

ORDINANCE/RESOLUTION REQUEST

Please email DPR requests to milehighordinance@denvergov.org by **11:00am on Monday**.

Date of Request: May 8, 2023

Please mark one: ☐ Bill Request or ☒ Resolution Request

1. Type of Request:

☒ Contract/Grant Agreement ☐ Intergovernmental Agreement (IGA) ☐ Rezoning/Text Amendment

☐ Dedication/Vacation ☐ Appropriation/Supplemental ☐ DRMC Change

☐ Other:

2. **Title:** (Start with *approves*, *amends*, *dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Amends a cooperative agreement between the City and County of Denver and DENVER ZOOLOGICAL FOUNDATION to maintain, administer, manage, operate, and control the portion of City Park presently reserved for use by the Denver Zoo.

3. **Requesting Agency:** Department of Parks and Recreation

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Mark Bernstein	Name: Jesus Orrantia
Email: mark.bernstein@denvergov.org	Email: jesus.orrantia@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:**

6. **City Attorney assigned to this request (if applicable):** Jason Moore

7. **City Council District:** Citywide and District 9

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Cooperative Agreement

Vendor/Contractor Name: Denver Zoological Foundation, Inc.

Contract control number: PARKS-XC4035-03; 202367337-03

Location: Denver Parks and Park Facilities

Is this a new contract? ☐ Yes ☒ No **Is this an Amendment?** ☒ Yes ☐ No **If yes, how many?** 3

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

November 4, 1998 to December 31, 2023; New end date extended to Dec 31, 2048

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i>	<i>Additional Funds</i>	<i>Total Contract Amount</i>
<i>(A)</i>	<i>(B)</i>	<i>(A+B)</i>
0.00	0	0.00

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
1998 – 2023	N/A	Dec 31, 2048 + 10 year auto renewals unless action taken

Scope of work:

Background

The City of Denver and the Denver Zoological Foundation share a unique and longstanding history that began in 1896 with the donation of a Black Bear named Billy Bryan to then-Denver Mayor Thomas McMurtry. Billy Bryan's new home became City Park, and by the end of 1896, the park housed a small collection of animals that became the Denver Zoo. Just two years later, the Denver Zoo led a national campaign to save the American bison from extinction, marking the beginning a 125-year legacy of wildlife conservation and educational programming.

DRMC 2.4.4 (F)(i) authorizes DPR to conduct negotiations for cooperative agreements "for the development of park and recreational facilities, programs and activities and for the establishment and maintenance of the museums, zoological or other gardens." As the Denver Zoo continued to grow and operationalize through the 20th century, the City entered into a cooperative agreement with the Denver Zoological Foundation on July 27, 1956 "to plan, establish, re-establish, manage, operate, and develop the City's zoological gardens and exhibits and other such allied and related work, research, and planning as may be found desirable by both parties". All zoo facilities are located on park owned property in City Park.

Partnership Benefits

The Denver Zoological Foundation remains a critical partner not only in managing the Denver Zoo facilities, but through the enhancement and expansion of educational and cultural programming for the enjoyment of Zoo visitors and the public. The Denver Zoo and the City of Denver share many common values found in the Comprehensive Denver 2040 Plan and DPR's Game Plan for a Healthy City, including equity, resiliency, affordability, access, culture, and education.

- Adapting to a changing climate to enhance resiliency, environmental sustainability, and habitat restorations.
- Growing and diversifying facilities and programs to enhance public education and engagement.

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- Reinvesting in partnerships to enhance their environmental impact and to cultivate the next generation of park stewards.
- And connecting to Denver's culture and community through innovative, nature-based programming and activities.

The Denver Zoo is a vital partner in wildlife management, conservation, and education across Denver's vast park system. The Denver Zoo's research efforts and knowledge sharing are invaluable to Denver's Mountain Parks system through reducing human-wildlife conflicts at Summit Lake Park and along the Mount Evans Scenic Byway, contributing to the sustainable management of DPR's two bison herds at Genesee and Daniels Park, and overall providing subject matter expertise in ecology and animal sciences. Moreover, the Zoo provides funding and workforce development support to enhance landscape and habitat restoration projects in the field in Colorado and beyond.

The Denver Zoo is also a Tier 1 organization of the Scientific & Cultural Facilities District, signifying its prominence as a cultural organization committed to educating the public in areas of preservation, cultural and natural history, and environmental sciences.

2023 Amendment

This third amendment to the cooperative agreement updates various provisions of the contract to ensure the continuity of operations of the Denver Zoo, to clarify responsibilities of the parties, and to support the Zoo's continued investment in the Denver Zoo facilities and the Denver community at large. Specific modifications include:

- Extends the term of the agreement from December 31, 2023, to December 31, 2048, with subsequent ten year automatic renewals until the parties agree upon new terms.
- Increases the threshold for which capital construction projects must be reviewed and approved by DPR from \$50,000 to \$250,000, and makes the threshold subject to CPI;
- Adds new language outlining the approval of the cooperative agreement and this amendment by Bond and Special Counsel to ensure the Denver Zoo is compliant with any and all limitations or restrictions of the use of bond financing. The new language includes the review of Denver Zoo contracts by Bond Counsel to ensure the same.
- Adds new protected classes to the non-discrimination clause.

Was this contractor selected by competitive process? N/A **If not, why not?**

Has this contractor provided these services to the City before? ☒ Yes ☐ No

Source of funds: N/A

Is this contract subject to: ☐ W/MBE ☐ DBE ☐ SBE ☐ XO101 ☐ ACDBE ☒ N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): N/A

Who are the subcontractors to this contract?

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