

ORDINANCE NO. 2949 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 FIRST AMENDMENT TO THE PROFESSIONAL MANAGEMENT SERVICES AND ARENA LEASE AGREEMENT, DATED JULY 8, 2013 (C-8532), WITH ICEARIZONA MANAGER CO., LLC, AND ICEARIZONA HOCKEY CO., LLC.; AND DECLARING AN EMERGENCY.

WHEREAS, on July 2, 2013, City Council adopted Ordinance No. 2855 New Series authorizing and directing the execution and delivery of the leasehold interest within the Professional Management Services and Arena Lease Agreement (“Agreement”) with IceArizona Manager Co., LLC and IceArizona Hockey Co., LLC for the use of the city-owned Gila River Arena (previously known as Jobing.com) by the Arizona Coyotes (previously known as Phoenix Coyotes); and

WHEREAS, the City of Glendale, IceArizona Manager Co., LLC and IceArizona Co., LLC previously entered into a Professional Management Services and Arena Lease Agreement (C-8532) effective July 8, 2013; and

WHEREAS, the City of Glendale, IceArizona Manager Co., LLC and IceArizona Co., LLC wish to modify and amend the Agreement.

NOW, THEREFORE, 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 First Amendment to the Professional Management Services and Arena Lease Agreement (“First Amendment”) with IceArizona Manager Co., LLC, and IceArizona Hockey Co., LLC. The Agreement, is on file in the office of the City Clerk of the City of Glendale and relates to the Exclusive Team Space, which is defined in § 1.2 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. The City Manager and the City Clerk are hereby authorized and directed to execute and deliver the First Amendment 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.

SECTION 3. That the City and its residents will benefit from the management, use, and lease of the Arena under the First Amendment to the Professional Management Services and Arena Lease 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 First Amendment to the Professional Management Services and Arena Lease Agreement provides a substantial public benefit.

SECTION 4. That, upon execution of the First Amendment, the City Clerk is hereby directed to forward the First Amendment to the Maricopa County Recorder's Office for recording.

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. 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, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

SECTION 8. The City Clerk is hereby directed to publish this ordinance in the official newspaper of the city within fifteen (15) days of its approval.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this _____ day of _____, 2015.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

Acting City Manager

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