



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 22, 2012.

Date of Meeting: December 5, 2011

The Mayor and Council of the City of Tucson met in regular session at the Tucson Convention Center, 260 South Church Avenue, Arizona, at 10:10 a.m., on Monday, December 5, 2011, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rabbi Samuel M. Cohon, Senior Rabbi, Temple Emanu-El and Most Reverend Gerald F. Kicanas, Bishop of Tucson, after which the Pledge of Allegiance was presented by the entire assembly.

3. AWARDS/COMMENTS

Mayor Walkup announced that each of the Council Members had the opportunity to make any comments they wished before proceeding with the meeting.

Council Member Romero acknowledged and recognized Mayor Walkup for his twelve years of service to the community. She said she was grateful to have spent the last four years serving on the Council under his leadership and wished him well on his retirement.

Council Member Cunningham thanked Mayor Walkup for his years of service. He shared a story about his experience soliciting the Mayor's for a youth charity concert and stated he looked forward to working with the new Mayor as well. He also thanked his wife for her support.

Vice Mayor Uhlich stated that people often wonder what went on behind the scenes of the Mayor and Council. She stated bonds of friendship were formed; there was a genuine effort to reflect the values and best interest of the people of Tucson shines as bright behind the scenes, more so than in front of the spotlight. She said she valued that in Mayor Walkup. She also welcomed Mayor-Elect Jonathan Rothschild.

Council Member Scott stated it had been an honor to have served the full twelve years with Mayor Walkup as he was a great leader for the community. She wished him "happy trails" as he departed the dais.

Council Member Fimbres presented Mayor Walkup with a Certificate of Appreciation for his service to the City.

Council Member Kozachik acknowledged Mayor Walkup for his leadership, especially during the aftermath of the shootings. He said Mayor Walkup was not only a local leader, but an international leader, portraying what the community stood for. He commented he looked forward to moving ahead under the leadership for Mayor-Elect Rothschild.

Mayor Walkup thanked the Council stating they were a great body of people who believed in their constituents and believed in their job of serving the City to make it a greater community.

Mayor Walkup commented that the City had a great staff to work with. He said in his travels with the Conference of Mayors in other cities, there was no greater staff to

work with. He said the City could stand tall and be proud of who they were, what had been accomplished, and how they had come through time and history to emerge as a great City. He asked the City Manager to extend to all City staff his greatest and deepest appreciation for all the things they meant to the community.

Mayor Walkup shared some thoughts about mayor-ship. He said until someone actually sat at the dais could they understand what the job was all about. He shared a story, during his initiation period as Mayor, where a third grader told him that the Mayor was the “King of the World.” He shared some “words of wisdom” with Mayor-Elect Rothschild and stated it was a privilege and honor to have been the Mayor of Tucson for the past twelve years.

Mayor Walkup closed his comments with words shared by President Barack Obama in that, “perhaps, we should question whether we are doing right by our children and our community, whether we have our priorities in order.” He said as he listened to that statement, he thought to himself that his job was all about the children and the community and questioned if he and the Council had their priorities in order.

Mayor Walkup said he came to the conclusion that the Council did and they looked out for the betterment of the entire community. He said he and his wife Beth were privileged to have served the community the past twelve years.

4. OATH OF OFFICE

The Honorable Judge Carmen Dolny administered the Oath of Office to newly elected Council Member Regina Romero, Ward 1.

The Honorable Judge Danelle B. Liwski administered the Oath of Office to newly elected Council Member Paul Cunningham, Ward 2.

The Honorable Judge Karen Maish-Leavitt administered the Oath of Office to newly elected Council Member Shirley Scott, Ward 4.

The Honorable Justice Stanley G. Feldman (Retired) administered the Oath of Office to new elected Mayor Elect Jonathan Rothschild.

5. ORGANIZATION OF THE COUNCIL

A. ROLL CALL

Mayor Rothschild asked for a roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

B. MAYOR AND COUNCIL: SELECTION OF VICE-MAYOR

Mayor Rothschild announced City Manager's communication number 470, dated December 5, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21830 by number and title only.

Resolution No. 21830 relating to the Vice-Mayor of the Mayor and Council; selecting a Vice-Mayor.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21830 naming Karin Uhlich as Vice Mayor.

Mayor Rothschild, before adjourning the morning session, thanked all those in attendance and gave a few brief comments about becoming Mayor of the City of Tucson.

Mayor Rothschild announced the Council would recess the morning meeting and reconvene at 5:30 p.m., at the Tucson Convention Center, 260 South Church Avenue, for the regular session

RECESS: 10:55 a.m.

RECONVENE: 5:31 p.m.

6. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

7. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 460, dated December 5, 2011, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Fimbres, Kozachik, and Vice Mayor Uhlich. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting

8. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 461, dated December 5, 2011, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and

Current event report was given by Richard Miranda, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

9. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 462, dated December 5, 2011, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Cafe a la C' Art, Ward 1
150 N. Main Ave.
Applicant: Mark Jorbin
Series 12, City 87-11
Action must be taken by: December 9, 2011

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer

2. Jalopy's, Ward 3
4230 N. Oracle Rd. #100
Applicant: Francis Hallett Burns III
Series 7, City 90-11
Action must be taken by: December 24, 2011

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Kokopelli Winery, Ward 6
SE Corner of 4th Ave. and 5th St.
Applicant: Michael D. Pigford
City T115-11
Date of Event: December 9, 2011 - December 11, 2011
(Wine Festival)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Old Chicago, Ward 3
2960 N. Campbell Ave.
Applicant: Deena Lynn Stevens
Series 12, City AC21-11
Action must be taken by: December 16, 2011

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 9b1 and 9b2, 9c1 and 9d1 to the Arizona State Liquor Board with a recommendation for approval.

10. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Comments were made by:

Robert Reus	Ken Johnson	Keith Van Heyningen
Billy Lolos	Jessica Shuman	Tracy Toland
Colleen Dugan		

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

11. CONSENT AGENDA – ITEMS A THROUGH F

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

- a. PARKS AND RECREATION: NAMING LITTLE LEAGUE FIELD #1 AT MICHAEL PERRY PARK THE "CAPTAIN NATHAN NYLANDER FIELD"
 1. Report from City Manager DEC05-11-465 WARD 4

2. Resolution No. 21829 relating to Park and Recreation; authorizing and approving the renaming of Little League Field #1 in the Michael Perry Park to "Captain Nathan Nylander Field"; and declaring an emergency.

(This item was considered separately at the request of Council Member Scott)

- b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE DUNBAR SPRING NEIGHBORHOOD REINVESTMENT GRANT PROJECT
 1. Report from City Manager DEC05-11-464 WARD 1
 2. Resolution No. 21828 relating to Housing and Community Development; authorizing and approving Amendment No. 2 to the Intergovernmental Agreement between Pima County and the City of Tucson for the Dunbar Spring Neighborhood Reinvestment Grant Project; and declaring an emergency.
- c. FINAL PLAT: (S11-039) SIERRA MORADO, UNIT 2 EAST LOTS 1547 THROUGH 1588 BEING A RESUBDIVISION OF SIERRA MORADO UNIT 2 EAST, LOTS 723 THROUGH 764
 1. Report from City Manager DEC05-11-466 WARD 4
 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- d. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO THE FIRE BATTALION CHIEF CALL BACK SHIFT PAY
 1. Report from City Manager DEC05-11-474 CITY WIDE
 2. Ordinance No. 10948 relating to the Compensation Plan and the Tucson Fire Department; amending Section 10-35 of the Tucson Code; and declaring an emergency.
- e. AGREEMENT: WITH FRIENDS OF TUCSON'S BIRTHPLACE AND PIMA COUNTY FOR DEVELOPMENT, OPERATION AND MAINTENANCE OF MISSION GARDEN (CONTINUED FROM THE MEETING OF NOVEMBER 22, 2011)
 1. Report from City Manager DEC05-11-473 WARD 1

2. Resolution No. 21832 relating to Parks; authorizing and approving an Agreement for the development, operation, and maintenance of Mission Garden between Pima County, the City of Tucson and Friends of Tucson's Birthplace; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

f. GRANT AGREEMENT: ACCEPTANCE OF GRANT FUNDS FROM U.S. DEPARTMENT OF JUSTICE FOR COMMUNITY ORIENTED POLICING SERVICES HIRING PROGRAM

1. Report from City Manager DEC05-11-471 CITY WIDE
2. Resolution No. 21831 relating to Grants; approving and authorizing execution of Community Oriented Policing Services (COPS) Grant Agreement with the U.S. Department of Justice for hiring of police officers; and declaring an emergency.

(This item was considered separately at the request of Council Member Fimbres.)

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – f, with the exception of Items a, e and f, which were considered separately, be passed and adopted and the proper action taken.

11. CONSENT AGENDA – ITEM A

a. PARKS AND RECREATION: NAMING LITTLE LEAGUE FIELD #1 AT MICHAEL PERRY PARK THE “CAPTAIN NATHAN NYLANDER FIELD”

1. Report from City Manager DEC05-11-465 WARD 4
2. Resolution No. 21829 relating to Park and Recreation; authorizing and approving the renaming of Little League Field #1 in the Michael Perry Park to "Captain Nathan Nylander Field"; and declaring an emergency.

Mayor Rothschild announced the first item to be considered separately was Consent Agenda Item a at the request of Council Member Scott.

Council Member Scott gave an overview of why Field #1 at Michael Perry Park was being renamed.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a be passed and adopted and the proper action taken.

11. CONSENT AGENDA – ITEM E

- e. AGREEMENT: WITH FRIENDS OF TUCSON’S BIRTHPLACE AND PIMA COUNTY FOR DEVELOPMENT, OPERATION AND MAINTENANCE OF MISSION GARDEN (CONTINUED FROM THE MEETING OF NOVEMBER 22, 2011)
1. Report from City Manager DEC05-11-473 WARD 1
 2. Resolution No. 21832 relating to Parks; authorizing and approving an Agreement for the development, operation, and maintenance of Mission Garden between Pima County, the City of Tucson and Friends of Tucson's Birthplace; and declaring an emergency.

Mayor Rothschild announced the next item to be considered separately was Consent Agenda Item e at the request of Council Member Kozachik

Council Member Kozachik stated he was in support of the Resolution but had some questions for staff. He asked the City Attorney regarding 6.7, item 2 stated that any indemnification claim made by Rio Nuevo with respect to the premises, that Pima County was responsible for defending. He asked if that meant that the City was responsible for potential damages or any financial settlement and could they also be drawn into any litigation if Rio Nuevo decided to file something.

Michael Rankin, City Attorney, replied that what it meant, if in fact because of the discussion at the table and previous meetings, at least within the scope of the notice of claim filed by the Rio Nuevo District it implicated the property at issue in the agreement. He said this provided what the relationship would be in the event of any litigation with respect to that property. He stated Pima County had agreed, if sued and Pima County was dragged into the lawsuit, they would bear the cost of defending that portion of litigation that involved the County as a defendant.

Mr. Rankin stated the what the City was doing was indemnifying the County in the event that there are bound to owe the Rio Nuevo District any damages/liabilities as a result of the City’s prior actions. None the less, the County would participate in the litigation and have an interest in it.

Mr. Rankin said, with respect to whether the Friends of Tucson’s Birthplace could be dragged into litigation, he could not get a definitive answer of whether they could or could not be sued. He said with the scope and notices of claim and litigation from the District, anything was possible, but did not see anything in the agreement that placed the Friends of Tucson’s Birthplace in a position of liability.

Council Member Kozachik asked if it was fair to say that the existing notice of intent, \$47 million lawsuit, pretty much subsumed what could possibly be the totality of

the damages and that the County and/or Friends should not expect any increase if they moved forward with the lawsuit.

Mr. Rankin stated he agreed with that. He reminded the Council that the \$47 million in the notice of claim was for a whole variety of issues and not just the issues related to Mission Gardens.

Council Member Kozachik asked for clarification of the language in Sections 4.2.2 and 4.3 with respect to determining default and right to terminate. He said that in 4.2.2 it appeared that both the City and County had to agree that there was default, but in 4.3 it stated that either one could.

Mr. Rankin responded that he did not feel that was an exact reading. He stated what 4.2.2 addressed was the fact that both the City and County had to agree to an extension to the Friends decision to request an extension via the option periods. The remainder of the paragraph said that those extensions should be granted except in the certain conditions listed, such as if the operator was in default. He said the language did not expand the scope; it was simply statutory.

Mr. Rankin stated that as it played out, if the Mayor and Council and/or the Board of Supervisors determined that the Friends were in default, they could choose not to agree to the extension option.

Council Member Kozachik asked for an explanation on the language with respect to hazardous materials. He wanted to know if there was any legitimate reason why they would need to use, what was defined as hazardous materials, on site.

Mr. Rankin explained the language was included to capture the statutory under A.R.S. as well as the Clean Air Act provisions, which were required to be referenced in these types of agreements. He said he agreed with Council Member Kozachik, but it was not something to be concerned about since the activities allowed on the property were otherwise defined in the agreement.

Council Member Kozachik thanked the Friends of Tucson's Birthplace for their hard work and pushing this item along.

Additional comments were made by Council Members Romero, Cunningham, and Fimbres.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items e be passed and adopted and the proper action taken.

11. CONSENT AGENDA – ITEM F

f. GRANT AGREEMENT: ACCEPTANCE OF GRANT FUNDS FROM U.S. DEPARTMENT OF JUSTICE FOR COMMUNITY ORIENTED POLICING SERVICES HIRING PROGRAM

1. Report from City Manager DEC05-11-471 CITY WIDE
2. Resolution No. 21831 relating to Grants; approving and authorizing execution of Community Oriented Policing Services (COPS) Grant Agreement with the U.S. Department of Justice for hiring of police officers; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the last item to be considered separately was Consent Agenda Item e at the request of Council Member Fimbres.

Council Member Fimbres stated he asked for the item to be considered separately to acknowledge the Chief of Police and the Tucson Police Department and asked him to give an updated on the grant.

Roberto Villaseñor, Chief of Police, stated that the first grant received was for fifty officers in FY 2010; thirty-one of the fifty officers were on board, training with the department. He acknowledged those persons involved in obtaining the second grant; Priscilla Lane, Budget, Capt. Carla Johnson, Assistant Chief John Leavitt, Lt. Greg Mammana, Rick Prader and Janice Silvyn from the Tucson Police Department (TPD). He gave a brief history and update regarding the grant application process.

Council Member Fimbres asked how many more policies academies were planned from not through FY 2012.

Chief Villaseñor stated that currently, an academy was planned for the end of January 2012, which would complete the hiring for the first fifty officers. In July 2012, the first group of officers from the new grant, which allowed for twenty-five officers, was scheduled. He said that every time there was a hire, it was a mixture of grant-funded plus general-funded officers.

Council Member Cunningham asked for the total number of officers TPD was currently funded for.

Chief Villaseñor responded that with the grant funds, there were seventy-five officers total and there were nine hundred twenty-three officers funded either through the general fund or additional grants. He said once the second grant was approved, the grand total was nine hundred ninety-eight officers.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item f be passed and adopted and the proper action taken.

12. ZONING: (C9-07-33) QUEBEDEAUX - FIRST STREET, R-3 TO P AND C-2, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 467, dated December 5, 2011, was received into and made part of the record. He asked the City Clerk to read Ordinance 10947 by number and title only.

Ordinance No. 10947 relating to Zoning: amending zoning district boundaries in the area located at the northeast corner of Holly Avenue and First Street in case C9-07-33 Quebedeaux - First Street, R-3 to P and C-2; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a voice vote of 7 to 0, to pass and adopt Ordinance 10947.

13. INITIATION OF URBAN OVERLAY DISTRICT - WEST UNIVERSITY TRANSITION AREA

Mayor Rothschild announced City Manager's communication number 472, dated December 5, 2011, was received into and made part of the record.

Council Member Kozachik commented that the item was on the night's agenda in order to allow staff to properly notice a neighborhood outreach meeting.

It was moved by Council Member Kozachik, duly seconded, to initiate the Urban Overlay District (UOD) rezoning and direct staff to begin the review process.

Vice Mayor Uhlich stated she had a couple of questions for staff. She asked what the possibilities were for the week to come.

Ernie Duarte, Planning and Development Services Department Director, stated that in the week to come, the Mayor and Council had a public hearing amending the West University Transition Area; an area roughly bound by Park Avenue on the east, Speedway Boulevard on the north, Euclid on the west and 6th Street on the south. He said the Planning Commission held a public hearing and was forwarding a recommendation, as well as staff's recommendation, to the Mayor and Council.

Mr. Duarte said the Council could adopt the proposal as presented by staff and the Planning Commission, deny it or make modifications. Whatever the case, the rezoning process, as Council Member Kozachik pointed out, the direction to issue the UOD could either be moot or conversely the UOD would have to be initiated and processed in a manner that was consistent with the area plan in existence.

Vice Mayor Uhlich asked if all of the steps outlined needed to be taken the following week or if possible could the Mayor and Council take portions of the plan, make recommendations, and hold out portions of the transition area.

Michael Rankin, City Attorney, stated that the action taken by the Mayor and Council at the evening's meeting did not tie their hands in any way in terms of a decision next week or lead them into a particular determination. He said the Mayor and Council's options were, as stated by Mr. Duarte; approving the proposal, rejecting/denying the proposal or considering it further and continuing the item recommending certain changes. He continued stating that those options were open to the Mayor and Council regardless of whether they approved the motion on the floor.

Council Member Kozachik asked if the Mayor and Council could also consider modifying the proposal "on-the-fly" the following week. He stated he gave Mr. Duarte some of the proposals he was looking to see and asked that Mr. Duarte share them with staff and the rest of the Council.

Mr. Rankin stated that was a possibility, but there were some notice requirements when the Mayor and Council act so long as the modifications are within a reasonable notice of the item as presented.

Additional comments regarding the public hearing were made by Council Member Kozachik and Vice Mayor Uhlich.

Mr. Rankin stated that there were some things that had already gone out for the public hearing, but committed that he would review with Mr. Duarte everything that was provided by Council Member Kozachik and Vice Mayor Uhlich to ensure that the Council's options to "act" next week were as full as they could be.

The motion to initiate the Urban Overlay District (UOD) rezoning and direct staff to begin the review process was carried by a voice vote of 7 to 0.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 463, dated December 5, 2011, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment(s) of Maureen Gagliardi, representing the Women's Army Corps Veterans Association Chapter 87, Russell Dillow and Ken Johnson, representing American Legion Post 7 to the Veterans' Affairs Committee (VAC).

Mayor Rothschild asked if there were any personal appointments to be made.

Vice Mayor Uhlich announced her personal appointment(s) of Robert Bulechek to the Tucson-Pima County Metropolitan Energy Commission (TPCMEC) and Kristin Almquist to the Tucson Convention Center Commission (TCCC).

Council Member Scott announced her person appointment(s) of Bretton Barber to the Tucson Commission on Gay, Lesbian Bisexual, and Transgender Issues (GLBT), Vincent Vasquez to the Citizens' Water Advisory Committee (CWAC), Michael Block to the Environmental Services Advisory Committee (ESAC), Kevin Oberg to the Independent Audit and Performance Commission (IAPC), Moon "Joe" Yee and William Podolsky to the Planning Commission (PC), Ghazal Farhang to the Small, Minority and Women-Owned Business Commission (SMWBC), John Anttonen to the Tucson Greens Committee (TGC), Donn "Steve" Anderson to the Tucson Parks and Recreation Commission (TPRC), John Cousins to the Tucson-Pima County Bicycle Advisory Committee (TPCBAC), Rudolph Lopez to the Citizen Transportation Advisory Committee (CTAC), Denise Morse to the Pima County/Tucson Women's Commission (PCTWC), Vanessa Richter, Tucson-Pima County Metropolitan Energy Commission (TPCMEC), and Karen Brandel to the Citizen Police Advisory Review Board (CPARB).

15. EXECUTIVE SESSION: MEDIATION OF CLAIMS BETWEEN THE CITY OF TUCSON AND RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT

Roger W. Randolph, City Clerk, announced that Item #15 was the Executive Session noticed as – Mediation of Claims between the City of Tucson and Rio Nuevo Multipurpose Facilities District. He said the Executive Session was being held pursuant to A.R.S. § 38-431.03 (A)(3), (A)(4), and (A)(7).

Mayor Rothschild announced City Manager's communication number 468, dated December 5, 2011, was received into and made part of the record. He asked for a motion to proceed into Executive Session.

It was moved by Council Member Fimbres, duly seconded and carried by a voice vote of 7 to 0, to go into Executive Session.

RECESS: 6:37 p.m.

RECONVENE: 7:37 p.m.

All members of the Mayor and Council were present as they were at the start of the meeting.

It was moved by Vice Mayor Uhlich, duly seconded, and carried by a voice vote to reconvene into open session.

**16. MAYOR AND COUNCIL DIRECTION FOLLOWING EXECUTIVE SESSION:
MEDIATION OF CLAIMS BETWEEN THE CITY OF TUCSON AND RIO
NUEVO MULTIPURPOSE FACILITIES DISTRICT**

Mayor Rothschild announced City Manager's communication number 469, dated December 5, 2011, was received into and made part of the record. He asked for a motion to proceed into Executive Session.

It was moved by Council Member Cunningham, duly seconded, to direct the City Attorney to proceed as discussed in Executive Session.

Discussion was held about additional direction suggested by the City Attorney that needed to be included in the motion.

Council Member Kozachik requested a friendly amendment to include the direction to staff to report back to the Mayor and Council as the mediation proceeds.

The motion to direct the City Attorney to proceed as discussed in Executive Session and to report back to the Mayor and Council as the mediation proceeds was passed by a roll call vote of 7 to 0.

17. ADJOURNMENT: 7:38 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 13, 2011, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 5th day of December 2011, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:yl