

Ward 6 Staff



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Ward 6 - Newsletter

Tucson First

February 13, 2013

Liquor Licenses / Mid town clubs

Over the course of the past few weeks, I have engaged TPD in the investigation and oversight of some clubs in the midtown area. One was a liquor license application that involved a potential operator who has a less than acceptable background, another was an un-permitted party that overflowed into the surrounding neighborhood, and the most recent is a strip club that has had a recent shooting on the property.

In the case of the application, the leasing agent also learned about the person's background and has pulled the application and terminated the potential lease. That is to the credit of the broker – he cares about his reputation and relationship with the surrounding residents (Rosemont West, Highland Vista, and Wilshire Heights.) The site has excellent potential – all it needs is a good tenant.

The second example is under some police scrutiny – the neighborhood involved is aware and is also helping to keep track of the place.

The strip club is both the Duffy and Avondale areas. I have meetings scheduled with both of those groups in which TPD and staff who works directly with the State Liquor Control and Licensing Board will be present to explain the rules by which the State binds our ability to deal with some of these places.

KGUN9 ran a story about the strip club that did not educate, but certainly – seemingly intentionally – increased the level of emotions that are already tied in with the property. When you hear gun shots in your back yard, you've got every right to be concerned. When the media hypes, but does not give the facts surrounding the issue, the burden shifts to me, public safety and other staff to do damage control after the poor reporting.

Here are some of the relevant provisions that come from Arizona Revised Statutes that control how we can address revoking or suspending liquor licenses:

4-210. Grounds for revocation, suspension and refusal to renew; notice; complaints; hearings

A. After notice and hearing, the director may suspend, revoke or refuse to renew any license issued pursuant to this chapter for any of the following reasons:

1. There occurs on the licensed premises repeated acts of violence or disorderly conduct.



Important Phone Numbers

Tucson Police
Department

911 or 791-4444
nonemergency

Mayor & Council
Comment Line

791-4700

Neighborhood
Resources

791-4605

Park Wise

791-5071

Water Issues

791-3242

Pima County Animal
Control

243-5900

Street Maintenance

791-3154

Planning and
Development
Services 791-5550

Southwest Gas

889-1888

Gas Emergency/
Gas Leaks

889-1888

West Nile Virus

Hotline

243-7999

Environment
Service

791-3171

Graffiti Removal

792-2489

AZ Game & Fish

628-5376

Continued: A Message From Steve

2. The licensee fails to satisfactorily maintain the capability, qualifications and reliability requirements of an applicant for a license prescribed in section 4-202 or 4-203.

The easy one first – sections 4-202 and 4-203 / all they do is pretty much lay out the guidelines for somebody to get a license, and how they're transferred. You won't find a word in those sections about bad behavior leading to revocation.

So, let's pivot back to section 210 – here's how they define the operative words -

26. "Premises" or "licensed premises" means the area from which the licensee is authorized to sell, dispense or serve spirituous liquors under the provision of the license. Premises or licensed premises includes a patio that is not contiguous to the remainder of the premises or licensed premises if the patio is separated from the remainder of the premises or licensed premises by a public or private walkway or driveway not to exceed thirty feet, subject to rules the director may adopt to establish criteria for noncontiguous premises.

Note that the State specifically does not include the parking lot for the club as a part of "premises." They can't sell or dispense out in the parking lot. Convenient omission.

29. "Repeated acts of violence" means two or more acts of violence occurring within seven days, three or more acts of violence occurring within thirty days or acts of violence occurring with any other similar frequency which the director determines to be unusual or deserving of review.

Note that they control the frequency in which acts of violence occur before the State will step in. In a prior case, TPD had built a case in which they could demonstrate to the Liquor Control Board over 40 incidents of inappropriate/violent and other seemingly actionable incidents. The State did nothing to pull the license.

TPD is not the 'bad cop' in our inability to pull liquor licenses. Nor is the City Attorney or staff. These rules are formed at the State level and our ability to leverage the Liquor Control Board to come down here and yank a liquor license is pretty much built into the vague and liberal language of the statutes.

What we're seeing is a few things:

- a. The State is not going to be aggressive in support of our efforts to clean up these hot spots
- b. Once a license is issued, it's like gold and the State isn't going to yank it
- c. We need to get the initial license hearings brought down here from Phoenix so the Board hears from residents directly – I've shared with each of the neighborhood leaders who are impacted by the incidents listed above my willingness to restart that initiative on the condition that there is a convincing level of support from residents to engage the State on that issue. There is a slight indication that the State is considering the change. Momentum from the support of residents city-wide would be of value.

Finally, it would be helpful if local media would do their homework before showing visuals of mushroom clouds on the screen and planting unrealistic expectations in the minds'



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)
Governor of Arizona
602-542-4331

Toll free:
1-800-253-0883

State Legislators

Toll Free
Telephone:
1-800-352-8404

Internet:
www.azleg.gov

Mayor Jonathan
Rothschild
791-4201

City Infoguide
[http://
cms3.tucsonaz.gov/
infoguide](http://cms3.tucsonaz.gov/infoguide)

of our residents.

Neighborhood Preservation Ordinance

And speaking of the right to quiet enjoyment of your neighborhoods, on Tuesday, following a public hearing we discussed some changes to the NPO. I had noted these a while back. The proposed additions to the Ordinance are these:

- Outdoor Storage that would include motor vehicles stored on the property for over 2 years.
- The new Ord. would require the property owner to maintain the exterior of the building, as well as the land and sidewalks around its perimeter.
- Junked Motor Vehicles would be restricted to the rear or side yard - not in front.
- We discussed a limit of no more than six yard sales per year. There is the issue of what constitutes a single yard sale; 24 hours, the course of a weekend, or what?
- Commercial vehicles of 22' long x 10' in height would not allowed to be parked on the property.

The majority of the Council felt that we should engage staff and stakeholders some more on these items before taking a final vote. That process will take several weeks.

The Housing and Community Development Department handles code enforcement. If you want to report what you believe is a violation of the NPO, phone the call center at 791-5843 They're open Monday-Friday from 9:30 AM to 4 PM.

Northside Democratic Forum

On February 21st, from 5:30 until about 8:30, I'm going to join Pam Simon out at Skyline Country Club to continue the very important conversation the community is finally having related to common sense gun control. If you'd like to check into attending, the contact

Ephraim Peak @ foothillsdemocraticforum@gmail.com

Their web site is: <http://sites.google.com/site/foothillsdemocraticforum/home>

Pam will be representing DemandAPlan.org – an advocacy group calling for lawmakers to address this topic sensibly, and now.

As I walk through my neighborhood gathering signatures for the ballot, I hear from the vast majority of the homeowners that they are grateful for our finally engaging this important topic. In turn, I'm grateful for these forums that keep the conversation alive.

Another person who deserves to be noted is newly elected **State Representative Victoria Steele**. Early in the year, the City Council sent a Memorial up to the Legislature requesting that they rescind the portion of ARS 13.3108 that pre-empts us from adopting local gun ordinances that are more restrictive than what the State 'allows.' (In quotes because I don't buy the subservient relationship that the word implies.) Victoria has proposed HB2558 – a bill that would do what we have asked for in our Memorial; that is, return Home Rule on firearm regulations to local jurisdictions.

There's more.

S1049: FIREARMS; PROHIBITION; POSTSECONDARY INSTITUTIONS – This bill declares it misconduct to possess a firearm on the grounds of a postsecondary educational institution. It's called a Class 6 felony. The sponsors are Ableser, Farley, Gallardo, Hobbs, Jackson, Meza, Pancrazi and Tovar.

S1050: PROHIBITED WEAPON; LARGE CAPACITY MAGAZINE – This expands the list of prohibited weapons for the purpose of misconduct involving weapons to include large capacity magazines. This has the same list of sponsors as S1049 (except Pancrazi isn't on this one.) They define a high capacity magazine as:

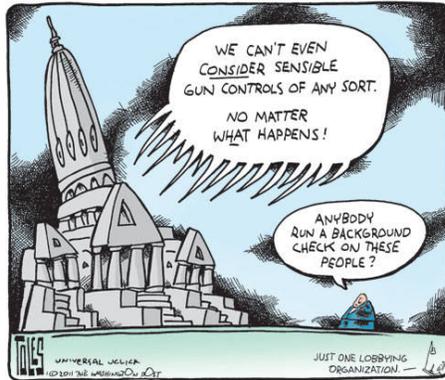
"Large capacity ammunition feeding device" means a magazine, drum, feed strip or similar device that has a capacity of or that can be readily restored or converted to accept more than ten rounds of ammunition

It doesn't include .22 caliber weapons.

H2378 – Restores our ability to have TPD destroy firearms that are voluntarily turned in by a member of the general public.

Another bill is trying to eliminate that ability (reported in last week's newsletter.) The sponsor of this bill is Chad Campbell.

S1479: WEAPONS; FORFEITED & UNCLAIMED; DESTRUCTION – And finally, forfeited and unclaimed firearms must be destroyed instead of being sold back into the marketplace. This is sponsored by Senator Gallardo.



We took the lead last week in requiring background checks on the sale of all weapons that take place on City owned or managed property. It's good to see that there are several people up in Phoenix who are working towards common sense gun control, too.

This is pasted from the Arizona Game and Fish web site – rules and regulations that govern hunting animals in this State:

R12-4-303. Unlawful Devices, Methods, and Ammunition

A. In addition to the prohibitions prescribed in A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state. An individual shall not use or possess any of the following while taking wildlife:

1. Fully automatic firearms, including firearms capable of selective automatic fire;
2. Tracer, armor-piercing, or full-jacketed ammunition designed for military use;
3. Shotguns larger than 10 gauge or shotguns capable of holding more than five shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun, and that limits the magazine capacity to five shells;

4. Semiautomatic centerfire rifles with a magazine capacity of more than five cartridges, unless the magazine is modified with a filler or stop that cannot be removed without disassembling the magazine

We have more rigid rules for hunting elk than we do for people carrying firearms around on the street. If you look at the commonalities in the mass shootings that have occurred over the recent past, you'll see that they all included a semi-automatic weapon with a high capacity magazine that was easily detachable.

You can't hunt animals with those in Arizona.

More Legislation

In Bi-Partisan fashion, newly elected Representatives Victoria Steele and Ethan Orr have co-sponsored this bill that says the following:

H2570: APPROPRIATION; MENTAL HEALTH SERVICES

Be it enacted by the Legislature of the State of Arizona:

Section 1. Appropriation; department of health services; mental health services

The sum of \$500,000 is appropriated from the state general fund in fiscal year 2013-2014 to the department of health services for the expansion of the mental health first aid program.

HCR2007: SUPPORT; REASONABLE IMMIGRATION REFORM – this one identifies these five principles that should guide reasonable immigration reform:

That immigration is a federal policy issue, that the rule of law must be respected, that strong families are the foundation of successful communities, that Arizona is best served by a free market philosophy, and that immigration reform must include a humane approach to immigrants who are integrated into communities.

First sponsor: Rep. Miranda

Others: Rep. Cardenas, Rep. Contreras, Rep. Gabaldon, Rep. Gonzales, Rep. Hernandez, Rep. Mendez, Rep. Steele

S1218: TEXT MESSAGING WHILE DRIVING; PROHIBITION – Senator Farley is going after texting while driving / just as we did last year at the City Council. He came down and supported our effort and I'm returning the favor by giving his bill a mention here. He lists fines that range from \$100 up to \$300.

And of course there's the usual dose of dumb.

H2467: CONSTITUTIONAL OATH; HIGH SCHOOL GRADUATION – Beginning in the upcoming school year, under this bill a student would be forced to recite an oath swearing to defend the Constitution of the United States before they're allowed to graduate from a public high school.

Here's the text:

Beginning in the 2013-2014 school year, In addition to fulfilling the course of study and assessment requirements prescribed in this chapter, before a pupil is allowed to graduate from a public high school in this state, the principal or head teacher of the school shall verify in writing that the pupil has recited the following oath:

I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge these duties; So help me God.

Introduced by

Representatives Thorpe, Borrelli, Seel, Shope, Smith: Dial, Livingston, Senator Crandell
In a court of law you are given the right to "so affirm" and not swear an oath to God. I can see where making this a requirement for high school graduation might just end up in more foolish litigation. This bill comes from a list of sponsors who claim allegiance to limited government.

Navajo Generating Station

In the past two weeks I've read a couple of articles and op/ed's in the Star about this – and have gone on line to do some of my own homework. This is not directly a City Council issue, but since you've already seen plenty on it, and will likely see more in the days to come, I thought I'd just share a little in-the-weeds data about the economics of the issue. I only raise it to point out how difficult this one is going to be to balance between dollars and environmental concerns. The sides seem to have already been chosen.

In 1968, in a compromise brokered by then Secretary of the Interior Stewart Udall, the Colorado River Basin Project Act authorized the United States to participate in a coal-fired power plant (the Navajo Generating Station,) the purpose of which was to provide power for the CAP. The alternative they were negotiating about was to build more dams along the Colorado River.

The CAP pumps about 1.6M acre-feet of Colorado River water across its 336 mile system. The pump contains a lift of about 3,000 feet and with that uses nearly 3 million megawatt hours of energy. The water we get from the CAP comes up hill to us, and the Central Arizona Project is therefore the single largest end-user of power in the State. It's also the largest single source of renewable water supply in the State.

What's at issue is the sulfur dioxide emissions that the plant gives out. One side says they're a significant health hazard; the other side says that with the controls already in place, adding requirements for more controls would make no appreciable difference in either air quality, or in visibility around the plant. I'm not taking a position because I don't know. I hear both sides. The issue is being discussed because the EPA is considering more stringent emissions controls be put into place.

The NGS has already invested \$45M in low sulfur dioxide scrubbers. They say that to go the step further that is now under consideration would force the plant to shut down as a result of costs (over \$1.1B.)

The plant employs nearly 1,000 members of the Navajo and Hopi tribes. It contributes about \$12M annually to the Hopi, and in 2009 contributed \$137M in revenue and wages to the Navajo. Clearly the issue is about more than just the emissions. It's jobs to needy members of those two Nations, it's the cost of water if the plant shuts down, and it's the CAP having to purchase power elsewhere in the case of a shut down – increased energy and water rates to all of the customers who rely on CAP.

I began this newsletter with a criticism of a poor piece of reporting by the local media. I end it by suggesting that when you're reading about the NGS issue in the days and weeks to come, remember that there are multiple moving parts to the topic. It's often the case that you're going to be reading or hearing one side of the argument. This one's complex, so I wanted to give you this small intro to it before it gains much more steam in the local press.

And a closing environmental add:



We voted to adopt new permit rates related to the installation of solar systems – both residential and commercial. Prior to today the City tried to capture the full cost of plan review and on-site inspections. Because of the varying complexity of the systems, it was impossible for customers to know up front how much they'd be paying in fees if they wanted to install a solar system. We've now changed that.

We will charge the same permit rates that the County was charging for residential and for solar water heaters. We'll charge for commercial systems a flat fee of \$109 for systems that include up to 30 panels, and a sliding scale beyond that depending on the size of the system being installed.

What we did was to make the City both more competitive in the marketplace in terms of the plan review fees we charge for solar installs, but we also provided a great incentive – predictable and low cost – for people who may be considering going solar on their home or business. We're hopeful that these fees will be incentive enough to get more people to elect solar. As that occurs, we ease the strains of staying on coal-fired plants that was described above.

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

Arts and Entertainment Events Calendar

This week and next week at the arts and entertainment venues in the Downtown, 4th Avenue, and Main Gate areas . . .

Rialto Theatre, 318 E. Congress St.

Thursday, February 14, 8:00pm. “Ed Sheeran” all ages.

Saturday, February 16, 9:00pm. “Neon – 80’s vs 90’s Video Dance Party” 18 and up.

Sunday, February 17, 7:00pm. “The XX” all ages.

Monday, February 18, 8:00pm. “Far East Movement” all ages.

www.RialtoTheatre.com

Fox Theatre, 17 W. Congress St.

Thursday, February 14. “Harold and Maude”

Friday, February 15, 7:30pm. “Wynonna & The Big Noise”

Saturday, February 16, 8:00pm. “John Pizzarelli Quartet”

www.FoxTucsonTheatre.org

Temple of Music and Art, 330 S. Scott Ave.

Arizona Theatre Company presents “The Sunshine Boys” by Neil Simon

Saturday, March 2 – March 23, 2013.

www.arizonatheatre.org

Tucson Convention Center <http://cms3.tucsonaz.gov/tcc/eventcalendar>

Tuesday, February 5 through Sunday, February 17. “Gem and Mineral Show”

Leo Rich Theatre

Wednesday, February 13 and Thursday, February 14. Arizona Friends of Chamber Music Presents:

“Harlem Quartet”

Saturday, February 16, 6:30pm. “Addy Awards”

Music Hall

Friday, February 15 and Sunday, February 17. “Verdi’s Requiem – TSO Classic Series”

Ongoing

Tucson Museum of Art, 140 N. Main Ave.

Ongoing exhibition, Opening Saturday, January 26 and ending June 16:

“Desert Grasslands,” “Feminina: Images of the Feminine from Latin America,” and “Elements in Western Art: Water, Fire, Air, and Earth”

www.TucsonMuseumofArt.org

Museum of Contemporary Art (MOCA), 265 S. Church Ave.

Current exhibition: “Peter Young: Capitalist Masterpieces”

Hours: Wednesday to Sunday, 12:00 to 5:00pm.

www.Moca-Tucson.org

Children's Museum Tucson, 200 S. 6th Ave.

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

www.childrensmuseumtucson.org

The Drawing Studio, 33 S. 6th Ave.

Ongoing Exhibit, Opens February 2 and runs February 24

“The Way of the Brush – Brush Spirit: Yoshi Nakano”

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

Jewish History Museum, 564 S. Stone Ave.

Open Wednesday, Thursday, Saturday, and Sunday, 1:00-5:00 and Friday, Noon to 3:00pm

Special hours for school and group tours, for more information call 670-9073

www.jewishhistorymuseum.org

Meet Me at Maynards

A social walk/run through the Downtown area

Every Monday, rain or shine, holidays too!

Maynards Market and Kitchen, 400 N. Toole Avenue, the historic train depot

Check-in begins at 5:15pm.

www.MeetMeatMaynards.com

Tucson Farmers' Market at Maynards

Saturdays 9:00am – 1:00pm

On the plaza at Maynards Market & Kitchen. 400 N Toole in the Historic Train Depot

Santa Cruz Farmers' Market Mercado San Agustin, 100 S. Avenida del Convento

Thursdays, 4:00 – 7:00pm.

For other events in the Downtown/4th Avenue/Main Gate area, visit these sites:

www.MainGateSquare.com

www.FourthAvenue.org

www.DowntownTucson.org

Other Community Events

Loft Cinema www.loftcinema.com/

Wednesday, February 13, 7:00pm. “Mosquita y Mari”

Thursday, February 14, 7:00pm. “Annie Hall”

Arizona State Museum – Woven Wonders (beginning April 28)

The Arizona State Museum is debuting a sample of 500 pieces from the world’s largest collection of South-west American Indian basketry (over 25,000 pieces). Visit www.statemuseum.arizona.edu for more information.

UA Mineral Museum – Ongoing

“100 Years of Arizona’s Best: The Minerals that Made the State”

Community Food Bank Citrus Gleaning for 2013

The Community Food Bank is offering to pick surplus citrus from homes and businesses in some areas of town. They term this service “Gleaning” or harvesting food that would otherwise go unused. They are currently accepting and picking up already picked fruit now, but will begin the actual gleaning program on January 22 and end on April 30. For more information on how to turn your excess fruit into food for those who need it, contact Lou Medran at 449-8340 or lmedran@communityfoodbank.org

Business Development and Growth Modeling – February 27

The Tucson Hispanic Chamber of Commerce, in conjunction with the Ward 6 Council Office will be hosting a Business Development and Growth Modeling course during the spring. The **second** class will be on Wednesday, February 27 at 4:00pm at the Ward 6 Council Office, 3202 E. 1st Street. The class will help you assess your business, define priorities, resolve issues, and much more. For more information on these classes, please contact Bill Roach Bill@tucsonhispanicchamber.org or the Ward 6 Office.

Same Race, New Place!



What: 'Be Inspired' at the 15th anniversary Southern Arizona Race for the Cure

When: Sunday, March 17th, 2013

Where: University of Arizona campus, Tucson Register online at www.komensaz.org, or paper registration forms mailed by request.

For more info call 520 319 0155.

6am open, 7am 1-mile walk, 8am 5K run/walk (competitive and non-competitive). Parking is available free campus-wide and at all UA garages. Komen SAZ will be collecting donations of jars of peanut butter for the Community Food Bank of Southern Arizona.

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It's easy to visit all the exciting Gem, Mineral & Fossil Shows

when you park in a
ParkWise Garage and ride
the FREE GemRide shuttle.

2013 GemRide Shuttles

- P Parking
- ★ Shuttle Stop
- ★ Show Location
- GemRide Shuttle Route
- Concierge Tent

Free Shuttle 7 am – 6 pm
Frequency every 15–20 minutes

The Green Line Shuttle

- P Parking
- ★ Shuttle Stop
- ★ Show Location
- Green Line Shuttle Route
- Concierge Tent

Free Shuttle 9 am – 6 pm
Frequency every 10 minutes

Centro Garage
Open 24 Hours
Close to Stop 8

Depot Plaza Garage
Open 24 Hours
Close to Stop 8

Pennington Street Garage
Open 24 Hours
Close to Stop 9

Tucson Convention Center Lots
Open 24 Hours
Close to Stop 7

West Congress Parking Hub
Open Daily 7 am to 7 pm
at Stop 1
NW of the Luis G. Gutierrez Bridge

BOOKMARK

GemRide.com

VISIT

tucsonaz.gov/parkwise/gemshowparking

CALL

(520) 622-GEMS

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