

Ward 6 Staff



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Ward 6 Newsletter

TUCSON FIRST

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Ward 6 Office Hours

Over the Holidays my group won't be holding down the fort for regular hours. Here are the Holiday hours we'll be working:

- 12/24 – 9am until noon
- 12/25 – closed
- 12/31 – 9am until noon
- 1/1 – closed

I mention them here so you've got a heads-up in case you need to check out keys for one of the rooms.



Important Phone Numbers

Tucson Police Department
911 or nonemergency
791-4444

Water Issues
791-4133
Emergency: 791-4133

Street Maintenance
791-3154

Graffiti Removal
792-2489

Abandoned Shopping Carts
791-3171

Neighborhood Resources
837-5013

SunTran/SunLink
792-9222

Environmental Services
791-3171

Park Wise
791-5071

Planning and Development Services 791-5550

Pima County Animal Control
243-5900

Pima County Vector Control
Cockroach: 443-6501
Mosquito: 740-2760

Continued: A Message From Steve



... and not that I'd ever for even the briefest of seconds consider something such as this at home – or at work – well, it does hold a certain sort of appeal.

Lots of Police Stuff...

In the past month we've seen multiple changes in our work with TPD, internally at TPD, and even with respect to our Citizen's Oversight Board for TPD. Before the end of January, we'll see more. Here's a summary.

Executive Order on Immigration

On November 20th, President Obama issued his Executive Order related to immigration. The very next day I sent our City Attorney and Chief of Police an email asking what I thought was bordering on a rhetorical question: Can't we change our School Resource Officer policy to match what TUSD was after based on the new rules the President has laid down? The Star picked up the item, ran a front page article, and less than a week later we successfully changed our policy. TUSD will now get SROs.

Getting them into the schools was a matter of safety for the kids, and the basis on which we did it now protects the rights of the kids and the integrity of the Police Officers' oaths as well.

In the course of our discussions, we committed to looking more deeply in January at the General Orders under which TPD operates. That item has now been placed on the January

21st agenda for study. The three council members who agendized the item referenced the immigration policies that South Tucson has implemented.

The SRO policy change was focused on protecting the safety of our kids. Changing our General Orders must have protecting the safety of the entire public and that of our police officers at its core.

Here's a little of what is included in the operative parts of the South Tucson Police Department updated policies:

POLICY STATEMENT

STPD recognizes and values the diverse population of the community it serves. The City and all of its agents, employees, and officers acknowledges that unauthorized presence in the United States is not a crime. Enforcement of civil violations of unlawful presence is reserved for ICE/CBP/287(g). Officers shall not stop or detain an individual based on the knowledge or suspicion that the person is in the United States without authorization.

Policy of Diversity

South Tucson Police Department (STPD) recognizes and values the diversity of the community it serves. Therefore this agency shall conduct all immigration enforcement activities in a manner consistent with federal and state laws regulating immigration and protecting civil rights, privileges, and immunities of all persons. This policy will not limit or expand the enforcement of federal immigration laws outside of the bounds permitted by federal law.

I think I'd have phrased the first paragraph differently since one can argue that "unauthorized presence" is indeed an offense at some level. The question is whether an individual's particular circumstances rise to the level of interest to ICE. But they closed the loop in the final sentence of the Diversity paragraph by pushing the enforcement obligation back to the Feds, where it belongs. And that's key for comparing our policies to the new rules laid down last month

Here are the guts of their new policy – it's long, but it's important because this is what we'll be focused on in January. As you read it, remember the new rules issued by Homeland Security last month. They essentially say that, absent certain enumerated serious criminal convictions, the Feds aren't interested in seeking transfer of suspects. That's the basis on which we can consider some of these changes. "STPD" stands for South Tucson Police Department.

Immigration-related Policies

1. STPD is committed to partnering with agencies to the extent allowable under federal, state, and local laws to address criminal activity within our community. This practice



Important Phone Numbers

Senator John McCain (R)
520-670-6334

Senator Jeff Flake (R)
520-575-8633

Congressman Ron Barber (D)
(2nd District)
520-881-3588

Congressman Raul Grijalva (D)
(3rd District)
520-622-6788

Governor Janice Brewer (R)
602-542-4331
Tucson office:
628-6580

Mayor Jonathan Rothschild
791-4201

ZoomTucson Map
<http://maps.tucsonaz.gov/zoomTucson/>

is consistent with our duty to ensure the safety and well-being of all persons, regardless of their immigration status. Knowledge or suspicion that a person is in the United States without authorization cannot be a part of the information considered in concluding there is reasonable suspicion or probable cause to believe that a person is involved in criminal activity.

2. An STPD officer may not initiate a vehicle stop in order to determine whether the driver or passengers are present without authorization.
3. STPD Officers shall not rely on the following factors in forming reasonable suspicion of unlawful presence to justify an inquiry into a person's immigration status:
 - a) Race or ethnicity;
 - b) Lack of English fluency;
 - c) Speaking with an accent;
 - d) Possession of foreign documentation;
 - e) Lack of identification;
 - f) Refusal or inability to provide residential address;
 - g) Dress; or
 - h) The fact that an individual has exercised his/her right to remain silent.
4. STPD officers shall not question persons who are victims of or witnesses to possible criminal acts, or persons complaining about or reporting police abuse, regarding their immigration status.
5. Because some current or former victims, witnesses or affected family members of criminal activity may have temporary or no legal status in the United States, they may fear that assisting law enforcement could lead to their deportation, STPD recognizes, supports, and encourages the U-Visa made available through the United States Citizen and Immigration Service. The U-Visa provides an opportunity for applicants to legalize their status, thereby encouraging individuals to report crimes and cooperate in the prosecution process of the criminal offender. A copy of the U-Visa Nonimmigrant Status Certification Form I-918 Supplement B is contained in the Appendix to this Policy.
6. STPD officers shall not question juveniles regarding their immigration status outside the presence of an attorney representing the interests of the juvenile.
7. STPD officers including School Resource Officers shall not question students through the high school level regarding their immigration status.
8. STPD officers shall not transport individuals to a federal immigration facility or to the custody of federal immigration officials in order to identify the individual, to investigate immigration status in order to identify the individual, to investigate immigration status, or based on the person's suspected or known immigration status. STPD officers are further prohibited from taking an individual into custody or prolonging an individual's detention for the purpose of determining whether that individual is present without authorization.

9. Once STPD officers have addressed the original justification for a stop, the individual must be released unless there is additional reasonable suspicion of a *crime* that would justify further detention. Thus, STPD officers shall not extend the duration of any stop, detention or arrest for the purpose of investigating the immigration status of any person detained, even if the inquiry as to immigration status is still pending.
10. Unless an STPD officer has reasonable suspicion that a detained or arrested person is in the country without authorization, and probable cause to believe the individual has committed or is committing a crime, the officer shall not (a) question the individual as to his/her alienage or immigration status; (b) investigate the individual's identity or search the individual in order to develop evidence of unauthorized presence; or (c) detain the individual while contacting ICE with an inquiry about immigration status or while awaiting a response from ICE. When an officer has knowledge or reasonable suspicion that a detained or arrested person is in the country without authorization, and probable cause to believe the individual has committed or is committing a crime, the officer may only inquire as to the immigration status of the person suspected of committing a crime and not to other individuals who may be present but are not suspected of any criminal activity. For example, vehicle passengers who are not suspected of any criminal violation may not be questioned regarding their immigration status. The officer must not extend the duration of any stop or detention longer than the time that is necessary to address the original purpose for the stop.
11. Absent exigent circumstances, when attempting to verify the immigration status of an individual, STPD officers shall contact ICE for immigration verification instead of Border Patrol.
12. Absent exigent circumstances, STPD officers who have stopped or detained an individual shall not contact federal immigration authorities in relation to that individual for purposes unrelated to verifying that individual's immigration status, such as providing translation assistance.
13. If officers contact ICE during the course of an investigation, and ICE advises the officer there are federal criminal charges against the detainee, then the officer shall determine whether ICE will respond to take the person into custody. STPD shall not detain a person solely on the basis of an ICE detainer that is not supported by probable cause or that is facially invalid. The fact that a person was born in a country not the United States does not, alone, constitute probable cause.
14. STPD shall promptly provide notice to all persons being detained pursuant to an ICE detainer that an ICE detainer has been issued against the person, and provide the person a meaningful opportunity to contest the basis of the detainer.

I checked to see what our own policies were pre-SB1070. Here's what TPD did back then, before we all got tangled up in the State imposed mess – and keep in mind as you read that the Homeland Security rules are that we only connect with ICE when certain crimes have been affirmed in the person's background check:

2119 Contacts or Arrests Involving Foreign Nationals or Undocumented Aliens

211.9.1 Undocumented Aliens

Police officers shall not contact or stop a person merely on suspicion that the person is present in the United States illegally. Under federal law, this authority is reserved for agents of the Immigration and Naturalization Service (INS). During contact with suspected undocumented aliens, officers shall follow the same procedures when contacting or stopping any person. If, after a person is contacted or stopped, the officer reasonably suspects that person is an undocumented alien, the officer may:

Request an INS agent to respond while the officer completes the original stop. The subject shall not be detained longer than necessary to conduct any investigation necessary to complete the stop/contact.

If INS cannot respond within the time necessary for the officer to complete the contact with the subject; the officer shall fill out a field interview form prior to releasing the subject. The form will contain the name and address of the subject's employer, the subject's residence, any vehicles associated with the subject, and any additional persons with the subject at the time of the stop.

INS representatives may not respond and/or accept control of a suspected undocumented alien if that subject is intoxicated, or may need hospitalization for treatment of injury or ill health. Officers who come in contact with suspected undocumented aliens who exhibit these characteristics will deal with these persons as any other injured and intoxicated person would be handled.

If the subject is arrested for a felony, or a misdemeanor for which the subject will be physically arrested, the subject shall be booked with an INS hold. INS shall be notified by phone of the arrest by the arresting officer.

If the subject is to be cited and field released, the subject shall be cited and INS requested to respond. The subject shall not be detained more than 20 minutes after being cited.

If you read the South Tucson Policies and compare them to our own pre-1070 ones, they line up pretty well. There are some nuanced differences, but the core of each is pretty similar. They also seem to both line up with the new Orders issued by the President and Homeland Security. I've asked why not just return to our former policies and move on. We'll look at that, and the South Tucson option – but one thing is pretty much cinched; there'll be more changes in how we address immigration contacts in the very near future.

Citizens' Police Advisory Review Board

A few more police and general law enforcement changes took place in the past week. One was a report from our own Citizens' Police Advisory Review Board (CPARB) on how TPD is doing out in the field. They use the Ward 6 office to meet – open to the public if you'd like to attend – and have some very good, open and honest discussions. Last week their conclusion was that our cops are doing a good job of protecting the public and the rights of the folks with whom they come into contact. I'll be asking for a full CPARB report to M&C early in the spring.

I believe the next round of changes we're about to adopt will be a step that'll continue to ease relations out on the street – a place in which we've lost some ground since 1070 was adopted, but ground we can regain with the changes allowed since November 20th.

Chief Villasenor Named in President's 21st Century Policing Task Force

More – our Chief of Police was named last week to the President's 21st Century Policing Task Force. Their focus of study will be on the use of force, building trust within the community and how technology will impact policing in the days ahead. They're going to study those issues for the next 90 days and then issue their report to the Obama Administration. Guaranteed, in that time frame Chief Villasenor will be able to announce to that group some further steps in the Tucson community that relate to their second area of study – building trust. The policy changes we put into place will enhance that trust.

Sad News Out of Brooklyn, NY

Another police related story – in Brooklyn over the weekend, two officers were shot to death while sitting in their squad car. The “suspect” ran up to the car, shot them and fled to the subway. He was later found dead with a self-inflicted gunshot wound to his head. We cannot take these changes lightly. As I mentioned above, the safety of the public has got to be one of the factors being weighed in this conversation. Add to that, the safety of our police officers must also be a consideration.



Sheriff Arpaio/Maricopa County

Finally, Sheriff Joe Arpaio and Maricopa County have a history of allegedly violating the rights of immigrant populations. That's not just my opinion. His office was stripped of special Federal immigration powers as a result of profiling. Well, ‘Sheriff Joe’ announced last week that he's disbanding one of the squads he used in the arrest of over 700 immigrants. If he can see the writing on the wall that the tactics being employed by agencies like his are inappropriate violations of peoples' rights, then surely we can take positive steps here in the next month to further our own relationships in the broad community.

If the step is returning to our former language, that'd be good and pretty simple to adopt. If it involves some pieces of the South Tucson policies, we can have that discussion. What's for sure is that we as a governing body are making good progress since I asked our legal people to unpack the Priority Enforcement policies allowed by the President and his Administration back in November. More coming, within the law.

TMC and Planned Parenthood

Here's another legal item that's percolating. Never a dull moment in Ward 6.

There's a medical plaza on East Grant Rd, across from the Tucson Medical Center (TMC). The property is owned by TMC, but they've designated some of the sidewalk area as a public space. They own it, but it's a designated public easement. About the only thing that accomplishes is opening the door for 1st Amendment demonstrations to occur.

There's a Planned Parenthood facility in the medical plaza. Their concern is the anti-

abortion protests that are being conducted in proximity to their front door. Because of the easement, it's legal. TMC so far has not chosen to revoke the easement so the Planned Parenthood clients can have unfettered access to the front door.

I've seen for years the signs and people seated out on Grant Rd., displaying their feelings about the topic. That's their right. It should not be infringed. When they planted themselves at the front door of the facility, while currently legal, it opened the current discussion between me, the facility management, and TMC about whether or not the easement is in an appropriate location. To be clear, the City has no legal leverage on the designation. That's TMC's call. At this point, I'm not even certain what steps they'd have to go through – if they were so inclined – to revoke that status and move the protesters back around onto Grant Rd. where they've been for years.

I think there's a good middle ground to be had and will be looking forward to hearing back from the TMC folks about how we can work together towards that end.

Ronstadt Transit Center

We received two responses to the Request for Qualifications related to the redevelopment of the Ronstadt Transit Center (RTC). Both have some local flavor, but one was more heavily skewed in that direction than the other.

One of the teams included Peach Properties, Swaim and Associates, Ryan Companies (located in Phoenix), and a group that deals with retirement communities (Watermark). I assume the reason for Watermark is that their proposal will include some retirement housing component, but we'll have to wait to see that for sure.

The other team was mainly out of Madison, Wisconsin. The Alexander Company has worked in urban development for over 30 years. They advertise themselves as having a strong historic preservation orientation and as being a one-stop-shop firm (design, construction, property management, etc.) Their local teammate is Dust Company. They're an architectural firm. I'm not familiar with them beyond the resume they enclosed in the submittal.

There's a lot of public process left in this selection. We asked to see the final scope language before it's sent out next February. Once it's in the hands of the two teams, they'll have a May/June time frame for getting their proposals back to the selection committee. We'll be reviewing them in late summer and hopefully will give direction to begin a development agreement with one of them. I doubt we'll see the final terms before the first part of 2016.

Between the time the RFP is sent back out to the two teams and the time their proposals are due back to the selection committee, there will be opportunities for public input and feedback. No specific dates have been set for that, but we'll make sure to get them out as soon as we know what they are.

Because this is a transit site that has Federal dollars associated with it, the Federal Transportation Administration places certain requirements on how this will play out. Those include that it be an open and competitive process, that the City controls the transit function, that there are 'meaningful' levels of economic development (private investment), and that

public transportation amenities are a part of the final program (ridership, access, financial elements).

This is a key piece of property for the continuation of our downtown development, and it includes transit functions that we will respect throughout the course of the design process. There's lots of work left to do, but we've at least identified who the players will be so we can get started on this next phase.

Hub II

You'll recall the ongoing issues at the Islamic Center of Tucson and the surrounding student towers. Things have hit a bit of a lull with the Holidays and the kids returning home. But the design of the next tower is moving swiftly along. It'll go immediately north of Hub I, and in a stroke of marketing genius, this one will be called Hub II. They went through the Design Review Committee process last week and solidified one troublesome point of contention: The balconies are presenting themselves as somewhat of a sacred cow. The Core Campus folks say they can't be removed since they have been in the design plan all along. I'm not alone in not buying it.



Two bones that have been tossed into the mix by Core Campus to try to ease concerns over the balconies. First, they'll place stickers on the balconies to remind people not to toss items over. *Assuming* the kid is sober and that he/she cares, that'll work. The other bone is that they will set back the balconies so it'll take a fling to get the whisky bottle out onto the sidewalk or into the street below. Unfortunately, what we've been witnessing are 'flings,' not oops-drops.

There's another student housing developer with whom I met last week. He has already had some contact with the surrounding residents and told me on Friday that he's going to suggest making Arizona Rooms out of the balconies on his proposed project. While I'm not signed onto what's being proposed in his project generally, it was interesting that in his case he's sensitive to the dangers and challenges we're facing in Main Gate. It'd be nice if Core Campus, along with the Cardinal Group (owners of Level), would step up and do the right thing for the safety of the public around the Mosque.

The Design Review meeting that was held last week for Hub II had to be rescheduled due to it being improperly noticed. That reschedule will be for in January sometime. I'll do my best to get the word out as to time/place of that meeting. It will be open to the public, and they generally have time set aside for an audience call.

Road Diet

A piece of good news development is the work done by TDOT out on the west side last month. They had some pavement bond money available, and in the course of reconfiguring and restriping a segment of road out on Speedway between Silverbell and Greasewood, they put the segment on a 'diet.' That means they did a traffic volume study and found they could remove travel lanes, add a turn lane, and make room for bike lanes where they previ-

ously didn't exist. I've ridden that segment plenty of times and it has always been a challenge getting from where bike lanes end at Silverbell and where they picked back up again further west.

In other areas in which they've put these redesigns into place, both crash data and injuries to pedestrians/bikers have been significantly reduced. I'm joined by the Living Streets Alliance and several neighborhood groups in asking TDOT to conduct a similar study on 6th Street, both south and east of campus to see if any of those road segments might be candidates for the restriping/reuse options. I'm not so sure about right south of the football stadium, but further to the east might make some sense. More on this to come when TDOT finally gets those data in place and has a chance to study the options.

Machine Gun America



Just in time for Christmas in Orlando, they're opening up an "attraction" in which you can go in and fire military-grade weapons in themed simulators. You can 'play' gangster, cowboys, or fire at zombies. Kids as young as 13 will be shooting automatic and semi-automatic weapons. The owners

call it an 'automatic adrenaline attraction.'

Orlando has Disney World, Holy Land, and Epcot. Now they've got an attraction to give kids (and adults) live shooting experiences. In August, a little nine-year-old girl lost control of the recoil on an Uzi she was firing and ended up killing her instructor. The ownership of the Orlando attraction defended their place by simply saying "this isn't a shooting range." He went on to say that "no one ever shoots by themselves, and no guest is ever in control of the weapon without a range safety officer next to them." That's where the little girl's instructor was standing – but that's just a detail.

Sounds like a candidate for a 'what could possibly go wrong' award.

An Alternative for Christmas



We don't have a shooting gallery for kids, but the Peter Howell neighborhood will have an option for you to consider.

On Tuesday, they'll host the "Rooftop Christmas Show" at both 6:30pm and 8pm. There's no charge and it's totally family ap-

appropriate. The invitation is a dual one from both Poets' Square and Peter Howell neighborhoods. They'll have the shows, plus Sol Axe with a drum and dancing show afterwards.

Santa will be there – hot chocolate – and just a laid back good time. The event will be at 4053 E. 4th Street (near 5th and Alvernon). There's no charge, but if you bring canned or some other non-perishable food, they'll get it to the Community Food Bank.

More Poets' Square

And on a congratulatory note, Poets' Square neighbors have joined together and raised funds for neighborhood street identification signs. Through a combined effort that involved advertising in the Star, a yard sale, some flyers, and the new NextDoor email chain, they raised their funds in less than three months. In all, they'll have about 40 signs up in 20 different locations throughout the neighborhood. I've seen these in many Ward 6 neighborhoods – now Poets' Square has joined the group.



If your neighborhood might want to look at getting some of these up, give us a call and we can help coordinate between you and the appropriate City departments.

A Riddle...



What does that picture...

... have to do with this one?



They're both the **Beach Boys**.

On Saturday, January 3rd, the TCC is presenting the group on stage as a part of the first major unveiling of the newly remodeled arena. This is the culmination of work done in concert between Rio Nuevo and the City. Rio poured about \$8M into the project and the City put in some significant cash for upgrades to the not-very-sexy infrastructure that the building sorely needed. We had a very good architectural and construction team to move the project along (Swaim and Associates and Concord Construction).

The event is going to begin at 6:30pm. Tickets to the show are available right now at the TCC box office. I think you'll be impressed with the improvements to the facility, and the music should be fun. I hope you can carve out the time to join us for this 'next step' in the downtown revitalization. It's another single – we're not, and don't need to be swinging for the fence in order to make good progress.

Ward 6 Restaurants

Closing out the newsletter on a similar note, I also had a good team working on the McKale renovations. Locally it was BWS Architects, and Mortenson Construction did the building. Mortenson took the opportunity of being in town to go and taste-test a bunch of our local eateries. They put together a little book highlighting the ones they found most fun and tasty. Here's the list that came from Ward 6:

Wilko – 943 E. University
 Time Market – 444 E. University
 Café Poca Cosa – 110 E. Pennington
 Kingfisher – 2564 E. Grant
 HUB Restaurant and Creamery – 266 E. Congress

(My staff wants to throw in Maynard's Market: "Carnivores: go try the Cubano!")

If you've got friends or family visiting over the Holidays, these are some good options for you to check into with your guests.

Sincerely,



Steve Kozachik
 Council Member, Ward 6
Ward6@tucsonaz.gov

Events and Entertainment

What's happening this week in the Downtown, 4th Avenue, and Main Gate areas . . .

Tucson Food Tours, 311 East Congress St.

December 23rd 11:00 am - 3:00 pm

Tucson Food Tours is Tucson's first walking food tour. On the tour, guests will sample food from at least **6 local restaurants**. Not only will guests get to sample some of the best food in the city, the guides will point out architectural highlights, cultural hot spots, and unique local shops along the way. A walking food tour is a great way to learn about the local history, try some amazing food, and experience this trendy and vibrant downtown area. Cost is \$45. Visit www.foodtourstucson.com for more information.

Zoo Lights!

Now through 23rd, with encore nights December 26th-28th.

Zoo Lights, presented by BMO Harris Bank, is guaranteed to put you in the winter spirit, with jingle bells, twinkling lights, falling snow, and Santa. Light displays, animal-themed light sculptures, and thousands of sparkling bulbs will help make Zoo Lights a part of your Tucson holiday tradition. Free cookies will be provided each night, and hot cocoa is available for \$1. Encore nights will NOT feature live entertainment or visits with Santa (because he will have returned to the North Pole!)

Animals will have access to heated night houses for this event, and will likely choose to be off exhibit.

Ongoing

Tucson Symphony Orchestra 260 S. Church Ave
<http://www.tucsonsymphony.org/>

Arizona Friends of Chamber Music Leo Rick Theatre, 260 S Church St
<http://www.arizonachambermusic.org/>

Arizona Theater Company, 330 S Scott Ave
<http://www.arizonatheatre.org/>

Fox Theatre, 17 W Congress St
www.FoxTucsonTheatre.org

Rialto Theatre, 318 E Congress St
<http://www.rialtotheatre.com/>

The Rogue Theatre at The Historic Y, 300 E University Blvd
<http://www.theroguetheatre.org/main.htm>

Hotel Congress, 311 E Congress St
<http://hotelcongress.com>

Loft Cinema, 3233 E Speedway Blvd
www.loftcinema.com

Tucson Museum of Art, 140 N Main Ave
www.TucsonMusuemofArt.org



Jewish History Museum, 564 S Stone Ave

www.jewishhistorymuseum.org

Children's Museum Tucson, 200 S 6th Ave

Tuesday - Friday: 9:00am - 5:00pm; Saturdays & Sundays: 10:00am - 5:00pm

www.childrensmuseumtucson.org

Arizona State Museum, 1013 E University Blvd

www.statemuseum.arizona.edu

UA Mineral Museum, 1601 E University Blvd

<http://www.uamineralmuseum.org/>

Southern Arizona Transportation Museum, 414 N Toole Ave.

Explore regional transportation history, and see a freight train passing by, or ring the locomotive bell at the Southern Arizona Transportation Museum every Saturday, year round.

Tuesday – Thursday, Sunday: 11:00am - 3:00pm; Friday & Saturdays: 10:00am - 4:00pm

<http://www.tucsonhistoricdepot.org>

Meet Me at Maynards, 311 E Congress St (north entrance on Toole)

A social walk/run through the Downtown area

Every Monday, rain or shine, holidays too!

Hotel Congress Check-in begins at 5:15pm.

www.MeetMeatMaynards.com

Tucson Botanical Gardens, 2150 N Alvernon Way

<http://www.tucsonbotanical.org>