

CITY CLERK DEPT.

10 MAR 11 AM 11:45

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

DEPARTMENT: El Paso Zoo

AGENDA DATE: March 16, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Steve Marshall, Zoo Director 521-1855

DISTRICT(S) AFFECTED:

**SUBJECT:**

Approve a Resolution that the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Agreement between the City of El Paso (the "City") and Disney Worldwide Services, Inc. ("Disney"), for the purpose of the purchase, sale, loan and/or donation of zoo animals between the two parties and that the City Manager is authorized to sign, on behalf of the City of El Paso the Transaction Forms contemplated in the Agreement for the purchase, sale, loan or donation of zoo animals pursuant to the applicable laws and the City's purchasing policies.

**BACKGROUND / DISCUSSION:**

The zoo director was authorized by resolution in 1997 to enter into agreements for incoming and outgoing loans of animals that are in the best interest of the animal collection of the El Paso Zoo. This agreement would, not only allow for loans, but also for purchases, sales and donations of animals with Disney Worldwide Services, Inc. and would meet the standards outlined in the 1997 resolution. The department believes that it would be in the best interest of the animal collection to enter into this relationship with Disney Worldwide Services, Inc.

**PRIOR COUNCIL ACTION:**

December 2, 1997 A Resolution was passed granting the Zoo Director authorization to enter into loan agreements with other zoological institutions.

**AMOUNT AND SOURCE OF FUNDING:**

No costs incurred with Disney Worldwide Services

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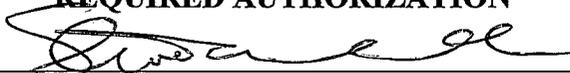
**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

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

**DEPARTMENT HEAD:**



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

*Information copy to appropriate Deputy City Manager*

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**THAT** the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Agreement between the City of El Paso (the "City") and Disney Worldwide Services, Inc. ("Disney"), for the purpose of the purchase, sale, loan and/or donation of zoo animals between the two parties ("Agreement"); and

**THAT** the City Manager is hereby authorized to sign on behalf of the City of El Paso the Transaction Forms contemplated in the Agreement for the purchase, sale, loan or donation of zoo animals pursuant to the applicable laws and the City's purchasing policies; and

**THAT** the City Manager is authorized under the November 29, 1997 resolution to sign complying contracts for the loan of zoo animals in accordance with the Association of Zoos and Aquariums' Accreditation Standards and Related Policies subject to review and approval by the City Attorney.

**PASSED AND APPROVED this 16th day of March, 2010.**

### CITY OF EL PASO

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John F. Cook  
Mayor

**ATTEST:**

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Richarda, Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**



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Kristen L. Choi  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



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Steve Marshall, Director  
El Paso Zoo

CITY CLERK DEPT.

10 MAR 11 AM 11:46

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**SERVICE SOLUTIONS SUCCESS**

March 11, 2010

An existing resolution from Nov 1997 authorizes the City Zoo Director to enter into loan agreements with other institutions to transfer animals in and out of the El Paso Zoo. The loan and transfer of two giraffes from Disney Worldwide Services, Inc.'s Animal Kingdom to the El Paso Zoo is to occur this month. Because the language of the Disney Worldwide Services, Inc. loan agreement also includes provisions for purchase, sale, and/or donation the 1997 resolution is not adequate to authorize the El Paso Zoo Director to enter into this agreement. The language of the attached resolution allows the City to enter into an animal transfer agreement with Disney Worldwide Services, Inc. The City legal department has been working closely with the Disney Worldwide Services, Inc. legal team to develop acceptable language for both parties for the terms of the loan. The agreement includes items like establishment of ownership, reference to the Association of Zoos and Aquariums Code of Professional Ethics, required permits, use of the Disney Worldwide Services, Inc. name, ownership of offspring, disease, injury or death, housing, diet, and veterinary care. Disney Worldwide Services, Inc. requested that it not be posted as backup to this RCA.

Steve Marshall, Director  
El Paso Zoo  
"Bigger and Better Than Ever"  
Office (915) 521-1850  
Cell (915) 256-0551  
[marshallrs@elpasotexas.gov](mailto:marshallrs@elpasotexas.gov)



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John F. Cook

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Susie Byrd

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*District 4*  
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*District 7*  
Steve Ortega

*District 8*  
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City Manager  
Joyce A. Wilson