RIO NUEVO MULTIPURPOSE FACILITIES BOARD MEETING

Tucson, Arizona
January 27, 2015
1:00 p.m.

REPORTED BY:

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(Meeting commenced at 1:12 p.m.)

CHAIRMAN McCUSKER: Let's call the meeting to order. It's 1:12.

Let's start with the pledge.

(Pledge of allegiance was recited.)

CHAIRMAN McCUSKER: Michele, call the roll.

MS. BETTINI: Jannie Cox?

MS. COX: Here.

MS. BETTINI: Chris Sheafe?

TREASURER SHEAFE: Here.

MS. BETTINI: Fletcher McCusker?

CHAIRMAN McCUSKER: Here.

MS. BETTINI: Mark Irvin?

SECRETARY IRVIN: Here.

MS. BETTINI: Cody Ritchie?

MR. RITCHIE: Here.

CHAIRMAN McCUSKER: And we understand Jeff's on his way. At least he's confirmed.

So we haven't heard anything to the contrary, huh?

MS. BETTINI: Huh-uh.

MR. COLLINS: We do have a quorum.

CHAIRMAN McCUSKER: We do have a quorum.

You have the transcripts from December 17. They were distributed. Any decisions, changes, or edits?
TREASURER SHEAFE: Move to approve.

MS. COX: Second.

CHAIRMAN McCUSKER: All in favor, say aye.

(Ayes.)

(The Board voted and the motion carried.)

CHAIRMAN McCUSKER: All right. We have an Executive Session scheduled. I would need a motion.

SECRETARY IRVIN: So moved.

MS. COX: Second.

CHAIRMAN McCUSKER: All in favor, say aye.

(Ayes.)

Okay. So we hope to be back here at two or before two. So standby.

(The Board adjourned to Executive Session at 1:13 p.m.)

(Meeting reconvened at 2:16 p.m.)

CHAIRMAN McCUSKER: Okay. So I need a motion to reconvene.

SECRETARY IRVIN: So moved.

CHAIRMAN McCUSKER: Second, please?

TREASURER SHEAFE: Second.

CHAIRMAN McCUSKER: All in favor, say aye.

(Ayes.)

CHAIRMAN McCUSKER: Okay. We're back in regular
session. Good afternoon, everyone.

The video running to my left is the -- some of it's time-lapsed. Some of it is just before and after. That was provided to us by Concord on the TCC Arena remodel. So it's really a spectacular representation when you see what we started with versus what it looks like across the hall today. So we'll run that up until maybe your presentation and then shut it off.

But it's a historic day for us. We have a lot of very important things do. Let's get after it straight away.

Dan, so if you'd go ahead and give us your financial report. There is something for the Board in our packet.

MR. MEYERS: Okay. Well, although this is almost the end January, these will be the December 31st numbers.

Cash in our operating account at Alliance Bank, about 2.7 million. Cash in our Alliance Bank, the other account, is a little over 5 million. Cash in Bank of Tucson 296,000 approximately. Funds that are still sitting in the City of Tucson's pool account is almost $75,000.

The intention of those funds, as they're sitting there, would be used to pay retention as the Concord contract is finalized and completed.

As far as commitments go, as we sit here today, Mission Gardens is still at 1.1 million. The Eckbo Fountain
project has been completed. The garage at the AC Hotel, which won't be taking place until 2016, 4.29 million. Streetscapes, 750,000. And the remaining estimated cash for the Tucson Community Center remodel is 1.29 million. So total commitments of 7.4 million, approximately.

The October TIF, which was collected in January, was 522,000. As a point there, we've now accumulated three months of data from the Arizona Department of Revenue as far as TIF collections. And I think, within the next week or so, Michele and I will start comparing our merchant list to what the three-month schedule looks like from the Department of Revenue and start asking some questions.

CHAIRMAN McCUSKER: Dan, this $75,000 -- I know we've been spending some money. Have all the invoices now -- and, Elaine, you may have to answer -- run through the whole City bond account? Is that just kind of left over, or are there still invoices that will go against that?

MR. MEYERS: The 75 sitting in the City?

CHAIRMAN McCUSKER: Yeah. It should be all the way down the zero if --

MR. MEYERS: Well, they -- we just made an agreement to hold on to because, instead of taking these out in little bits and pieces, we just thought it would be easier to, when we get the final retention billing from Concord, it's --
Mr. Meyers: Yes, yes.

Chairman McCusker: Any questions for Dan?

Okay. Thank you very much.

Okay. Elaine? Your pictures are running up there.

Ms. Becherer: It stopped. Dan's trying to start it again, and it's not opening.

Chairman McCusker: You have to stop that one.


So I wanted to give the Board an update on two items. And, first, I passed out a preliminary sketch of the handrails. And if the Board's --

Chairman McCusker: Let's deal with that last.

Let's kind of go through your report and where we are with the contingency.

Ms. Becherer: Okay. Okay. So as we discussed in December, I mentioned that there was approximately $90,000 left in the project contingency. And that's a combination of the owner's contingency allowances as well as the general contractor's contingency. Since then, we've used approximately $8,000. So there is still $82,000 left.

And I have a list of 12 potential items. And they
range from additional benches, high tops -- high-top tables
and stools for the concourse level, additional trash and
recycle stations, new drinking fountains that were -- they
were not renovated; they're code compliant, but they are old
and outdated -- wainscot along the concrete walls, potential
painting of the -- these meeting rooms that we're in as well
as the admin suite, replacing the existing lighting in this
corridor, some sprinkler escutcheons that I think are
needed -- so we should probably do that; that's about
$6,000 -- rubber base throughout the Arena at the masonry
walls. So when the custodians come through right now,
there's no rubber base at the base of the wall. And so the
wet mop flops around. And I think it would give it a nice
clean look. And then, there are two roll-up doors that need
to be fixed and maintained. And those -- all of those items
total 12 items for a total of $170,000.

So in coordination with Mr. Irvin and
Mr. McCusker, it would be my recommendation that we sit down
and we go through how best to use the remaining $82,000.

In the past two weeks, it's come to the project
team's attention that there was a discrepancy in one of the
POs with the seats -- with the Hussey seats. And so it's
looking as -- as if Rio Nuevo will receive a refund from
Hussey Seating for approximately $20,000. So that will go
back as well into this. So we're plus-or-minus a hundred
thousand dollars.

MS. COX: Good job.

CHAIRMAN McCUSKER: So let's talk about the handrail issue first because it goes to how we want to deal with the contingent funds.

The Beach Boys concert, by any measure, was a huge success. It was nearly a sellout crowd. It was clearly an older crowd. And there was a very visible issue with navigating the steepness of our arena without handicapped rails. We didn't need to do them. We're grandfathered in.

Elaine, we still don't need to do this. We're not required because of the grandfather status.

MS. BECHERER: That's correct.

CHAIRMAN McCUSKER: But we visited McKale and looked at the system that they installed there. It's actually a quite simple metal-loop rail there's either anchored to the concrete or bolted to the steel steps.

We did get one ADA complaint -- official complaint, regarding the lack of handrails, which we could respond by saying we're not required to do them. But it became obvious to a number of us that were there that it's a real issue, particularly with an aging audience. And a lot of people commented on just how -- there's no -- nothing to grab onto on either side. This would be a rail system down there.
So we asked the team if they could kind of design and then price something that would accommodate that. So that's the update you were about to get to.

MS. BECHERER: Yes.

CHAIRMAN McCUSKER: So go ahead.

MS. BECHERER: So what I did is I passed out a preliminary sketch. And there's two options that I'm recommending that we consider. One is more expensive, but I wanted to present you with both options.

One is -- it would be the fixed metal handrail that's in front of you. It would also include a stair nosing that would either be applied through a paint product that would have some -- you know, a little bit of grip or some type of adhesive tape. And I would recommend that we do a mock-up first to see which one lasts longer and has more durability, which one is easier to maintain for SMG. And then it also includes a contingency, a 26 percent contingency because we don't yet know what the actual solution is. That would cost $150,000. The handrails itself are around 75,000. And then the stair nosing, whether it's tape or adhesive, is around 20,000. That all totals the 150,000.

Option 2 is the same type of handrail, a metal fixed handrail per the sketch that you have. But what it would include is an aluminum stair nosing. So it's more
durable. There is less maintenance. But it is quite a bit more expensive. That would be $225,000.

So in both scenarios, the metal handrail that you see in front of you is the same price; it's $75,000. We would have to core drill into the existing concrete, about 6 inches down. We don't want a metal baseplate. It's a tripping hazard. Bolts, things, people can stub their toes. We will have to do a little bit of x-raying of the concrete because we cannot hit the rebar. All of that's included in the price.

So Option 1, paint or adhesive stair nosing. And that's 150. And then the second option would be the aluminum stair nosing, and that's for 225.

TREASURER SHEAFE: This is separate from the other discussion on the 170; is that right?

CHAIRMAN McCUSKER: Yeah. And these are discussion only items on the agenda.

So we have Phase II -- and that's part of the conversation I think we can have and stay within the agenda -- is, you know, do we want to sit down with our $102,000 and look at the list the team is recommending? Do you want to use some of those funds toward a project like this, or would we entertain -- we'd have to put it back on the agenda -- an additional amount of money?

Because this would exceed the approved budget,
right, Mark, that we've set for the project?

And, Elaine, can we do that with a change order
or -- and how about on the procurement side? Any issue with
a project of that magnitude? You're talking about a couple
hundred thousand dollars, right?

MR. COLLINS: Yeah. I think what you're talking
about, Mr. Chairman, is the next agenda item for Phase II,
is it not?

CHAIRMAN McCUSKER: Well, you know, this is -- I
guess that's my question, if we could still somehow include
this into Phase I with a change order and amended budget, or
are we just skirting procurement issues by doing it?

MR. COLLINS: I think I would -- I agree with
Elaine. I think you can do that, under the existing
contract with the change order. I wouldn't want you to
drift into the next agenda item for Phase II that we've
agendized for a scope for more expenditure that you've
talked about. But to the extent of this, as I've understood
it, is essentially winding up of Phase I.

CHAIRMAN McCUSKER: All right. So let me see if I
can summarize kind of where you are with the project.

We're done. We're on time. We're on budget.

We've got about a hundred grand left with the contingency
that you have a number of recommendations on how we would
spend that, which could include the railing if you were to
put that in your pile of 12.

    Obviously there's not enough money to do all that.

So you know, part of what we would have to do, Elaine, just
sit down and prioritize how best to finish out this phase
and whether or not we wanted to apply that contingent money
to any of these projects. And then we would put that on the
agenda for action in February.

    MS. BECHERER: We could sit down and look at the
12 items, and the handrails and stair nosing could be the
13th item. And if there's a couple of Items 1 through 12
that -- we have really talked about and looked at the goal
of making the VIP area at the south end of the concourse
level. If, let's say, you only wanted to do that, we would
take a look at the cost for that in addition to the stair --
the handrails and the stair nosing, and you'd still probably
be a little short. But then the money -- the change order
would be less.

    CHAIRMAN McCUSKER: So let's -- if the Board
agrees, let's get your kind of final punch list. We'll sit
down with you and identify remaining funds. And to the
extent we wanted to do more than what's budgeted, we've got
to come back to the full Board.

    MS. BECHERER: Okay. It is my recommendation that
the handrail and the stair nosing, in addition to any
contingency items, that we lump that together so that you
pay for general conditions once.

And I think that, in coordination with Concord, they can do that within a month. And that's an additional $20,000, which is included in those two handrail prices. So the 150 includes a month of general conditions.

CHAIRMAN McCUSKER: Is there some timing issues? I know they're still in the building. You know, at some point they'll be done and exit. Is it problematic, then, to try and get them back? So is there any time constraints on us to finalize this and get it to the contractor?

MS. BECHERER: So we actually had our kitchen inspection today from the Health Department, and we passed inspection. So they will be working on punch list items. And they are still working on punch list items for the Arena. But the -- if we can keep them here and not let them demobilize, then we could move right into the handrails and these contingency items, which would be more efficient. It would still be another month of general conditions, but it would still be more efficient.

CHAIRMAN McCUSKER: And, Mark, to confirm, if we were to go beyond the original budget now, which would require Board action but not additional competitive procurement?

MR. COLLINS: That -- I think what you said, it would require additional Board action, the answer to that is
yes. And in my opinion, it does not require additional procurement for that limited amount. If you're going to -- the -- you're going to need a -- Phase II, you're going to need an RFP.

CHAIRMAN McCUSKER: We're going to move to that next.

So any other questions for Elaine on the wrap-up?

MS. COX: I would just like to say that I totally concur with what you said about the handrails. Because the experience for me was frightening, and I consider myself pretty capable. But it frightened me to come down those stairs.

So I watched people all night. And as Fletcher said, the audience was older. But people were frightened coming down those stairs, and I was frightened watching them. So I hope that stays at the top of the list.

MS. BECHERER: Okay. Thank you very much.

CHAIRMAN McCUSKER: Okay. Phase II, we had, in a previous meeting, talked about the continued effort on behalf of Rio Nuevo to look at the TCC and adjacent components of the primary component. We obviously need to scope them. Part of that process, of course, is identifying an architect to help us do that.

And, Mark, I'm probably going to ask you a couple of questions in this regard. I'll just talk, first, a
minute about architects in general, procurement of architect's professional services. If we want to hire an architect, is that something we have to competitively procure?

MR. COLLINS: No. You can direct select professional services. Architects are specifically identified. I don't have the code section in front of me. But your procurement code allows direct selection of professional services. And "architect" is one of those professional services specifically mentioned in the code.

CHAIRMAN McCUSKER: In that regard, Swaim Associates have presented us with a proposal to stay engaged into Phase II. We obviously don't know exactly what that means today, how much would be involved or what ultimately the Board would approve. But we could, if we desire, engage the firm -- same firm we used in Phase I -- to help us identify the issues, the budget, and the scope of a possible project that we could then bring back to the Board.

Or we can start over again and solicit an entirely new firm.

MR. COLLINS: Mr. Chairman, Members of the Board, let me just use that as a segue.

If you elect to retain Swaim to define the scope, that scope is then going to have to come back to you folks for approval, and then an RFP would have to be issued.
Because for -- regardless of the focus of that, both Title 34 and your procurement code is going to require competitive bidding on the actual work. As soon as there are working drawings that have been accepted, the Title 34 comes into play.

CHAIRMAN McCUSKER: Mr. Irvin?

SECRETARY IRVIN: I've really enjoyed working with Phil and Amanda. I think they've just done a super job for us, and I hate for us to start again with somebody new.

I'd like to just make a motion that we move forward with Swaim and Associates. I'm not sure what a reasonable cap is to put on their services. It would seem like a not-to-exceed number of maybe $10,000 -- not that I think we'd get anymore near that, but I'd hate to have to come back a dozen times -- to allow them to start putting together some numbers and ideas of what that would cost.

So consider that motion subject to that $10,000 cap.

TREASURER SHEAFE: Need a second?

MS. COX: Is that enough?

CHAIRMAN McCUSKER: I've got Mr. Sheafe seconding that.

Their proposal is hourly rates, $130 an hour for the principal architect. 104 for the project manager, 94 an hour for senior, 80 for a professional level, 68 and 58 for
clerical and admin. So we could agree to their rates
subject to the $10,000 cap.

Any further discussion?
All in favor, say eye.

(Ayes.)

CHAIRMAN McCUSKER: Any opposed, nay.

(The Board voted and the motion
carried.)

CHAIRMAN McCUSKER: Okay. So, Mr. Collins, you
can get that in motion.

For the audience, the conversation we've had
regarding Phase II, we think it's extremely important to the
City and to Rio Nuevo how we spend TIF money. But it's
clear we got a lot of mileage out of the roughly $8 million
we spent of the Arena when you look at what McKale spent for
their remodel. Only we did it for basically a tenth of what
they spent.

So there's a lot of interest in continuing those
efforts, particularly into the bathrooms. In the Ex Hall,
these meeting rooms are really inadequate. The kitchen, you
know, that we've remodeled, there's some interest in maybe a
junior ballroom. So we're going to be working through those
issues with Phil and hopefully make a recommendation back to
the Board to continue to improve this facility.

And I think we're getting a lot of kudos from the
people that use it. Mark and it met with the Gem Show representatives. And they were extremely grateful but also see the need for improvements in the Exhibition Hall space which was never in our original scope. So hopefully by maybe the February meeting, we can come back with some kind of proposal for Phase II.

To wrap up on the TCC and opening and a series of thank yous, you know, it was an extraordinary process. The evidence is there. We're going to post all of those before-and-after pictures to our website. But there hasn't been anybody that I've talked to, met, or toured or been involved in our new arena that isn't complimentary to our effort.

The credibility that we've received for the focus, for the aesthetics that we've put to this project has been unbelievably positive for the District. This project's been nominated for the Public Works Project of the Year. So stay tuned for that. We certainly believe it's eligible and worthy, but we'll see how the people who judge those kind of things determine that.

SECRETARY IRVIN: They're not going to let us vote on that.

CHAIRMAN McCUSKER: No, we don't get to vote.

But there's some really important people that were involved in this project. Elaine Weaver Becherer -- she
actually got married during the term of the project without our permission -- you know, the architects; Concord was extraordinary. You know, I think they knew a little bit about what they were getting into. But none of us could have imagined how challenging this project was going to be because we had to work around the TCC schedule.

So normally when you have a contract of this scope, you move in, you shut it down, you fix it up, and you leave once. They had to exit probably 20 or 25 times. And every time they did, they had to leave it in audience prep. So they had to clean it. They had to wipe it down. They had to wash the windows. They had to clean the floors and the concession stands. It was just unbelievable to watch. And we're really grateful to John and his team for the work that was done.

But the City staff, everybody we've worked with on this project. It's really been -- it's been difficult but probably one of the most fun things I've been involved with. And I think I speak for Mr. Irvin in that regard too.

The grand opening was, in a word, spectacular. We are restricted under our Beach Boys contract to tell you the final ticket count and revenue earned as part of the show biz contract that goes along with the artists. But -- it was not a total sellout but it was nearly a sellout crowd. Rio Nuevo actually made a little money on the concert. We
would have made a lot more, obviously, if we could sell it out.

But there were a number of people that participated in making this an incredible event, not the least of which was SMG. As you all know, SMG was hired in October, 10 months into this project. They really stepped up once they were engaged to make certain that it was also their coming-out party, their grand opening, as much as it was ours.

They contributed a significant amount of cash toward that endeavor. They hosted, for free, the VIP reception the day of the concert, which had about a hundred people in it that included our local dignitaries and elected officials, but also a number of music industry representatives. They paid for the street team marketers that were out handling fliers to our merchants. You know, waived the normal ticket fees and they provided free parking.

So, Glenn, you know, I mean, thank you very much. It really was an extraordinary effort. We're really thrilled to be involved with SMG.

Likewise, Concord bought a block of tickets, $10,000 block of tickets. I know a number of other people did. Our company contributed at least that amount.

Cody, I think you guys bought a block. I know you
were instrumental in creating a lot of blocks.

The Jim Click Automotive people bought a block of tickets.

So you just had this unbelievable community support toward this project. And I think it's just a real neat example of how we do things today.

The one thing we do have to bring back to the Board -- and it's Item 10 -- we did spend $10,219.50 marketing this. That's over the $10,000 we had authorized. So we're going to ask the Board to ratify that.

MS. COX: Move to ratify.

SECRETARY IRVIN: Second.

MS. COX: Aye.

CHAIRMAN McCUSKER: All in favor, say aye.

(Ayes.)

(The Board voted and the motion carried.)

CHAIRMAN McCUSKER: The marketing partners for this also, you know, deserve to be thanked.

Journal, which owns MixFM, KQTH, KGUN were extraordinary. We invested $4400 with them early on. They produced all the television ads. They probably gave us $20,000 of air time. They ran a ticket promotion contest on KQTH, which is conservative talk radio. And it might be the only time that they weren't bad mouthing the Rio Nuevo.
And of course, you know, Bobby Rich was the MC for the event. So I don't see anyone here today from KGUN. But we've thanked them, and publically we're thanking them as well.

The Star was unbelievable, the positive press. If you go to our website now, I think we posted -- Michele -- pretty much every story, every commercial, every angle. And again, it's just overwhelmingly positive.

MR. RITCHIE: Fletcher, I'd like to add something real quick about that. You hit it on a little bit earlier. But I think the community doesn't realize what Mr. Click does in this community. I know several people that he was out championing this event. And I just want to recognize that. I just think he's a wonderful citizen of this town and wants to make sure that we all be successful.

CHAIRMAN McCUSKER: Yeah. He was a huge supporter. I don't think he actually attended the concert. But I know hundreds of his staff did. You know, and I think it really helped cement the concert.

I met with a lot of the industry reps that were here. Again, thanks to SMG. But Live Nation was here. Danny Zelisko Presents, you know, some of the biggest bookers in the region. And to a person -- they were thrilled with the new Arena.

And I think -- I don't know that you could
comment, Glenn -- but I think we've seen certainly increased
booking activity -- go ahead. You know, the -- from your
perspective, you know, what's the impact of this remodel
done for this Arena?

Introduce yourself.

MR. GRABSKI: My name is Glenn Grabski. I'm the
assistant general manager here with SMG. Live Nation hasn't
been in the TCC in over two years, almost three years.

After Terry came down and looked around and
everything, we're back on his radar. I'm talking to him
almost daily. We haven't quite got a show locked in yet,
but we're getting close. We've gone from zero holds for
them to about a half dozen or so. So we're hoping we can
pick up one or two shows in the spring and everything happen
in the fall. So we've got from zero to 60 very fast.

CHAIRMAN McCUSKER: Anything else you could share
regarding just the prospects, or . . .

MR. GRABSKI: Well, I don't have any shows that
have quite been announced that can be let go to the public.
But we'll also be looking at, in the fall, a national
televisionized sporting event. Hopefully, we'll be able to make
an announcement in the next three weeks or so.

Like I said, we have at least a half dozen holds
out the of Live Nation that we're working on, different
shows, country, hip-hop, across the board.
Still working with Danny to come up with some ideas for him -- Danny Zelisko -- to get him involved in here as well.

CHAIRMAN McCUSKER: Okay.

Any questions for Glenn while he's up there?

Okay. I think we're done with the Arena other than Phase II. We'll come back to that in the next meeting.

Let's move on to the next item, which I believe is the Arena Site. I'm going to take Item 12 first. That's more of a housekeeping kind of thing. And then, of course, the big ticket item is the Arena negotiations with Nor-Gen. But every year, they lease the parking spaces where Greyhound's temporarily located. They did it when the City owned the property. We did it last year. We've obviously offered to do that again.

So, Mr. Collins, if you'll just tell us what we've been asked and agreed to, we can get that done and make sure we have the parking for this year's Gem Show.

MR. COLLINS: Mr. Chairman, Members of the Board, as chairman just reviewed, for quite some time, GJX, a related -- entity related to Nor-Gen, has leased the Arena Site for parking for the Gem Show.

Last year that was signed -- that agreement was signed before title was transferred. But title was transferred. And a signatory of that agreement was the
GJX provided a draft of an agreement, which is identical, if you will, to the agreement that was signed last year. The terms of the agreement are that GJX will, for two weeks, roughly from January 31st to December -- or February 11th, will pay the Board the same amount that it paid last year.

There had been discussion -- and it's subject to you folks -- there's been discussion of allowing the monthly parkers that the District has on that site to remain on the site. GJX has said we can do that, but there would be a reduction in the amount of money that would be paid to the District from roughly $21,000 -- actually $20,837 down to $18,793.93.

So the issues for you, do you want to enter the agreement? And if so, do you want to do it so that your monthly parkers can stay there.

CHAIRMAN McCUSKER: Mr. Irvin?

SECRETARY IRVIN: I think we'd be crazy not to take care of our monthly parkers. I like the idea of a reduced-fee ticket compensation. And I'd like to make a motion that we move forward on that basis.

TREASURER SHEAFE: Second.

CHAIRMAN McCUSKER: So that would -- that would authorize you to finish the -- it's not a lease but it's
MR. COLLINS: It's a right of entry agreement.

CHAIRMAN McCUSKER: Right of entry agreement.

And the amount again is 18 . . .

MR. COLLINS: 18,000 -- if my math is correct, $18,897.93.

CHAIRMAN McCUSKER: Any further questions, comments?

All in favor, say aye.

(Ayes.)

CHAIRMAN McCUSKER: Any opposed, nay.

(The Board voted and the motion carried.)

CHAIRMAN McCUSKER: Mr. Collins, you can take care of that.

MR. COLLINS: No problem.

Actually, GJX has been kind enough to draft the agreement. I can just slot the numbers out based upon my communications with them. And I can have the executive officers, the Chairman and Secretary, sign it. And we'll be done.

CHAIRMAN McCUSKER: Okay. Item 11, this has been a longtime coming, a challenging situation for Rio Nuevo and the developer interest in this property. But a little history's probably appropriate.
Rio Nuevo was awarded this site as part of our global settlement with the City of Tucson.

You're not going anywhere, are you?

SECRETARY IRVIN: No. I'm just talking to counsel.

CHAIRMAN McCUSKER: We obviously saw the importance of this toward the development of Downtown as a potential gateway project. The Greyhound is temporarily located. That's clearly not the highest and best use in our opinion. But as everyone knows, Rio Nuevo does not have the kind of funds it would take to execute a project of that magnitude.

So we began to talk about soliciting private sector partners. As we've visited other TIFs, particularly, San Diego, Oklahoma City, they have a great success of partnering with private sector developers. We've developed a request for proposals some time ago to kind of layout what we hoped could happen there. And we invited people to bid on the project.

Nor-Gen was the highest scoring bidder. And we've spent the last five months negotiating with Allan and his team, which has not been easy on any of us.

Normally, when the government sells a piece of property, it agrees on a price and exchanges a deed, and everyone goes off. With Rio Nuevo's legacy of incomplete
projects, we didn't feel like we could do that.

We actually wanted to assure the community, but
moreover the legislature -- this is State tax money -- that
the property would be developed not just surface parking.
So we immediately began to negotiate some very stringent and
challenging terms for the development.

We wanted him to commit to millions of dollars of
additional development. We wanted him to commit to an
acceptable period of time in which to do that. We wanted
him to commit to damages in the event that those benchmarks
were not made. And it was -- as you might imagine, for
those of you that are developers -- a hard pill to swallow.

We can say, today, that we've come to an agreement
that we believe achieves all that. It's still part of our
procurement process and, therefore, confidential. So we
can't go into details that was presented to us in Executive
Session.

So, Mr. Collins, if you kind of help us with where
we are with Nor-Gen, we'll see if we can move the ball.

MR. COLLINS: Well, Mr. Chairman, Members of the
Board, I think you, Mr. Chairman, have described where we
are. There is an execution ready agreement. But the way
the agenda is written, that can't occur. There may be last
minute issues to deal with.

But at this point, under the procurement code, the
process that's been ongoing and the authority that was given to the executive officers quite some time ago, if someone were to move to authorize the execution of the agreement consistent with all of the terms that we discussed in Executive Session, that would allow us to advance the ball.

CHAIRMAN McCUSKER: And it -- can we say where the developer is with that . . .

MR. COLLINS: It is my understanding, based upon conversation with the developer's able counsel, that the developer is prepared to execute an agreement as we discussed in Executive Session.

TREASURER SHEAFE: I would make that motion.

MS. COX: I second the motion.

CHAIRMAN McCUSKER: You probably ought to make a real motion so we could get something in the record.

TREASURER SHEAFE: I make a motion that we . . . Can you help me out?

MR. COLLINS: Sure.

CHAIRMAN McCUSKER: Help Mr. Sheafe with the motion.

MR. COLLINS: How about a motion to authorize the Chair and Secretary to finalize negotiations with Nor-Gen consistent with the deal points discussed in Executive Session and authorize the Chair and Secretary to execute a final agreement incorporating those deal points on behalf of
the District.

TREASURER SHEAFE: So moved.

MS. COX: Second.

CHAIRMAN McCUSKER: Any further discussion?

MR. RITCHIE: Abstain.

CHAIRMAN McCUSKER: That's right. Mr. Cody's actually recused.

MR. COLLINS: Yeah.

CHAIRMAN McCUSKER: So the only four voting members are the four of us.

Michele, call the roll.

MS. BETTINI: Mark Irvin?

SECRETARY IRVIN: Yes.

MS. BETTINI: Chris Sheafe?

TREASURER SHEAFE: Yes.

MS. BETTINI: Jannie Cox?

MS. COX: Yes.

MS. BETTINI: Fletcher McCusker?

CHAIRMAN McCUSKER: Aye.

(The Board voted and the motion carries.)

By a vote of four ayes, no noes, we've authorized you to finalize the agreement.

MR. COLLINS: And the two of you execute.

CHAIRMAN McCUSKER: Two of us to execute it.
Any reason we can't do that immediately after this meeting?

MR. COLLINS: If that's your desire, you certainly can do it after the meeting.


Mark, stay up there.

I think it's been three meetings ago that we heard the presentation by the January 8th Memorial Foundation, who's developing a memorial downtown. They had asked if we would be interested in contributing $75,000 to that project. We voted in favor of that, subject to clarifying some of the legal issues around the gift clause. At the time, the County was under a great deal of scrutiny for its use of taxpayer money for charitable purposes.

As counsel has explained to us, investments of tax dollars should include some return on that investment, typically bricks-and-mortar kinds of things that you can see. Mark has indicated to us that we believe -- and, in fact, have litigated -- the fact that the District is exempt from those Constitutional gift clause chapters.

So we asked counsel to ask the Attorney General to weigh in on that. We also invited the Goldwater Institute to kibbutz with us on it.

So, Mark, what's the result of those
conversations.

MR. COLLINS: The -- to review, the status is the same. The last time we discussed this, the Goldwater Institute declined to comment on my analysis. And the AG, as you all know, has been under changing of the guard. And I haven't heard a response from them on that.

So that's my answer.

TREASURER SHEAFE: Does that leave us an inability to make any action?

MR. COLLINS: Well, the motion that was passed last time was to provide -- contribute -- the City is contributing to the January 8th Memorial. The Country is contributing, not necessarily money but facilities. This project is within the confines of the District's -- within the confines of the District.

And the motion that was passed said, essentially, Subject to third-party confirmation that Collins' view of the gift clause is accurate, that the $75,000 could be funded.

Given where we are, that limitation precludes that funding of the $75,000.

CHAIRMAN McCUSKER: Is that specific to TIF funds?

If we have other funds --

MR. COLLINS: Yeah, you could --

CHAIRMAN McCUSKER: -- that are not tax related,
and we chose to contribute that, does that somehow help with the issue?

MR. COLLINS: The TIF fund issue has to do with the City match. As you may recall, there's an amendment to the IGA that created the District, a 2011 amendment, that says that anything over $50,000 that you folks spend that implicates the match -- and that's TIF funds -- has to have City approval. We discussed that last time.

And the City has contributed to this particular -- this particular project. I don't have that letter in front of us. But we had it back when this was being discussed.

To the extent it's non-TIF funds, there's no match implication. The gift clause, which is what is the impediment right now, doesn't -- isn't -- doesn't differentiate between those two sources. Gift clause is a really broad statute -- or constitutional provision.

The reason it doesn't apply to this District is because there's a specific constitutional amendment that removed, from the affect of the gift clause, tax-levying improvement districts. The -- Rio Nuevo is a tax-levying improvement District. So it's kind of Tab-A/Slot-B for me that you are not subject to the gift clause. You have other restrictions. We've talked about that. But as far as the gift clause is concerned, I don't have a problem.

CHAIRMAN McCUSKER: I would hate to approve this
without Mr. Hill being here. He was the one that raised the
issue. He was in the legislature when a lot of these things
were drafted. And I suppose we could table it till
February.

Is there some way to expedite the Attorney
General? I mean, that's kind of what we're all waiting for.
And a lot of times, they don't even opine on something like
this, right? They just pass?

MR. COLLINS: True. True. Obviously, the
Attorney General is a different entity than the Goldwater
Institute. But they could elect to pass just like the
Goldwater Institute elected to do. They -- you know, and
they have -- they have a lot of things on their agenda too.
So you know, unfortunately, there's no pressure that I can
bring to bear on the Attorney General.

As I say, for me --

CHAIRMAN McCUSKER: Is there any objection of the
Board's to tabling this until February? That will give a
chance for Mr. Hill to come back. And maybe we can hear
something from the AG's office between now and then.

MR. COLLINS: I will reach out to the
individual -- the assistant attorney general with whom I was
communicating has now left that office. I will follow-up
with his supervisor and see where we -- where we are with
that.
CHAIRMAN McCUSKER: Mr. Irvin?

SECRETARY IRVIN: Fletcher, I know we've got some folks in the audience from the January 8th Memorial. And I don't think any of us expected this process to go as long as it has gone in trying to get an opinion.

But I guess I'd like to hear from them on -- you know, are we putting you in a bad light by not being able to do this as quickly? Because, if I'm not mistaken, you started -- have started or at the middle of the interview thing. I know you just had a thing at the University. Can you just tell us what -- how this impacts you if we table this for a month?

CHAIRMAN McCUSKER: Start with your name.

MS. CHRISTENSEN: Thank you. Thank you very much. My name is Karen Christensen. I'm the president of the January 8th Memorial Foundation Board. We are making incredible progress, actually, since we saw you. I think at the time we were -- came before you, we had 60 submissions for the -- for the design teams. We've had those four design teams now visit Tucson two weeks ago.

They had an incredible series of meetings with City and County people, a wonderful tour of Downtown led by Michael Keith. All four design teams -- one from Tucson, one from Tempe, another from Los Angeles, and a fourth one from -- globally, but the partner being from Chicago --
thanked us for being part of this, such an incredible memorial and such an incredible community spirit. It was -- it was really very moving.

We have incurred the expenses of bringing them out here. We have just set the date of April 2nd when those four teams will come back again, make a series of presentation of their initial concepts. This is for the renovation of El Presidio Park as well as for the placement of the January 8th Memorial within that. We are incurring their travel expenses. We are paying them, as we noted to you, $5,000 per team to develop that initial concept. And then there will be additional travel expenses, and then there will be the design fees, of which this -- the Rio Nuevo funds would be a portion of those.

The City has awarded us -- which will go to the design team -- $30,000 to help with that master plan concept for El Presidio Park. And the County has done a very extensive survey of the ownership and other aspects of the -- of the site, which is necessary for the park. In addition, the County is devoting substantial time with County personnel to both the -- to the selection panel process and eventually to the project facilitation.

In addition, I think as I told you, we're still under consideration with the bond committee and are asking for construction funds essentially for the memorial.
It would be very helpful to have those funds now or at least a portion of those funds and to do it in a way that is convenient for you but at the same time will be reimbursing us for the expenses that we're currently incurring.

SECRETARY IRVIN: So -- and I think we're just trying to be really sensitive to Jeff Hill right now. Jeff would have been here. But we had a little goof up on where the meeting was. So I guess I -- it's sort of all of our fault.

But I guess my question is: If you don't get a check from us for 30 days, is that going to be the end of the world to you, or can you guys work through that until we meet here next time?

MS. CHRISTENSEN: It will not be the end of the world. But obviously, it's a lot easier for us to know. We've been holding off. We talked about Rio Nuevo supporting us. But it would be nice to say, Yes, we have Rio Nuevo's support.

I can also tell you there's a very exciting press release coming out this afternoon. And in light of Mr. Ritchie's comments earlier, we are forming a memorial campaign -- I think we mentioned that -- with private fundraising that we're committed to doing. And we are announcing today that Jim Click and Gabrielle Giffords will
be the honorary co-chairpersons of the memorial campaign.

So incredible community leadership.

We are so thankful to Mr. Click for everything he's done and to his involvement and basically his endorsement of this project. And of course, having Ms. Giffords as an honorary co-chairperson also speaks volumes for that. So we're very excited.

We're bringing in new Board members, Dr. John Pedicone and Dr. Meredith Hay just joined the Board. And we're forming a steering committee again working on that -- on that campaign.

So we're moving ahead. It's not that we're stopped in our tracks because of this little question mark with the Rio Nuevo funding. But it would be very helpful and will be part of that whole public-private partnership that we're working for.

CHAIRMAN McCUSKER: And, Karen, is the County giving hard dollars too? Are they a cash contributor?

MS. CHRISTENSEN: The cash contributor at this point is -- is in the inclusion in the -- in the bond package.

CHAIRMAN McCUSKER: You said the City was giving you how much? 30,000?

MS. CHRISTENSEN: It's 30 at this point toward the -- that's for the master plan concept.
CHAIRMAN McCUSKER: Did the City Attorney or anybody over there raise the gift tax issue?

MS. CHRISTENSEN: That question has never come up.

CHAIRMAN McCUSKER: Mr. Collins, are they bound by the same Constitution that we are? Are we -- are we overreacting?

MR. COLLINS: Those are two very different questions. They are bound by the same Constitution. But they do not fall within the exemption provision. I don't recall them being involved. I haven't really looked at it from the City of Tucson's angle. So I don't know whether they are or not. I suspect that they are bound by gift clause. But I don't know that.

And if you're overreacting, I -- my advice has been --

CHAIRMAN McCUSKER: This is an interesting dilemma for governmental jurisdictions. The County's reversed their policy recently regarding charitable gifts. The City gives hundreds of thousands of dollars to charities every year. You know, we don't see ourself as a foundation. We talked about that. But this has huge economic impact for Downtown which is our core business. So I think we could make a case that, you know, it's not just a gift; we're investing in something that eventually leads to pedestrian tourism.
MS. CHRISTENSEN: That is the way that -- when we did that tour with Michael Keith and he explained all the development and this being in an area that connects up with the Garrett Eckbo landscape, this whole area is just -- that's exactly the way that he described it to the design team.

So they understand that this is part of a much larger fabric of the Downtown development on a side that has not gotten quite as much attention as the East Side development.

MR. RITCHIE: If you recall that -- I think you -- when -- your presentation the last time, you said that you thought that this would drum up $150,000 of TIF revenue in some conservative figures. So when I made the motion or the discussion, I felt like the $75,000 was just 50 cents on the dollars -- was that -- and I went along with you, Fletcher -- that it was more of an economic development investment rather than just a gift, so . . .

MS. CHRISTENSEN: That's certainly the way --

MR. RITCHIE: That was my reasoning, anyway.

MS. CHRISTENSEN: That's been the way -- when we looked at those other cities -- Oklahoma City; Shanksville, Pennsylvania, out in the middle of literally nowhere -- and looked at the visitors that they had and the economic impact and the return that they were seeing on their investments,
that's the way -- we're not -- we didn't go into this as a business proposition. But, in fact, on -- as -- on business terms, it makes sense.

CHAIRMAN McCUSKER: Well, if you're okay waiting, I would still suggest we table it. We'll get Mr. Hill back here. And maybe we can try and put a little diplomatic pressure on the Attorney General's office. It would be really nice if they would weigh in on this or not. They could choose not to. It might give us some comfort if their people did that.

MS. CHRISTENSEN: Or simply decline and make -- so they can allow you to go forward.

We very much appreciate you. And we appreciate the chance to give you an update too.

And I hope that on April 2nd there will be an opportunity for the public to attend the presentations. We will be displaying those initial concepts. We're in negotiating with the County to put them in the County office building and then leaving it open for 30 days for public input and then go back to the selection panel.

So thank you very much. And we hope to have a great slide presentation when we're finished with this.

Thank you.

CHAIRMAN McCUSKER: Thank you.

So we consider Item 14 tabled.
Item 15 --


SECRETARY IRVIN: Do you want to talk about 13?

CHAIRMAN McCUSKER: What did I miss?

MS. BETTINI: 13.

SECRETARY IRVIN: 13.

MR. RITCHIE: No. We tabled it.


MR. COLLINS: West Side deed?

CHAIRMAN McCUSKER: No. We didn't table it.

Sorry. I did pass it over it.

So Item 13, the West Side deed, we have been in -- it's literally in the hands of the City Attorney and Mayor to execute. That does not appear to be a problem.

Environmental services is concerned about the status of the landfill over there. And to the extent that we might penetrate the cap, they've offered to protect that cap for us.

I think we did decide we would table it and allow you some further opportunities to negotiate that with the City. So that was my notes from earlier today.

MR. COLLINS: That's fine. I thought we ought to have that in the public session, that you're going to table that. And that I --

CHAIRMAN McCUSKER: Do I need a motion? I can
table it as Chair.

MR. COLLINS: You can.

CHAIRMAN McCUSKER: So consider that one tabled.

MR. COLLINS: And I'll proceed in accordance with the instructions that I received from your folks.

CHAIRMAN McCUSKER: 13's tabled. 14's tabled.

15, Mission Garden. This has been another well-intentioned process with complications. We have approved $300,000 for their infrastructure improvements. This is part and parcel to our $1 million commitment as part of the settlement. And we've bumped up against procurement issues with that. And we're advised by counsel that we can't just release money to them.

In the meantime, we have confirmed that the existing West Side contracts with Lloyd Construction and BWS are still alive and assignable. And that may give us a way to utilize those contracts to allow them to procure these services.

So I think the Board's conversation, Mark, is to authorize you to work through that with them, see if we can assign these contractors over, release the District from any obligations associated with those.

And then, we would just ask that the Friends of Tucson's Birthplace approve the scope of that work with us, and then they should be able to get after it.
And I think you all -- Bill, if you want to comment. You've had some conversation with the contractors, and they appear to be amenable?

MR. O'MALLEY: Thank you, Chairman, Board members. Bill O'Malley, Friends of Tucson's Birthplace.

Yeah. We have had discussions over the last couple weeks on some of the key issues. We understand the assignment of the contracts.

And so, at this point, we are waiting to see the next draft of the agreement. And our understanding is that we've worked through most of the significant issues. And we're just ready to see the agreement so we can move forward with it.

CHAIRMAN McCUSKER: What happens to this intergovernmental agreement we've been working on if we assign the contracts? Do we still need that triparty agreement, Mark?

MR. COLLINS: Well, the reason that the City is part of that agreement is, in part, because Friends and the County and the City are party to a development agreement for that property.

And secondarily, the settlement agreement is between District and the City.

That's the way I drafted or had it drafted because the agreement the District has is with the City. I suspect
we could revise the agreement and take the City out of that agreement.

We have prepared a form of assignment and release for the contractors to sign. That's been drafted. And it does comply, we believe, with Title 34 and your procurement code if we proceed in that fashion.

The problem with taking the City out of it is that, again, there's $1.1 million being expended. And unless the City signs off on it, there's a possibility for disagreement on whether the 1.1 or the 300 has been applied appropriately.

CHAIRMAN McCUSKER: Satisfies the --

MR. COLLINS: Satisfies. Correct.

You don't want to spend that 300 or the total amount twice.

CHAIRMAN McCUSKER: What do you need from this Board to go forward? Can we just instruct you to . . .

MR. COLLINS: If there's a motion to proceed with the assignment of the contracts, the construction and design contracts, upon release of the District and to revise the agreement consistent with the instructions that you provided to me in E Session, that would be enough.

SECRETARY IRVIN: I'll make the motion.

MS. COX: Second.

CHAIRMAN McCUSKER: Any further conversation,
comments?

Chris, go ahead.

TREASURER SHEAFE: I just want to make sure we get the property line issue wrapped up as well.

MR. COLLINS: Do you want -- do you want that in this part of the agreement?

CHAIRMAN McCUSKER: Under a separate issue, so maybe --

TREASURER SHEAFE: -- it's a separate issue. But we need to put that one to rest too. There's been some confusion as to what we're talking about.

MR. COLLINS: Yeah. There has. But that hasn't been part of this agreement so far. I can put that in the agreement.

TREASURER SHEAFE: No. I'll stand down on that.

MR. COLLINS: Okay.

TREASURER SHEAFE: I just want to make sure it's going to get done.

CHAIRMAN McCUSKER: So all in favor, say aye.

(Ayes.)

CHAIRMAN McCUSKER: Opposed, nay.

(The Board voted and the motion carried.)

CHAIRMAN McCUSKER: Okay. So, Bill, stand by.

Hopefully this will start moving on it.
MR. O'MALLEY: Thank you.

CHAIRMAN McCUSKER: Thank you.

Item 16, Fox Theater. I think we can deal with this pretty quickly.

We do want to extend the final ratification of these agreements to the February meeting. We have successfully taken out the National Trust for Historic Preservation so we can deal directly with the Fox regarding their nearly $300 million indebtedness to us. We have a basic understanding of terms in that regard.

We have instructed counsel to put some typical lender covenants into those agreements that would provide that they would need our approval for major acts, like additional debt; change of the Board; size; hiring, firing the executive director; the kind of things that a lender would normally ask for with a loan of that magnitude.

So we've asked Mark to go finish that up and bring it all back to us in February.

TREASURER SHEAFE: Mr. Chairman, could we make sure that we also include a provision that our representative on the Fox Board be a part of the Executive Committee?

CHAIRMAN McCUSKER: We can put any kind of covenants we want in there. Now, they have to agree on the other side. So it's a two-party transaction.
MR. COLLINS: Mr. Chairman, Members of the Board

Treasurer Sheafe, based on my conversations with the Fox counsel, there's no problem with the extension of the clean-up period.

CHAIRMAN McCUSKER: Let's do that first. You need a motion to --

MR. COLLINS: Right.

CHAIRMAN McCUSKER: -- extend the clean-up period to February 24th.

TREASURER SHEAFE: So moved.

SECRETARY IRVIN: Second.

CHAIRMAN McCUSKER: All in favor, say aye.

(Ayes.)

CHAIRMAN McCUSKER: Opposed, nay.

(The Board voted and the motion carried.)

CHAIRMAN McCUSKER: And now we can just instruct you to draft this covenant language that would be part of the amended loan agreement.

MR. COLLINS: That's correct.

CHAIRMAN McCUSKER: So instructed.

MR. COLLINS: Thank you.

CHAIRMAN McCUSKER: Anything else on the Fox?

Item 17, I'll just mention briefly.

We'll come back to you.
But we are talking about maybe doing a legislative briefing in Tucson. I don't have a budget for that. It would come out of the marketing budget.

But we would invite some members to visit the Gem Show, tour Downtown and the Arena. There seems to be some interest from legislative leadership in doing that. So I'll get further some information and then circle back with that.

I may spend some money here, Mr. Collins. Should we try and identify --

SECRETARY IRVIN: More than 219.50?

CHAIRMAN McCUSKER: Yeah. Probably more than $219. I can't imagine more than 5,000 bucks or . . .

MR. COLLINS: Right. You're talking about Agenda Item 18?

CHAIRMAN McCUSKER: Let's talk about that for a minute because I know it's been an issue recently.

We've covered this a year ago, year and a half ago. The executive officers have $5,000 of discretionary authority.

However, if and when we use that, it still has to come back to the Board to be ratified.

MR. COLLINS: True.

CHAIRMAN McCUSKER: What happens if it doesn't get ratified?

MR. COLLINS: That's a problem.
CHAIRMAN McCUSKER: It's a challenge running this organization because in any company organization not-for-profit I've ever been involved with there's a group of people, typically the officers, that can spend some money -- $500, $1,000 -- and it's discretionary. But here, we no have discretion basically. Because even if we spend it, the Board has to ratify it. 

MR. COLLINS: It's because it's all public money. These are all taxpayers dollars that you have. And as a result, there's a great deal more limitation on what you can do. But, yes, it is difficult.

CHAIRMAN McCUSKER: Do we want to authorize something for the legislative briefing?

TREASURER SHEAFE: What would you recommend?

CHAIRMAN McCUSKER: No more than $5,000.

MS. COX: So moved.

CHAIRMAN McCUSKER: Jannie moved $5,000 max. Need a second.

TREASURER SHEAFE: Second.

CHAIRMAN McCUSKER: All in favor, say aye?

(Ayes.)

(The Board voted and the motion carried.)

CHAIRMAN McCUSKER: Okay. I'll let you know if we need to spend it.
Quick item on Michele's insurance. We've been advised that, thanks to the Affordable Care Act, Michele now has to run our insurance through payroll. So we would need Board action to do that.

Instead of reimbursing her for the purchase of her own insurance, we would run that through payroll and gross it up enough to cover the taxes. So that would be the motion that I need.

TREASURER SHEAFE: So moved.

MS. COX: Second.

CHAIRMAN McCUSKER: All in favor, say aye.

(Ayes.)

CHAIRMAN McCUSKER: Okay. Did I miss anything, Michele.

MR. COLLINS: Any opposed?

(The Board voted and the motion carried.)

CHAIRMAN McCUSKER: Call to the audience.

Do you have any cards, Michele?

Roger Pfeiffer.

Thank you, Roger. How are you? Oh, I'm not allowed to interact with you. So don't answer.

ATTENDEE: Members of the Board, I'm Roger Pfeiffer with Friends of Tucson's Birthplace.

I -- we certainly have been involved with you for
quite some time and understand the challenges that you've been facing, even those on the agenda today, and the time that it takes to do that.

I also want to thank you, Jannie Cox, for coming out and taking a tour of the -- of the whole area with us the other day. She's a great walker, let me . . .

CHAIRMAN McCUSKER: She is, yeah.

ATTENDEE: I do want to -- I do want to say -- and I appreciate -- we've made some advances here today. The problem with the garden and seasons is they don't -- they don't know how to table decisions. The seasons just keep coming and the gardens keep coming.

A delay by a month might put us off a whole season in terms of our planting and everything else. So whatever we can get worked out -- I know I can't ask you questions from this podium. But I'm hoping that there's a possibility, as you did on a couple items, of signing an agreement without me having to wait for the next Board meeting. But I'm not sure that's possible.

I do also want to suggest that when you invite the legislators for the Gem Show and for showing them TCC, you might extend the invitation to Mission Garden. We'd like to have -- to host them. No cost to you. We'll pick up the refreshments.

Thank you very much for all your support.
Appreciate it.

CHAIRMAN McCUSKER: Roger, thank you very much.

Diana Rhoades.

How are you? Oh, I'm sorry. I can't ask you those questions. You can tell me how you are.

ATTENDEE: I am Diana Rhoades. I'm a volunteer with Friends of A-Mountain. And I previously worked for Tucson City Councilor Regina Romero and have been following the actions of Rio Nuevo. And thank you very much for all your hard work.

Today I just want to point out that A-Mountain Tumamoc -- or A-Mountain Sentinel Peak Park, it is a wonderful place. I don't know if you've been there recently. But as both a volunteer and working for the City and the coalition, we've done a lot of work to this City park. And we're trying to get more active and more involved and get more partners around the idea of a trail system, an expanded trail system.

We have a bond proposal before the Pima County bond committee for $2.5 million that would incorporate buffalo grass removal, erosion control, revegetating the park and the Sentinel Peak Park and the A-Mountain site.

But I just wanted to highlight one small resource that would help us if Rio Nuevo should choose to participate. And that would be a small environmental study,
an environmental analysis. We've been talking to City Parks and County Parks. And we'd like to just kind of get started moving forward even before the bond item passes. And that would be a very small, you know, environmental assessment, could cost between 10- and $20,000. So we're looking for partners in that effort.

Kind of the dream of this would be that we have access from the Rio Nuevo site area so that when you're -- currently, I've been leading walks and recently started a Facebook page as part of this Friends of A-Mountain Sentinel Peak Park. But similar to what you have with the Meet Me at Maynards, we could have the Meet Me at The Mercado and have a walk that walks from the Mercado over to the Mission Garden over to the future Rio Nuevo site and then some sort of access to a trail system right there.

Currently what people -- what I'm doing, when our group is coordinating our walks that walk on the road and go by kind of the -- the rock quarry, that rock quarry area, that there's a blend of public and private ownership of the land there so it's kind of a problem.

But if we had this kind of bigger idea and thinking around access from the Rio Nuevo site area, from the Pima County site area, or from a public site area access, like the trail system, it would -- it would be really helpful.
So just calling your attention to this amazing place and the work that's already been done and asking you to consider participating in a small pilot project around an environmental analysis of the property so once we get that Pima County bond, we'll be able to move forward with this community process around a new trail system that would have access from that particular section.

Thank you very much.

CHAIRMAN McCUSKER: Can I clarify a couple issues that came from the -- or ask you a couple of questions?

MR. COLLINS: You can always ask me questions. I work for you.

CHAIRMAN McCUSKER: Okay. I'm going to ask you some questions. I think what we're trying to do with Mission Garden was to give you and the officers enough authority to --

(Mr. Irvin left the proceeding.)

CHAIRMAN McCUSKER: -- move without having to come back to the Board. Is that -- or I can't use a quorum or I'm in big trouble.

MS. COX: Are --

CHAIRMAN McCUSKER: Stand by just a moment.

MS. COX: Okay.

CHAIRMAN McCUSKER: Is that all we did?

MR. COLLINS: I believe you did.
CHAIRMAN McCUSKER: So we can move ahead and get the contracts assigned, get some things moving before the seasons change, theoretically.

MR. COLLINS: Yes.

CHAIRMAN McCUSKER: I believe Sentinel Peak's outside of the TIF district.

MR. COLLINS: I believe it is too.

CHAIRMAN McCUSKER: So we would be prohibited from spending any TIF money outside the TIF, I think.

MR. COLLINS: I'd have to double check. I don't know that. I believe that the TIF --

CHAIRMAN McCUSKER: -- Is not an associated area -- an area to that.

Okay. We're good. We need a motion to adjourn.

TREASURER SHEAFE: So moved.

MS. COX: Second.

CHAIRMAN McCUSKER: All in favor, say aye.

(Ayes.)

CHAIRMAN McCUSKER: See you in February.

(The meeting concluded at 3:27 p.m.)
CERTIFICATE

I, John Fahrenwald, certify that I took the shorthand notes in the foregoing matter; that the same was transcribed under my direction; that the preceding pages of typewritten matter are a true, accurate, and complete transcript of all the matters adduced to the best of my skill and ability.

_________________________
John Fahrenwald