

**Approved by the Board of Directors of the  
Rio Nuevo Multipurpose Facilities District  
on September 23, 2010**

**Minutes for Meeting  
of the Board of Directors of the  
Rio Nuevo Multipurpose Facilities District**

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**Wednesday, August 25, 2010**

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**Tucson Convention Center, Greenlee Room  
260 South Church Avenue  
Tucson, Arizona**

A meeting of the Board of Directors of the Rio Nuevo Multipurpose Facilities District was held on Wednesday, August 25, 2010 in the Tucson Convention Center, Greenlee Room, 260 South Church Avenue, Tucson, Arizona commencing at 2:00 pm.

**1. Roll Call**

The meeting was called to order at 2:12 pm.

	<b>Appointee</b>	<b>Present</b>	<b>Absent/ Excused</b>
Jodi A. Bain, Chair	Senate	x	
Dan Cavanagh, Member	Governor	x (arrived at 2:22 pm)	
Jeff DiGregorio, Member	Tucson	x (left at 5:35 pm)	
Scott Egan, Member	House	x	
Carlotta Flores, Member	Governor	x (left at 6:30 pm)	
Rick Grinnell, Member	Senate	x	
Mark Irvin, Vice Chair	House	x	
David N. Jones, Member	Governor	x (via phone, left 5:15 pm)	
Alberto Moore, Secretary	Governor	x	
Anne-Marie Russell, Member	Tucson	x (left at 5:00 pm)	
Victor Soltero, Member	South Tucson	x (left at 5:35 pm)	

**2. Review and possible action with regard to the Minutes of June 30, 2010; July 28, 2010; August 11, 2010**

A motion to approve the minutes as presented for June 30, 2010 was made by Board Member Victor Soltero, seconded by Board Member Carlotta Flores. The motion passed 8-0 with Chair Jodi Bain and Board Member Anne-Marie Russell abstaining, and Board Member Dan Cavanagh not present during vote.

Chair Jodi Bain indicated that the approval of the minutes for July 28, 2010 would be delayed, due to the verbatim transcript of the GMP discussion not being complete.

Chair Jodi Bain indicated that the approval of the minutes for August 11, 2010 would be delayed due to the last minute changes that were made that the Board members were not able to review.

**3. Executive Session**

At 2:25 pm, a motion to go into Executive Session was made by Vice-Chair Mark Irvin, seconded by Board Member Alberto Moore. The motion passed 11-0.

- i. Negotiation with City of Tucson on IGA.**
- ii. Copyright agreement negotiations related to the Night & Day Studios for Tucson Origins Park.**
- iii. Rialto Lease contractual issues and TRE.**
- iv. GMP Negotiations.**
- v. Audit**

At 5:15 pm a motion to come out of Executive Session was made by Board Member Victor Soltero, seconded by Board Member Scott Egan. The motion passed 10-0, with Board Member David Jones no longer present via phone.

**Let the minutes show that David Jones ended his presence via phone at the end of the Executive Session.**

**Item 6 was taken out of order.**

**6. Status report on convention center/hotel based activities – Greg Shelko**

Greg Shelko indicated that the punch list has been worked through, and the Architect has signed off on the substantial completion. Mr. Shelko indicated there are two outstanding issues. One is the column in the south corner of the lobby being out of tolerance has been determined by Sundt and Garfield Traub. There is a document signed off by the structural engineering indicating that it is a non-structural issue, it is more of an aesthetic issue. The other issue regarding the quality of the concrete floor completed at the base of the stairs, whether it is acceptable and carpet has been ordered to hide the concrete. These issues have been pending through several pay applications. Board Member Alberto Moore asked Mr. Shelko who gave the authority to order the carpet and where the funds will come from. Mr. Shelko indicated that they had two options to correct the floor, either to tear out and replace the concrete or use carpet to cover it. It was determined based on cost, that the carpet would be ordered. Mr. Shelko indicated that the cost of the carpet can still be negotiated, and the funds will be paid out of the retainage. Chair Jodi Bain asked that both John Sundt and Board Member Alberto Moore liaison with City staff to finalize the costs of the carpet with Garfield Traub.

Mr. Shelko indicated that the Board has the last construction payout invoice for consideration and none of the retainage has been released. It was unclear whether the City of Tucson actually held the cash necessary to cover processing of the current payment application and still hold retention. There was also an issued raised as to whether the Guaranteed Maximum Price had been exceeded.

**Item 8 was then addressed.**

**8. Report from City Staff**

**i. Report and potential action/direction related to invoices/projects**

Chair Jodi Bain indicated that there is a pending invoice for the last payment before the Retention Billing on the East Entrance. Direction was given to allow Chair Jodi Bain and Vice-Chair Mark Irvin discretion to approve payment depending upon the results of a meeting between John Sundt, Stacie Bird, and Board Member Rick Grinnell regarding whether the Guaranteed Maximum Price had been exceeded and the status of retention, etc.

A motion was made by Vice Chair Mark Irvin, seconded by Board Member Scott Egan to treat the transactions related to the Depot Plaza Public improvement exactly the same as the Board looks at the other Depot Garage transactions. Motion passed 6-0. The Board has indicated that no future District funds will be spent on this project.

Groundskeeper - A motion was made by Board Member Scott Egan, seconded by Board Member Alberto Moore to not pay the invoice for the Groundskeeper in the amount of \$785.00. Motion passed 6-0, with Board Member Dan Cavanagh voting Present. The Board has indicated that no future District funds will be spent on the Downtown Infrastructure Improvement Project (DIIP).

**ii. Report from Jessie Sanders on status of projects and properties (not the proposed hotel project) within the District.**

Jessie Sanders gave a Powerpoint presentation detailing the Infrastructure Projects from FY 2010 Capital Budget. The projects included: JA06 Barrio Sin Nombre Improvements (now known as Barrio San Agustin); JA05 Barrio Viejo Improvements; J044 Cushing Street Bridge; J025 Depot Plaza Parking Garage; J045 Depot Plaza Public Improvement; J048 Downtown Infrastructure Improvement Project; J050 Mission San Agustin Garden; and J031 Origins Infrastructure.

**Items 4, 5, 7, 9, 10, 11, 12, 13 will be delayed until the next scheduled meeting**

**4. Report from Legal Counsel – Keri Silvyn, Bob Gugino, John Sundt.**

- i. Report and possible action on Rialto TRE and lease contractual issues.**
- ii. Report and possible direction/action on the Administrative Rules.**
- iii. Report on GMP Negotiations.**
- iv. Report and possible direction on the Audit.**

Item delayed until next scheduled meeting.

**5. Update regarding proposed hotel, garage, TCC project matters and negotiation team progress - Jodi Bain, Mark Irvin and John Sundt. (10 min)**

Item delayed until next scheduled meeting.

- 9. Discussion and potential action related to properties and projects (not the proposed hotel project) within the District. (10 min)**  
Item delayed until next scheduled meeting.
- 10. Update and discussion regarding insurance broker services and general liability policy- Mark Irvin (5 min)**  
Item delayed until next scheduled meeting.
- 11. Discussion and possible direction and/or action related to a Financial Services provider and/or the election of Treasurer to the District. – Jodi Bain (10 min)**  
Item delayed until next scheduled meeting.
- 12. Discussion and possible action on the Executive Director Job Description - Alberto Moore and Jodi Bain (5 min)**  
Item delayed until next scheduled meeting.
- 13. Report/update on status debut of the Film - Jeff DeGregorio (5 min)**  
Item delayed until next scheduled meeting.
- 14. Call to the Audience.**  
No response
- 15. Future Meeting Dates and Agenda Items**  
Next scheduled meeting will be September 2, 2010 at 2:00 pm.
- 16. Adjournment.**  
The Rio Nuevo Board formally adjourned the meeting at 7:00 pm.