MARANA TOWN COUNCIL
STUDY SESSION
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 23, 2018, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on October 23, 2018, at or after 6:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

The Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

This Notice and Agenda posted no later than Monday, October 22, 2018, 6:00 PM, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

DISCUSSION/DIRECTION/POSSIBLE ACTION

D1 Relating to Public Works; a presentation on the status of the Adonis Road Extension project (Keith Brann)

D2 Relating to Utilities; discussion of a proposed protected sewer main ordinance to fund reimbursement of Town costs associated with the construction of the gravity portion of the Tangerine/Downtown Sewer Conveyance System, Town of Marana Project No. WR010 (Frank Cassidy)

D3 Ordinance No. 2018.021: Relating to Development; confirming The Villages of Tortolita Development Agreement and The Villages of Tortolita Specific Plan by deleting Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009; and establishing an effective date (Frank Cassidy)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

E2 Executive session pursuant to A.R.S. § 38-431.03(A)(3), (4), & (7) to consider the Town's position and instruct its representatives regarding negotiations for the potential purchase of Assessor's Parcel Numbers 217-34-002M and -002N, owned by George & Shanda Stypa, and to receive legal advice from the Town's attorneys and to consider the Town's position and instruct its attorneys concerning legal matters pertaining to the properties.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT

Council-Study Session **D1**

Meeting Date: 10/23/2018

To: Mayor and Council

From: Keith Brann, Town Engineer

Date: October 23, 2018

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Public Works; a presentation on the status of the Adonis Road Extension project (Keith Brann)

Discussion:

The Town has been working towards providing a secondary emergency access to the area of Town east of I-10 at Marana Road interchange. A proposed project to extend Adonis Road south to Tangerine Road has been initiated by the Town in partnership with TMR Investors, the developer of the Villages of Tortolita project.

Staff will provide an update on the status of this project.

Staff Recommendation:

Presentation only.

Suggested Motion:

Presentation only.

Attachments

No file(s) attached.

Council-Study Session **D2**

Meeting Date: 10/23/2018

To: Mayor and Council

From: Frank Cassidy, Town Attorney

Date: October 23, 2018

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Utilities; discussion of a proposed protected sewer main ordinance to fund reimbursement of Town costs associated with the construction of the gravity portion of the Tangerine/Downtown Sewer Conveyance System, Town of Marana Project No. WR010 (Frank Cassidy)

Discussion:

The Town spent over $3.1 million to construct the gravity portion of the Tangerine/Downtown Sewer Conveyance System. It is part of the system that conveys wastewater from the Saguaro Bloom development project to the Marana Wastewater Reclamation Facility. Benefits of the project to the Town included the ability to recover effluent from the Saguaro Bloom project, expansion of the pool of permitees to share the cost of the Marana WRF expansion project, and making sewer service readily available to properties along Tangerine Farms and Moore Road west and northwest of Gladden Farms I.

The Town has always anticipated adopting a cost-recovery approach for a portion of the Town's costs to construct the Tangerine/Downtown Sewer Conveyance System. This discussion is intended to explain the Town's options for recovering costs to construct the sewer, including the possible adoption of a protected sewer main ordinance requiring anyone using sewer capacity in the line to pay a fair-share proportion of the cost of its construction. The proposed protected sewer main ordinance would give the Town similar rights to those granted to developers by protected facilities agreements, which are executed when a developer pays for water or sewer infrastructure that will benefit other developers and property owners.

Town staff plans to discuss and seek Council feedback on the relative merits of a

protected main ordinance compared to other similar available programs, such as subregional development impact fees, and whether the fee should be a flat rate per EDU of capacity or a combination of capacity and pipe length. Town staff estimates that the sewer has sufficient capacity for a total of 5,988 homes (EDUs). Subtracting the 3,156 EDUs of committed capacity in the line (from Saguaro Bloom and other committed flows), the line will have sufficient capacity for an additional 2,832 EDUs. Town staff estimates that a flat rate per EDU would be about $520 per EDU.

Staff Recommendation:

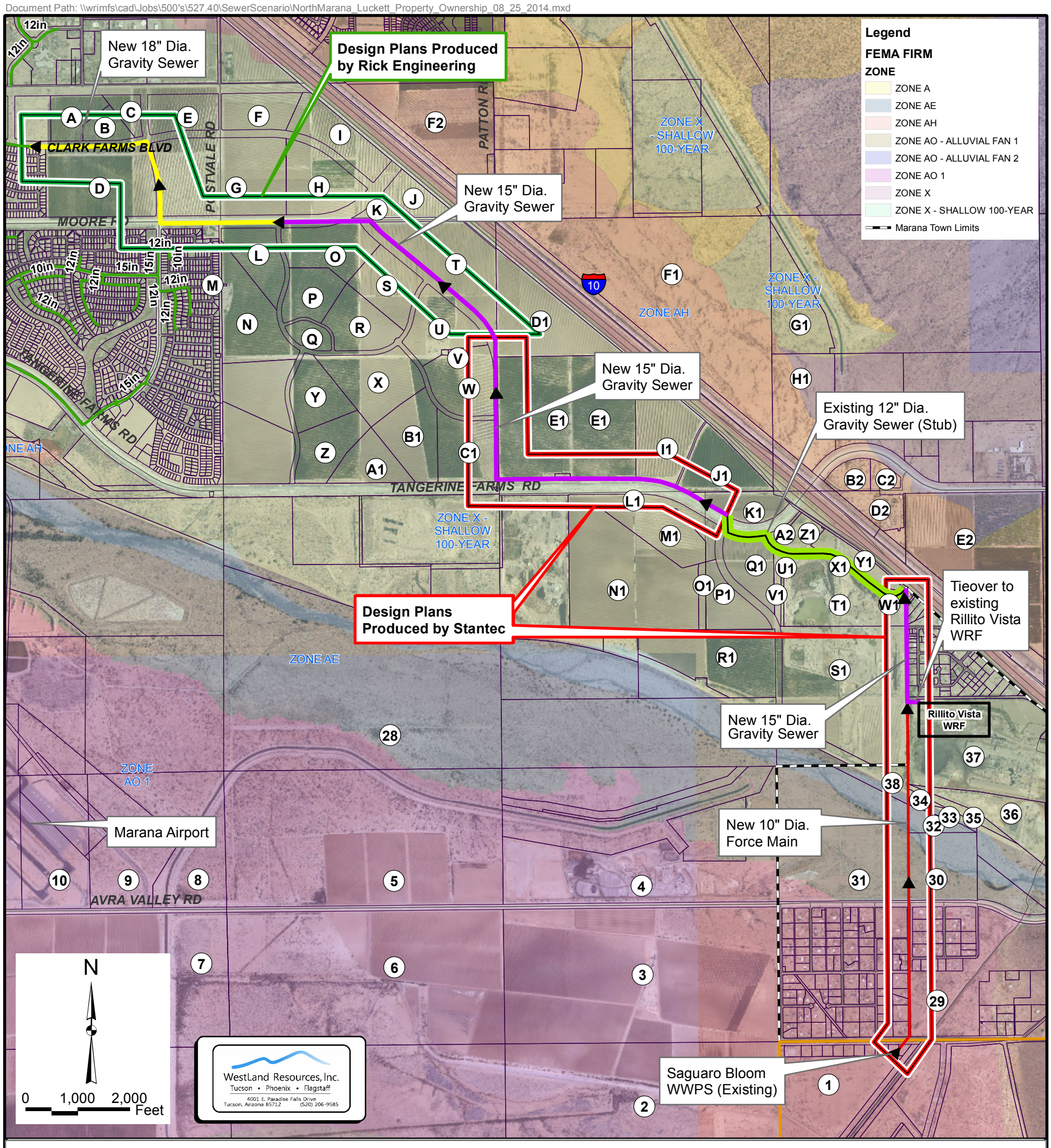
Council's pleasure.

Suggested Motion:

Council's pleasure.

Attachments

TD Sewer overview map



PARCEL KEY ① Ⓐ

Ownership-(see also parcel data sheets) **Note: Not all Parcels listed are visible in this alternative**

1. Marana Land Holdings, LLC
2. State of Arizona
3. State of Arizona
4. BKW Farms Inc.
5. State of Arizona
6. State of Arizona
7. State of Arizona
8. State of Arizona
9. Town of Marana
10. State of Arizona
11. Town of Marana
12. Town of Marana
13. State of Arizona
14. State of Arizona
15. State of Arizona
16. State of Arizona
17. State of Arizona
18. State of Arizona
19. State of Arizona
20. State of Arizona
21. BKW Farms Inc.
22. Walker, John P & Gaye
23. Town of Marana
24. BKW Farms Inc.
25. Wong Ralph
26. Gee Frank & Margaret
27. BKW Farms Inc
28. State of Arizona
29. Arizona Portland Cement Co.
30. California Portland Cement Co.
31. BKW Farms Inc.
32. California Portland Cement
33. Arizona Portland Cement
34. Pima County Flood Control
35. CA & AZ Portland Cement
36. Arizona Portland Cement
37. Arizona Portland Cement
38. Pima County Flood Control

A. Landmark Title TR 18107
B. Landmark Title TR 18106
C. Landmark Title TR 18106
D. Landmark Title TR 18107
E. Landmark Title TR 18106
F. Landmark Title TR 18106
G. Landmark Title TR 18106
H. Landmark Title TR 18106
I. Landmark Title TR 18106
J. Landmark Title TR 18106
K. Landmark Title TR 18106
L. Fidelity National Title TR 60423
M. Fidelity National Title TR 60423
N. Fidelity National Title TR 60423
O. Fidelity National Title TR 60423
P. Fidelity National Title TR 60423
Q. Fidelity National Title TR 60423
R. Fidelity National Title TR 60423
S. Fidelity National Title TR 60423
T. Northwest Hospital\
U. Fidelity National Title TR 60423
V. Cortaro Marana Irrigation
W. Fidelity National Title TR 60423
X. Fidelity National Title TR 60423
Y. Fidelity National Title TR 60423
Z. Fidelity National Title TR 60423
A1. Fidelity National Title TR 60423
B1. Fidelity National Title TR 60423
C1. Fidelity National Title TR 60423
D1. Westcor Marana LLC
E1. Westcor Marana LLC
F1. Mandarina LLC
G1. Mandarina LLC
H1. Mandarina LLC
I1. Westcor Marana LLC
J1. Westcor Marana LLC
K1. Tangerine/I-10 LLC
L1. Tangerine/I-10 LLC
M1. Tangerine/I-10 LLC
N1. Cemex Const. Materials
O1. Cemex Inc.
P1. Cemex Inc.
Q1. Tangerine/I-10 LLC
R1. Granite Const Co.
S1. Cemex Const. Materials
T1. Cemex Const. Materials
U1. Cemex Inc.
V1. Overland Vistoso LTD
W1. Tangerine/I-10 LLC
X1. Cemex Const. Materials
Y1. Tangerine/I-10 LLC
Z1. Tangerine/I-10 LLC
A2. Tangerine/I-10 LLC
B2. Melln Group1/2 & Harper Revoc TR
C2. Melln Group1/2 & Harper Revoc TR
D2. LPE I LCC
E2. Jihong Kai LLC
F2 Doerken Peter W

TOWN OF MARANA

Tangerine-Downtown Sewer Conveyance System (WR010)
08-25-2014

Council-Study Session **D3**

Meeting Date: 10/23/2018

To: Mayor and Council

From: Frank Cassidy, Town Attorney

Date: October 23, 2018

Strategic Plan Focus Area:
Not Applicable

Subject: Ordinance No. 2018.021: Relating to Development; confirming The Villages of Tortolita Development Agreement and The Villages of Tortolita Specific Plan by deleting Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009; and establishing an effective date (Frank Cassidy)

Discussion:

Marana Ordinance 2017.023 approved amendments to The Villages of Tortolita Specific Plan and adopted The Villages of Tortolita Development Agreement, and required the Developer, TMR Investors LLC (TMR), to return the development agreement and Prop 207 waivers within 60 days. Unanticipated hurdles and issues resulted in the 60-day timeframe being extended twice (Ordinances 2017.028 and 2018.009), and TMR finally eliminated the need to get the final 207 waiver by buying the remaining property on August 24, 2018 -- 16 days after the August 8 deadline set by Ordinance 2018.009.

Instead of retroactively extending the August 8 deadline, Town staff recommends that the Council simply delete the paragraph that created the deadline in the first place. This will remove any perceived cloud hanging over The Villages of Tortolita Specific Plan and The Villages of Tortolita Development Agreement resulting from the deadline, and will provide confirmation of the specific plan and development agreement. The proposed ordinance presented for Council's consideration will accomplish those goals.

Staff Recommendation:

Staff recommends adoption of Ordinance No. 2018.021, confirming The Villages of Tortolita Development Agreement and The Villages of Tortolita Specific Plan by deleting Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009.

Suggested Motion:

I move to adopt Ordinance No. 2018.021 confirming The Villages of Tortolita Development Agreement and The Villages of Tortolita Specific Plan by deleting Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009.

Attachments

Ordinance No. 2018.021

MARANA ORDINANCE NO. 2018.021

RELATING TO DEVELOPMENT; CONFIRMING THE VILLAGES OF TORTOLITA DEVELOPMENT AGREEMENT AND THE VILLAGES OF TORTOLITA SPECIFIC PLAN BY DELETING SECTION 2, PARAGRAPH 5 OF MARANA ORDINANCE NO. 2017.023 AS AMENDED BY MARANA ORDINANCE NOS. 2017.028 AND 2018.009; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS Marana Ordinance No. 2007.09 adopted The Villages of Tortolita Specific Plan, governing land uses on approximately 1,780 acres of land located on the east side of Interstate 10 from about Marana Road on the south to about two-thirds of a mile north of the Pinal County line; and

WHEREAS Marana Ordinance No. 2017.023 was adopted on November 7, 2017, amending The Villages of Tortolita Specific Plan and authorizing the Mayor to sign The Villages of Tortolita Development Agreement; and

WHEREAS Section 2, paragraph 5 of Marana Ordinance No. 2017.023 (i) required TMR INVESTORS, LLC ("TMR") to sign and return The Villages of Tortolita Development Agreement to the Town Clerk for recording within 60 days, (ii) required the execution and return of Private Property Rights Protection Act waivers to the Town Clerk within 60 days, and (iii) provided for reversion of Section 2 paragraphs 1 and 4 of Ordinance No. 2017.023 if the signed development agreement and waivers were not timely submitted; and

WHEREAS Marana Ordinance No. 2017.028 was adopted on December 19, 2017, extending the waiver submission deadline to April 4, 2018; and

WHEREAS Marana Ordinance No. 2018.009 was adopted on April 3, 2018, waiving the 60-day period for TMR's submission of The Villages of Tortolita Development Agreement, authorizing its signing by the Mayor on the Town's behalf and its recording, and extending the waiver submission deadline to August 8, 2018; and

WHEREAS The Villages of Tortolita Development was recorded in the Pima County Recorder's office on April 16, 2018, at Sequence 20181060069, and was recorded in the Pinal County Recorder's office on April 17, 2018, at Fee Number 2018-028230; and

WHEREAS TMR continued to encounter unanticipated difficulties obtaining the waivers associated with one particular parcel, eventually resulting in TMR's acquisition of that parcel as evidenced by a deed recorded in the Pima County Recorder's office on August 24, 2018, at Sequence 20182360559; and

WHEREAS the Mayor and Council are satisfied that TMR did everything reasonably within its power to satisfy the requirements of Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009; and

WHEREAS the Mayor and Council find that the Town has no further need for Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009, and that its deletion will provide evidence of the Town's confirmation of the continued validity of The Villages of Tortolita Development Agreement and The Villages of Tortolita Specific Plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

Section 1. Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009 is hereby deleted.

Section 2. This ordinance addresses an administrative issue associated with Marana Ordinance No. 2017.023 as amended by Marana Ordinance Nos. 2017.028 and 2018.009, and is therefore effective immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 23rd day of October, 2018.

_____
Mayor Ed Honea

ATTEST:

_____
Hilary C. Hiser, Interim Town Clerk

APPROVED AS TO FORM:

_____
Frank Cassidy, Town Attorney