

## Ward 6 Staff



**Steve Kozachik**  
Council Member



**Ann Charles**



**Donovan Durband**



**Teresa Smith**



**Bonnie Medler**



**Diana Amado**



# Ward 6 – Newsletter

OCTOBER 19, 2011

## A Message from Steve

### Rio Nuevo

Last week I said that until something new and novel to report came forward, I'd hold off on any more Rio updates.

First, let's talk about accountability. On Wednesday, the Arizona Daily Star wrote that because of past failures and waste, citizens will not have trust in City government until Rio Nuevo is turned around. I agree.

There are two parts to turning around what The Star called "Rio Nuevo's failures" around. One is accountability and the other is moving forward and cooperatively working to rebuild the TCC and downtown.

**About accountability:** For years the City controlled the Rio Nuevo Board and effectively ran amuck with taxpayer dollars. The Auditor General affirmed that. Gross mismanagement and sweetheart deals left the taxpayers wondering where nearly \$200 million dollars had gone. Citizens want to know where the money went and who was responsible. I agree. The auditor general was the first step and now we must wait for the second audit and the FBI and Attorney General to turn over the remaining rocks. I agree with the Star that until the shadow of "Rio Nuevo Waste" has been addressed, moving forward is difficult but I also believe that I owe it to the taxpayers to continue to press for accountability while showing the leadership to move forward. It is a fine line and some people may try to hide behind me and deny past mistakes. But you as taxpayers deserve to know where the accountability for past mismanagement must be placed.

**Moving Forward:** One step back and two steps forward. Last week the City was served a letter in which it states that unless all of the maintenance and repairs needed on the TCC are remedied in 30 days, Rio will declare the TCC sublease in default. How does any of this benefit the taxpayers? And if the sole purpose of the Rio taxing district is to revitalize downtown, how does this constant volley of vitriol entice anybody to invest in Tucson, or more particularly in the downtown core. Rio Nuevo exists only because they own the TCC. It was created as a taxing district, but that was contingent on it 'owning' a sports facility. So, in 2002, the City sold the TCC to Rio, and immediately leased it back for the exact amount of the debt service payments. They own the facility on paper – the City has the responsibility of operating it. But both parties can, and have shared in the maintenance of the TCC – what



### 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

the auditor general last year called the “Primary Component” of the district.

The auditor general understood that ownership of the TCC is the literal lifeblood of Rio Nuevo. And Rio Nuevo needs to understand that relationship.

As I have reported previously, the City has invested over \$19M into the TCC since late 2009. But the needs greatly exceed that amount. We continue to look for funding sources to upgrade and maintain the facility.

The current Rio Nuevo Board, for its part, along with the then City Council and the former Rio Board spent over \$4M on an unneeded East Entry, and over \$15M of design plans for a hotel that is never going to be built. That is their contribution to the maintenance and up-keep of the facility that they own on paper.

They cannot unilaterally rewrite the sublease – that would take the agreement of hundreds of bond holders. Under the terms of the sublease, they could sell their interest in the TCC, but if that were to occur, beyond the issues with the Bond holders, if Rio ceased to have an ownership position in the facility, they’d cease to exist under the Stadium District Legislation by which they were formed and the TIF trigger would effectively disappear. Tucson would lose that money.

If Rio Nuevo ceases to exist, Tucson loses the tax dollars that were supposed to go into revitalizing downtown. And yet, if all Rio is going to spend those dollars on are attorney fees and suing the taxpayers, maybe the loss is a gain. I am truly conflicted, and will commit to you the following:

I was elected calling out the Rio Board and the City for wasting taxpayer money – for about a decade. I will continue to call out all those responsible for the waste of millions of dollars, but my responsibility to the citizens can’t stop there. I will also continue to call out the current Rio Nuevo Board for wasting taxpayer money – it has been going on since early 2010 when this Board was appointed by the Legislature and the Governor.

This has always has been about protecting the interests of the taxpayers of this City. Serving an intent to sue you for \$47M, threatening default on the asset that is the key to Rio’s existence, and sitting on Bond proceeds that are earmarked for renovations to that facility are wholly inconsistent with behavior that serves either the community or the taxpayers who are left holding the financial bag for this mess.

Having said that. We all owe it to the taxpayers to try to dig our way out of this. I’m not ready to give up on trying to mediate a solution – and on Tuesday all of us on M&C agreed to advise the Rio Nuevo Board that we are still more interested in sorting out the issues through mediation than in court. I also want to look for ways to incentivize private sector development in the Rio District – appropriate development that comes with the procedural protections for the neighborhoods that lie adjacent to the District boundaries.



### Important Phone Numbers

Senator John  
McCain (R)  
520-670-6334

Senator Jon Kyl (R)  
520-575-8633

Congresswoman  
Gabrielle Giffords  
(D)  
(8<sup>th</sup> District)  
520-881-3588

Congressman  
Raul Grijalva (D)  
(7<sup>th</sup> 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](http://www.azleg.gov)

Mayor Bob Walkup  
791-4201

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

I don't know the parameters within which we can offer incentives, but we need the tax revenue, so there is a needs basis for raising the issue. It's called jobs for our local workforce. So three things happened on Tuesday;

a) Rio passed a motion to file suit against the taxpayers (the step that occurs after their earlier "Notice of Claim." It's procedural – we knew it was coming.)

b) Rio also passed a motion agreeing to try mediation. Good, although I admit that those two items appear a bit incongruous.

c) The M&C affirmed our earlier commitment to pursue mediation.

So we're into a bit of a newer realm; i.e. Rio Nuevo has 120 days within which to serve their suit on the City. They have agreed to work within that time frame and try to mediate the differences of opinion that we have. Let's give it a try.

If this ends up in court, the taxpayers will be on the hook for hundreds of thousands of dollars, and the opportunity to leverage TIF dollars into revitalization of the downtown core will be stagnant while the legalities are worked out. In the interim, it would be likely that Phoenix would adopt legislation to pull the TIF from Tucson and redistribute it around the State.

The Mayor and Council did the right thing today in yet again extending a hand to Rio. Rio reciprocated. Let's give it a try, finally. The taxpayers deserve better than the distant, or the recent past of Rio Nuevo.

### Through the Eyes of the Eagle

Darlene Lizarraga and her staff at the Arizona State Museum have outdone themselves this time. From now until January 7th, they will have on display a very educational and entertaining exhibit that speaks to the need for all of us to engage in healthy life styles.

The exhibit is called "Through the Eyes of the Eagle - it is co-sponsored by the Tohono O'odham Community Action group and tells the story of how we can enhance our quality, and length of life by making some very simple life style choices. The exhibit includes art, and exhibition cases in which fun and entertaining displays tell the story of how we can begin to combat diseases such as Diabetes. It's an exhibit that I would recommend the whole family take in together.

### UA Downtown

At our study session on Wednesday, Jan Cervelli (Dean of the UA College of Architecture,) Brooks Jeffery (Director of the Drachman Institute,) and Lauri Johnson (Director of the School of Landscape Architecture) came and presented a discussion on the emerging relationship between the UA and the City of Tucson's downtown core.

The College of Architecture and Landscape Architecture (CALA) is in the process of moving into the former Walgreens building located in the heart of downtown. The significance of this will be borne out in very short order. The City is seeing the re-emergence of activity from the private sector. One of the beauties of CALA being downtown is that we can tap into their knowledge base when in the early stages of a project. This can be a very good news item, and become the hub of our downtown relationship with the UA, as well as an excellent teaching resource between the City and private sector developers.

The City has reached 100% design on the Streetcar - construction is starting in about 3 months. Student housing is under construction in the downtown core. And the physical presence of CALA will become a valued resource to help us be proactive in bringing into play design elements that match the existing uniqueness of the area. On Tuesday they presented to M&C a vision for the west end of downtown. Seeing this relationship continue with this evolutionary process is an encouraging sign.

Poke your head into the newly remodeled space on your next trip downtown. You will be impressed.

### **Hard Water**

A few weeks ago we talked about an "unmet capital needs" list that topped \$940M. We directed the department heads to assess from that list (it's 4 years out of date) which projects are legitimately items we'd still be interested in doing.

What was not included on the list we were given were treatment plants that would be necessary to build if the City wants to maintain what is now a current rate of solids found in our water that is in the 450 ppb total dissolved solids range (TDS.) The capital cost in today's dollars to build the plants would bump \$415M, plus another \$10M in annual O&M. If we built them, your water bill would increase by an average of \$12 p/month.

The "solids" being referred to are minerals that, if left unchecked would enter our homes and end up damaging existing pipes. The level is expected to get to 650 ppb by about 2025. The cost of allowing the solids to build up is in the neighborhood of \$4 p/month in things such as shortened life for water heaters, the washers on faucets, coolers and other home items that use water. And so, as is the case with most of our agenda items, this is a balancing act; taste of the water vs. cost to keep the levels at their current rate.

If we build the plants, your water bill will increase. If we do not build the plants, your home maintenance bill will increase by not quite so much, but you'll see a change in the taste of the water over time, and the home appliances that use water will need to be replaced more frequently.

Tucson Water will continue to monitor the issue, study more cost effective technologies we might employ and will report back to M&C as there is a need to in the days ahead.

### **Occupy Tucson**

On Saturday night, October 15th I attended about 4 hours of the Occupy Tucson event that was being held at Armory Park. That visit came after having passed through numerous Tucson Meet Yourself booths en route. There's a reason I mention those two events in the same paragraph.

First let me give credit to the organizers and participants of the Occupy Tucson event for having been diligent about keeping the park clean, having ordered porta-johns portable toilets and at least while I was there (until about 11pm) they had the music and bull-horns at levels that were not intrusive to the surrounding Armory Park neighbors. The same has been true each night of the protest. Thank you.

I was a party to several briefings between TPD officers and rally participants. The message was consistent, and is one that I support. That is, the Park closed at 10:30. In order to get approval for overnight camping, individuals would need to have gone to Parks and Rec. and purchased a permit (cost = approximately \$155) and secured liability insurance to protect the interests of the taxpayers. Given that that had not occurred, police were to begin issuing citations to people who elected to remain in the park after closing. They would be allowed to stay the night.

Plenty of advance notice was given, and the protest participants' organizers held at least 2 briefings that I saw among the group to advise people of what was to come, and to ask that the participants understand that the police were doing their job and to be respectful. I appreciated the level of communication that occurred between the groups, and for the respect shown from both sides.

As 10:30 neared, and the media cameras lit up the park, the level of activity amped up a bit. In order to avoid any level of confrontation, the Chief elected to hold off on issuing citations until the crowd calmed down a little and people were in a less emotionally charged mood. I believe he made the right call.

I was asked by some of the leadership and legal representatives of the protest if I would request that TPD not issue citations and simply allow the people to camp out. The reason I mentioned Tucson Meet Yourself in the opening paragraph of this section is that TMY and their organizers went through the appropriate permitting process, secured all of the required approvals, worked on traffic mitigation, got the county health permits for the food and worked out all of the details, including, and perhaps most importantly the liability insurance that names the City of Tucson as additional insured (the taxpayers as additional insured) for their event months in advance. El Tour de Tucson does the same. So does the 4th Avenue Street Fair, All Souls Procession, the Open Borders rally and Tea Party rallies. The message to those who asked me to intervene was pretty simple - go to Parks and Rec. on Monday and get a permit, and get the taxpayers' liability insurance just as each of those other event organizers have done. There is one set of rules.

I support the City Manager and Chief of Police for having found a temporary defensible middle ground in this issue. The ordinance was maintained, peoples' rights of speech and assembly were respected and it was all handled in a professional and respectful manner. On Sunday and Monday nights the same approach was used. By this time though, a private sector option had been offered to the protestors; Z-Mansion would allow them to camp, and they could sit in the park during the day. The rally voted down that option.

Everybody in that park has a home and a family. We often forget that the people in uniform fall into that same category. The potential for violence and injury has been very much present. Our public safety workers earned the respect of the protesters - perhaps not agreement with the course of action, but what I observed was interaction that TPD, as well as the OT participants can be proud of.

As I rode away at around 11pm, I passed some of the Tucson Meet Yourself signs along the way and felt good about how the City leadership had put in place, and carried out a policy that can stand the scrutiny other event organizers will give to it. And yet, I feel strongly about two issues

involved in the OT protest:

- a) They must secure liability insurance to protect the interests of the taxpayers (this is a standard requirement of any group who rents City space - it protects the interests of the taxpayers in case of injury) At some point in the very near future, we will need to face head on the fact that we are allowing the protest to occur and at the same time we are placing the taxpayers at risk financially if somebody is injured and a lawsuit needs to be settled.
- b) The issue of level of enforcement and whether or not to rescind fines is not something that the City Council should be deciding. Just as there is a clear separation of powers at the Federal and State levels, so should we recognize that at the local level. The City Council legislates. The City Manager and his workers execute those policies. And the City Court adjudicates. If there are members of the City Council who are not supportive of what the City Manager and Chief of Police are doing, their option is to change the ordinance - not to try to exert political influence on what are management and law enforcement decisions. I'd like to see more assertiveness from the City Manager, Chief of Police and the City Attorney in delivering that message to us when we step across that line of separation of powers. Until they do, I will.

The underlying complaints related to economic disparities are not what is in front of the City Council. Our responsibility is to find a way to allow for the expression of that position while at the same time protecting the rights of the other 600,000 residents of the City in relation to seeing their tax dollars go to pay damages in suits that should be covered by naming the City of Tucson as an additional insured on a liability policy. The mundane in this case is the element that protects the greater good.

### **Economy**

...but before leaving that topic altogether, let me say that what I observed, and what I watch and read about is a frustration on the part of the protesters over the condition of our economy. It's jobs that is at the core of the frustration.

As an aside - when you're voting in our upcoming elections, do your homework and my suggestion would be to support those candidates who are strongest in the job creation area. Without workers, we don't have taxpayers or consumers to pay sales taxes. Without jobs, we don't have income flowing into our City budget. Here are a few statistics relative to the local economy, courtesy of John Stroebeck's fine newsletter:

Foreclosures were less than one percent of the total of homes sold in 2006 and now foreclosures make up one third of the sales. Another third of the sales are distress sales such as short sales or sales just to get out from under the home payment.

In September of 2006, the median resale price was \$215,000. In September of 2011, the median resale price was \$148,750, a decrease of \$66,250 or 30.81%. The resale market has dropped 30% from its high.

In September of 2006, the average new construction average price was \$288,104. In September of 2011, the average new construction price was \$214,809, a decrease of \$73,295 or a drop of 25.44%.

So, the drop in new construction prices is around 25% contrasted to the drop in re-sales of 30%.

So, yes, the Occupy Tucson protest has the economy and jobs at its core. With that understanding, I am sympathetic to the underlying cause of the protests, but we remain a nation of laws, not people - and there are legitimate protocols (permits, insurance - honoring time/place/manner) they need to go through in order to legally exercise their rights under the 1st Amendment. Beyond that, we have an election coming. Remember the wide ranging impact of a healthy, appropriately developed private sector when casting your vote. It solves a lot of our community issues.

Sincerely,



Steve Kozachik



The poster features a black background with a starry night sky and a large, ornate gold frame. At the top center is the Cox logo. To the right is the City of Tucson seal. The text is centered and reads: 'FREE' in blue, 'PRESENTS' in white, 'Movies in the Park' in white, 'SATURDAY, OCTOBER 22ND' in orange, 'TOY STORY 3' in large black letters, 'MOVIE BEGINS AT 7:15PM' in white, and 'JACOBS PARK - FUN FAMILY ACTIVITIES 4-6pm' in white on a black banner at the bottom.

  
THANK YOU  
WARD 3  
& WARD 6

**FREE**  
PRESENTS  
**Movies in the Park**  
**SATURDAY, OCTOBER 22ND**  
**TOY STORY 3**  
MOVIE BEGINS AT 7:15PM  
**JACOBS PARK - FUN FAMILY ACTIVITIES 4-6pm**

## Downtown Arts and Entertainment District Events

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

**Fox Theatre**, 17 W. Congress St.

Thursday, October 20, 7:30pm. **Official Blues Brothers Revue** (tribute concert). \$22 and up.  
Friday, October 21, and Saturday, October 22, 7:30pm. **2001: A Space Odyssey** (classic 1968 Stanley Kubrick film). \$8, or \$6 for seniors, students, and active military.

Sunday, October 23, 2:30pm. **FAME: Family Arts and Music Experience**. Free for all ages.

[www.FoxTucsonTheatre.org](http://www.FoxTucsonTheatre.org)

**Rialto Theatre**, 318 E. Congress St.

Thursday, October 20, 8:00pm. **Cosmic Gate** (trance/electronic) with Cowboy Mike and Dream State. Ages 18 and up. \$20 advance/\$25 day of show.

Saturday, October 22, 8:00pm. **Luz de Vida: A Compilation to Benefit the Victims of the Tucson Tragedy**, featuring [Joey and John from Calexico](#), [Kiss and the Tells](#), [Salvador Duran](#), [Reno Del Mar](#), [Mariachi Luz de Luna](#), [HAIRSPRAYFIREANDGIRLS](#), [Tracy Shedd](#), [La Cerca](#), [Golden Boots](#), [Silverbell](#), [Rich Hopkins](#), and [Tom Walbank](#) (record release and benefit show)

\$5 suggested donation; \$10 for entrance and digital download; \$20 to add vinyl. All ages.

Monday, October 24, 8:00pm. **Game** (rap), with Jae High, We Got Next, J-Rock, and Nesha P. All ages, \$29/\$33.

Tuesday, October 25, 7:30pm. **Manchester Orchestra** (rock), with White Denim, The Dear Hunter, Little Hurricane. All ages. \$16.50/\$19

[www.RialtoTheatre.com](http://www.RialtoTheatre.com)

**The Screening Room**, 127 E. Congress St..

Tucson TerrorFest: Thursday, October 20, 8:00pm; Friday, October 21, 8:00 & 10:00pm; Saturday, October 22, 4:00, 6:00 and 8:00pm

[www.TucsonTerrorFest.com](http://www.TucsonTerrorFest.com)

[www.azmac.org/scroom](http://www.azmac.org/scroom)

**Beowulf Alley Theatre**

Beowulf Alley's Active Imagination Theatre presents: **A Weenie Halloween**. October 22, 23, 29, and 30, 12:00noon. Adult admission: \$10. Children, 4-10: \$5.

[www.BeowulfAlley.org](http://www.BeowulfAlley.org)

**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](http://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/>

### **Toole Avenue Streetscape Project**

Saturday, October 22, 8:00am to 3:00pm

On Saturday, October 22, National Make a Difference Day, artists and arts organizations, businesses and civic groups will converge in Tucson's Historic Warehouse Arts District to give Toole Avenue a make over.

***Nuevo Bazaar, a Downtown Flea Market*** 126 E. 7<sup>th</sup> St.

Saturday, October 22, 2011, 8:00am to 3:00pm

### **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](http://www.MeetMeatMaynards.com)

### **Tucson Convention Center Events**

#### **Tucson Arena:**

Friday, October 21, 2011. 5pm -11pm

The Party - Boys and Girls Club

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

#### **Music Hall:**

October 18-23, 2011

Shrek the Musical

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

#### **Tucson Symphony Orchestra**

Sunday, October 23, 2011 at 5:30 PM

Tanque Verde Ranch

Wind Quintet, Flute Viola, Harp Trio

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