES:**

Council could decide not to approve the ordinance approving the execution of amendments to the existing

Funding Agreement, Primary Ground Lease and Sub Ground Lease. Should the ordinance not be approved, the Funding Agreement and companion Primary Ground Lease and Sub Ground Lease Agreements with Animal Defense League of Texas to operate the Stray Animals Kennels Project facility would continue as is.

**FISCAL IMPACT:**

There is no fiscal impact related to the City's FY 2020 Adopted General Fund Budget with this item.

**RECOMMENDATION:**

Staff recommends the approval of an Ordinance authorizing amendments to the Funding Agreement, Primary Ground Lease and Sub Ground Lease with Animal Defense League of Texas to operate the Stray Animals Kennels Project facility.