

***Please Note: The following Summary Minutes record only the actions taken by the City Council and do not record individual comments. The Summary Minutes have not been approved by the City Council. The official copy of the Glendale City Council Minutes, which do include individual comments, is available, after adoption by the City Council, in the Glendale City Clerk's Office, 5850 West Glendale Avenue, Glendale, Arizona.**



**SUMMARY MINUTES OF THE
GLENDALE CITY COUNCIL SPECIAL MEETING
Council Chambers
5850 West Glendale Avenue
June 8, 2012
10:15 a.m.**

The meeting was called to order by Mayor Elaine M. Scruggs, with Vice Mayor Steven E. Frate and the following Councilmembers present: Joyce V. Clark, Yvonne J. Knaack, H. Philip Lieberman and Manuel D. Martinez.

Councilmember Norma S. Alvarez was absent.

Also present were Ed Beasley, City Manager; Horatio Skeete, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk.

Mayor Scruggs called for the Pledge of Allegiance and a moment of silence was observed.

ORDINANCES

1. ARENA LEASE AND MANAGEMENT AGREEMENT WITH ARIZONA HOCKEY ARENA PARTNERS, LLC AND ARIZONA HOCKEY PARTNERS, LLC (ORDINANCE)

Ed Beasley, City Manager, presented this item.

This is a request for City Council to vote upon an ordinance authorizing the City Manager to enter into an Arena Lease and Management Agreement with Arizona Hockey Arena Partners, LLC and Arizona Hockey Partners, LLC for the use of the city-owned Jobing.com Arena by the Phoenix Coyotes.

The recommendation is to read in full the ordinance authorizing and directing the execution and delivery of the leasehold interest within the Arena Lease and Management Agreement and, thereafter, adopt an ordinance with an emergency clause, authorizing and directing the execution and delivery of the ordinance with Arizona Hockey Arena Partners, LLC and Arizona Hockey Partners, LLC.

Recess at 12:55.

Reconvene at 1:30 p.m.

Pamela Hanna, City Clerk, read Ordinance No. 2804 aloud and in full as follows:

Ordinance No. 2804 New Series, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF THE LEASEHOLD INTEREST WITHIN THE ARENA LEASE AND MANAGEMENT AGREEMENT WITH ARIZONA HOCKEY ARENA PARTNERS, LLC AND ARIZONA HOCKEY PARTNERS, LLC; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That it is deemed in the best interest of the City of Glendale and the citizens thereof to grant a leasehold interest within the Arena Lease and Management Agreement with Arizona Hockey Arena Partners, LLC and Arizona Hockey Partners, LLC. The agreement, in substantial final form, is now on file in the office of the City Clerk of the City of Glendale to the Exclusive Team Space, which is defined in § 1.1 of the Arena Lease and Management Agreement as “the portions of the Arena Facility designed and constructed for the exclusive use by the Team Owner, including the team locker room (the space in the Arena Facility designed and constructed for the exclusive use by the Team Owner as a home team locker room, including dressing, locker, shower, lounge, training, exercise and video coaching areas), the Team Owner’s office, the Team’s storage areas, and the Team Retail Stores.”

SECTION 2. That the City Manager and the City Clerk are hereby authorized and directed to execute and deliver said agreement and any ancillary documents or agreements and to do all such acts required to implement the purpose and intent of the leasehold interest therein on behalf of the City of Glendale, and to approve the substantial final form of the leasehold interest consistent with the forms now on file and the understanding of the parties, such approval to be evidenced by execution of such documents by the City Manager and the City Clerk.

SECTION 3. That the City and its residents will benefit from the management, use, and lease of the Arena under Arena Lease and Management Agreement, including the leasehold interest, by assuring a substantial, regular, and continuing utilization of the Arena, providing additional employment opportunities within the City, increasing the City’s tax base, and stimulating additional development on properties in the vicinity of the Arena Facility; and, therefore, this Council finds that the Arena Lease and Management Agreement provides a substantial public benefit.

SECTION 4. That, upon execution of the agreement, the City Clerk is hereby directed to forward a memorandum of agreement for recording to the Maricopa County Recorder’s Office.

SECTION 5. Neither the members of the City Council of the City of Glendale nor any officer, employee or agent of the City shall be subject to any personal liability or accountability by reason of the execution of the agreement.

SECTION 6. Notice of A.R.S. § 38-511 is hereby given.

SECTION 7. Emergency Clause.

Whereas, the approval of the agreement will benefit the City of Glendale and its residents by protecting current public and private investment, encouraging incremental investment, and continuing to enhance the positive image of Glendale to residents and tourists.

Now, therefore, it is hereby determined by the Council of the City of Glendale that the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale.

It was moved by Knaack, and seconded by Martinez, to approve Ordinance No. 2804 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Knaack, Martinez, and Frate. Members voting “nay”: Lieberman and Scruggs.

A recess was taken at 4:00 p.m.

The meeting reconvened at 4:10 p.m.

RESOLUTIONS

2. ARENA LEASE AND MANAGEMENT AGREEMENT AND NONCOMPETITION AND NON-RELOCATION AGREEMENT WITH ARIZONA HOCKEY ARENA PARTNERS, LLC AND ARIZONA HOCKEY PARTNERS, LLC (RESOLUTION)

Ed Beasley, City Manager, presented this item.

This is a request for City Council to adopt a resolution authorizing the entering into of the following agreements with Arizona Hockey Arena Partners, LLC and Arizona Hockey Partners, LLC for the use of the city-owned Jobing.com Arena by the Phoenix Coyotes: (1) Arena Lease and Management Agreement and (2) Noncompetition and Non-Relocation Agreement.

The recommendation is to read in full the resolution authorizing and directing the execution and delivery of the following two agreements: (1) Arena Lease and Management Agreement; and (2) Noncompetition and Non-Relocation Agreement for management and use of the city-owned Jobing.com Arena by the Phoenix Coyotes and, thereafter, adopt a resolution authorizing and directing the execution and delivery of the following two agreements with Arizona Hockey Arena Partners, LLC and Arizona Hockey Partners, LLC: (1) Arena Lease and Management Agreement and (2) Noncompetition and Non-relocation Agreement.

Pam Hanna, City Clerk, read Resolution No. 4578 aloud and in full as follows:

Resolution No. 4578 New Series, A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF THE FOLLOWING TWO AGREEMENTS: (1) ARENA LEASE AND MANAGEMENT AGREEMENT WITH ARIZONA HOCKEY ARENA PARTNERS, LLC AND ARIZONA HOCKEY PARTNERS, LLC; AND (2) NONCOMPETITION AND NON-RELOCATION AGREEMENT WITH ARIZONA HOCKEY PARTNERS, LLC AND ARIZONA HOCKEY ARENA PARTNERS, LLC.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That it is deemed in the best interest of the City of Glendale and the citizens thereof that the following two agreements be entered into: (1) Arena Lease and Management Agreement with Arizona Hockey Arena Partners, LLC and Arizona Hockey Partners, LLC; and (2) Noncompetition and Non-Relocation Agreement with Arizona Hockey Partners LLC and Arizona Hockey Arena Partners, LLC. The agreements, in substantial final form, are now on file in the office of the City Clerk of the City of Glendale.

SECTION 2. That the management, use, and lease of the Arena under the Arena Lease and Management Agreement will benefit the City and its residents by assuring a substantial, regular, and continuing utilization of the Arena, providing additional employment opportunities within the City, increasing the City's tax base, and stimulating additional development on properties in the vicinity of the Arena Facility; and, therefore, this Council finds that the Arena Lease and Management Agreement provides a substantial public benefit.

SECTION 3. That the City Manager and the City Clerk are hereby authorized and directed to execute and deliver said agreements and any ancillary documents or agreements and to do all such acts required to implement the purpose and intent of the agreements on behalf of the City of Glendale, and to approve the final form of the agreements, consistent with the forms now on file and the understanding of the parties, such approval to be evidenced by execution of such documents by the City Manager and the City Clerk.

SECTION 4. That, upon execution of the agreements, the City Clerk is hereby directed to forward a memorandum of agreement and the Noncompetition and Non-Relocation Agreement for recording to the Maricopa County Recorder's Office.

SECTION 5. Neither the members of the City Council of the City of Glendale nor any officer, employee or agent of the City shall be subject to any personal liability or accountability by reason of the execution of the agreements.

SECTION 6. Notice of A.R.S. § 38-511 is hereby given.

It was moved by Martinez, and seconded by Clark, to pass, adopt and approve Resolution No. 4578 New Series. The motion carried. Aye votes: Clark, Knaack, Martinez and Frate. Nay votes: Lieberman and Scruggs.

CITIZEN COMMENTS

Please see the regular City Council minutes for citizen comments.

COUNCIL COMMENTS AND SUGGESTIONS

Please see the regular City Council minutes for Council comments.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:53 p.m.