

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

AGENDA DATE: 12/06/22
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 Second 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 to extend the term of the agreement by 3 months, ending on March 18, 2023.

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

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: Joe Montisano



(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 Second 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 to extend the term of the agreement by 3 months, ending on March 18, 2023.

APPROVED this ____ day of _____ 2022.

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:



Joe Montisano, Director
Zoo Department

Second Amendment to License Agreement

THIS Second 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”), (“Second Amendment”) is made this ____ day of _____, 2022 (the “Effective Date”). This Second Amendment, together with the Original Agreement and the First 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, to 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 development of a master plan; and

WHEREAS, the parties wish to amend the Agreement to extend the term for 3 months;

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 extend the term of the Original Agreement, 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 three months, expiring on March 17, 2023 (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

Printed Name: _____
Title: _____

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Danielle Escontrias
Danielle Escontrias
Assistant City Attorney

JMK for
Joseph Montisano, Director
El Paso Zoo