

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** 2/28/23

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Joe Montisano, 915-212-2800

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 4 Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments

**SUBGOAL:** 4.2-Create innovative recreational, educational and cultural programs.

**SUBJECT:**

*APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

That the City Manager be authorized to sign the Third Amendment to the License Agreement, by and between the City of El Paso, a municipal corporation (the "City") and the El Paso Zoological Society, a Texas non-profit corporation (the "Society"), which was originally entered on December 18, 2012, and extended by 3 months on December 6, 2022, for the purpose of extending by one more year to end on March 17, 2024.

**BACKGROUND / DISCUSSION:**

*Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?*

A License Agreement (the "Agreement") was entered into on December 18, 2012 between the City of El Paso (the "City") and the El Paso Zoological Society ("EPZS"). The First Amendment to the Agreement was effective on July 31, 2018.

**PRIOR COUNCIL ACTION:**

*Has the Council previously considered this item or a closely related one?*

Yes, Council Approval- July 31, 2018; December 18, 2012; November 6, 2007; and November 12, 2002.

**AMOUNT AND SOURCE OF FUNDING:**

*How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?*

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** Zoo

**SECONDARY DEPARTMENT:** N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** Joe Montisano 

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*(If Department Head Summary Form is initiated by Purchasing, client department should sign also)*

**RESOLUTION**

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Manager be authorized to sign the third Amendment to the License Agreement, by and between the **City of El Paso**, a municipal corporation (the “City”), and the **El Paso Zoological Society**, a Texas non-profit corporation (the “Society”), which was originally entered into on December 18, 2012, and extended by 3 months on December 6, 2022, for the purpose of extending by one more year to end on March 17, 2024.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_ 2023.

**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

*Danielle Escontrias*  
\_\_\_\_\_  
Danielle Escontrias  
Assistant City Attorney

**APPROVED BY CONTENT:**

*Joseph Montisano*  
\_\_\_\_\_  
Joseph Montisano, Director  
Zoo Department

**Third Amendment to License Agreement**

THIS Third Amendment to the December 18, 2012 License Agreement (“Original Agreement”) by and between the City of El Paso (City) and the El Paso Zoological Society, a Texas non-profit corporation (the “Society”), (“Third Amendment”) is made this \_\_\_\_ day of \_\_\_\_\_, 2023 (the “Effective Date”). This Third Amendment, together with the Original Agreement, the First Amendment and the Second Amendment are collectively referred to as the “Agreement.”

**RECITALS**

**WHEREAS**, the City owns and operates the El Paso Zoo (the “Zoo”) for conservation, education, recreation and scientific study; and

**WHEREAS**, the Society is a non-profit corporation whose purpose is to promote and support the Zoo and its programs in conservation, education and recreation and provide private sector financial support, for the Zoo’s development, operation and capital improvements; and

**WHEREAS**, on December 18, 2012, the parties entered into a License Agreement (“**Agreement**”) regarding the obligations of each party for the Society’s support of the El Paso Zoo; and

**WHEREAS**, on July 31, 2018, the City and the Society agreed to the First Amendment to the License Agreement to adjust the use of membership revenue and require that Society develop a master plan; and

**WHEREAS**, on December 16, 2022 the City and the Society agreed to amend the Agreement to extend the term for 3 months ; and,

**WHEREAS**, the City and the Society wish to extend the term for one year and,

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

**Section 1.** That Article 5, Term, is hereby amended to further extend the term of the Original Agreement, as amended by the Second Amendment, as follows:

The term of this Agreement shall be for a period of five (5) years from the Effective Date of December 18, 2012, unless otherwise terminated by either party as provided herein ("initial term"). Upon the expiration of the initial term, this agreement will automatically renew for one-year terms on the anniversary of the effective date for up to five additional one-year terms, plus one-year and

three months, expiring on March 17, 2024 (the "Extended Term"), subject to the termination clause.


**Section 3.** Except as provided in this Amendment, the all terms and conditions of the Agreement remain in full force and effect.

Signed as of the Effective Date of by the Parties.

**THE CITY OF EL PASO**


**EL PASO ZOOLOGICAL SOCIETY**

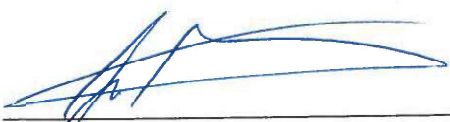
\_\_\_\_\_  
Tomas Gonzalez  
City Manager

By:   
Printed Name: Renee R Neuer  
Title: Executive Director

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Danielle Escontrias  
Assistant City Attorney

  
\_\_\_\_\_  
Joseph Montisano, Director  
El Paso Zoo