

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

CITY CLERK  
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**DEPARTMENT:** El Paso Zoo  
**AGENDA DATE:** May 2, 2006  
**CONTACT PERSON/PHONE:** Lea R. Hutchinson, VMD, MS  
**DISTRICT(S) AFFECTED:** n/a

**SUBJECT:**

That the City Manager be authorized to sign an amendment to an Agreement between the CITY OF EL PASO and the EL PASO ZOOLOGICAL SOCIETY to provide for City reimbursement of financial consideration provided by the Zoological Society for an individual hired by the Society for certain Marketing type functions.

**BACKGROUND / DISCUSSION:**

A LICENSE AGREEMENT (the "Agreement") was entered into on the 12<sup>th</sup> day of November, 2002, 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"), such Agreement allowing for a relationship of benefit to the El Paso Zoo, the Society is a non-profit corporation, a purpose of which is to promote and provide private sector support, both financial and otherwise, to the Zoo's operation and capital improvements.

**PRIOR COUNCIL ACTION:**

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

**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?

Dept 52010245 - Zoo General Operations, Fund 01101 - General Fund,  
Account 502215 Outside Contracts - NOC

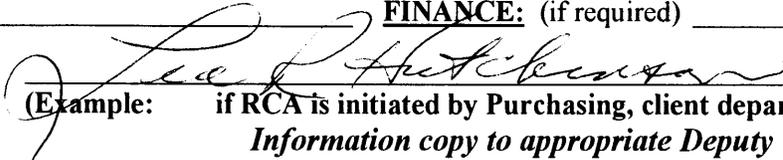
**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**  \_\_\_\_\_  
(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:** \_\_\_\_\_

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**RESOLUTION**

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

That the City Manager be authorized to sign an amendment to an Agreement between the CITY OF EL PASO and the EL PASO ZOOLOGICAL SOCIETY to provide for City reimbursement of financial consideration provided by the Zoological Society for an individual hired by the Society for certain Marketing type functions.

**ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Momsen,  
City Clerk

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Matt Watson,  
Assistant City Attorney

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Lea Hutchinson, VMD  
Director, El Paso Zoo

## 1<sup>st</sup> AMENDMENT TO LICENSE AGREEMENT

**WHEREAS**, A LICENSE AGREEMENT (the "Agreement") was entered into on the 12<sup>th</sup> day of November, 2002, 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"), such Agreement allowing for a relationship of benefit to the El Paso Zoo; and

**WHEREAS**, the Society is a non-profit corporation, a purpose of which is to promote and provide private sector support, both financial and otherwise, to the Zoo's operation and capital improvements; and

**WHEREAS**, the City and the Zoo desire to amend its Agreement to provide for City reimbursement of Society expense in the retention of an individual charged with certain marketing and public relations type functions to be further described therein.

**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 hereby agree as follows:

1. That Article III (Consideration) shall be amended by adding the following provision:

(R) The Society shall hire an individual responsible for advertising, marketing, public relations, public information, promotions, customer relations, special events and volunteer coordination, all related to Zoo operation. The individual hired by the Society shall work with the Society yet remain ultimately responsible to the Zoo Director, all for the benefit of the El Paso Zoo. The City agrees to financially reimburse the Zoological Society for the costs of hiring and retaining such individual in an amount less than the salary provided to the Zoo Director.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed as of the Effective Date first written above.

**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Joyce A. Wilson

**EL PASO ZOOLOGICAL SOCIETY**

By: *Ceci M. Mulvihill*

Name (printed) *Ceci M. Mulvihill*

Its: President, Board of Directors

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Matt Watson,  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



\_\_\_\_\_  
Lea Hutchinson, VMD  
Director, El Paso Zoo