

## Ward 6 Staff



**Steve Kozachik**  
Council Member



**Ann Charles**



**Donovan Durband**



**Teresa Smith**



**Bonnie Medler**



**Diana Amado**



# Ward 6 – Newsletter

DECEMBER 21, 2011

## A Message from Steve

Before getting to the council issues, on behalf of my family and my Ward 6 co-workers, I'd like to wish you each a Holiday season that is filled with a sense of real peace and closeness with those around you with whom you will enjoy the upcoming down time. One of the Books of the Pentateuch contains a blessing that is rich for this season as a way to focus on down-shifting and turning to an inner focus - Numbers 6:24-26 – the Aaronic blessing for the Israelites, "The Lord bless you and keep you; the Lord make His face to shine upon you, and be gracious to you; the Lord turn His face towards you and give you Peace." May it be so for you and your loved ones this season.

### Lesco Optique Opens

Before getting to a section on potential lost jobs through closures, here's an upbeat note: welcome to Lesco Optique who opened a shop at 25 E. Congress Street a couple of weeks ago in a space that has been vacant since the Pima County Assessor moved out a few years ago.

This is yet another example of the new vibe we're thrilled to see in the downtown core as businesses choose to relocate. Stop by and say "hi" to our new neighbors.

### Post Office Closures

For the past several months, pretty much under our radar screen, there have been a series of discussions related to closing postal service outlets. Some of those would be in Tucson if the proposals were to be adopted.

There are multiple reasons for my raising this topic, clearly not one that the City Council has a direct voice in solving. The most basic of these are jobs and service levels. There are multiple causes for the USPS red ink. Some of the primary ones revolve around how the retiree and future employee health benefits plans are scheduled to be funded.

Under 2006 legislation, the Postal Service is required to prepay 75 years of retiree health costs over a decade. There is a \$5.5 billion payment that would become due in August, with another similar amount due by the end of September.

That's over \$11B due from this agency in relatively short order. The USPS has agreed to delay the closing of 252 mail processing centers and 3,700 local Post Of-



### 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

fices until mid-May while Congress works out a resolution.

As I noted above, locally hundreds of jobs are at stake, not to mention service levels. Nationally, over 100,000 jobs are going to be potentially lost if the USPS needs aren't addressed by Congress. They estimate that those 100,000 workers being laid off would save \$6.5B per year.

But the problem appears to be structural; i.e. a function of how the USPS is being asked to prepay its health fund obligations.

It's undeniable that mail volume is steadily dropping as electronic communication increases. The Postal Service lost \$5.1 billion throughout all of its operations (not just mail delivery) in fiscal 2011, even after not making the health care prepayment. The agency projects 2012 losses to be roughly \$14 billion.

Some of the proposals that are on the table include allowing the Postal Service to contract for its own health care needs, spreading out the prepayments to over 40 years, and others still being bounced around in committee.

One could argue that, in as much as no other agency is required to fund health obligations in the manner required of the Postal Service (pre-pay for employees it hasn't even hired yet), it is the USPS that is bailing out the Federal Government as politicians in Washington have been raiding Post Office revenues for years, using them to make the Federal deficit appear smaller than it really is.

I know there are more moving parts to this issue than what I'm able to present here or what I'm aware of, but to the extent that accounting gimmicks being imposed on the USPS by the Feds are sending it into red ink, there certainly seems to be room for finding a middle ground short of closing Post Offices around town and around the Country.

Here are some facts to consider:

- The Postal Service crisis is not primarily related to the mail. Fiscal 2007 to 2010 saw a \$611 million net profit delivering the mail, despite the worst recession in 80 years.
- The \$21 billion paid since 2007 to meet the congressional mandate that the Postal Service prefund retiree health benefits for 75 years out and do so within 10 years (a requirement no other agency faces) accounts for 84 percent of the red ink. The mandate didn't correct a problem, it arguably exacerbated one.

This isn't an issue the we at the City Council can solve, but we are all committed to preserving local jobs and so I bring it to your attention so you can join me in continuing to study the issue and to weigh in with our Congressional Delegation and encourage them to find a way to keep the Post Offices open, maintain local jobs, and stop raiding their coffers to bal-



### 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)

ance the Federal debt. It's akin to what the State has been doing to the Cities and Towns around Arizona the past few years.

On December 28th at 6pm there will be a public forum to discuss this topic. The meeting will be at the Leo Rich Theater, next door to the TCC. Please come and participate.

### SB1525 – Impact Fees

...and speaking of the legislature impacting our local finances,

Impact fees are a mechanism that local governments use to finance the cost of infrastructure associated with development. They are considered to be development fees, not taxes. The distinction matters.

ARS Section 9-463.05 states the following: A. A municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services...

But effective January 1st, if the City wants to upgrade services to you, in many cases we may no longer offset capital improvement costs to pay for that work. Why? Because the Legislature just added these changes to the law:

5. Development fees may not be used for any of the following:

(a) Construction, acquisition or expansion of public facilities or assets other than necessary public services or facility expansions identified in the infrastructure improvements plan. (What qualifies as "necessary" is not defined, but the State doesn't feel upgrading service provision to you fits under that umbrella – see below.)

(b) Repair, operation or maintenance of existing or new necessary public services or facility expansions.

(c) Upgrading, updating, expanding, correcting or replacing existing necessary public services to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards. (The State effectively locks us into the current capital infrastructure condition. City/county courthouse is not "necessary" nor would be the new 1, 4 Dioxane treatment plant, so we – you – absorb the impact fees we would have previously allotted to the development to help offset infrastructure costs.)

(d) Upgrading, updating, expanding, correcting or replacing existing necessary public services to provide a higher level of service to existing development.

The City collects impact fees for costs that would accrue to police, fire, general governmental service facilities, parks and roads. Last legislative session, the State fundamentally changed the manner in which these fees can be collected in a way that will cost the Tucson taxpayers millions of dollars over the course of the next several years. The State would contend that the new growth stimulated by the lower fees will offset those costs.

The City retained the services of an outside consultant to help make sense out of the new bill (SB1525). The results of that study advise us to immediately reduce the fees associated with police and fire, and to completely eliminate those associated with public facilities. The anticipated net result is the reduction in the cost of a 16,000 square foot home of about \$700. As noted above, the net cost to the taxpayers over time will be millions of dollars.

My most fundamental objection to this new bill is that it is yet another example of overreach by the State legislature into the affairs of localities. One size does not need to fit all and the dynamics of growth are not the same in all regions of the State. Funding decisions for growth in Gila Bend are not, nor should they be the same as those made for development and growth in Tucson. Localities should have the right and the ability to assess fees related to growth in the manner in which they see fit.

Drilling down more specifically, the bill disallows impact fees for the construction of public facilities unless they are considered to be “necessary public services.” It is not “necessary” that we upgrade current facilities to make old buildings more efficient from both an energy efficiency and environmental standpoint, or that we build satellite service centers closer to constituents’ homes as the City grows. The proposed new City /County courthouse is not “necessary.” That project will now cost yet even more based on the application of this law. The new treatment plant for 1, 4 Dioxane falls under the purview of this new law because it is being made necessary by new environmental standards. The legislature doesn’t consider capital costs related to that to warrant impact fees to offset the costs for building the plant. The State has effectively said that the status quo is fine as it relates to government buildings built in the service of the people

Police and Fire departments may continue to charge impact fees for cars and facilities, except that we can no longer consider as “necessary” things such as new substations if they replace services previously provided elsewhere in the community, training facilities if they are used by more than one station or substation, or vehicles such as helicopters that make the forces more efficient in extending their reach and response times. Expansion, training and response times are now not covered services under SB1525.

Our State legislature has dropped a “no growth” piece of legislation on us that violates the principles found in the 10th Amendment (local control) that they are now in Federal Court over with respect to immigration and that shifts needed infrastructure costs to the taxpayers. There is a curious irony there.

I am not in favor of confiscatory taxation or fees that are at a level that prohibit legitimate growth. I understand that the home building and construction industries are hurting, and I have advocated for reductions in our permit and fee levels consistently. But not as a mandate coming from Phoenix.

I would like to see the League of Cities and Towns dig in and tell the legislature that SB1525 is an inappropriate intrusion on our local decision making, and that if they want to sue every jurisdiction in the State, they may do so, but we’re not complying otherwise. I would like that but I’m advised by the City Attorney that he’s not sure we’d prevail. So, at the study session on Tuesday I raised the

Issue of how we can resist these changes at the local level. There may be avenues other than a Home Rule argument we can pursue. Our legal people are looking into the issue.

Until that study has been exhausted, I'll remain unconvinced. I'd rather let the State work on funding education and let us control the level of fees we charge at the local level.

### **Rio Mediation**

Quick update: The City team met with the mediator and the Rio team twice last week. Not much progress was noted, but the groups are finally meeting together. The mediator is being given the facts of the history of this relationship, what information has previously exchanged hands, what agreements have previously been made. So at this point it's somewhat of an orientation process for the mediator.

Talks are suspended until after the Holidays. Approximately one year ago, I wrote the following comments in this newsletter. Note the action taken by the City Council, and the hope we had way back then that this new C-Ration Rio Board would step up to the plate and pitch into revitalization/renovations with the money we all know is available. We're still waiting, but the hopeful news is that now both sides are under the scrutiny of a neutral third party:

"The council gave our City Attorney the go-ahead to proceed to agreement with the Rio Nuevo Board on the terms of two IGA's. Those Agreements address our governance relationship and also the disposition of several pieces of real estate that are the subject of dispute between the parties at this time. It is my belief that the terms with which we armed the City Attorney are fair and that they form the basis of agreement with the District. As I've been stating for several weeks, we need to get these agreements in place and move forward with Rio on funding improvements to the TCC. It was that facility the audit pointed to as having been the neglected "primary component" of the District from Day 1. Now we are close to having achieved a focus on that facility. I am hopeful the District signs onto what we now have in front of them so we can advance our relationship. We also included in our motion to move the IGA's our willingness to participate on a mutually cooperative basis with any audit that comes related to the history of Rio Nuevo and how the TIF dollars were spent. There is clearly a high level of discontent in the community over the manner in which over \$200 million was spent. With this motion, the City has made it clear that we are willing to address what has happened in a transparent manner so that we can eventually refocus on the work ahead that we have yet to achieve."

And from the standpoint of "the message is consistent, regardless of the recipient," the Rialto people are trying to work out a new lease agreement with Rio. The Rio Board Chair told the Star that the Board "doesn't have a good grasp of the theater's financials" saying its attempts to analyze the numbers have not been successful.

Really? They don't have the financial records necessary to make informed decisions.

Why it is that nobody will give these poor people financial records? Or, maybe it's more a matter of "methinks they both protest too much."

**Alternatives to Jail**

Early this year, Council Member Fimbres and I began a discussion into how the City can save money through the manner in which we arrest/book/jail defendants into County Jail. The City pays several millions of dollars per year in “jailboard” costs.

Since FY2007, there has been a 36% increase in first day jail incarceration costs, and a 60% increase in subsequent day costs. The County charges us \$225 for the first day (that includes all booking costs) and \$91 for each subsequent day to “board” prisoners.

In FY11, the City budgeted \$7.5M for jailboard costs. We spent about \$1.5M less than that, in part due to some of the alternatives to jail that we have implemented.

Two important programs included in the list of alternatives are Evening Alternative to Jail (EATJ) and Video Alternative to Jail (VATJ).

On Tuesday, we voted to expand both programs as a way to further reduce our costs associated with the judicial process. The EATJ program places a defendant in front of a magistrate on the night on which he/she is booked. The magistrate can make a determination based on the set of facts in front of the bench as to whether or not the person needs to be incarcerated. The VATJ program allows that process to occur from a remote, east side location, thereby saving the police officer the time out of the field transporting defendants downtown to City Court.

Our vote on Tuesday was to extend the hours for the EATJ program and to add more sites for the VATJ program.

By taking the vote we did on Tuesday to expand both programs, the anticipated cost avoidance for the City next fiscal year is in the \$250K - \$400K range. This all depends on the number of defendants brought before the two alternative processes and the number the magistrates feel are suitable for release.

I appreciate Council member Fimbres’ vigilance in pushing this issue along. And I appreciate both TPD and the City Court personnel who have worked hard to get us these savings.

**TREO**

When the City made the decision to completely outsource its economic development function several years ago, in my opinion, we swung that pendulum too far in the direction of giving up that role entirely. Since the election in ’09 we have addressed our contractual relationship with two of the major players in marketing our region (MTCVB and DTP), and now comes the third leg on that stool, the Tucson Regional Economic Opportunities group, TREO.

The City has a financial participation agreement with TREO that pays them \$1 per head based on the most recent census. That’s \$520K per year.

The relationship between TREO and the City has been one that has evolved over the six years of their existence from a fully publicly funded agreement to the point at which now TREO is led and largely funded by a board of 54 members who reflect, in the broadest sense, that which comprises

the economic base for the region. The membership includes heads of educational institutions, the banking industry, and some of the major employers in the area. Whereas in the early days of full public funding (over \$1M per year from the City) there was a near total reliance on the small staff that TREO employs, now the breadth of their Board promises to be a major influence in our ability to attract, retain and expand employment in the area.

But the City needs to be an active player in the relationship, guiding recruitment and retention efforts and bringing to the table that which we can offer in terms of legitimate incentives to catalyze job creation. We haven't been doing that effectively.

TREO needs to have measurable deliverables, to the extent that can be put on paper in an area that is somewhat driven by factors beyond our control (the market is both imperfect and unpredictable). The City deserves to have, and needs to participate in putting in place effective communication channels between TREO and the top floor of City Hall. That hasn't existed to the degree that it should. And the Board members of TREO need to identify gaps in their own supply chains that can be targeted by the City and TREO for recruitment.

We are half way through this fiscal year and have been paying incrementally the agreed upon amounts due TREO. While we finish out this contract year, we will work directly with TREO to put in place measurable metrics by which we can fairly judge the effectiveness of the Organization next fiscal year. And to give TREO an improved opportunity to be successful, we need to bring some of the economic development function back into the City Manager's office where it once resided. It's okay to outsource some functions. Growing your economy isn't one of them, though.

### **Grant Rd. Corridor**

A few weeks ago I gave a preview of the Grant Road corridor public process that was about to begin. On Tuesday, we voted to initiate the Urban Overlay District (UOD) process that will take us to the design phase of the work, beyond the conceptual designs we've already seen.

The length of the Corridor is from Oracle to Swan. In that span there are seven Area or Neighborhood Plans that will be impacted by the UOD. The UOD is a land planning tool that will address urban infill, neighborhood preservation, alternate travel modes, and transit oriented development along the Corridor. Staff will take input from each affected sector and draw up the specific guidelines for the UOD, including streamlined implementation tools and processes for the properties fronting Grant Rd.

Two significant reasons this streamlining is critical are that it will reduce the eventual costs associated with the construction and it will alleviate the problem of early acquisition of properties literally years ahead of the work starting. That has already become an issue in other areas of town.

This will be a huge change in the character and vitality of the properties fronting the Corridor. For that reason, there has got to be a clear, complete and inclusive public process as the guidelines are arrived at. That will begin early next year. I will ensure that dates and locations for any such meetings are noticed well in advance.

Done well, this project will be a game changer for the Corridor and a huge boost to the local economy.

### **Development Services Efficiencies**

The City and County both have committees established for doing code reviews related to a variety of building trades. There is one for the Electrical, Building, and Plumbing/Mechanical trades.

In a move towards efficiency, and to compiling a set of codes consistent across the region, on Tuesday we approved merging those three committees into one code review committee with the County. This will thereby reduce staff time, duplication and cost.

The new committee will also serve as an appeals board for those who want to challenge rulings on particular code interpretations.

You won't hear any fanfare about this and the local media won't give it any ink, but it's an example of how we are looking for creative and cost free ways to assist in bringing jobs into our community.

### **PRO Neighborhoods**

As the City reduces funding for many core services that make our community a better place in which to live, we rely more and more on the work of our residents to help fill the gaps. We saw the spirit of this community nearly a year ago when we came together in the aftermath of the January 8th shootings. On a much less severe, but still compelling level, we see on a daily basis how we work in concert with one another to clean, repair and upgrade the neighborhoods in which we live together.

To that end, PRO Neighborhoods is a wonderful program that, through funding received from a variety of sources leverages those dollars to do the work the City can not now afford. To each component that makes up the PRO Neighborhood funding stream, I say thanks on behalf of the community, and on behalf of the City of Tucson for continuing your full support of this very important program that builds on the core of who we are, and what we can be through the spirit of working together for the greater good. Reducing funding for this valuable community asset would be ill-advised.

...post script

### **Occupy Land**

I received two emails from proponents of OT asking that I check into the "child molestation" allegation about which I wrote and correct/retract it if it was found to be in error. I did and found that I had misinterpreted some information given to me by Staff.

The facts:

There was an incident in which a drunk 14 year old girl was taken into a tent by some men, putatively to keep her from suffering hypothermia, and upon observing that, several people from OT came and escorted the girl out from the tent.

In addition, there is an on-going TPD investigation into “child abuse” that involves one of the people associated with OT. I drew the conclusion that the two events are related – inaccurately. There were two events, not one, and there was no evidence that molestation occurred inside of the tent with the men and the drunk underage girl.

I’m not sure that paints any more wholesome of a picture, but those are the facts that the two who contacted me wanted put on the record. I’m happy to concede when I’ve been wrong.

In the meantime, Occupy Land, the working group associated with OT group has submitted this application for De Anza Park:

[http://cms3.tucsonaz.gov/sites/default/files/ward6/12-21-11ot.permit.rqst\\_.pdf](http://cms3.tucsonaz.gov/sites/default/files/ward6/12-21-11ot.permit.rqst_.pdf)

Parks and Recreation management has issued this reply:

[http://cms3.tucsonaz.gov/sites/default/files/ward6/12-21-11grey.to\\_.ot\\_.ltr-.pdf](http://cms3.tucsonaz.gov/sites/default/files/ward6/12-21-11grey.to_.ot_.ltr-.pdf)

The taxpayers deserve to be covered by liability insurance. All other events pay legitimate permits.

OT continues to suggest that it is willing to mediate some agreement, and yet insists that it do so without any organized hierarchy vested with the authority to deliver an agreement binding on its members – however that might be determined.

The conversation does not seem to have evolved beyond that.

In fairness, I’ll share the most recent “counter proposal” the City received from the group. The gist of it is that the City dismiss all of the citations, provide them a place to work from (free rent, internet and utilities, ground floor and not less than 1,000 sq/ft) and take care of the homeless now in the park – in exchange for them vacating the park for a year and them dropping their lawsuits, with prejudice.

They concede that this is not binding on everybody who is in the park, but they’ll sign a form for those who are in agreement with it.

Here’s the letter:

[http://cms3.tucsonaz.gov/sites/default/files/ward6/12-21-11\\_ot\\_to\\_rankin.pdf](http://cms3.tucsonaz.gov/sites/default/files/ward6/12-21-11_ot_to_rankin.pdf)

Sincerely,



Steve Kozachik

## Arts and Entertainment Events Calendar

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

### Menorah Lighting to celebrate Hanukkah

Main Gate Square will light its giant Menorah each night at sundown to celebrate Hanukkah.

Main Gate is located on University Boulevard between Park & Euclid.

Parking is free after 5:00pm in the Tyndall Garage with a merchant validation.

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

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

Thursday, December 22, 4:00 and 8:00pm. **Moscow Ballet's Great Russian Nutcracker**

Friday, December 23, 2:00 and 7:00pm. **"It's a Wonderful Life"**

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

### Beowulf Alley Theatre, 11 S. 6<sup>th</sup> Ave.

"A Cactus Christmas", opening this week.

Wednesday, December 21 through Friday, December 23, 7:00pm, and Saturday, December 24, 2:30pm.

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

### Tucson Museum of Art, 140 N. Main Ave.

Ongoing exhibitions:

"Who Shot Rock and Roll: A Photographic History, 1955 to the present"

"El Nacimiento", in La Casa Cordova

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

### Children's Museum Tucson, 200 S. 6<sup>th</sup> Ave.

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

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

## Tucson Convention Center Events

### Music Hall:

**Ballet Tucson** presents **"The Nutcracker"**

Thursday, December 22, 7:30pm; Friday, December 23, 3:00pm and 7:30pm; Saturday, December 24, 3:00pm.

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

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

## Ongoing . . . .

### **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 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**

Thursdays, 4:00 – 7:00pm.

Mercado San Agustin, 100 S. Avenida del Convento

### **Science Downtown: Mars + Beyond**

Thursday through Monday, 9:00am to 5:00pm (until 6:00pm on Fridays and Saturdays, and until 9:00pm on 2<sup>nd</sup> Saturdays). 2-for-1 admission from 5:00 to 9:00pm on 2<sup>nd</sup> Saturdays.

300 E. Congress St.

<http://www.sciencedowntown.org/index.html>

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

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

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

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

## **Hello friends of Tucson Clean & Beautiful:**



For a very limited time, the Trees for Tucson program is offering a special discount: \$8 off two or more trees, or \$3 off one tree. Requests must be postmarked by 12/26/2011, please visit:

<http://www.tucsoncleanandbeautiful.org/docs/tftapp.pdf> to print a coupon and tree application form. This special year-end offer is valid only for Tucson Electric Power residential customers, who have not received trees in calendar year 2011.

Happy Holidays and best wishes for a clean, beautiful and green New Year!