

**ORDINANCE NO.**

**AN ORDINANCE DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MODIFICATION TO THE AMENDED AND RESTATED TEMPORARY LICENSE AGREEMENT WITH AUSTIN PETS ALIVE RELATING TO THE LAMAR BEACH METRO PARK SITE; AND WAIVING CERTAIN SECTIONS OF CITY CODE CHAPTER 14-11.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The City Council makes the following findings:

1. Austin Pets Alive (APA) has been an animal welfare partner with the City of Austin since 2008, has been operating out of the Town Lake Animal Center location (TLAC) since 2011, and serves the City of Austin as a critical partner in helping to achieve and maintain no-kill status.

2. The condition of the existing TLAC structure is not sufficient to adequately serve Austin's animal adoption need and could conflict with the future layout of the property, no City funding has been identified to upgrade or replace this structure, and APA will need a new permanent facility in the future.

3. On June 12, 2014, Council approved a Lamar Beach master planning process through resolution 20140612-060, which gave the direction to "retain a permanent adoption center at the Lamar Beach property per the requirement of Resolution No. 20071011-062 and Resolution No. 20081023-049 and work with APA to meet that requirement through an agreement where APA could fund the construction and operation of an animal adoption center at no cost to the City that would provide some adoption and kennel space to the Austin Animal Center and include additional park amenities like outdoor showers and a stretching space for trail users."

4. The Lamar Beach master planning process will not be complete until August 2015, with construction taking additional time beyond the completion of the master plan, which delays when construction of a new facility can occur.

5. The current placement of TLAC will not conflict with the construction of the proposed Pressler Street extension project.

6. Amending the current Amended and Restated Temporary License Agreement to allow APA up to five more years, through an agreement for two additional years at the current location with three one-year extensions, will allow APA to

1 ensure seamless services for Austin's most vulnerable animals while APA  
2 builds its new facility.

3 **7.**The current agreement does not allow APA to make improvements to the  
4 TLAC facility.

5 **8.**Some repairs may be needed to the facility in the near term to ensure  
6 protection of the health and safety of animals housed during the extended  
7 agreement time period, and APA is willing to take responsibility for those  
8 expenses.

9 **PART 2.** The City Manager is directed to negotiate and execute a modification to the  
10 Amended and Restated Temporary License Agreement to extend the term for two years  
11 with three additional one-year extension options and allow the construction of  
12 improvements to the property to occur at the expense of Austin Pets Alive with an  
13 approval process through the City.

14 **PART 3.** The City Council waives City Code Sections 14-11-42 (Appraisal of Property)  
15 and 14-11-43 (Annual Fee) for purposes of amending the temporary license described in  
16 this ordinance.

17 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2014.

18  
19 **PASSED AND APPROVED**

20  
21 §  
22 §  
23 \_\_\_\_\_, 2014 § \_\_\_\_\_  
24 Lee Leffingwell  
25 Mayor  
26

27  
28 **APPROVED:** \_\_\_\_\_  
29 Karen M. Kennard  
30 City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk