



22ND STREET CORRIDOR
Citizen Oversight Committee (COC) Meeting #4
April 16, 2009 • 6:00 p.m. • Meeting Summary

The Citizen Oversight Committee (COC) for the 22nd Street Corridor project met on Thursday, April 16, 2009, at 6:00 p.m. at the Santa Rosa Recreation Center, 1080 South 10th Avenue.

COC members present: Barbara Cariño, John Carlson, Vice Chair Brett DuMont, Claire Fellows, Brian Flagg, Pedro Gonzales, Jeanne Grant, Peggy Hutchison, Chair Sandra Leal, Ernie Lujan, Rick Parlett, Fred Sowerby, Chris Stebe, Roy Schoonover, and Kathy Sutherland.

COC members absent: Ralph Lares and Lucy Valdez.

Project staff present: Janice Cuaron, Jay Van Echo, Justin Smith, Nanette Pageau, Priscilla Fernandez, Freda Johnson, Bob Vint, and Leslie Dornfeld.

Presenters: Britton Dornquast (RTA MainStreet Business Assistance), Mack Dickerson (Tierra Right-of-way) and Damien Fellows (City Attorney's Office).

1. Welcome, introductions, announcements, and confirm quorum.

Chair, Sandra Leal called the meeting to order and welcomed everyone to the meeting and stated that a quorum was present. Moderator Freda Johnson welcomed everyone and asked that introductions of those present be made. She made announcements as follows. Reference maps of the project area were provided to COC members in their packets. A project book of COC materials was assembled and is available for the public in both English and Spanish, at the Santa Rosa Library in the reference section.

In response to a request, the meetings would be tape-recorded and anyone who wishes to could tape the COC meetings. She reminded the COC of the May 7, 2009 real estate open house for residential property owners and tenants, at the Santa Cruz Church. Lastly, she said COC members have information documenting potential diversion of traffic to 22nd Street; this was in response to a question from COC member John Carlson at the March COC meeting.

During this agenda item, a motion was made by Pedro Gonzales, seconded by Brian Flagg that the COC participate in selecting replacements as vacancies arise on the Committee. During discussion of the motion, Janice Cuaron clarified that should there be a vacancy, the City must go back to the original list of applicants and the candidate has to be from the category that was vacated. She further clarified that there are two COC positions appointed by other entities, one being the Citizen Transportation Advisory Committee (represented by John Carlson) and the other

being the City Manager appointment (Brian Flagg), and these two positions would not have COC input. The motion passed with one opposed. Pedro Gonzales expressed his opinion that the Chair should run the meetings and not the moderator. Others expressed their opinions that the moderator provides useful guidance to the COC. Kathy Sutherland raised a question about whether COC members should attend the May 7 real estate meeting for residential property owners and tenants. Staff responded that COC members can attend, but are not required.

2. Review ground rules for meetings, meeting summary and agenda order.

Freda reviewed the ground rules established by the members at the first COC meeting. The March COC meeting summary was acknowledged without comment and the agenda order was approved by general agreement.

3. Call to the audience.

Freda Johnson invited those in the audience to address the COC. She said that new guidance from the City Attorney's Office allows the Chair to respond to issues raised by the public by acknowledging the comment if the topic is related to an agenda item. The Chair also has the latitude to direct staff to provide information about an issue raised by an audience member. She said that there is not to be discussion between the Chair and someone addressing the COC. The following people addressed the COC:

- Angie Quiroz, Santa Rita Neighborhood Association, reiterated her request from the prior meeting with regard to the Arizona Open Meeting Law. She clarified that she wants a legal interpretation in writing on City of Tucson letterhead from Dennis McLaughlin explaining in layperson language the restrictions on two or more COC members meeting outside of meetings. She expressed concern about the May 7 Open House and the guidance that COC members do not need to attend. She said that she wants COC members there to hear the questions raised by the public and she requested COC members to be there. In response to this, Chair Sandra Leal directed staff to comply with the request and to make sure that a list of questions asked May 7 be provided to the COC.
- Raul Ramirez said he echoes the concern of Pedro Gonzales regarding having the COC leadership run the meetings. He said there is a healthy distrust of the City of Tucson and he urges citizens to be empowered in this project. He said citizens should take over the agenda.
- Viki Rambo, representing the Santa Rita Neighborhood Association, said that their meetings are held on the first Wednesday of the month and all are welcome to attend.
- Angie Quiroz commented on Viki Rambo's invitation and noted that in a previous COC meeting, the City of Tucson advised that it is a violation of the Arizona Open Meeting Law for two COC members to go to another meeting. Damien Fellows, City Attorney's Office, said that it is OK for people to go and

COC member Ernie Lujan asked if staff would post a quorum for the May 7 Open House. Staff said this had already been done.

There were no other people desiring to address the Committee.

4. Presentation on the City of Tucson's real estate procedures – Tierra Right-of-Way.

Mack Dickerson, Tierra Right-of-Way, presented detailed information about the process and procedures for acquisition and relocation of both residential and business properties. COC members were given handouts that paralleled his PowerPoint presentation. He responded to various questions and comments as follows:

- The mortgage differential period is the remaining life at the site of the property calculated on the basis of its present value.
- The full amount of assistance is given if conversion of rental to owned property is chosen.
- The City has funds in escrow to reimburse the tenant.
- The City can provide assistance if inspections are not passed. This doesn't happen often. The standard for inspections is "decent, safe, sanitary."
- Eminent domain is available to the City in the event that a property owner and the City fail to reach a mutual agreement on the value of the property being acquired. Mack noted that if eminent domain is used and the property is taken, the owner would be given the full amount of the City's appraisal. A Judge will determine the remaining difference between the City's appraisal and the property owner's estimate of value.
- The homeowner is specifically told about their options if they disagree with the City's appraisal.
- The City works to achieve a 'win-win' situation.
- Examples of projects where eminent domain has been invoked are Wetmore from Fairview to Ruthrauff, La Cholla, Valencia, Oracle in Oro Valley, Skyline Drive, Craycroft from Sunrise to River Road.
- For Tierra Right of Way, there is an average of 60 parcels per project; Mack could not predict the number of acquisitions for this project, because every project is unique.
- If a business needs to relocate and its building is acquired, the City will pay for both.
- The condition of a building (house or business) is very important. Land is included in an appraisal of buildings to be acquired.

5. Review of Real Property Act – City Attorney’s Office.

Damien Fellows was introduced from the City Attorney’s Office. He said that regarding application of the eminent domain process, it occurs only under a stalemate and full effort is made to negotiate with the property owner. Fair market value is the standard for acquisition. In response to a question, he said that the City tries to make the acquisition process work for the owner and recognizes that some businesses have seasonal demands and the timing of an acquisition is important. He said that during the process, there are in-person meetings with property owners in a private setting to honor confidentiality.

In response to another question, he said that it is not the intent of the City or its consultant team to intimidate property owners and/or tenants. If intimidation is suspected, it should be brought to his attention or to Lou Ginsberg, Director of the City’s Real Estate Department or to the City Manager’s office. He acknowledged that in 2006, Proposition 207 passed, and it pertains to private property rights. He said that information on Prop 207 can be found at the Arizona Legislative Service website. During the acquisition process, bilingual staff is present. Kathy Sutherland expressed concern about the meeting running late and she asked that attention be paid to this with times set for agenda items.

6. Presentation on small business assistance – MainStreet Business Assistance Program.

Britton Dornquast, Program Manager for the MainStreet Business Assistance Program, introduced himself and spoke about the importance of businesses planning for an acquisition and/or relocation well in advance of the event in order to minimize impacts. He said that the program staff works to meet the needs of businesses. In the 22nd Street project, outreach is available for all businesses and nonprofits one-quarter mile on either side of 22nd Street. There is a hotline for the Program at 838-4352. In response to questions he said that help is available to all businesses even if they don’t know for sure that they will be impacted.

7. Discuss future agenda items and meeting dates.

Freda Johnson said that the next COC meeting is scheduled for May 14, 2009. Jay Van Echo said that an alignment would be discussed in terms of opportunities and constraints.

Kathy Sutherland asked that there be a beginning and ending time for each agenda item. She asked that there be clarification of roles of COC members, especially the Chair and Vice Chair. She suggested that the COC role and responsibilities be an agenda topic. Janice said that there will be more meetings and a revised schedule will be issued at the next meeting. Members were advised if additional items are identified after this meeting, that COC members should contact the Chair, Janice Cuaron or Priscilla Fernandez.

Brian Flagg asked how he would know what would be coming up on agendas. Staff responded that he could consult the scope of work, which presents tasks to be accomplished within certain time frames. Janice said that we couldn’t

overload agendas. In response to a question from Chris Stebe, she said that more meetings will be added and a revised schedule would be issued. John Carlson said that he is interested in more detail about whether the roadway will go over or under the Nogales tracks. Brett DuMont said that if there is a rough idea for an alignment from an engineering standpoint, this should be presented and then other issues can be addressed. Jay Van Echo said he prefers to work with the COC to explore a variety of cross-sections because there are so many possibilities. Sandra Leal asked that staff and the project team give the COC an idea of what has to be taken.

Pedro Gonzales moved that the group proceed to the second Call to the Audience. The motion was seconded. Discussion took place. John Carlson said that the COC needs Jay's expertise. Jeanne Grant said that some houses would have to go. Janice asked that COC members tell staff your recommendations, and what we can and cannot touch in terms of properties along the Corridor. The question was called and passed unanimously to move on to the Call to the Audience.

8. Call to the audience.

Sandra Leal invited audience members to address the COC. The following people addressed the committee:

- Ramon Becerra, owner of Maico Restaurant, addressed the COC in Spanish and Sandra spoke with him briefly in Spanish. She said that he asked the COC to find out what can and cannot be touched in the road widening and that he didn't understand why everyone says that they don't know the alignment or right of way needed.
- Angie Quiroz asked if notices for the May 7 open house went out in Spanish as well as English. She continued by requesting identification of and zoning for all City of Tucson properties in the Santa Rita, Ochoa, Barrio Viejo and Barrio Santa Rosa neighborhoods. She reminded the COC of her request for clarification in layman's terms of the provisions of the City's Open Meeting Law.
- An observer said she wanted to understand what is meant by '50%' before the City starts looking at acquisitions.

There were no other people desiring to address the Committee.

9. Adjourn.

Chair Sandra Leal, declared the meeting adjourned at 8:45 p.m.