

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

**SUBJECT: Revised Statement of Intent for
the Rio Salado Project**

STAFF PRESENTER: Joe Schmitz, Long
Range Planner

CASE NUMBER: None

OTHER PRESENTER: N/A

PROPOSED ACTION:

Approve Revised Statement of Intent for the Rio Salado Project in the form attached hereto, authorize City Attorney or his/her designee to approve changes that do not substantially modify the city's obligations as set forth in the form of document attached hereto, and authorize the Mayor to execute the final Revised Statement of Intent for the Rio Salado Project as approved as to form by the City Attorney or his/her designee.

BACKGROUND AND PREVIOUS ACTIONS:

A previous version of the Statement of Intent (SOI) for the Rio Salado Project was approved by the City Council on March 26, 2018 with the stipulation that it may be modified with non-substantive changes. Since that initial approval, several changes, that do not modify the City's obligations, have been made to the SOI and there has been a change in the participating parties. The State of Arizona is no longer a participating party and Salt River Project Agricultural Improvement and Power District has been added as a party. This is being brought back for approval because a change in the parties to an agreement is more than a non-substantive change.

At this point, staff believes that the terms of the agreement have been finalized, but there is a possibility that there may be further non-substantive changes. For instance, the City asked that the signature line for the City be revised to include a signature line for the City Attorney to approve the document as to form. Staff believes other cities may require similar revisions. In addition, there may be some minor, non-substantive changes made at the last minute as the document is going through its final review by the participating parties. Accordingly, staff is asking for the Council's approval of the revised Statement of Intent in the form attached to this council action report subject to non-substantive changes approved by the City Attorney or his/her designee.

STAFF ANALYSIS:

Other than the changes made to the parties, the other changes made to the Statement of Intent were non-substantive, in that they did not change the intent of the joint statement by the participating parties. The Native American communities asked to have the correct nomenclature for their tribes included, and it was added to the recitals. Other changes included substituting the broader phrase of "regional water and resource management" for more specific statements regarding water conservation or water quality and language was added recognizing that much of

the land adjacent to the river is privately owned and has commercial value, apparently in deference to comments from the natural resource industries.

Staff still believes that the Rio Salado Project, as re-envisioned, re-energized, and redefined to include the El Rio portion of the Gila River, has the potential to garner both public and private support for projects that implement the vision for this river corridor. To date much of the effort to implement the vision for the Rio Salado Project has been done by individual communities. By execution of the proposed Statement of Intent, all of the entities with an interest in the future development of the Rio Salado, Tres Rios and El Rio Corridors can work together to a Rio Salado Authority to promote common interests involving development along the river. While the Statement of Intent expresses support for the Rio Salado Project and promotes cooperation, it is not intended to be a binding statement of intent and it is understood that participation in the SOI shall not in any way limit the legislative discretion of the governing bodies of the participating entities. Any entity may opt out of the SOI with 90 days' notice to the other parties.

In addition to the Revised SOI, the following additional information is attached to this council action report: a copy of CAR 2018-6306 related to the original SOI; a copy of the original SOI; and a copy of an excerpt from the minutes of the March 26, 2018 City Council meeting at which the original SOI was approved.

FISCAL ANALYSIS:

The Revised SOI still specifically states that approval of the SOI does not imply any financial obligations or commitment on behalf of the participants, other than the voluntary contribution of staff resources from time to time, which is not expected to be significant.

RECOMMENDATION:

Staff recommends that the City Council authorize the Mayor to execute the Revised Statement of Intent for the Rio Salado Project as proposed.

ATTACHMENTS:

1. Revised Statement of Intent (SOI) for the Rio Salado Project
2. Original SOI Council Action Report (2018-6306)
3. Original SOI for the Rio Salado Project
4. Minutes from March 26, 2018 Council meeting