



February 5, 2019

Honorable Los Angeles City Council
c/o: Office of the City Clerk
200 N. Spring Street, Room 395
Los Angeles, California 90012

Reference: Council File No. 14-0600-S223

"Creating dynamic experiences to connect people and animals"

Los Angeles Zoo
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Los Angeles
California 90027
323/644-4200
Fax 323/662-9786
<http://www.lazoo.org>

Eric Garcetti
Mayor

David E. Ryu
Council Member
4th District

Zoo Commissioners

Karen B. Winnick
President

Bernardo Silva
Vice President

Margot Armbruster

Christopher Hopkins

Richard Lichtenstein
ex officio member

Denise M. Verret
Interim Zoo Director

Dear Honorable Councilmembers:

BACKGROUND

The 1997 Operating Agreement between the City and the Greater Los Angeles Zoo Association (GLAZA) extended the term of the 1981 Concessions Agreement between the City and GLAZA through February 11, 2016. Through various actions, the City Council has approved four amendments to the Operating Agreement extending the term of the Concessions Agreement to February 17, 2019 (C.F. 14-0600-S223). A fifth amendment is required to extend the term of the Concessions Agreement for an additional six months, to August 16, 2019, to allow time for the for the completion of the Concessions Request for Proposals (RFP) process, including the selection of a proposed vendor for Zoo concessions and finalize a revised concession agreement between the City and GLAZA, all subject to Council review and approval.

RECOMMENDATION

That the City Council approve Amendment No. 5 to the Operating Agreement (attached) which provides an extension to the Concessions Agreement between the City and the Greater Los Angeles Zoo Association for approximately six months, to August 16, 2019, to allow time for the completion of the Concessions Request for Proposals (RFP) process, the selection of the proposed vendor and the negotiation of a revised concessions agreement between the City and GLAZA.

FISCAL IMPACT

There is no fiscal impact.

Respectfully submitted,

Denise M. Verret
Interim Zoo Director

Attachment



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of Zoos and Aquariums

**FIFTH AMENDMENT
TO THE 1997 OPERATING AGREEMENT
BY AND BETWEEN THE
LOS ANGELES ZOO AND BOTANICAL GARDENS (“ZOO”)
AND THE
GREATER LOS ANGELES ZOO ASSOCIATION (“GLAZA”)
RELATING TO THE
1980 CONCESSION AGREEMENT**

This fifth (5th) amendment (“Amendment”) dated as of February 16, 2019, amends the agreement entitled Operating Agreement by and between the City of Los Angeles, a Municipal Corporation and the Greater Los Angeles Zoo Association, a California Nonprofit Corporation (CF No. 94-0989-S1), dated as of July 1, 1997 (“Operating Agreement”) by extending the term of the concession agreement between the City and GLAZA that is referenced in the Operating Agreement. The Operating Agreement expires September 29, 2022.

The concession agreement between the City and GLAZA for the Zoo concessions is set forth in an agreement entitled Concession Agreement between the City of Los Angeles and the Greater Los Angeles Zoo Association (“Concession Agreement”), which was entered into as of February 12, 1981, and grants GLAZA the right to operate all approved concessions at the Zoo. The Concession Agreement, was originally set to expire February 11, 2006, and was extended by Section IV B of the Operating Agreement for ten years, to February 11, 2016.

The 1st Amendment to the 1997 Operating Agreement, dated as of February 11, 2016, amended Section IV (Amendments to Concession Agreement between City and GLAZA), subsection B (Term) of the Operating Agreement, extending the term of the Concession Agreement for approximately six months, to August 31, 2016.

The 2nd Amendment to the Operating Agreement amended Section IV (Amendments to Concession Agreement between City and GLAZA), subsection B (Term) of the Operating Agreement, extending the term of the Concession Agreement to August 31, 2017.

The 3rd Amendment extended the term of the Concession Agreement, by amending Section IV (Amendments to Concession Agreement between City and GLAZA), subsection B (Term) of the Operating Agreement, to August 31, 2018 (C.F. 14-0600-S223).

The 4th Amendment extended the Concession Agreement to February 17, 2019, with a six-month renewal option at the City's discretion, to allow time for the issuance of a Concessions Request for Proposals (RFP), revision of the draft concessions services agreement and the selection of the proposed vendor, subject to City Council approval (C.F. 14-0600-S223).

This 5th Amendment extends the Concession Agreement to **August 16, 2019**, to provide time to approve the concession service agreement between GLAZA and a concessions vendor and finalize a revised concession agreement between GLAZA and the City, as follows:

B. TERM

The term of the Concession Agreement, which began on February 12, 1981 and was to expire in twenty-five (25) years, was extended for an additional ten years to February 11, 2016, and pursuant to Amendment No. 1 to this Operating Agreement, the term of the

Fifth Amendment to the 1997 Operating Agreement
by and between the Zoo and GLAZA
Relating to the 1980 Concession Agreement

Concession Agreement was extended to August 31, 2016; by Amendment No. 2 to August 31, 2017; by Amendment No. 3 to August 31, 2018, by Amendment No. 4, to February 17, 2019, with a six-month renewal option at the City's discretion, to allow for the issuance of a Concessions Request for Proposals (RFP), a revision of the draft concessions services agreement and selection of a proposed vendor for Zoo concessions, all subject to Council review and approval, and by Amendment No. 5, it is hereby extended to August 16, 2019.

IN WITNESS WHEREOF, the parties hereto have cause this Fifth Amendment to the Operating Agreement to be executed by their respective authorized representatives.

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

CITY OF LOS ANGELES
LOS ANGELES ZOO
& BOTANICAL GARDENS

By: _____
DOV LESEL, Assistant City Attorney

By: _____
DENISE VERRET, Interim Zoo Director

DATE: _____

DATE: _____

GREATER LA ZOO ASSOCIATION

By: _____
CONNIE MORGAN, President

DATE: _____

ATTEST:
HOLLY L. WOLCOTT, City Clerk

By: _____
Deputy City Clerk

City Business License Number _____
Internal Revenue Service Taxpayer Identification Number _____
Agreement Number _____