

Ward 6 Staff



Steve Kozachik



Ann Charles



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Molly Thrasher



Amy Stabler



Ward 6 - Newsletter

TUCSON FIRST

September 30, 2013

“Christmas every day” – Breaking Bad in New Mexico

On the heels of having landed the *Breaking Bad* series, Albuquerque, is now starting to film *The Night Shift*, and *Killer Women*, two more episodics that will continue to bring in new revenue to the State – and from the perspective of those of us trying to put local incentives into place, to the locale. Here’s a link to the full article, but this one quote from it speaks to what the VisitTucson film folks, the Old Tucson and County people and I have been saying for over a year now:

During the show’s run, the production directly employed an average of 200 people, said Wayne Rauschenberger, chief operating officer at Albuquerque Studios, the 28-acre facility where much of the show was filmed. Beyond that, there were lumber yards, antique stores, limousine companies, hotels, caterers and others performing ancillary functions. Residents were hired as extras, and homeowners and businesses were paid for filming privileges.

The set decorator Michael Flowers says he patronized antique stores when designing sets, recalling that he spent \$20,000 on scrap metal at a local salvage yard while building the show’s meth-lab set. Mr. Flowers described his philosophy as: “Don’t shop at chains. Go to ma-and-pa stores; keep the money in Albuquerque.”

Here’s the link:

http://www.nytimes.com/2013/09/29/business/breaking-up-with-breaking-bad-is-hard-for-albuquerque.html?hp&_r=0

Getting back into the game is all about tourism, support of local businesses and strengthening our tax base. There was bi-partisan support in the State legislature last term to move the incentive bill on a State-wide basis. There was also a roadblock put in front of it by some committee leaders, and the Governor who preferred giving a targeted tax break to the insurance industry.

Maybe this time around – the experience of our neighboring States would seem to make the case intuitive. Pending that though, we’ll keep working locally to keep the momentum going. Remember, it’s a jobs bill.

Thanks to Karyn Zoldan for bringing that article to my attention.

Attorney General and Tucson Gun Ordinances

Instead of attracting the film industry, with the collateral benefits to local businesses, here’s what some in the legislature would prefer to concentrate on.

Last week the A.G. (Tom Horne) issued an opinion relative to two Ordinances we adopted last summer related to firearms. The request to look under our sheets was



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

brought by District 5 Representative, Brenda Barton. She works the eastern deserts of the State, over to the New Mexico border and is famous in the Legislature for bills such as:

HB2001 – allowing Community College faculty members to carry concealed weapons in class

HB2145 – called the “defensive display of a firearm” bill that allows you to pull your gun on somebody if you feel threatened with physical force

HB2302 – allows a person to possess a firearm immediately outside of school grounds

And of course this very important one – signed onto SB1610 which named the “Colt single action army revolver” the official state firearm.



Let’s see – jobs / tourism / what matters more, naming a gun for the State, or working on a film incentive package?

Irrespective of the fact that her District has no connection to Tucson, her areas of interest certainly appear to overlap with those of the A.G., so she asked Horne to issue the opinion.

Here’s the text of what he wrote. Its 7 pages long:

http://cms3.tucsonaz.gov/files/ward6/9-30-13R13-012_Issued_Opinion_I13-010.pdf

In case you just want the high points, let me walk through a couple of them.

The opening section lists the question as it was framed / and his summary answer:

To: Representative Brenda Barton
Arizona House of Representatives

Questions Presented

You have asked for an opinion on the following question:

1. Whether Arizona Revised Statute (“A.R.S.”) § 13-3108 preempts the City of Tucson’s (“Tucson’s”) Ordinances 11080 and 11081 of May 29, 2013?

Summary Answers

1. Yes. Ordinances 11080 and 11081 directly contradict A.R.S. § 13-3108. Moreover, Ordinances 11080 and 11081 govern a subject in a field that state law already fully occupies.

To refresh your memory, the two ordinances they’re concerned with are the one in which we gave TPD the right to request a blood alcohol test if it was believed that the person firing the weapon had been drinking. Horne felt that that indeed conflicts with the State statute (ARS 13.3108) that broadly restricts localities from adopting local laws related to guns that are more restrictive than State law. As is stated below, the State feels it has a compelling interest in any law that even ‘relates’ to guns. In this case, they object (or Horne would advise them to object) to our allowing a BAC test if the cop feels the shooter is loaded (on alcohol, not ammunition.)



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)
(3th 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)

Here's the language the A.G. uses to justify that position:

1. Ordinance 11080 actually conflicts with A.R.S. § 13-3108(A).

Ordinance 11080 permits a law enforcement officer to "request" a blood or breath test from a person if the officer has probable cause to believe that the person criminally negligently "discharged a firearm" in the Tucson area. If the person refuses, Ordinance 11080 permits the officer to "pursue" a search warrant under the appropriate Arizona statutes. However, A.R.S. § 13-3108(A) prohibits cities from enacting "any ordinance . . . relating to the . . . discharge or use of firearms."¹ Because Ordinance 11080 relates to the discharge or use of firearms, it conflicts with § 13-3108(A).

This conflict exists even though Ordinance 11080 does not give law enforcement officers more power than they already had under state law. Because no Arizona statute prevents a Tucson police officer from *requesting* a blood or breath test from suspected criminals or from *pursuing* a search warrant for suspects who refuse such a request, Ordinance 11080 does not authorize officers to step beyond state law. Nevertheless, § 13-3108(A) broadly prohibits ordinances "relating" to the discharge of firearms. Ordinance 11080 "relates" to the discharge of firearms and therefore cannot peacefully coexist with § 13-3108(A).

Guess what. If we can't even draw an Ordinance that remotely "relates" to gun use, he may be right. But I'd like to suggest that that's a pretty broad reach; that is, a blood alcohol test in the situations contemplated in our Ordinance "relates" to local concerns over public safety, not some alleged infringement on a person's 2nd Amendment "right" to shoot a weapon when drunk. And Horne admits that the police already have this authority. So go ahead and exercise it, but just don't tell anybody it's because somebody was firing a gun while under suspicion of having been drinking?

The other Ordinance Barton wants an opinion on is the one in which we require people to report lost or stolen guns to TPD within 48 hours of when they know, or should have known that they're missing. Failure to do that can result in a \$100 fine as a civil offense. Short version of the Ordinance – if somebody rips off your gun, tell the police.

Here's the section of the opinion that deals with this Ordinance:

Ordinance 11081 also conflicts with A.R.S. § 13-3108(D), which prohibits cities from enacting any "ordinance that relates to firearms and . . . that has a penalty that is greater than any state law penalty." According to Ordinance 11081's prefatory language, "Arizona state law does not . . . establish any penalty for a failure to report the loss or theft of a firearm." Consequently, the civil infraction that Ordinance 11081 imposes is greater than any state law penalty and brings Ordinance 11081 directly into conflict with § 13-3108(D).

So Mr. Horne's logic is that since the State doesn't address lost/stolen guns and therefore doesn't set a penalty, our making it a civil offense to fail to report them to the police is more restrictive. I suppose in the broadest sense, something is more than total silence on an issue. As the Star correctly quoted me as having said, I think that's pretty tortured logic.

Here's the summary reasoning that Horne uses in his opinion:

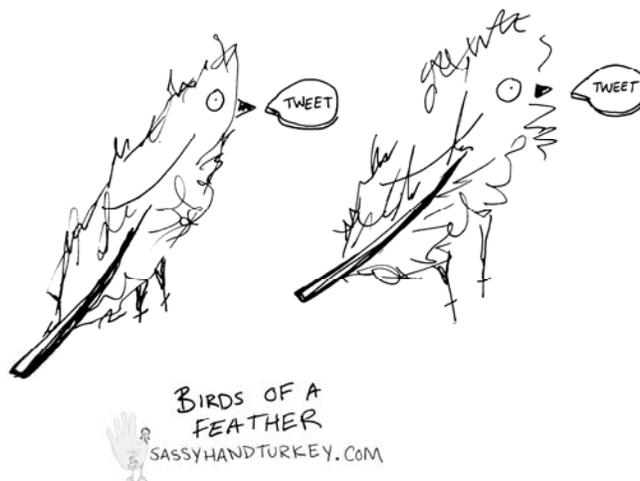
Finally, the Legislature's statement of intent reflects a preemptive policy. Along with the amendment of § 13-3108(A) in 2000, the Legislature included the following statement:

It is the intent of the legislature to clarify existing law relating to the state's preemption of firearms regulation in this state. Firearms regulation is of statewide concern. Therefore, the legislature intends to limit the ability of any political subdivision in this state to regulate firearms and ammunition.

We're telling people not to shoot a gun if they've been drinking, and we're telling people to let the police know if somebody steals their gun. I don't believe Phoenix needs to meddle in those issues that are clearly of local concern.

I know Mr. Horne has a lot on his plate. There's the history of trouble with the Securities and Exchange Commission, the issues of office affairs, whistleblower investigations, driving issues (six speeding citations,) leaving the scene of an accident to which he pleaded 'no contest,' and the questions about who his passenger was on the night he backed into a car behind him while driving a borrowed vehicle.

And based on his support of guns on school campuses, I'm not totally surprised by the opinion. He's



with Barton on so many related issues, that to have expected him to respect home rule on items such as drunken discharges of guns, and keeping it secret when there's a stolen gun floating around the neighborhood is much too much.

If he runs for re-election to Attorney General, at least one of his opponents will be Felecia Rotellini. He may also have a primary opponent.

Do you remember when there were those who said the Buy-Back I put on violated 13.3108? In fact, they went in and changed that Statute in order to clear up the evident hole in the law it had left that allowed me to do what I did back in January offering people gift cards if they wanted to voluntarily "surrender" their weapons to TPD. In doing so, they conceded that it wasn't illegal after all. I suggest that the same is true here. Blood alcohol and stolen guns are not addressed by State law.

The opinion is just that; an opinion. It requires that we do nothing. The next move is up to somebody who chooses to spend taxpayer money on pushing the issue.

Elections

And speaking of elections, last Friday the City Clerk sent out this memo:



MEMORANDUM

DATE: September 27, 2013

TO: The Honorable Mayor and
Council Members

FROM: City Clerk (4213)

SUBJECT: 2013 GENERAL ELECTION WRITE-IN CANDIDATES

The last day to file as a Write-in Candidate for the 2013 General Election was 5:00 p.m. yesterday. No one filed papers to become a write-in candidate.

Respectfully,

Roger W. Randolph
City Clerk

With that, the November elections will include Karin Uhlich vs. Ben Buehler-Garcia in Ward 3, Richard Fimbres vs. Mike Polak in Ward 5, and I'll be unopposed in Ward 6. Up until the filing date passed, things have been pretty quiet. Now I suspect you'll see and hear more from all of us. Do your homework and get involved.

And I'd like to publicly thank those of you who voted in the Tucson Weekly 'Best of' lists for honoring me with the Best Public Servant award for 2013. It's humbling, and very much appreciated.

Walmart Update

More from the State and how it doesn't seem to care what we're saying locally. Home rule is a very big deal.

As you likely know, the State Liquor Board denied Walmart's request for a rehearing on their beer/wine license application. This rejection came after they had successfully negotiated a deal with the surrounding neighborhoods, effectively washing out the major concerns that had been voiced at the first hearing. But, Phoenix feels that it knows best.

In response to losing the ability to sell alcohol until at least next summer, Walmart has decided to operate their store on a 24 hour daily basis. Here's the letter that came out from their PR person.

"We are very pleased with the customer response at the new Walmart at El Con Mall and after a thorough evaluation of our options and customer feedback we have decided to move forward with offering our customers the convenience of 24 hour operations starting Monday, September 30.

As we adjust our hours of operation to better serve our Mid-town customers, we will be working closely with mall management to adjust the store's security plan accordingly.

The State Liquor Board's negative decision notwithstanding, we are encouraged by the discussions we had with the neighborhood associations and the City of Tucson which led to the negotiation of a mutually acceptable agreement and we hope to re-engage the parties in a similarly productive conversation at the appropriate time as we seek to provide our Mid-town customers the broadest assortment of products they want and need."

I noted in a recent newsletter I noted that their original business model included both 24 hours of operation, and the sale of alcohol – probably liquor, but certainly beer and wine. Now that they've lost the ability to sell alcohol until next summer, they're trying to mitigate

some of the losses by extending their hours back to the original plan (the negotiated settlement, which was contingent on the State giving the beer/wine permit, was 6am until 11pm.)

I understand the rationale. And I remain hopeful that next spring the parties can come back together, as is suggested in their letter, to look at settling the differences once again. We got there once. I think we can again.

Continuing the Broadway theme...



...last Thursday evening and Friday morning, the consultant team and City project management held two open forums to solicit input from the general public on what they'd like to see done with the Broadway project. On Thursday, there were about 200 people in attendance. Friday morning had about 40 people, each representing a small business focus. Those numbers show how important this project is to the community.

Over a year ago, I held a rally at the corner of Broadway and Campbell in the parking lot of the 1st Assembly of God church (targeted for demolition if the ballot language was followed to the "t"), the purpose of which was to get the project consultant team to consider the wider implications of a 150' wide road, all moving to the north side of the street. I was joined at that rally by over 100 people who represented about 25 neighborhood groups from all over the City, and small business operators, each of whom was advocating for a new template by which we evaluate RTA road projects. Broadway seems to be falling into that model now.

The wider implications for Broadway are the demolition of 115-120 businesses (the tax base) and homes along the north side of the road, between Euclid and Country Club. The alleged need for this, as described in the 2006 RTA ballot language was based on quarter century old traffic projections, none of which have been borne out. Since that rally, both the County Administrator and the RTA attorney have joined in saying that we should consider creative alternatives, as long as we preserve the functionality of the roadway. That can save millions of taxpayer dollars to be used in areas where it is more genuinely needed.

Ok, back to Thursday and Friday's meetings. I floated around from table to table, listening in on the conversations. From what I overheard, there wasn't much we haven't heard already over the past year at both other open house settings, and at the Citizen Task Force calls to the audience. That is, preserve as much of what exists as you can, don't take down buildings that are not absolutely needed for road improvements, focus on intersections first, save money, and create a destination node in that corridor that encourages multi-modal transit and bike lanes, and walking/biking from nearby neighborhoods to commercial outlets in the area.

The businesses are just telling the project team to make a decision, much sooner than is now being programmed into their schedule. The lack of certainty is killing them, and nobody will invest until they know what the alignment is going to be.

With that, I'm repeating my encouragement to the PM on the job to step up the pace. Break the mold and act on the consistent themes that have come from the CTF, participants in the

monthly task force meetings, and from the vast majority of people who come to the open forums. If you keep hearing the same thing, perhaps it's time to set aside the preconceived notions of process, tear out a few pages from the planned meeting agendas and move to discussing the alignment. Get it set and then you can talk about the amenities that'll address the functionality issues. We'll also save money on what we're paying every month to the consultants who are also supporting the process that we seem to be locked into.

Unless there's some expectation or desire to ignore the clear voice of the community input, I see no reason to keep the businesses in limbo for yet another year as the planning goes on. A simple 'we hear you' would be a good jumping off point to setting an alignment.

Lapel Cameras

One of the reasons cited often for why people have supported my approach to this job is not shying away from questioning some of the decisions made by staff. Let me first say that we've got some very well qualified people serving in leadership roles. Asking questions doesn't diminish their credentials. I've often come away from having raised issues with a greater level of understanding for why decisions or courses of action were taken.

And in many cases, I've come away still not agreeing with what had been proposed. With respect to the purchase of police lapel cameras, I'm leaning towards the "not agreeing" side.



TPD is right now looking at the purchase of lapel cameras to be worn by our officers on the street. The argument in favor is that they reduce challenges to police action by people who allege mistreatment, or some form of police misconduct. The cameras capture audio and video of each encounter the police officers have with the community. To the extent that they validate the exact terms of the exchange, I'm sure they're a good CYA. I wonder though if there might be some 4th Amendment (search/seizure) issues.

My concerns are really centered around whether this is the best use of our limited dollars, and whether we have other needs within the police force that should come ahead of buying video cameras. I've also got some concerns over how catching everything on video might impact our cops' ability to get people to offer up "bigger fish" than themselves. Street policing may be hampered.

With respect to priorities and costs, I've shared with our Police Chief my belief that there are areas we should be spending our money on well ahead of the cameras. Let me first say though that the M&C doesn't have the authority to give line-item expenditure direction to our department heads. Nor should we. But we can suggest what our personal priorities might be, and let that input carry whatever weight staff would like to give it.

Areas I pointed out to Chief that I feel should come ahead of the cameras:

A) The trauma kits our officers use are kept in their cars, and I'm told that many of them are out of date. That's an important tool for them to have when they arrive at the scene of an accident and have to wait for TFD to show up. Those first few minutes could save a life. The County has their officers wear a belt trauma kit with combat gauze so there isn't any running back to the patrol car and grabbing the gear there. They've done a better job than we have of keeping those materials up to date, and in close proximity to the officers.

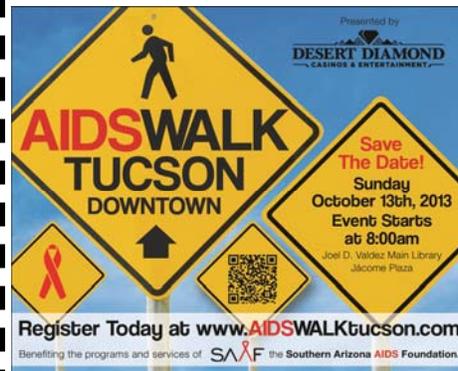
B) In many cases the protective vests being worn by our officers are dated and of ques-

tionable quality. Officers are allowed periodic replacement dollars, but I'm told that there are far too many of the vests now in service that need replacing now.

- C) If the video that's captured is going to be used as evidence, I suspect we'll have to put in place "chain of custody" protocols, make sure the data is maintained on a secure server, buy a significant amount of storage, and hire people whose sole responsibility it will be to maintain those records. If the cameras are in and of themselves a good idea, the obligations we'll be buying into may tip the balance towards not moving ahead with the idea due to the associated costs.

I know that all of our leaders up the TPD food chain care a great deal about the front-line workers. The interest in the cameras demonstrates that. If the cameras in fact reduce court time and charges of abuse, then perhaps there's merit in them. But we have to sort out the other priorities while making that determination. In our economic environment, no single purchase (and the cameras will be expensive) stands as an island that doesn't impact our overall budget.

The Tucson Police Foundation does wonderful work in support of our force. It might be time for our TPD leadership to approach that group and put in an order for funding some of the items I've listed above. In the past, the Tucson Police Foundation has helped us fund equipment that's not affordable within our budget. Perhaps it's time for our TPD leadership to pay them a visit and restart that dialogue. There are those who are much closer to the issue than I am who might identify other, possibly more urgent needs that the Foundation could help with. We might save more lives with some of that other gear than the headaches and costs we'd be taking on with the cameras.



When I was doing work in Zambia, I saw the impacts of HIV/AIDS on a community first-hand. While over there it is admittedly much more wide spread, the devastation it brings to people is the common thread, regardless of whether it's Africa, or Tucson.

The Southern Arizona Aids Foundation is sponsoring the annual AIDS WALK Tucson again on Sunday, October 13th. The logo shown above has all of the contact information you'll need in order to register and participate – or to help in any way that you can.

HIV/AIDS is a preventable disease. Once contracted, it's also treatable. Getting the word out about the causes and treatments is what this event is all about. SAAF was hit by some real funding challenges this fiscal year – caused by the loss of Grant money that resulted in the elimination of entire programs they had been running. This event is a chance for you to help them refill those lost funds, and hopefully restore some of the lost programs.

Jim Messina Benefit Concert

On Sunday, October 6th – pretty much all day – there'll be a benefit series of shows, the proceeds from which will go to the William Warnecke family. He was the Southern Arizona Granite Mountain Hot Shot who lost his life in the recent tragic fire up north. Tickets are on sale at the Fox Theater web site / www.foxtucsontheatre.org / and one ticket gets you into all of the performances, all day long.

Here's the line up:

2:00 pm Ronstadt Generations Y Los Tucsonenses

3:00 pm Matt Farris and Kinfolk

4:00 pm The Rillito River Band

5:00 pm Dinner Break

6:30 pm VIP Meet & Greet & Eat Dessert

7:30 pm Fitzsimmons & Potter

8:00 pm Jim Messina in Concert

There are numerous promotions going on at downtown merchants, so look for them on your visits to any of them between now and the date of the show.



Finally, have you ever gotten up in the morning and had a stiff neck? One possible helpful hint that this guy might want to consider – the bed is made for your entire body, including from the neck, up.

You see, this newsletter gives health advice, too.

Sincerely,

A handwritten signature in black ink that reads "Steve Kozachik". The signature is written in a cursive, flowing style.

Steve Kozachik
Council Member, Ward 6
ward6@tucsonaz.gov

Events Calendar

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

Tucson Modernism Week

The Tucson Historic Preservation Foundation is proud to present Tucson Modernism Week 2013: October 4, 5 & 6. The three day extravaganza is a series of programs, film, lectures and events highlighting and celebrating Tucson's Mid-century Modern design and architecture. The programming emphasizes the Modernist Buildings of Broadway Boulevard between Country Club and Campbell Avenue.

For tickets and more information: <http://tucsonmod.com/schedule>

Ongoing

Rialto Theatre, 318 E. Congress St.

www.RialtoTheatre.com

Fox Theatre, 17 W. Congress St.

www.FoxTucsonTheatre.org

Loft Cinema 3233 E. Speedway

www.loftcinema.com/

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

"The Importance of Being Earnest"

Written by Oscar Wilde, Directed by Stephen Wrentmore

September 14 – October 5, 2013

www.arizonatheatre.org

Tucson Museum of Art, 140 N. Main Ave.

Sunday, October 6th 1-3 PM, **Picture This! Art for Families** presents a fun, family and FREE day at the Tucson Museum of Art. Experience the Chinese culture through the Museum's exhibit *Han and Beyond*, and create your own work of art in the Education Center.

www.TucsonMuseumofArt.org

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

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

www.childrensmuseumtucson.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

Arizona State Museum

Wednesday, October 2nd 3:00–3:45 PM **Coffee with the Curators**

Join us for a cup of coffee and informal conversation! Shannon Twilling from ASM's Archaeological Records Office presents *Adventures of GIS Girl: Conducting Archaeological Research in the Digital Age*.

Visit www.statemuseum.arizona.edu for more information.

UA Mineral Museum – Ongoing

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

Southern Arizona Transportation Museum

414 N Toole Ave.

Tuesday – Thursday, Sunday: 1100am - 3:00pm; Friday & Saturdays: 10:00am - 4:00pm

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

Volunteers Needed: There is a new innovative transportation program for seniors and people with visual impairments called **iTNGreaterTucson** that can use your help. Volunteer to drive seniors and adults who are visually impaired to their important commitments and earn mileage reimbursement or collect miles credits for getting involved. Give 2 hours a month or 4 hours a day to help these folks stay connected to our community. Meet fabulous people along the way. Go to <http://itngreatertucson.org/> for more information or call 520-209-1645 to volunteer.

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

www.MainGateSquare.com

www.FourthAvenue.org

www.DowntownTucson.org

MERCEDES-BENZ OF TUCSON
presents:

TFW
TUCSON FASHION WEEK
10.17.13 - 10.19.13

Click this link to see the list of participating businesses:

<http://www.tucsonfashionweek.com/#!about2/c64o>

WHAT

Tucson Fashion Week not only is a professional platform for emerging designers to showcase their work but also has a charitable component and will donate a percentage of the proceeds to an important local nonprofit each year. This year, retailers and restaurants in the Tucson are will take part in a collaborative effort with this year's recipient, the Steven M. Gootter Foundation.

We have created the Tucson Care Card, a special discount card. Every time shoppers use the Tucson Care Card at participating retailers (locally and nationally) will receive a generous 20% discount. That's two great weekends of shopping at Tucson best retail shops and restaurants!

WHEN

October 11th through October 20th, 2013.

