

Ward 6 Staff



Steve Kozachik
Council Member



Ann Charles



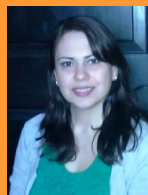
Donovan Durband



Teresa Smith



Bonnie Medler



Diana Amado



Ward 6 – Newsletter

OCTOBER 13, 2011

A Message from Steve

Many of the issues we deal with at Mayor and Council reflect a balancing act between individual rights and preserving the quality of life and how we interact with one another in community. Rarely are there clear and objective answers to questions that fall in some of those areas, a truth that is borne witness to by litigation and court decisions that parties on opposing sides can point to in support of their positions. Dealing with these is why we get paid the big bucks – two in particular this week:

Rules of Conduct at M&C meetings:

The First Amendment to the U.S. Constitution reads in part as follows:

Congress (in this case, the City) shall make no law...abridging the freedom of speech... Of course the amendment also speaks to freedoms related to assembly, religion, press and redress of grievances, but for what we dealt with, 'speech' is the part that matters.

We have, at each of our meetings, an opportunity for anybody to address the Mayor and Council that is called "Call to the Audience." Speakers are limited to three minutes each and we pretty much let them talk about whatever they want. The norm is that we cut off Calls to the Audience after 30 minutes and move on with the rest of the agenda.

The immediate controversy is over the point at which the Mayor has the right to cut off a speaker for violating a rule that has been in place since 1982 which calls for levels of decorum, propriety and good conduct. A few weeks ago, a speaker was in fact cut off, and I asked for a review of the rule.

Let's be clear about a few things up front:

I do not advocate eliminating "Call to the Audience." In fact I would support extending it until all speakers present at a given meeting had their chance to address the M&C and not limit it to 30 minutes.

I do not advocate people getting up and making personal comments about staff, council members or the mayor. I called out one such individual a few weeks ago for what I considered to be poor taste and inappropriate demeanor. But understand that "poor taste" and "inappropriate demeanor" were based on my own standards of con-



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

duct. While I reserve the right to respond when I believe people have crossed some line, I do not pretend to be judge and jury of what constitutes good conduct or propriety from a legal or Constitutional perspective.

The City Attorney brought to us a revised version of the former rule. My bias is strongly in favor of setting a high bar when it comes to protecting the rights of peoples' speech – even, and maybe most importantly, the unpopular or offensive speech. I felt that some of the proposed wording of the new rule contained language that was too vague (specifically use of the words 'orderly manner' and 'disturb the meeting') and open to the biases and whims of the Mayor. It was my preference to limit the rule to threats, profanity/obscenity, or behavior that disrupted or impeded the conduct of the meeting. Also, the new rule would break the public discussion into two separate periods; one of 20 minutes to allow for discussion of agenda related material. The second (the former "Call to the Audience") would last for no more than 30 minutes and would come at the end of the meeting.

I certainly understand and appreciate the desire to not inflict jerks on the rest of the audience. And yet, my default is to more, and not fewer, rights of expression. In addition, I did not support the notion of cutting off speakers based on an arbitrary time limit set by our rule (20 and 30 minutes for the Agenda material and Call to the Audience, respectively). Each council member gave his and her input as direction to the City Attorney to draft another ordinance and bring it back one more time. I understand that it'll be a no-winner. One side will say they don't want to have to listen to people speak in ways they consider to be inappropriate and the other side will say that offensive speech is protected speech. I lean towards the latter – threats, profanity, obscenity and disruption of the meeting, and allowing everybody who wants to speak to have that opportunity at a given meeting. We'll see what the CA brings back to us. No vote was taken based on the first draft.

Regardless of how the wording ends up in the ordinance, I won't be a wall flower when it comes to letting speakers know when I believe they have lowered the bar to an unacceptable level. Yet even if my position seems to constitute putting a "kick me" sign on my back, it is only out of respect for the First Amendment to our Constitution.

Zoning Administrator "Use Determination" – Group Dwellings:

The Fourth Amendment to the U.S. Constitution reads in part as follows:

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated..."

The neighborhoods in the vicinity near to The University of Arizona have been wrestling for years with the competing desires of maintaining single family, R1 residences versus the expansion of both the perimeter of and student population of the UA. The inherent tension built into that dynamic has resulted in the City Zoning Administrator determining that houses occupied by "five or more unrelated individuals" constitutes a "Group Dwelling" and is not allowed in R1 zoned neighborhoods.



Important Phone Numbers

For clarity – in my opinion, five students living together are roommates, not a family. But so are two students living together or seven Airmen from Davis Monthan (DM), or four senior citizens who choose to share expenses, or five migrant workers who are here working with Green Cards. I do not want the State (generically) to get into the business of defining what is and what is not an appropriate “relationship,” regardless of how a property is zoned.

What is important is guarding the integrity and ambience of residential, single family neighborhoods, given the proximity of a University that now has over 40,000 students enrolled. The rights of neither side can be ignored in how this is decided. Neither the builders nor the existing residents would want to live adjacent or nearby to houses that inflict disruptive parties, excessive noise, litter or other patterns of behavior not conducive to a peaceful neighborhood living arrangement.

The problem I had with the Zoning Administrator ruling was that it set no boundaries for when a person could initiate a complaint that claimed a given household violated the “five or more unrelated persons” rule. Complaints can be lodged anonymously and not be based on any particular criteria that gave rise to the suspicion. In addition, once the City begins to verify whether or not the people living in a house are “related,” where does that probe end? Is the City going to begin by taking pictures of license plates of cars parked around the house (as was suggested to me by one staff member) and checking registrations? Do we send the Neighborhood Enforcement staff to knock on doors and simply ask the “relationship” of people living inside? How do we verify that they’re telling the truth? Do we ask for birth certificates? What “documentation” are we prepared to require and where do we stop the inquiry once we have begun?

The issue I have with the Z.A. Determination is not that I want single family residences being over run by Group Dwellings, but that I do not want to empower the “State” to begin the process of policing relationships. I support a more objective standard that can be validated at the permitting stage of a project such as allowing no more than four bedrooms allowed in a given structure built in R1 zoned areas. Also, apply the standard prospectively so new builders know the ground rules and we don’t expose ourselves to Prop 207 lawsuits from people we have allowed to build structures we are now deeming to be non-conforming.

A few years ago, when I was growing up (I choose my words carefully, so no jeers from the wife or my staff) I would have been concerned over limiting projects to four bedrooms or fewer. But the truth is that families are not as large as they used to be and if we allow existing large homes that are in R1 zoned areas to remain, there will be housing stock in the future for large families to buy if they so choose.

There are legitimate and real behavioral issues that need to be addressed by residents and landlords. I am engaged in meetings that involve several neighborhood representatives, the Ward 3 staff and council member, City Staff and representatives of the University. The purpose of which is to address the sorts of gatherings that disrupt and destroy the ambience of the neighborhoods around campus. But I don’t want to legislate the ability of the City to start knocking on doors and asking for papers and to do so based on anonymous and unsubstantiated complaints. That simply opens the door to community wide chaos and an unacceptable

Senator John
McCain (R)
520-670-6334

Senator Jon Kyl (R)
520-575-8633

Congresswoman
Gabrielle Giffords
(D)
(8th District)
520-881-3588

Congressman
Raul Grijalva (D)
(7th 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 Bob Walkup
791-4201

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

burden on City Staff, which is already short in numbers. It's over reach and can be solved with more objective criteria.

Another problem with the ruling is simply the process by which it was adopted. The only people included in deciding this community wide standard are the builder who is causing the problem and some representatives of the neighborhood in which he is building. But the determination will apply across the valley. More voices need to be heard on something that carries the breadth of this decision.

The rest of the Council felt differently and voted to support the notion of "five or more unrelated persons" living together constituting a non-conforming Group Dwelling. I understand the thought process but don't accept the unintended consequences I fear that it brings along with it. So, you will have an opportunity to address a public hearing (not yet scheduled) and voice your feelings on this very emotional, real and tough topic to balance competing rights.

Speaking of Speech...

I requested that DM hold a third Scoping Meeting to allow for a discussion of the Operation Snowbird that has been operating in the City for several years. I'm grateful that they have agreed to conduct that third meeting. – It will be held on October 19th from 5:30 until 8pm in the Copper Room at Randolph Park. That is on the east side of the park, off from Alvernon.

Also, the National Forest Service is conducting public meetings to allow for comment on the Draft Environmental Impact Statement relative to the proposed Rosemont Mine. That DEIS was expected to be available for public viewing on the Coronado National Forest website at www.fs.fed.us/r3/coronado on October 12th. A 90-day public comment period is expected to begin on October 22nd.

In addition to offering your comments via email (CoronadoNF@RosemontEIS.us) you can attend one of the public hearings. The local ones will be held as follows:

November 12th – Palo Verde High School, 1302 S. Avenida Vega

November 19th – Empire High School, 10701 e. Mary Ann Cleveland Way

Both meetings will run from 1pm until 5pm.

Comments may also be left on their hot line at 1.888.654.6646

Corpse Bride

Got your attention with that header? Last week at 2nd Saturday's, the film Corpse Bride was shown as a part of Placita Cinema's free movie addition to the night. I'm going to do a little bragging on my brother and lighten things up for a moment. Pete was the Director of Photography (DP) for the show and has worked with Tim Burton and Henry Selick on several other "stop-motion" shows, one of which was nominated for an Oscar – Nightmare Before Christmas.

Here are a few tidbits about Corpse Bride that the casual viewer wouldn't know:

Corpse Bride was Tim Burton's second feature shot with animated puppets. His first was Nightmare

Before Christmas.

On both films he hired a director to run the production. Nightmare's director was Henry Selick, who went on to several similar films, most recently Coraline (another of Pete's shows as DP).

A first on Corpse Bride was the experimental use of digital still cameras instead of traditional 35mm movie cameras. To shoot a scene, they took individual pictures, repositioning the puppet for each picture and eventually strung the stills together as a running shot. The experiment went well enough that seven other animated puppet films followed suit and nobody uses film anymore for that kind of animation.

The puppets in Corpse Bride are larger than usual, some being 18 inches tall. Complicated joints in their heads allowed them to be moved into a wide range of expressions, but the heads had to be bigger than usual to contain it all, thus the bigger bodies.

Seven department heads went to East London for two years, hired a local crew, and converted a gin mill from the 1700's into the studio. I was fortunate enough to visit the studio during the shoot. The 'scenes' were shot in draped off areas about 15'x15.' Upstairs they had an area where staff were making the puppets, heads and bodies sitting on shelves waiting for their scene to be shot, 'set dressers' crawling over the sets painting (my sister-in-law worked as a set-dresser on the show) the scenes – all very cool to see.

Ask me about Pete when you see me. I'm proud of what he has done. His shows include the three mentioned plus *James and the Giant Peach*, *Honey I Shrank the Kids*, one of the *Matrix* shows and many others. If you like special effects, you'll like his shows.

Mom always liked him best. Now you know why... :-)

...ok, back to reality.

Rio Nuevo

Last December, this City Council and the current Rio Nuevo Board agreed on term sheets, one part of which was to expend at least \$3M from 2008 Bond proceeds on the restoration of the TCC.

Last December, this Rio Nuevo Board committed to the Auditor General to dedicate money from Bond proceeds to the restoration of the TCC.

Three weeks ago, this City Council and this Rio Nuevo Board agreed to establish a task force to identify the most immediate needs that exist in the TCC and get them taken care of immediately.

Two days later, the City taxpayers were given a Notice of Intent to sue by this Rio Nuevo Board for \$47M.

To nobody's great surprise, the task force on the City side pulled the plug on the discussions, pending the District pulling the plug on the lawsuit.

I've been pretty public about how I feel. Continuing to volley positions back and forth isn't doing anybody any good. So, until there's something new and novel to report, my own personal position is that I want the Rio Board to honor its vote to approve \$3M for renovations to the TCC, to pull their intent to sue you for \$47M, and to simply allow the two forensic audits and the FBI investigation to be completed. Once those investigations are in, we'll all have a better understanding of what the next logical legal steps should be. Until then, stop wasting taxpayer money and spend that which we agreed on for something that will benefit the taxpayers.

Throughout this process, the City has continued to spend money to keep Rio projects moving. We hope to recoup over \$2M in those costs from this Board when they elect to come back to the table. TIF dollars or Bond proceeds, not your General Fund, was supposed to be the funding source. Those costs/projects include over \$60K in design costs for Rio projects, as well as:

- 1,607,730.98 Depot Garage
- 307,252.93 Depot Plaza
- 90,012.12 Westside projects
- 56,102.32 Cushing Street Bridge
- 13,895.90 Barrio Viejo
- 6,806.00 East Entrance
- 2,719.53 Scott
- 2,288.00 Civic Center Tcc Expansion
- 1,232.00 Civic Center - Hotel

And yet, it takes two to make a mess, and it'll take two to clean it up. To that end on Wednesday the M&C asked the City Attorney to propose to the Rio Board the following:

Advise the Rio Board that the City is ready to enter into non-binding mediation over moving the term sheets the two sides agreed on into the form of a settlement agreement.

We also included a request that Rio refrain from moving their \$47M lawsuit forward, and to refrain from filing any more Notices of Claim while mediation is on going.

Finally, as an indication of good faith, we included a commitment that we will not finalize the sale of the Arena parcel until mediation has been ended. This is a significant carrot because the Rio Board agreed to allow the sale to move forward last December, and since that time the City has moved into negotiations with a prospective developer. This was following a selection process in which two of the current Rio Board members were included.

You may have already received a notice from the Rio Nuevo Board. They formally requested and received the City e-mail list. I know that the unauthorized use of your e-mails is concerning but legally the City was required to produce your private e-mail addresses to the Board and the Board chose to use them. I do not condone the action by the Rio Nuevo Board and encourage you to let them know if you want to remain on their list. If not, they are legally required to remove your email. In case you did not receive the notice, here is the press release link;

http://cms3.tucsonaz.gov/sites/default/files/ward6/10.13.11_rio_nuevo_pr.pdf

If you would like to make a comment to the Rio Nuevo Board, the website is:

www.rionuevo-tucson.org.

It would lengthen this newsletter beyond your (and my) attention level if I were to go paragraph by paragraph and refute the claims in their 'Release'. I invite your questions if you have specifics after having read it. I will simply say this. It is instructive that they both try to distance themselves from the "former" board, and at the same time take credit for the investments in the TCC that the former board was a party to - and the money (\$15+ million of your dollars) went to the TCC east entry and design plans for a hotel we never built, and that I opposed openly even before the current board was appointed by the Legislature and Governor. Why would they point to that as an accomplishment if they had something real and something to be proud of that they could use to support their claims of being committed to upgrading the TCC and revitalizing downtown? If that's all I had, I think I'd do whatever I could do to not draw attention to it.

Finally, they make the claim that my newsletters contain "misinformation" and that I have "misrepresented" agreements. One of the comments I get about these newsletters is that they tend to be long - and so I have adopted the approach of linking to documents I'm referencing both to keep their length manageable, and so readers can see for themselves, and make their own judgments whether what I'm writing is opinion, or fact. I invite you to do that in this case, too, and if after having read their attorney's Release you have questions, feel free to email the ward office and I'll be happy to respond to any claim Mr. Brearcliffe and Miss Bain have made.

The Council agreed to give it one more try, on behalf of the people paying for all of these legal safaris.

Hopefully there'll be a good news response for me to write to you about soon. Otherwise, when you don't see anything more written about Rio for a while, you can assume that they're still thinking over their options.

9-1-1 Update

The word from the Dispatch floor is that TFD has done a very good job in addressing the technological issues (one more piece of gear to get installed and the majority of the phone issues should be resolved) and importantly the morale issue is being dealt with in a very positive manner.

Chief Sharon McDonough is described by some of the workers as "amazing." She has been doing an outstanding job of communicating, keeping everyone current and in the loop on the changes being made. Morale is good and getting better.

The problems didn't appear overnight and won't be fully addressed overnight. And yet, what I hear is that TFD is doing a great job of prioritizing and of including the front line workers in both major and minor decisions being made at the Center.

More on Public Safety

The Greater Tucson Fire Foundation has raised enough money to provide for Tucson and other area firefighters wire cutting tools. While that might seem like an odd piece of equipment to donate, it's not so much when you understand that nearly ¼ of all line-of-duty deaths for firefighters

are caused by them getting caught inside of burning structures, unable to get out as a result of wires used in modern construction.

Thanks to Mike McKendrick, chairman of the TFFC and for the members of the Foundation who have worked so hard to provide these tools. If you'd like to participate (and more of these tools are needed) you can learn more at the Tucson Fire Foundation website. In tough budget times, groups like this are extremely important pieces of how we as a community work to maintain the safety of both the public, and the safety of those who we rely on to provide that service to us. The link is:

www.tucsonfirefoundation.com

Graffiti

Finally, everybody's favorite topic – the blight on our community that graffiti constitutes.

The taxpayers of the City of Tucson spend over \$2M annually to abate graffiti. The Tucson Police Department has arrested over 130 taggers since the inception of a pilot program we adopted last year that was geared towards identifying and arresting repeat offenders. Graffiti Protective Coatings, our abatement vendor, acts on a proactive basis and goes over and above their contractual obligations to try to make Tucson a more livable community. The Tucson Department of Transportation, Fourth Avenue Merchants Association, the Downtown Tucson Partnership, businesses and neighborhood associations all across the valley are working daily to keep our community from being trashed by vandals with spray cans. And the problem increases.

Right now the City has its contract for graffiti abatement out for renewal. The entire council was concerned that a new, lower 'floor' was being placed in the selection process, indicating that we would be reducing the amount of money the City is going to invest in getting our arms around the problem. It was gratifying to hear confirmation that Procurement, the City Manager, TPD and TDOT all recognize that the base rate for awarding the contract will not be sufficient to successfully address the problem and there was a commitment to spending whatever it takes to take care of the problem.

I know, and we all on the council know, that we cannot simply keep throwing money at this problem. If diversion programs and the existing fines are not doing the trick, we need to address how severe the fines and sanctions are. The new vendor will be selected within approximately a month, and then we will have an opportunity to reassess how we will be addressing this City-wide problem.

Sincerely,



Steve Kozachik

Downtown Arts and Entertainment District Events

This week at the arts and entertainment venues in Downtown Tucson . . .

38th Annual Tucson Meet Yourself Folklife Festival

Jácome Plaza, El Presidio Park, Old Town Artisans, La Placita Village, and TCC Plaza.

New this year: Sonoran Pavilion, near the Leo Rich Theatre.

Friday, October 14, 11:00am to 10:00pm

Saturday, October 15, 10:00am to 10:00pm

Sunday, October 16, 11:00am to 6:00pm

Admission: Free

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

Fox Theatre, 17 W. Congress St.

Thursday, October 13, 7:30pm. **Benise: The Spanish Guitar**. \$29 and up.

Tuesday, October 18, 7:30pm. **Colbie Caillat**. \$32 and up.

www.FoxTucsonTheatre.org

Rialto Theatre, 318 E. Congress St.

Thursday, October 13, 7:30pm. **Panic! At the Disco** (Emo Pop Rock), with Foxy Shazam and Patrick Stump. All ages show. \$25 advance/\$28 day of show.

Friday, October 14, 8:00pm. **Andre Nickatina** (rap), with Hopsin, Raider Dave, Cryptic

Wisdom, Lyrical Mastermind Crew, and Booda. All ages show. \$20 advance/\$25 day of show.

Wednesday, October 19, 7:30pm. Tyga (rap). All ages show. \$27/\$35.

www.RialtoTheatre.com

The Screening Room, 127 E. Congress St..

Friday, October 14, 7:15pm. **“What’s the Name of the Dame?”**. Admission: \$8

Saturday, October 15, 7:00pm. **“Beyond the Myth”**. Admission: \$10

Wednesday, October 19, 7:15pm. **“Elena Undone”**. Admission: \$7

www.azmac.org/scroom

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

Arizona Theatre Company presents

Tony Award-Winning Comedy – Best Play 2009: **“God of Carnage”**

October 22 – November 12, 2011

www.arizonatheatre.org

Tucson Shot Rock and Roll: Rock Photos by Tucson Photographers

A special pop-up exhibit gallery at 245 E. Congress St., Suite 171 (next to Sparkroot).

Exhibit runs through Friday, October 29. Thursdays, Fridays, and Saturdays, 4:00pm-10:00pm

<http://www.tucsonshotrock.com/>

Tucson Convention Center Events

Tucson Arena:

Starting Thursday, October 13, “Disney on Ice: Toy Story 3”

<http://cms3.tucsonaz.gov/tcc/eventcalendar>

Music Hall:

Tucson Symphony Orchestra presents “Fantastique Opening”

Friday, October 14, 8:00pm.

Sunday, October 16, 2:00pm.

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



Know Where to Throw:

Crayons, eyeglasses, bras, and athletic shoes -- will be collected at the Ward 6 Council Office from October 3 through October 28.

Crayons will be donated to the City’s Parks and Recreation Department for use in classes and programs for school-age children.

Eyeglasses will be delivered to the Lions Clubs International which distributes the glasses collected worldwide.

Bras will be collected and delivered to the Bra Recyclers, a company that has partnered with New Beginnings, Primavera Foundation, and the Gospel Rescue Mission to provide the undergarments to women in need.

Athletic shoes will be shipped to Nike, where they are broken down and shredded and then used for athletic court surfaces and in new shoes.