



22ND STREET CORRIDOR
Citizen Oversight Committee (COC) - Meeting #3
Meeting Summary

The Citizen Oversight Committee (COC) for the 22nd Street Corridor project met on Thursday, March 12, 2009, at 6:00 p.m. at the Santa Rosa Recreation Center, 1080 South 10th Avenue.

COC members in attendance were Barbara Cariño, John Carlson, Brett DuMont, Claire Fellows, Brian Flagg, Pedro Gonzales, Jeanne Grant, Peggy Hutchison, Ralph Lares, Sandra Leal, Ernie Lujan, Rick Parlett, Fred Sowerby, Chris Stebe, Kathy Sutherland and Lucy Valdez.

COC member absent was Roy Schoonover.

Project staff in attendance was Janice Cuaron, Andrew Singelakis, Jay Van Echo, Justin Smith, Nanette Pageau, Priscilla Fernandez, Freda Johnson, Bob Vint, Leslie Dornfeld and Ximena Zamora.

1. Welcome, Introductions, Announcements, and Confirm Quorum.

Moderator Freda Johnson welcomed everyone and announced that a quorum of COC members was present. Introductions of those present were made. She announced that Michael Nicholas had submitted his resignation as a business representative. Rick Parlett was selected from the original list of COC applications and was subsequently appointed to this position on the COC, as recommended by the Ward V Office.

2. Review Ground rules for Meetings, Meeting Summary and Agenda Order.

Freda reviewed the ground rules established at the first COC meeting by the members. She acknowledged distribution of the two prior meeting summaries and the agenda for this meeting. COC member Pedro Gonzales requested that COC meetings be taped so that all comments and discussion would be captured.

3. Open Meeting Laws and COC Responsibilities – City Clerk’s Office / City Attorney’s Office.

Dennis McLaughlin, City Attorney’s Office said that the representative from the City Clerk’s office was unable to attend this meeting. In response to Mr. Gonzales’ request, he started by saying that there is no legal obstacle for anyone present to record the COC meetings. Responsibilities of the COC were established by Resolution 21000 in July 8, 2008 and that COC members are subject to provisions of the Open Meeting Laws. He read a portion of the COC Role and Responsibilities document, “The COC shall advise the Department of Transportation of the City of Tucson on a. The widening of 22nd Street from four to six lanes from Interstate 10 to Kino Parkway; b. Roadway configuration; e.g., lane widths, sidewalks, medians, landscaping and bike lanes; and c. Land-use and urban design concepts that enhance the project corridor.”

He referred to the Call to the Audience portions of the meetings and said that the audience is not part of the committee. The COC Chair can decide during the Call to the Audience if a response or question to the speaker is appropriate. Call to the Audience is the time for the public to comment. Members of the committee may not discuss items that are not specifically identified on the agenda. Therefore, action taken as a result of the public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

With regard to the meeting agendas, he said that specific items should be listed and the agenda needs to be publicly posted to the City's website 24 hours prior to the meeting. A legal action report must be filed. It consists of a brief summary of actions taken and it must be posted within ten days of the meeting. Meeting summaries may be more detailed and they need to be approved by the COC and then posted on the City's web site within two days of the approval. He continued by describing a quorum, which is nine (of 17) members even if there are vacancies. If a quorum is lost, the Chair may temporarily recess the meeting but if the lack of quorum is permanent, the meeting must be adjourned immediately. There are no exceptions to this rule.

Regarding voting, Dennis said that a voice or roll call vote is acceptable. If a member passes or abstains twice it is counted as a "yes" vote. He was emphatic in saying that communication between COC members regarding the project, outside the meeting, is prohibited and he said COC members should communicate with staff if they have a project-related question, not with each other. He said that both e-mail and phone communications risk creating a quorum and that it is not OK to do consensus building outside of a meeting.

Ernie Lujan asked if he could communicate with neighbors regarding the project. Dennis responded that if more than one COC member participates, a special notice would need to be posted. He said that COC members are personally liable if information is withheld and that transparency is vital. Ralph Lares said that it's important to have open communication at neighborhood meetings. Brian Flagg asked if the rules are different for the City Council members. Dennis said no and furthermore, he added that any subcommittees are subject to Open Meeting Laws as well. John Carlson asked why COC members couldn't talk to other COC members. Dennis said that this would cause a risk of creating a quorum.

Dennis said that anything can be discussed at a meeting and if a member wants to bring up a topic, it should be put on a meeting agenda. Jeanne Grant asked about inviting her neighbors into her own home to discuss the project. Dennis said it's OK only if no other COC member is present. However, two COC members can be together as long as they do not discuss the project. Brett Dumont commented that it is important not to have any time constraints at COC meetings with all these restrictions. Janice Cuaron said that staff had decided to extend the project schedule after hearing concerns from COC members about the schedule being too condensed. She reiterated that there would be more COC meetings than previously informed. She added that any requests from members directed to either her or Priscilla Fernandez would be answered and the answer would be sent to all COC members. Brian Flagg asked how politicians get around these rules since he believes they do

talk to each other. Dennis said that this should not be happening. Fred Sowerby said that he understands the rationale because it prevents subgroups from meeting and talking away from others on the COC. John Carlson asked how they would learn about things. Dennis said to simply ask staff.

Dennis continued by saying that between meetings, as a general rule, the Chair can place any item on the agenda. During a meeting, a suggested item goes on the next meeting's agenda. He advised that the topic "Discuss Future Agendas" be placed on all future COC agendas.

Pedro Gonzales asked about an article regarding the Regional Transportation Authority (RTA) and the allegation of fraudulent election votes. Dennis said that there are allegations of irregularities and that the Attorney General has taken custody of the ballots.

4. Call to the Audience.

Freda Johnson asked if anyone wished to address the COC. Angie Quiroz, Santa Rita Park Neighborhood Association President, asked that the interpretation of Open Meeting Laws presented by Dennis be provided in writing, in laymen's terms, especially the part about two COC members meeting outside of a regular meeting. She expressed concern about the balance between business and neighborhood representatives on the COC. She also added that with regard to any future COC resignations that the COC participates in selecting a replacement. There were no others requesting to speak.

5. Election of COC Chair and Vice Chair – Freda Johnson.

Freda described the role of Chair as follows. The Chair opens and adjourns meetings, may participate fully in discussions, represents the COC in correspondence, and reviews the agenda. She said that her role as moderator is to keep meetings on track and make sure that everyone has a say during discussions.

Following this, she asked if there were any members willing to volunteer to be considered for Chair. Fred Sowerby, Ralph Lares and Sandra Leal volunteered. Discussion took place about whether the Vice Chair might go to the runner-up. Freda said that could happen or separate nominations for Vice Chair could take place after the election of the Chair. A COC member suggested that candidates briefly describe why they wanted to be the Chair and each candidate stated their qualifications and reasons for wanting to Chair the committee. Following each candidate's statements, Brett DuMont moved that there be a vote for Chair of the COC. The motion was seconded by Rick Parlett and passed unanimously. With the consent of the COC, Freda asked for a show of hands in favor of Fred Sowerby as Chair and one hand was raised. She asked for a show of hands in favor of Ralph Lares as Chair and four hands were raised. She asked for a show of hands in favor of Sandra Leal as Chair and ten hands were raised. Sandra was elected as Chair.

Nominations for Vice Chair were made. Candidates Brett DuMont and Ralph Lares were nominated. Ralph withdrew his own nomination in favor of Brett who was elected unanimously by a show of hands.

Freda asked Sandra if she would like to lead the balance of the meeting as the new chair, but Sandra declined and asked Freda to complete the current meeting.

6. Presentation on East End of 22nd Street Corridor (Kino/22nd Street Project) – AECOM

Jay Van Echo, AECOM, described this portion of the overall 22nd Street Project. He said that Mayor and Council had approved the recommended alignments and that the City is reviewing the final planning documents. Work completed to date has taken two and one-half years, and that planning work will be finished by early summer and then design begins. In the area from Kino Parkway to Tucson Boulevard, the bridge structure over the Union Pacific Railroad (UPRR) tracks is load restricted and that there is funding in place to replace it. After an alignment and a bridge option was selected by the Technical Advisory Committee (TAC), and approved by the CAC, Mayor and Council approved the recommended alignments. Brett asked who was on the TAC for the 22nd Street Corridor. Copies of the TAC membership are found in the COC member notebooks as well as the project website.

John Carlson asked about the status of ramps from the Barraza-Aviation Highway to westbound 22nd Street. He said the Citizens Transportation Advisory Committee (CTAC) urges that less traffic be diverted to downtown. Jay said this would be considered but at this point traffic projections do not justify a need, though if a need is shown, it will happen. Pedro asked how many families were displaced on this project. Janice said that approximately 15-17 homes are to be acquired. Brian asked what would happen now, and if peoples' homes are bought out. Staff said that the next COC meeting would be devoted to the City's real estate acquisition and relocation policies and practices. Brett asked if purchase of residences has been amicable. Janice said that she had met with all property owners before an alignment was selected and most if not all owners wanted their properties to be acquired, should the new roadway impact them. Compensation rights were explained and acquisitions will take place next year.

John Carlson pointed out that there is a new building on the southwest corner of Mountain Ave. and Grant Rd. and it will be taken in the Grant Rd. project. He said that people should be fully informed of the possibility of acquisition by the City. Jay said that along 22nd Street, it has been a proactive process with all property owners. Chris Stebe said that choices made by this COC will affect funding and asked about the Barraza-Aviation Highway connection. Jay said that he would investigate traffic studies from the Downtown Links project and that if a promise were made about this connection, this is important information, and then he continued to speak about overall funding for all three segments of 22nd Street. The total is \$107,952 million. He said that the project is bound by the RTA funding and that construction costs, which had gone way up, seem to be coming down. Janice said the interchange has \$10 million from Pima County.

The east end bridge is farther out for construction and there will be negotiations with the UPRR. Chris said he believes the two citizen committees should be talking to each other about funding. He said that separation of these projects is an issue to him and he would like to see a mechanism for communication. Brian Flagg said that ultimately it's all about four votes from the Mayor and Council, and that he doesn't

want to be pitted against another committee. Claire Fellows, who sits on the Kino/22nd CAC, said there have been in-depth discussions about the bridge over UPRR tracks and that economics come into everything and the CAC members always chose the less expensive solutions. Ralph requested that staff fully inform the COC of any discussions by Mayor and Council. Jay concluded by saying traffic projections take into account all known future development.

7. Update on 22nd Street Corridor Bus Tour and Open House.

Jay referred the COC to a handout in their packets that summarized comments made on the Bus Tour and at the Open House. He said that all comments made to the team thus far had been integrated into a living document, which would be presented to the public at all future public meetings. Likewise, summary of the comments will be made available on the project website. Issues raised by the COC on the tour included connecting to the greenway, north-south connections, water harvesting, bike and pedestrian safety, housing opportunities, existing homes are important, drainage issues, bird sanctuary, bike connections and a grade separated intersection at the Nogales spur of the railroad.

All this material has been posted to the website. Barbara Cariño asked how something is determined to be historical. Bob Vint Project Historian said that there are two primary criteria: significance and integrity (intact). Another consideration is age and 50 years is the threshold, though not everything that is 50 years or older is historic because it may lack significance and/or integrity. He then gave a brief summary of the National Historic Register. Chris asked if the bus tour was open to the public. Staff said that the activity was posted publicly via the City Clerk's office as well as the project website.

8. Discuss and Develop Guiding Principles for 22nd Street Corridor – Project Team.

Freda asked that this topic be postponed due to lack of time at this meeting. Jay explained that the intent is to develop statements that reflect the consensus of the COC that would guide work on the project. John Carlson asked if the COC could be given a good detailed map of the project area. Brett talked about the need to get an idea of what the alignment would be. He moved an alignment be presented to the COC at the meeting following discussion of guiding principles. Ralph Lares seconded the motion and it passed unanimously.

9. Discuss Future Meeting Dates.

Staff proposed May 20, a Wednesday, for the next meeting but several COC members indicated this was not convenient. The alternative date is Thursday, May 14.

10. Call to the Audience.

Freda invited people to address the COC during this final call to the audience. Angie Quiroz said that many low-income families do not have computers, and that other means than the Internet/project website to inform them need to be identified.

Vicky Rambo asked that the Role and Responsibilities of the COC (the resolution 21000 stating the creation of the committee) be posted publicly. She also asked what would be addressed in mitigation efforts.

Yolanda Quiroz asked if the COC would face the audience.

Raul Ramirez spoke about the condition of the Santa Cruz Church and said that he is concerned about vibrations from heavy equipment on the structure. He said the Church needs restoration and a feasibility study should be done to examine the bones of the Church. Angie Quiroz added to this comment by stating the homes are also at risk of damage due to vibration and are in need of examination too.

Jessie Devereaux expressed concern about the neighborhood being torn-up by projects. She asked what is required of landowners. Her house is very close to 22nd Street. She said microphones should be used so that she can hear what's happening.

11. Adjourn.

Chair Sandra Leal adjourned the meeting at 8:00 p.m.