



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, April 16, 2019, at or after 7:00 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 April 16, 2019, at or after 7:00 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*.

As a courtesy to others, please turn off or put in silent mode all electronic devices.

Meeting Times

Welcome to this Marana Town Council meeting. Regular Council meetings are usually held the first and third Tuesday of each month at 7:00 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places. Contact the Town Clerk or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting. In such a case a new agenda will be posted in place of this agenda.

Speaking at Meetings

If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the Town Clerk prior to the convening of the meeting.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility

To better serve the citizens of Marana and others attending our meetings, 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.

Agendas

Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov under Agendas and Minutes. For questions about the Council meetings, special services or procedures, please contact the Town Clerk, at (520) 382-1999, Monday through Friday from 8:00 AM to 5:00 PM.

This Notice and Agenda Posted no later than 24 hours prior to the meeting, 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.

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC

At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card located outside the Council Chambers and deliver it to the Town Clerk prior to the commencement of the meeting. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.

PROCLAMATIONS

P1 Proclaiming April 21, 2019 as Power Talk 21® Day (Cherry L. Lawson)

- P2 Proclaiming May 4 and 5, 2019 as American Legion Auxiliary Memorial Poppy Days (Cherry L. Lawson)
- P3 Proclaiming May 2019 as Building Safety Month (Cherry L. Lawson)
- P4 Proclaiming May 2, 2019 as National Day of Prayer (Cherry L. Lawson)
- P5 Proclaiming April 26, 2019 as Arbor Day (Cherry L. Lawson)

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

PRESENTATIONS

CONSENT AGENDA

The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

- C1 Resolution No. 2019-019: Relating to Real Estate; approving and authorizing the Mayor to sign Purchase Agreements with Metropolitan Domestic Water Improvement District for the sale of two well sites on Town property in the vicinity of the Marana Regional Airport (Frank Cassidy)
- C2 Resolution No. 2019-028: Relating to Administration; authorizing the creation of the Downtown Roundabout Art Project; authorizing the transfer of \$75,000 in budgeted expenditure authority from the Unobligated Grants Fund line item, in the fiscal year 2018-2019 budget to the PAG Fund (33518000-8015-AD015) for a Transportation Art by Youth (TABY) public art project to be installed in the downtown Marana roundabout (Kristin Taft)
- C3 Resolution No. 2019-029: Relating to Development; approving a preliminary plat for Saguaro Bloom "7A", Lots 1-202, Blocks "7B" and "7C" (Future Residential), and Common Areas "A" (Drainage/Open Space) and "B" (Park) located at the southeast corner of Lambert Lane and Saguaro Peaks Boulevard (Ryan Fagan)
- C4 Resolution No. 2019-030: Relating to the Marana Regional Airport; approving and authorizing the Mayor to execute a Land/Facility Use Agreement between the Town of Marana and the Arizona Department of Forestry and Fire Management for use of the Airport as an air tanker base for fire suppression activities during fire season (David Udall)

- C5 Relating to Budget; approving an increase of \$106,993 in the project budget for the El Rio Riparian Restoration Project (PK026); authorizing the transfer of appropriations for the increase in project budget; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the increase in project budget (Keith Brann)
- C6 Resolution No. 2019-031: Relating to Municipal Court; approving the appointment of Ryan Bleau and Maria Felix as magistrates pro tempore for the Marana Municipal Court (Laine Sklar)
- C7 Approval of Regular Council Meeting Summary Minutes from April 2, 2019 (Cherry L. Lawson)

LIQUOR LICENSES

- L1 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding a new series 12 restaurant liquor license application submitted by Kevin Arnold Kramber on behalf of High 5 Grill, located at 3682 W. Orange Grove Road Suite 146, Tucson, AZ 85741 (Cherry L. Lawson)

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

- A1 PUBLIC HEARING: Ordinance No. 2019.010: Relating to Development; approving a rezoning of approximately 52 acres of land from Zone E (Transportation Corridor Zone) and Zone C (Large Lot Zone) to R-3.5 (single-family residential) and R-6 (single-family residential), and approximately 17.4 acres of land from Zone E (Transportation Corridor Zone) to Village Commercial (VC); and approving a minor amendment to the Marana General Plan land use designation from Low-Density Residential (LDR) to Medium-Density Residential (MDR) (Brian D. Varney)
- A2 Ordinance No. 2019.011: Relating to Building Safety; adopting by reference the 2018 International Building Code (IBC), the 2018 International Existing Building Code (IEBC), the 2018 International Plumbing Code (IPC), the 2018 International Residential Code (IRC), the 2018 International Mechanical Code (IMC), the 2018 International Property Maintenance Code (IPMC), the 2018 International Energy Conservation Code (IECC), the 2017 National Electrical Code (NEC), the 2018 International Fire Code (IFC), the 2018 International Fuel Gas Code (IFGC), and the 2018 International Swimming Pool and Spa Code (ISPSC); adopting local amendments to the foregoing codes; amending Marana Town Code Title 7 by revising Sections 7-1-2 and 7-1-6; and providing an effective date (David Spurlock)

Resolution No. 2019-032: Relating to Building Safety; declaring the 2018

International Building Code (IBC), the 2018 International Existing Building Code (IEBC), the 2018 International Plumbing Code (IPC), the 2018 International Residential Code (IRC), the 2018 International Mechanical Code (IMC), the 2018 International Property Maintenance Code (IPMC), the 2018 International Energy Conservation Code (IECC), the 2017 National Electrical Code (NEC), the 2018 International Fire Code (IFC), the 2018 International Fuel Gas Code (IFGC), and the 2018 International Swimming Pool and Spa Code (ISPSC) and the local amendments to the foregoing codes adopted by Marana Ordinance No. 2019.011 as public records filed with the Town Clerk.

- A3 Resolution No. 2019-033: Relating to Public Works; authorizing Town staff and representatives to acquire, by negotiation or condemnation, lands and property rights needed for the following Town of Marana projects: Adonis Subdivision Drainage Improvements (ST062), Silverbell Road Sidewalk (ST069), Lon Adams Road Reconstruction (ST068), Avra Valley Road Pavement Reconstruct (ST061), and Camino de Oeste Road Restoration (ST066) (Keith Brann)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

- D1 Relating to Budget; discussion, direction and possible action regarding development of the fiscal year 2019-2020 budget, including proposed budget initiatives and expenditures (Jamsheed Mehta)
- D2 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/ government actions and on recent and upcoming meetings of the other governmental bodies (Jamsheed Mehta)

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), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

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-Regular Meeting

P1

Meeting Date: 04/16/2019

From: Cherry L. Lawson, Town Clerk

Date: April 16, 2019

Subject: Proclaiming April 21, 2019 as Power Talk 21® Day (Cherry L. Lawson)

Attachments

MADD ARIZONA Power Talk 21 Day Proclamation



PROCLAMATION
MADD ARIZONA Power Talk 21® Day

WHEREAS, the Town of Marana, Arizona recognizes the importance of parents talking with their children about alcohol in order to reduce the risks and dangers posed to children and communities; and

WHEREAS, high school students who use alcohol or other substances are five times more likely to drop out of school or believe good grades are not important; and 27 percent of middle school students try alcohol before graduating from 8th grade, significantly increasing the risk that they will develop alcohol problems later in life; and

WHEREAS, teen alcohol use kills 4,700 people each year, more than all other illegal drugs combined; and the majority of kids say their parents are their primary influence when it comes to decisions about drinking alcohol; and

WHEREAS, *Power Talk 21®* day, started by Mothers Against Drunk Driving® (MADD) in 2011, is established on April 21, 2019 to encourage parents and caregivers to embrace their important role in influencing America's youth and their decisions about drinking alcohol; and

WHEREAS, to equip parents to talk with their teens about alcohol, MADD Arizona on April 21 will host *Power of Parents®* workshops to provide parents with the tools to effectively speak with their children about alcohol to protect them.

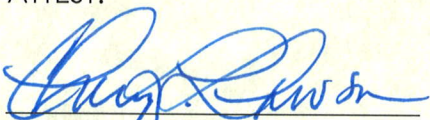
NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Town of Marana commend the efforts of **MADD ARIZONA** and recognize April 21, 2019, as

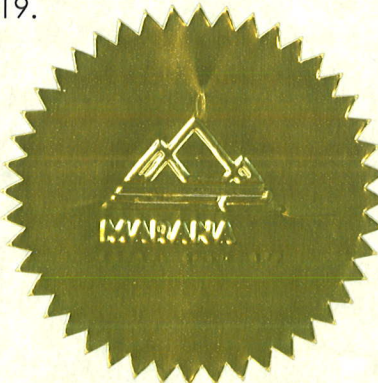
“Power Talk 21® Day”

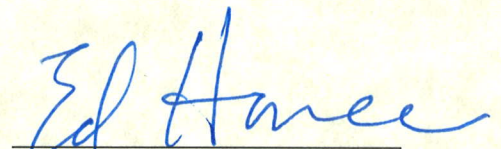
and urge all citizens to join in the local and national efforts to raise awareness of the importance of parents and children talking together about alcohol to reduce the risks and dangers posed to children and communities.

Dated this 16th day of April, 2019.

ATTEST:


Cherry L. Lawson, Town Clerk




Ed Honea, Mayor



Council-Regular Meeting

P2

Meeting Date: 04/16/2019

From: Cherry L. Lawson, Town Clerk

Date: April 16, 2019

Subject: Proclaiming May 4 and 5, 2019 as American Legion Auxiliary Memorial Poppy Days (Cherry L. Lawson)

Attachments

American Legion Auxiliary Memorial Poppy Days Proclamation



PROCLAMATION
American Legion Auxiliary Memorial Poppy Days
May 4 and 5, 2019

WHEREAS, the American Legion Auxiliary Memorial Poppy program began in 1921; and

WHEREAS, Poppy Days are days of remembrance on which people are asked to wear a poppy in memory of those who gave their lives in war; and

WHEREAS, our military and veterans look upon this little flower as a living symbol of the sacrifices of fallen friends; and

WHEREAS, many memorial poppies are handmade by veterans in hospitals and workshops; and

WHEREAS, veterans and their children benefit from American Legion Auxiliary programs financed by your donations on Poppy Days.

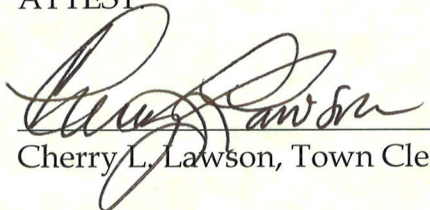
NOW, THEREFORE, the Mayor and Council of the Town of Marana, Arizona do hereby proclaim May 4 and 5, 2019 as,

“AMERICAN LEGION AUXILIARY MEMORIAL POPPY DAYS”

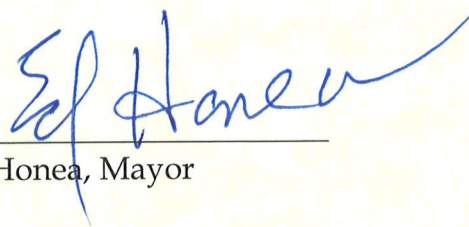
in Marana and encourage all of our residents to recognize the merits of this worthy cause by contributing generously through monetary donations for memorial poppies.

Dated this 16th day of April, 2019.

ATTEST:


Cherry L. Lawson, Town Clerk




Ed Honea, Mayor



Council-Regular Meeting

P3

Meeting Date: 04/16/2019

Submitted For: Cherry L. Lawson, Town Clerk

From: Suzanne Sutherland, Executive Assistant to the Town Clerk

Date: April 16, 2019

Subject: Proclaiming May 2019 as Building Safety Month (Cherry L. Lawson)

Attachments

Building Safety Month Proclamation



Proclamation
Building Safety Month – May, 2019



WHEREAS, The Town of Marana is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens both in everyday life and in times of natural disaster; and

WHEREAS, “No Code. No Confidence.” the theme for Building Safety Month 2019, encourages all Americans to raise awareness of the importance of safe and resilient construction, fire prevention, disaster mitigation and new technologies in the construction industry. Building Safety Month 2019 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses; and

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities’ largely unknown protectors of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to America’s prosperity.

NOW, THEREFORE, the Mayor and Council of the Town of Marana, Pima County, Arizona, do hereby proclaim,

“May 2019 as Building Safety Month”

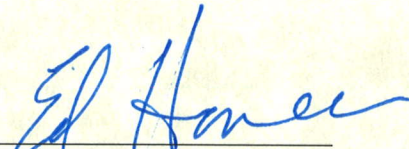
and encourage our citizens to join with their community in participation of Building Safety month activities.

Dated this 16th day of April, 2019.

ATTEST:


Cherry L. Lawson, Town Clerk
Marana Regular Council Meeting 04/16/2019




Ed Honea, Mayor



Council-Regular Meeting

P4

Meeting Date: 04/16/2019

Submitted For: Cherry L. Lawson, Town Clerk

From: Suzanne Sutherland, Executive Assistant to the Town Clerk

Date: April 16, 2019

Subject: Proclaiming May 2, 2019 as National Day of Prayer (Cherry L. Lawson)

Attachments

National Day of Prayer Proclamation



PROCLAMATION

National Day of Prayer

WHEREAS, the 69th observance of the National Day of Prayer will be held on Thursday, May 2, 2019, with the theme "Love One Another, John 13:34;" and

WHEREAS, a National Day of Prayer has been part of our national heritage since it was declared by the First Continental Congress in 1775, and the United States Congress in 1952 approved as a Joint Resolution, "That the President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups and as individuals"; and

WHEREAS, the United States Congress, in 1988 by Public Law 100-307, as amended, establishes, "An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated;" and

WHEREAS, leaders and citizens of our communities, cities, states and nation are afforded the privilege of prayer with the joy of seeking divine guidance, strength, protection and comfort from Almighty God; and

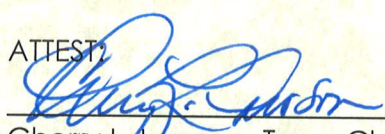
WHEREAS, recognizing the love of God, we, citizens of the Town of Marana, treasure the freedom to gather in prayer, exercising reliance on God's power in the face of present challenges and threats, asking for His blessing on every individual of our County;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Marana, hereby recognize Thursday, May 2, 2019, to be:

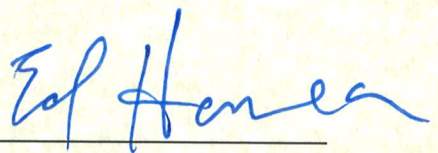
"NATIONAL DAY OF PRAYER"

Dated this 16th day of April, 2019

ATTEST


Cherry L. Lawson, Town Clerk




Ed Honea, Mayor



Council-Regular Meeting

P5

Meeting Date: 04/16/2019

Submitted For: Cherry L. Lawson, Town Clerk

From: Suzanne Sutherland, Executive Assistant to the Town Clerk

Date: April 16, 2019

Subject: Proclaiming April 26, 2019 as Arbor Day (Cherry L. Lawson)

Attachments

2019 Arbor Day Proclamation



**PROCLAMATION
ARBOR DAY 2019
April 26, 2019**

WHEREAS, trees can reduce the erosion of our precious topsoil, lower heating and cooling costs, moderate the temperature, clean the air, produce oxygen, provide habitat for wildlife and wood for homes, increase property values and enhance the economic vitality of business areas and beautify communities, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday known as Arbor Day was first observed with the planting of more than one million trees in Nebraska and is now observed throughout the world; and

WHEREAS, the Town of Marana has celebrated Arbor Day since 2006 with tree plantings involving volunteers, scouts and school groups; and

WHEREAS, the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters, has sponsored Tree City USA, and Marana will honor that tradition in 2019 by having the Mayor and Council dedicate a rescued Saguaro on the new Santa Cruz Shared Use Path on Thursday April 4th, 2019 as part of our national designation as a Tree City USA program; and

WHEREAS, this year, the Town of Marana will be recognized as a Tree City USA during the 2019 Arizona State Arbor Day Celebration held April 26, 2019 at the Capitol Museum, Historic Senate Chambers.

NOW, THEREFORE, the Mayor and Council of the Town of Marana proclaim and recognize

“April 26, 2019 as Arbor Day”

Dated this 16th day of April, 2019.

ATTEST:

Cherry L. Lawson, Town Clerk

Ed Honea, Mayor



Council-Regular Meeting

C1

Meeting Date: 04/16/2019

To: Mayor and Council

From: Frank Cassidy, Town Attorney

Date: April 16, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2019-019: Relating to Real Estate; approving and authorizing the Mayor to sign Purchase Agreements with Metropolitan Domestic Water Improvement District for the sale of two well sites on Town property in the vicinity of the Marana Regional Airport (Frank Cassidy)

Discussion:

This item originally appeared as a consent agenda item on the Council's March 5 agenda, but was pulled from consent for separate discussion, which occurred in executive session by vote of the Council. At the conclusion of the executive session, the item was continued to a further executive session at the April 2 meeting, and is now being brought back for Council consideration.

The Metropolitan Domestic Water Improvement District (Metro Water), Marana, and Oro Valley store water underground or utilize groundwater savings facilities in the north Marana area. To use this water, the three entities have entered into an IGA to construct the Northwest Recharge, Recovery, and Delivery System (NWRRDS), to transport water from north Marana to meet current and future water demands in the north area of the Tucson Basin.

To recover and construct recovery wells for its recharged water resources, Metro Water is in the process of acquiring well sites in the vicinity of the Marana Regional Airport. To that end, Metro Water seeks to acquire two well sites on the Town's property immediately east of the Marana Regional Airport, and has presented Purchase Agreements and related documents for the acquisition of the two well sites. Metro Water has provided independent fee appraisal documentation showing that the property's fair market value is \$15,000 per acre.

- Well site 1, located just west of the CAP canal at the far east point of the Town's

holdings and abutting the 55-foot strip of property Metro Water purchased from the Town in 2017, consists of 0.78 acres. Metro Water has offered \$11,700 for well site 1.

- Well site 2, located at the northeast point of the Town's holdings, just west of the existing constructed recharge facility, consists of 0.77 acres. Metro Water has offered \$11,565 for well site 2.

For both well sites, the purchase agreements require Metro Water to relocate the existing airport boundary fencing so that the well sites are located outside of the airport boundary fencing. The purchase agreement for well site 2 prohibits Metro Water from taking access through the Town's remaining property, and requires the access to be taken northward through property owned by BKW Farms.

Both well sites are on the fringe of the Town's holdings east of the airport. The Town has no plans for either location, and neither well site appears to meaningfully affect any future Town development. A marked-up aerial photograph showing the locations of the well sites is included with the backup materials, along with the purchase agreements for the two well sites.

Financial Impact:

If approved, these two purchase agreements will generate \$23,265 in sales proceeds to the Town.

Staff Recommendation:

Town staff recommends adoption of Resolution No. 2019-019, approving and authorizing the Mayor to sign Purchase Agreements with Metro Water for the sale of two well sites on Town property in the vicinity of the Marana Regional Airport.

Suggested Motion:

I move to adopt Resolution No. 2019-019, approving and authorizing the Mayor to sign Purchase Agreements with Metro Water for the sale of two well sites on Town property in the vicinity of the Marana Regional Airport.

Attachments

Resolution No. 2019-019
Well Sites Aerial Mark-up
Purchase Agt Well Site 1
Purchase Agt Well Site 2

MARANA RESOLUTION NO. 2019-019

RELATING TO REAL ESTATE; APPROVING AND AUTHORIZING THE MAYOR TO SIGN PURCHASE AGREEMENTS WITH METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT FOR THE SALE OF TWO WELL SITES ON TOWN PROPERTY IN THE VICINITY OF THE MARANA REGIONAL AIRPORT

WHEREAS the Metropolitan Domestic Water Improvement District (Metro Water), the Town of Marana, and the Town of Oro Valley currently store water underground or utilize groundwater savings facilities in the north Marana area; and

WHEREAS, to utilize this water, the three entities have entered into an intergovernmental agreement to facilitate the construction of the Northwest Recharge, Recovery, and Delivery System (NWRDSD), to transport water from north Marana to meet current and future water demands in the north area of the Tucson Basin; and

WHEREAS Metro Water is in the process of acquiring well sites in the vicinity of the Marana Regional Airport, to construct recovery wells for Metro Water's recharged water resources in the vicinity; and

WHEREAS Metro Water needs to acquire two well sites on the Town's property immediately east of the Marana Regional Airport; and

WHEREAS Metro Water has presented Purchase Agreements and related documents for the acquisition of the two well sites on the Town's land; and

WHEREAS the Town Council finds that the proposed Metro Water Purchase Agreements are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The two Purchase Agreements, addressing Metro Water's acquisition of two well sites on Town property east of the Marana Regional Airport, in substantially the form found in the agenda materials for this meeting, are hereby approved, and the Mayor is hereby authorized to sign them and any associated deeds and related sale documents for and on behalf of the Town of Marana.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the Metro Water Purchase Agreements.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF
MARANA, ARIZONA, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney



Well Site 2

Well Site 1

PURCHASE AGREEMENT

This Agreement is made by and between **Town of Marana**, an Arizona municipal corporation, ("**Owner**"), and **Metropolitan Domestic Water Improvement District**, an Arizona Municipal Corporation, ("**Buyer**").

Property and Purchase Amount. **Owner** owns the property described on **Exhibit "A"** and depicted on **Exhibit "A-1"** attached hereto (the "**Property**"). **Buyer** agrees to acquire from **Owner**, and **Owner** agrees to convey to **Buyer**, in Fee, the **Property**, for the sum of \$11,700.00, (the "**Purchase Amount**"), subject to the terms and conditions set forth herein. The **Buyer** also agrees to pay costs as set forth below.

Non-monetary compensation provision: Relocation of existing fencing: The Town of Marana and Metro Water District Improvement District (MDWID) agree that MDWID will be responsible, at MDWID's expense, for the relocation of the existing airport fencing to the southwest and northwest sides of Well Site 1 parcel.

Escrow and Prorations. The **Purchase Amount** shall be payable in full at closing. The date of closing shall be used for proration of property taxes and other similar costs as agreed. Property taxes shall be prorated based upon both the date of closing and the size of the **Property**.

Buyer and Owner mutually agree to engage Stewart Title Company as Escrow Company for the purpose of satisfying all lienholders and securing any necessary releases of encumbrances. Costs associated with satisfying all lienholders and securing any necessary releases of encumbrances shall be the sole responsibility of the **Buyer** and shall be deducted from the purchase amount at closing. This contract shall serve as escrow instructions in the event an escrow is opened.

Closing Costs. Expenses incidental to transfer of title, including title reports, recording fees, escrow fees, releases and Owners Title Insurance Policy, shall be paid **by the Buyer**.

Title. A Title Report and Commitment of Title Insurance for the subject **Property** shall be obtained by the **Buyer**. **Buyer** reserves the right to terminate this agreement.

Warranty Deed. The **Owner** shall provide a Warranty Deed and the **Owner** shall execute said Warranty Deed granting to **Buyer** fee interest subject only to those matters identified as **exceptions in the title report**.

Environmental Representations. The **Buyer** and the **Owner** agree that neither party is assuming any obligation of the other party relating to any potential liability, if any, arising from the environmental condition of the Property, each party remaining responsible for its obligations as set forth by law. **Owner** hereby represents and warrants that, to the best of **Owner's** knowledge, no pollutants, contaminants, toxic or hazardous substances, wastes or materials have been stored, used or are located on the Property or within any surface or subsurface waters thereof; that no underground tanks have been located on the Property; that the Property is in compliance with all Federal, State and local environmental laws, regulations and ordinances; and that no legal action of any kind has been commenced or threatened with respect to the Property.

Environmental Inspection Rights. **Owner** shall permit **Buyer** to conduct such inspections of the Property as the **Buyer** deems necessary to determine the environmental condition of the Property. If environmental inspections do not specifically identify contamination but indicate a potential for contamination and recommend further testing or inspection, the parties hereby agree to extend the date of closing to 30 days after the report for such additional testing or inspection is completed on behalf of **Buyer**, but not later than an additional 180-day extension. If any environmental inspection reveals the presence of contamination or the need to conduct environmental clean up **Buyer** may terminate this agreement at no cost or penalty.

Right of Entry. The **Owner** hereby grants to **Buyer**, its agents and contractors, Right of Entry to the Property for inspections, tests, surveys, etc.

No Personal Property. The parties acknowledge that no personal property is being transferred pursuant to this Agreement.

Security Interest. Monies payable under this Agreement may be due holders (the "Lienholders") of certain notes secured by mortgages or deeds of trusts, up to and including the total amount of unpaid principal, interest and penalty on the notes, if any, and shall, upon demand by the Lienholders, be paid to the Lienholders. **Owner** shall obtain from the Lienholders releases associated with the transfer of this Property, and prior to close of escrow.

Possession and Closing. Possession of the Property shall be given to the **Buyer** on date of closing. Closing shall be on or before 60 days after the date this Agreement is approved by the **Buyer** or 30 days after receipt of all necessary releases or consents from Lienholders.

No Leases. **Owner** warrants that there are no oral or written leases on all or any portion of the Property.

Broker's Commission. No broker or finder has been used and **Buyer** owes no brokerage or finders fees related to this transaction. Owner has sole responsibility to pay all brokerage or finders fees to any agent employed.

No Sale. Owner shall not sell or encumber the Property in any way before closing.

Survival of Representation and Warranties. All representations and warranties contained herein shall survive the closing.

Entire Agreement. This signed document shall constitute the entire Agreement between the parties and no modification or amendment to this Agreement shall be binding unless in writing and signed by both parties.

Grantor: Town of Marana, an Arizona municipal corporation.

By: Ed Honea
As: Mayor

Date

ATTEST:

By: Cherry L. Lawson
As: Marana Town Clerk

Date

APPROVED AS TO FORM:

By _____
Frank Cassidy
As: Town Attorney

Date

Approved and Accepted by Metropolitan Domestic Water Improvement District, an Arizona Municipal Corporation.

Date: _____

Purchase Agreement

Page 3

Exhibit "A"

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
WELL SITE 1
TOWN OF MARANA

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 12 SOUTH, RANGE 11 EAST OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 10, FROM WHICH THE WEST QUARTER CORNER BEARS SOUTH 89 DEGREES 24 MINUTES 15 SECONDS WEST, 5 279.48 FEET;

THENCE SOUTH 89 DEGREES 24 MINUTES 15 SECONDS WEST, ALONG AND WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 10, 1432.98 FEET;

THENCE DEPARTING SAID EAST-WEST MID-SECTION LINE, NORTH 00 DEGREES 35 MINUTES 45 SECONDS WEST, 469.82 FEET TO AN ANGLE POINT IN THE EAST LINE OF THE TOWN OF MARANA AIRPORT;

THENCE ALONG AND WITH SAID EAST LINE, NORTH 31 DEGREES 34 MINUTES 19 SECONDS EAST, 1035.43 FEET TO A BRASS CAP FOR THE NORTHEAST CORNER OF SAID TOWN OF MARANA AIRPORT;

THENCE ALONG AND WITH A NORTHERLY LINE OF SAID TOWN OF MARANA AIRPORT, NORTH 50 DEGREES 05 MINUTES 35 SECONDS WEST, 55.59 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE SOUTH 31 DEGREES 34 MINUTES 19 SECONDS WEST, 212.24 FEET;

THENCE NORTH 50 DEGREES 05 MINUTES 35 SECONDS WEST, 161.71 FEET;

THENCE NORTH 31 DEGREES 34 MINUTES 19 SECONDS EAST, 212.24 FEET TO THE AFORESAID NORTHERLY LINE OF SAID TOWN OF MARANA AIRPORT;

THENCE ALONG AND WITH SAID NORTHERLY LINE, SOUTH 50 DEGREES 05 MINUTES 35 SECONDS EAST, 161.71 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND CONTAINING A COMPUTED AREA OF 33,959 SQUARE FEET OR 0.780 ACRES OF LAND, MORE OR LESS.

THE ATTACHED EXHIBIT 'A' IS TO BE INCLUDED AND MADE PART OF THIS DESCRIPTION.



A handwritten signature in blue ink, appearing to be "C. Steve Duryea, Jr.", written over a horizontal line.

MARANA-WELL SITE 1

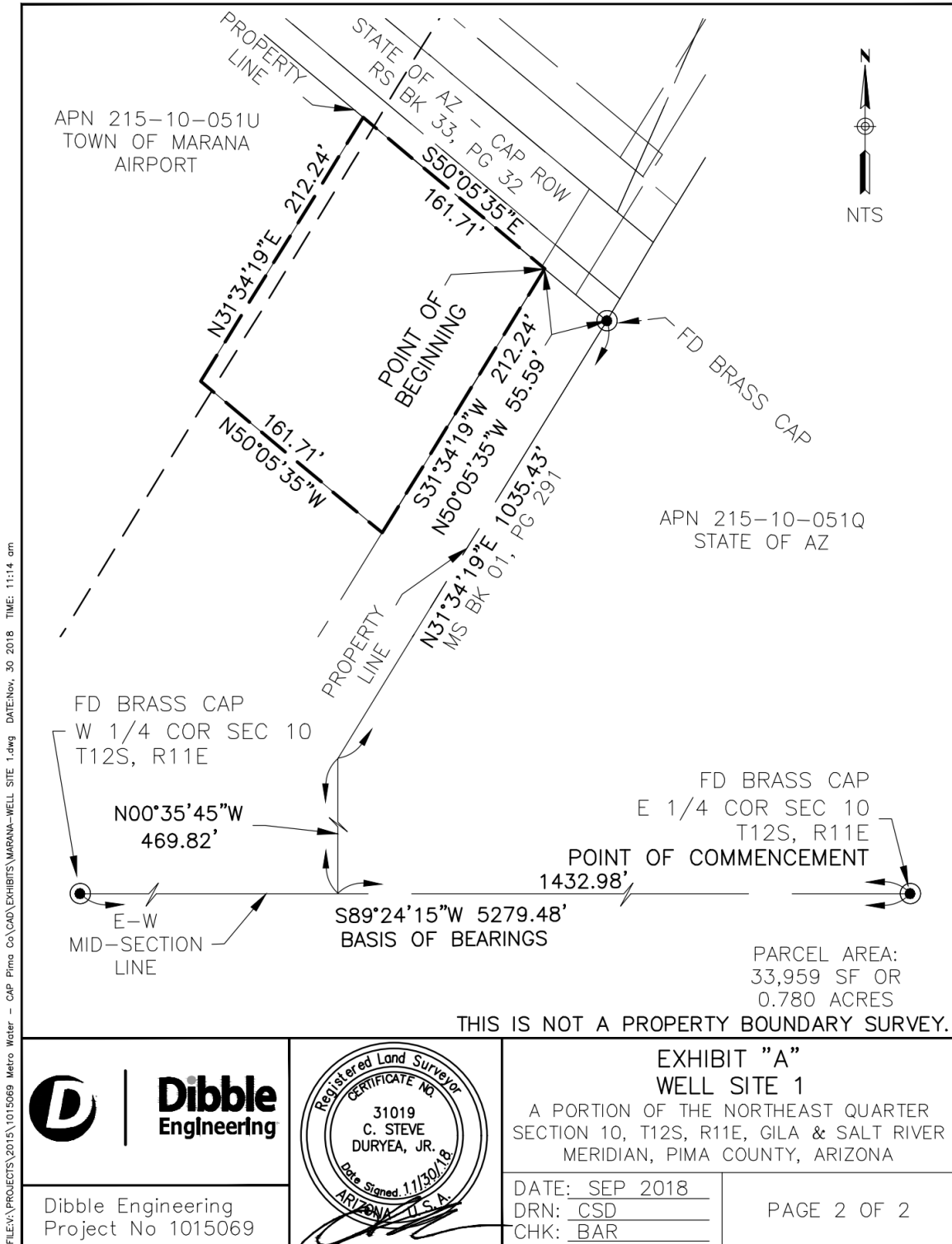
Page 1 of 2

DIBBLE ENGINEERING
PROJECT NO. 1015069

Purchase Agreement

Page 4

Exhibit "A-1"



Purchase Agreement

Page 5

PURCHASE AGREEMENT

This Agreement is made by and between **Town of Marana**, an Arizona municipal corporation, (“**Owner**”), and **Metropolitan Domestic Water Improvement District**, an Arizona Municipal Corporation, (“**Buyer**”).

Property and Purchase Amount. **Owner** owns the property described on **Exhibit “A”** and depicted on **Exhibit “A-1”** attached hereto (the “**Property**”). **Buyer** agrees to acquire from **Owner**, and **Owner** agrees to convey to **Buyer**, in Fee, the **Property**, for the sum of \$11,565.00, (the “**Purchase Amount**”), subject to the terms and conditions set forth herein. The **Buyer** also agrees to pay costs as set forth below.

Non-Monetary Compensation Provision: Relocation of existing fencing; The Town of Marana and Metro Water District Improvement District (MDWID) agree that MDWID will be responsible, at MDWID’s expense, for the relocation of the existing airport fencing to the south and west sides of Well Site 2 parcel. MDWID agrees not to access Well Site 2 through the airport property.

Escrow and Prorations. The **Purchase Amount** shall be payable in full at closing. The date of closing shall be used for proration of property taxes and other similar costs as agreed. Property taxes shall be prorated based upon both the date of closing and the size of the **Property**.

Buyer and Owner mutually agree to engage Stewart Title Company as Escrow Company for the purpose of satisfying all lienholders and securing any necessary releases of encumbrances. Costs associated with satisfying all lienholders and securing any necessary releases of encumbrances shall be the sole responsibility of the **Buyer** and shall be deducted from the purchase amount at closing. This contract shall serve as escrow instructions in the event an escrow is opened.

Closing Costs. Expenses incidental to transfer of title, including title reports, recording fees, escrow fees, releases and Owners Title Insurance Policy, shall be paid **by the Buyer**.

Title. A Title Report and Commitment of Title Insurance for the subject **Property** shall be obtained by the **Buyer**. **Buyer** reserves the right to terminate this agreement.

Warranty Deed. The **Owner** shall provide a Warranty Deed and the **Owner** shall execute said Warranty Deed granting to **Buyer** an easement interest subject only to those matters identified in as **exceptions in the title report**.

Environmental Representations. The **Buyer** and the **Owner** agree that neither party is assuming any obligation of the other party relating to any potential liability, if any, arising from the environmental condition of the Property, each party remaining responsible for its obligations as set forth by law. **Owner** hereby represents and warrants that, to the best of **Owner's** knowledge, no pollutants, contaminants, toxic or hazardous substances, wastes or materials have been stored, used or are located on the Property or within any surface or subsurface waters thereof; that no underground tanks have been located on the Property; that the Property is in compliance with all Federal, State and local environmental laws, regulations and ordinances; and that no legal action of any kind has been commenced or threatened with respect to the Property.

Environmental Inspection Rights. **Owner** shall permit **Buyer** to conduct such inspections of the Property as the **Buyer** deems necessary to determine the environmental condition of the Property. If environmental inspections do not specifically identify contamination but indicate a potential for contamination and recommend further testing or inspection, the parties hereby agree to extend the date of closing to 30 days after the report for such additional testing or inspection is completed on behalf of **Buyer**, but not later than an additional 180-day extension. If any environmental inspection reveals the presence of contamination or the need to conduct environmental clean up **Buyer** may terminate this agreement at no cost or penalty.

Right of Entry. The **Owner** hereby grants to **Buyer**, its agents and contractors, Right of Entry to the Property for inspections, tests, surveys, etc.

No Personal Property. The parties acknowledge that no personal property is being transferred pursuant to this Agreement.

Security Interest. Monies payable under this Agreement may be due holders (the "Lienholders") of certain notes secured by mortgages or deeds of trusts, up to and including the total amount of unpaid principal, interest and penalty on the notes, if any, and shall, upon demand by the Lienholders, be paid to the Lienholders. **Owner** shall obtain from the Lienholders releases associated with the transfer of this Property, and prior to close of escrow.

Possession and Closing. Possession of the Property shall be given to the **Buyer** on date of closing. Closing shall be on or before 60 days after the date this Agreement is approved by the **Buyer** or 30 days after receipt of all necessary releases or consents from Lienholders.

No Leases. **Owner** warrants that there are no oral or written leases on all or any portion of the Property.

Broker's Commission. No broker or finder has been used and **Buyer** owes no brokerage or finders fees related to this transaction. Owner has sole responsibility to pay all brokerage or finders fees to any agent employed.

No Sale. Owner shall not sell or encumber the Property in any way before closing.

Survival of Representation and Warranties. All representations and warranties contained herein shall survive the closing.

Entire Agreement. This signed document shall constitute the entire Agreement between the parties and no modification or amendment to this Agreement shall be binding unless in writing and signed by both parties.

Grantor: Town of Marana, an Arizona municipal corporation.

By: Ed Honea
As: Mayor

Date

ATTEST:

By Cherry L. Lawson
As: Marana Town Clerk

Date

APPROVED AS TO FORM:

By: Frank Cassidy
As: Town Attorney

Date

Approved and Accepted by Metropolitan Domestic Water Improvement District, an Arizona Municipal Corporation.

Date: _____

Purchase Agreement

Page 3

Exhibit "A"

LEGAL DESCRIPTION
FOR
WELL SITE 2
TOWN OF MARANA

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 12 SOUTH, RANGE 11 EAST OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 4, FROM WHICH THE SOUTH SIXTEENTH CORNER BEARS SOUTH 00 DEGREES 33 MINUTES 28 SECONDS EAST, 1319.60 FEET, SAID POINT MONUMENTED BY A 1/2 INCH REBAR WITH CAP "RLS 39325";

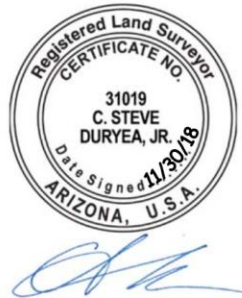
THENCE ALONG AND WITH THE EAST LINE OF SAID SECTION 4, SOUTH 00 DEGREES 33 MINUTES 28 SECONDS EAST, 210.00 FEET;

THENCE DEPARTING SAID EAST LINE, SOUTH 89 DEGREES 27 MINUTES 49 SECONDS WEST, 160.00 FEET;

THENCE NORTH 00 DEGREES 33 MINUTES 28 SECONDS WEST, 210.00 FEET TO THE EAST-WEST MID-SECTION LINE OF THE AFORESAID SECTION 4;

THENCE ALONG AND WITH SAID EAST-WEST MID-SECTION LINE, NORTH 89 DEGREES 27 MINUTES 49 SECONDS EAST, 160.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND CONTAINING A COMPUTED AREA OF 33,600 SQUARE FEET OR 0.771 ACRES OF LAND, MORE OR LESS.

THE ATTACHED EXHIBIT 'A' IS TO BE INCLUDED AND MADE PART OF THIS DESCRIPTION.



MARANA WELL SITE 2

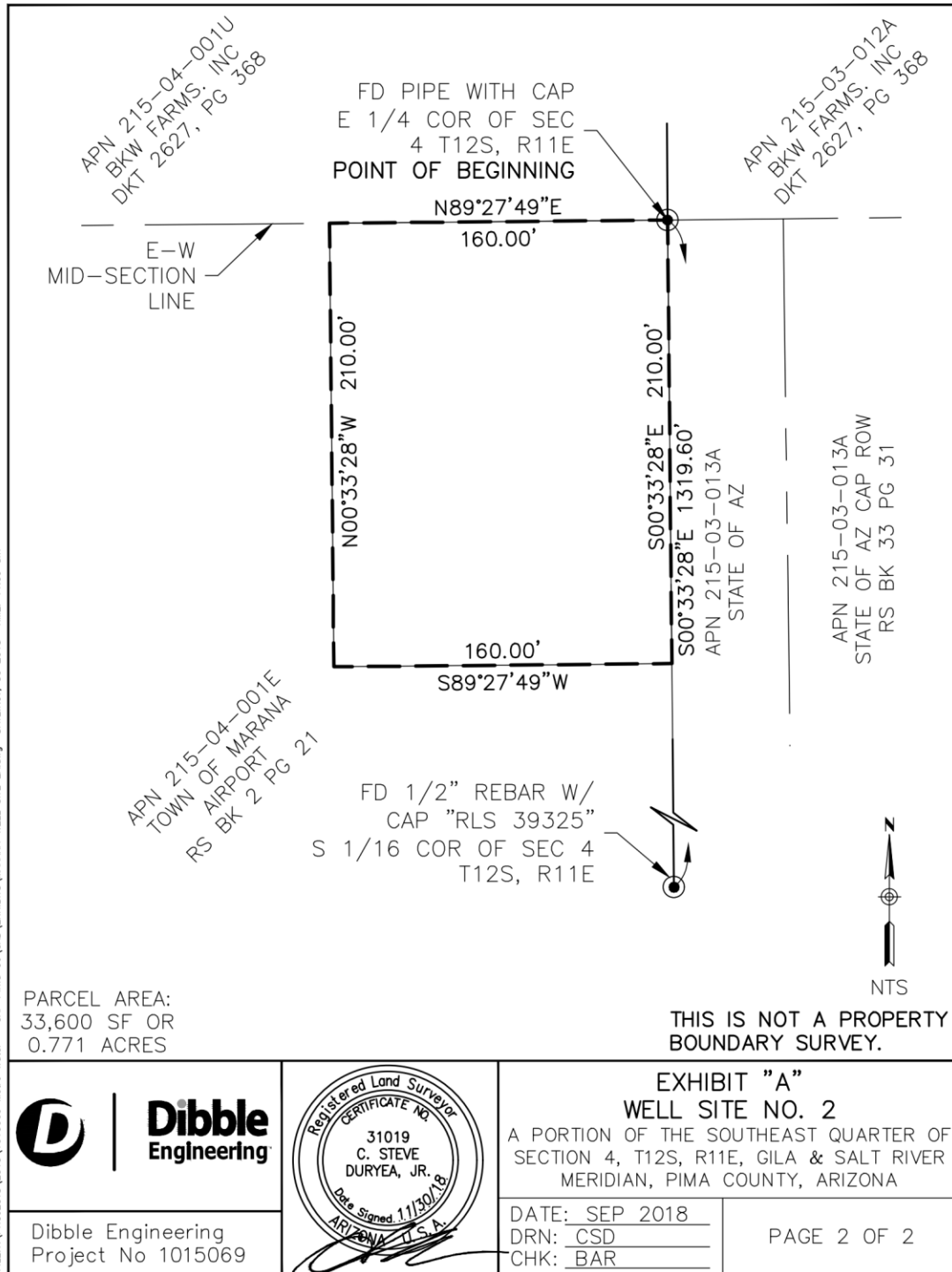
Page 1 of 5

DIBBLE ENGINEERING
PROJECT NO. 1015069

Purchase Agreement

Page 4

Exhibit "A-1"



Purchase Agreement

Page 5



Council-Regular Meeting

C2

Meeting Date: 04/16/2019

To: Mayor and Council

From: Kristin Taft, Grants Manager

Date: April 16, 2019

Strategic Plan Focus Area:
Community

Strategic Plan Focus Area Additional Info:

This program can assist the Town in meeting the Strategic Plan initiative of Developing a Town-wide public art program to install and showcase unique pieces reflecting and celebrating the community.

This public art project seeks to fulfill this initiative by incorporating the community not only into the design of the piece, but also into its implementation through the participation of Marana High School students.

Subject: Resolution No. 2019-028; Relating to Administration; authorizing the creation of the Downtown Roundabout Art Project; authorizing the transfer of \$75,000 in budgeted expenditure authority from the Unobligated Grants Fund line item, in the fiscal year 2018-2019 budget to the PAG Fund (33518000-8015-AD015) for a Transportation Art by Youth (TABY) public art project to be installed in the downtown Marana roundabout (Kristin Taft)

Discussion:

Pursuant to Marana Resolution No. 2015-017, the Town entered into an agreement with Pima Association of Governments (PAG) for Public Art Funding for Summer Youth Transportation Art Program from 2015 through 2019. The Town again applied for and was awarded \$75,000 in funding on 2/20/2019 for a Transportation Art by Youth (TABY) project. This public art piece will be designed and constructed by Marana High School students, under the supervision of a contract artist. The piece will be installed in the downtown Marana roundabout.

The PAG fund in the 2018-2019 Town budget does not currently have adequate expenditure authority for the \$75,000. Town staff is seeking approval to transfer the required \$75,000 expenditure authority from unobligated funds within the Grant Fund

to the PAG Fund (33518000-8015-AD015) for the Downtown Roundabout art project (AD015).

The design concept will be presented to Council at a later date. Staff will also provide Council with a presentation summarizing the public art project, including its origins, the community involvement process, the collaboration with Marana High School, and the project timeline.

Financial Impact:

Fiscal Year: 2019
Budgeted Y/N: N
Amount: \$75,000

Staff is seeking approval to transfer the required \$75,000 from unobligated funds within the Grant Fund to the PAG Fund (33518000-8015-AD015) for the Downtown Roundabout art project (AD015).

Staff Recommendation:

Staff recommends approval of the transfer of funds for the TABY art project.

Suggested Motion:

I move to adopt Resolution No. 2019-028, authorizing the creation of the Downtown Roundabout Art Project; authorizing the transfer of \$75,000 in budgeted expenditure authority from the Unobligated Grants Fund line item, in the fiscal year 2018-2019 budget to the PAG Fund (33518000-8015-AD015) for Transportation Art by Youth (TABY) public art project to be installed in the downtown Marana roundabout.

Attachments

Resolution No. 2019-028

MARANA RESOLUTION NO. 2019-028

RELATING TO ADMINISTRATION; AUTHORIZING THE CREATION OF THE DOWNTOWN ROUNDABOUT ART PROJECT; AUTHORIZING THE TRANSFER OF \$75,000 IN BUDGETED EXPENDITURE AUTHORITY FROM THE UNOBLIGATED GRANTS FUND LINE ITEM IN THE FISCAL YEAR 2018-2019 BUDGET TO THE PAG FUND (33518000-8015-AD015) FOR A TRANSPORTATION ART BY YOUTH (TABY) PUBLIC ART PROJECT TO BE INSTALLED IN THE DOWNTOWN MARANA ROUNDABOUT

WHEREAS on June 19, 2018, the Town Council adopted the fiscal year 2018-2019 budgetary document and overall financial plan which set the legal level of budgetary control at the department level for the General Fund and at the fund level for all other funds; and

WHEREAS the Town Council desires to transfer budgeted expenditure authority in the fiscal year 2018-2019 budget of \$75,000 from the Unobligated Grants Fund to the PAG Fund (33518000-8015-AD015) for a Transportation Art by Youth (TABY) public art project; and

WHEREAS transferring budgeted expenditure authority from the Unobligated Grants Fund of \$75,000 within fiscal year 2018-2019 will not significantly impact the General Fund; and

WHEREAS reallocations of budgeted expenditure authority between budgeted line items are necessary from time to time; and

WHEREAS the Council finds that the reallocations addressed by this resolution are in the best interest of the Town of Marana and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The creation of the Downtown Roundabout Art Project is hereby approved and Town staff is authorized to transfer \$75,000 in budgeted expenditure authority from the Unobligated Grants Fund to the PAG Fund (33518000-8015-AD015) for a Transportation Art by Youth (TABY) public art project to be installed in the Downtown Marana roundabout.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN
OF MARANA, ARIZONA, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney



Council-Regular Meeting

C3

Meeting Date: 04/16/2019

To: Mayor and Council

From: Ryan Fagan, Planner

Date: April 16, 2019

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2019-029; Relating to Development; approving a preliminary plat for Saguaro Bloom "7A", Lots 1-202, Blocks "7B" and "7C" (Future Residential), and Common Areas "A" (Drainage/Open Space) and "B" (Park) located at the southeast corner of Lambert Lane and Saguaro Peaks Boulevard (Ryan Fagan)

Discussion:

Request

Baker and Associates Engineering, Inc., on behalf of DR Horton, Tucson, Arizona, is requesting the approval of a preliminary plat consisting of 202 lots, blocks "7B" and "7C" (future residential) and common areas "A" and "B" on 121.14 acres within the Saguaro Bloom development.

Location

The subdivision will be located with Block 7 of the Saguaro Springs block plat at the southeast corner of Lambert Lane and Saguaro Peaks Boulevard.

Zoning

The zoning for Block 7 is R-6 (Single Family Residential - minimum lot size of 6,000 square feet). The minimum lot size is 6,007 square feet. The maximum lot size is 11,075 square feet. The average lot size is 6,829 square feet.

Land Use

The preliminary plat proposes Lots 1 through 202, Blocks "7B" and "7C" (future residential) [71.05 acres], Common Area "A" (drainage/open space) [2.89 acres], Common Area B (Park) [1.05 acres]. The proposed density of block "7A" is 4.0 residences per acre. The gross density for all of Block 7 is 1.7 residences per acre, and will increase when blocks "7B" and "7C" are developed.

Transportation

The subdivision will have two entries with 78 foot right-of-way widths, both on Street G. One entry will be off Saguaro Peaks Boulevard, and the second entry will be off Hidden Saguaro Trail from Saguaro Peaks Boulevard through Block 8A. The typical internal, public street section for this subdivision has a 42 foot wide right-of-way.

Park Requirement and Trail Connectivity

The 202 residential lots in Block "7A" require a minimum of 37,370 square feet of improved recreation area. The active recreation area is planned in Common Area "B" located in the center of the southern portion of the subdivision, adjacent to lots 145 and 146. The area is 45,576 square feet.

There is a decomposed granite trail between lots 62 and 63 with an ADA-compliant ramp into the existing drainage channel that will provide connectivity to public sidewalks and planned trail connections, and a decomposed granite trail between lots 43 and 44 that will provide connectivity to public sidewalks and existing and planned trail connections.

Planning Commission

The preliminary plat was presented to the Planning Commission on March 27, 2019, and received a unanimous recommendation for approval 6-0 (Commissioner Tyson was absent).

Staff Recommendation:

Staff has reviewed the request against the requirements of the Land Development Code, the Town Code, and the General Plan. The preliminary plat is in substantial conformance with all required development regulations, and staff recommends approval.

Suggested Motion:

I move to adopt Resolution No. 2019-029 approving a preliminary plat for Saguaro Bloom "7A", Lots 1-202, Blocks "7B" and "7C" (Future Residential), and Common Areas "A" (Drainage/Open Space) and "B" (Park).

Attachments

Resolution No. 2019-029
PRV1811-003 SB 7A PP

MARANA RESOLUTION NO. 2019-029

RELATING TO DEVELOPMENT; APPROVING A PRELIMINARY PLAT FOR SAGUARO BLOOM 7A LOTS 1-202, BLOCKS 7B AND 7C, AND COMMON AREAS A AND B LOCATED AT THE SOUTHEAST CORNER OF LAMBERT LANE AND SAGUARO PEAKS BOULEVARD

WHEREAS, on February 18, 1997, the Mayor and Town Council adopted Ordinance No. 97.04, approving a rezoning of the site from "C" to "R-6;" and

WHEREAS, on April 6, 2004, the Mayor and Town Council adopted Resolution No. 2004-015, approving the final block plat for Saguaro Springs, Book 58 Page 23; and

WHEREAS, Baker and Associates Engineering, Inc., on behalf of D. R. Horton, Tucson, Arizona, has applied for approval of a preliminary plat for a 202-lot single-family residential home subdivision within Block 7 of Saguaro Springs located at the southeast corner of Lambert Lane and Saguaro Peaks Boulevard; and

WHEREAS, the Marana Town Council, at the regularly scheduled meeting on April 16, 2019, determined that the preliminary plat for Saguaro Bloom 7A should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Marana, Arizona, that the preliminary plat for Saguaro Bloom 7A Lots 1-202, Blocks 7B and 7C, and Common Areas A and B located at the southeast corner of Lambert Lane and Saguaro Peaks Boulevard is hereby approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

GENERAL NOTES, Continued

- SHEET INDEX**

SHEET #
★ C.A. "A"

The map displays a grid of lots numbered 1 through 160. A specific area is highlighted as 'BLOCK D PUBLIC DRAINAGEWAY & OPEN SPACE (Bk. SS MAP, Pg. 28)'. The map includes street names: SAGUARO SPRINGS BLOCKS 1-10 SEQ. NO. 20040700043, SAGUARO PEAKS BOULEVARD, LAMBERT LANE, and HIDDEN SAGUARO TRAIL. A 'RIGHT-OF-WAY NOTE' box contains the following text:

THE TOWN, BY ITS ACCEPTANCE OF THE FINAL PLAN FOR THIS PROJECT, WILL AUTHORIZE THE DESIGNATION OF THE IDENTIFIED PORTION OF BLOCK D AS PUBLIC RIGHT-OF-WAY FOR THE PURPOSE OF ACCOMMODATING THE CONSTRUCTION OF STREET.

ACCEPTANCE:

BY: _____	P.E. DATE: _____
MARANA TOWN ENGINEER/DEVELOPMENT ENGINEER	
BY: _____	DATE: _____
MARANA PLANNING DIRECTOR	
BY: _____	DATE: _____
NORTHWEST FIRE DISTRICT	

OWNER: _____

TITLE SECURITY AGENCY, L.L.C., AS TRUSTEE UNDER TRUST NO. 201434-T

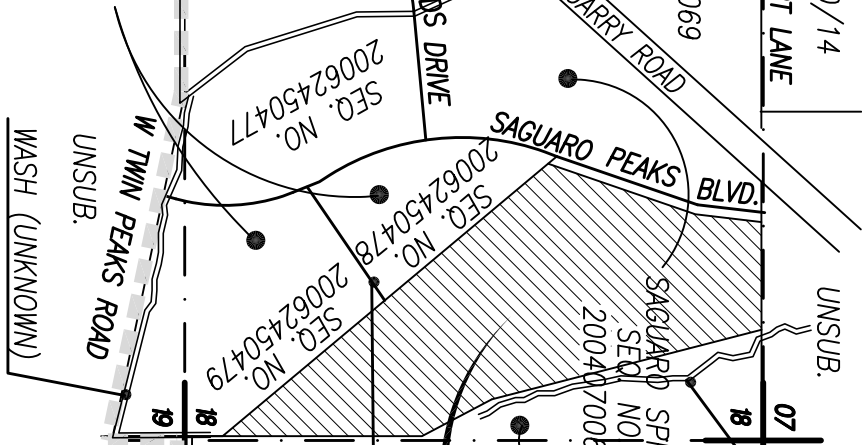
DEVELOPER: _____

DR. HORTON, INC.
ATTN: JAMES GAULIN

43. ALL SIGNAGE TO BE APPROVED UNDER A SEPARATE PERMIT.
44. THE NEIGHBORHOOD DESIGN FOR BLOCK "A" SHALL BE CONSISTENT WITH THE EXISTING COMMUNITY NEIGHBORHOOD DESIGN ESTABLISHED WITHIN SAGUARO BLOOM.
45. IN ADDITION TO THE ITEMS SHOWN ON SHEETS 2 THROUGH 10, THIS SITE IS ALSO SUBJECT TO THE FOLLOWING IDENTIFIED TITLE ITEMS:
— BLANKET ABANDON EASEMENT AND RELEASE FOR MARANA NORTHWEST REGIONAL AIRPORT PER DOCKET 12292/6650.
— BLANKET UTILITY EASEMENT RIGHTS PER RIGHT-OF-WAY ABANDONMENT PROCEEDING PER DOCKET 1556/565.
— ALL MINERAL RIGHTS AS RESERVED IN MINERAL DEED AND RESERVATIONS OF SURFACE RIGHTS PER SDI 20152610784 UNSUB.

—

-



LOCATION PLAN

SECTION 18, T12S, R12E,
&SRB&M, TOWN OF MARANA, ARIZONA

LEGEND

- SECTION BOUNDARY
CENTERLINE
CORNER MONUMENT EXCEPT WHERE SHOWN AS FOUND
PROPERTY CORNER
TO BE SET

- EASEMENT LINE
 PROPOSED PUBLIC SEWER/ MANHOLE
 EXISTING PUBLIC SEWER/ MANHOLE (APPROXIMATE LOCATION)
 PROPOSED WATER
 EXISTING WATER
 EXISTING SOUTHWEST GAS (EL PASO NATURAL GAS, WHERE
 SIGHT VISIBILITY TRIANGLE (317') AREA (SEE ALSO "NEW E
 STREET 6" DIMENSIONS - 300' x 15' (NEAR SIDE), 240'
 ALL OTHER STREETS DIMENSIONS - 240' x 15' (NEAR SI

- HANDICAP RAMP
EXISTING CONTOURS
100 YEAR FLOODPROOF LINE ("F.P.L.")
EROSION SETBACK LINE ("E.S.L.")
NEW PAVEMENT
EXISTING PAVEMENT
DRAINAGE CONCENTRATION (0.100)

- 100 YEAR WATER SURFACE
PRELIMINARY PAD GRADES
PRELIMINARY SPOT GRADES
FLOW ARROW
DETAIL #
SHEET #
PEDESTRIAN PATHS

DEVELOPER:

DR HORTON, INC.
ATTN: JAMES GAULIN
3580 W. INA ROAD, SUITE 100
TUCSON, ARIZONA 85741
PHONE: 520-336-7008

ACCEPTANCE:

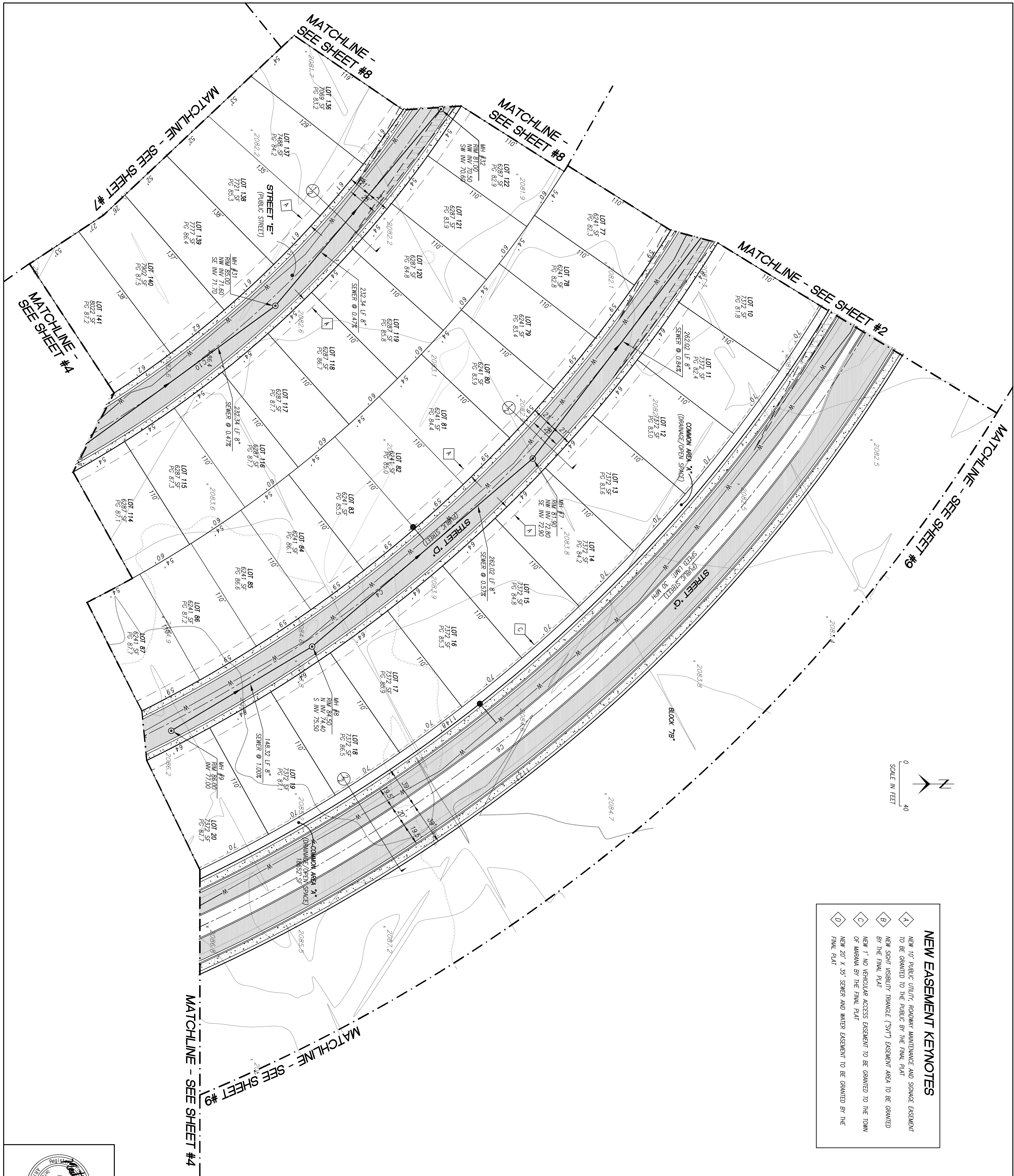
BY: _____	P.E. _____	DATE: _____
MARANA TOWN ENGINEER/DEVELOPMENT ENGINEER		
BY: _____		DATE: _____
MARANA PLANNING DIRECTOR		
BY: _____		DATE: _____
NORTHWEST FIRE DISTRICT		

OWNER:

TITLE SECURITY AGENCY, L.L.C., AS TRUSTEE UNDER TRUST NO. 201434-7

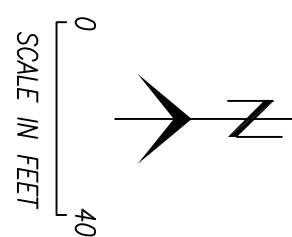
DEVELOPER:

DR HORTON, INC.
ATTN: JAMES GAULIN
3580 W. INA ROAD, SUITE 100
TUCSON, ARIZONA 85741
PHONE: 520-336-7008



NEW EASEMENT KEYNOTES

- 4 NEW 10' PUBLIC UTILITY, ROADWAY MAINTENANCE, AND SOURCE EASEMENT TO BE GRANTED TO THE PUBLIC BY THE FINAL PLAT
- 5 NEW SIGHT VISIBILITY TRIANGLE ("V") EASEMENT AREA TO BE GRANTED BY THE FINAL PLAT
- 6 NEW T. NO VEHICULAR ACCESS EASEMENT TO BE GRANTED TO THE TOWN OF MARMA BY THE FINAL PLAT
- 7 NEW 20' X .35' STORM AND WATER EASEMENT TO BE GRANTED BY THE FINAL PLAT



A horizontal scale bar with a bracket underneath. The number '0' is at the left end and '40' is at the right end. Below the bracket, the text 'SCALE IN FEET' is written.

#PRV-1811-003

Ref: PRV-9955fp; PCZ9607-002

PRELIMINARY PLAT for

SAGUARO BLOOM "7A", LOTS 1 - 202, BLOCKS "7B" AND "7C," (FUTURE RESIDENTIAL) AND COMMON AREAS "A" (DRAINAGE/OPEN SPACE) AND "B" (PARK,

BEING A RESUBDIVISION OF BLOCK 7, AS RECORDED IN

SAGUARO SPRINGS, SEQUENCE NO. 20040700643
LOCATED IN THE EAST 1/2 OF SECTION 18, T12S, R12E

Baker & Associates Engineering, Inc.

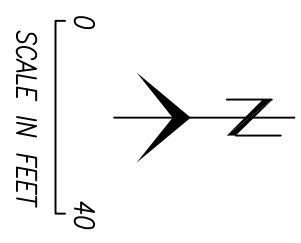
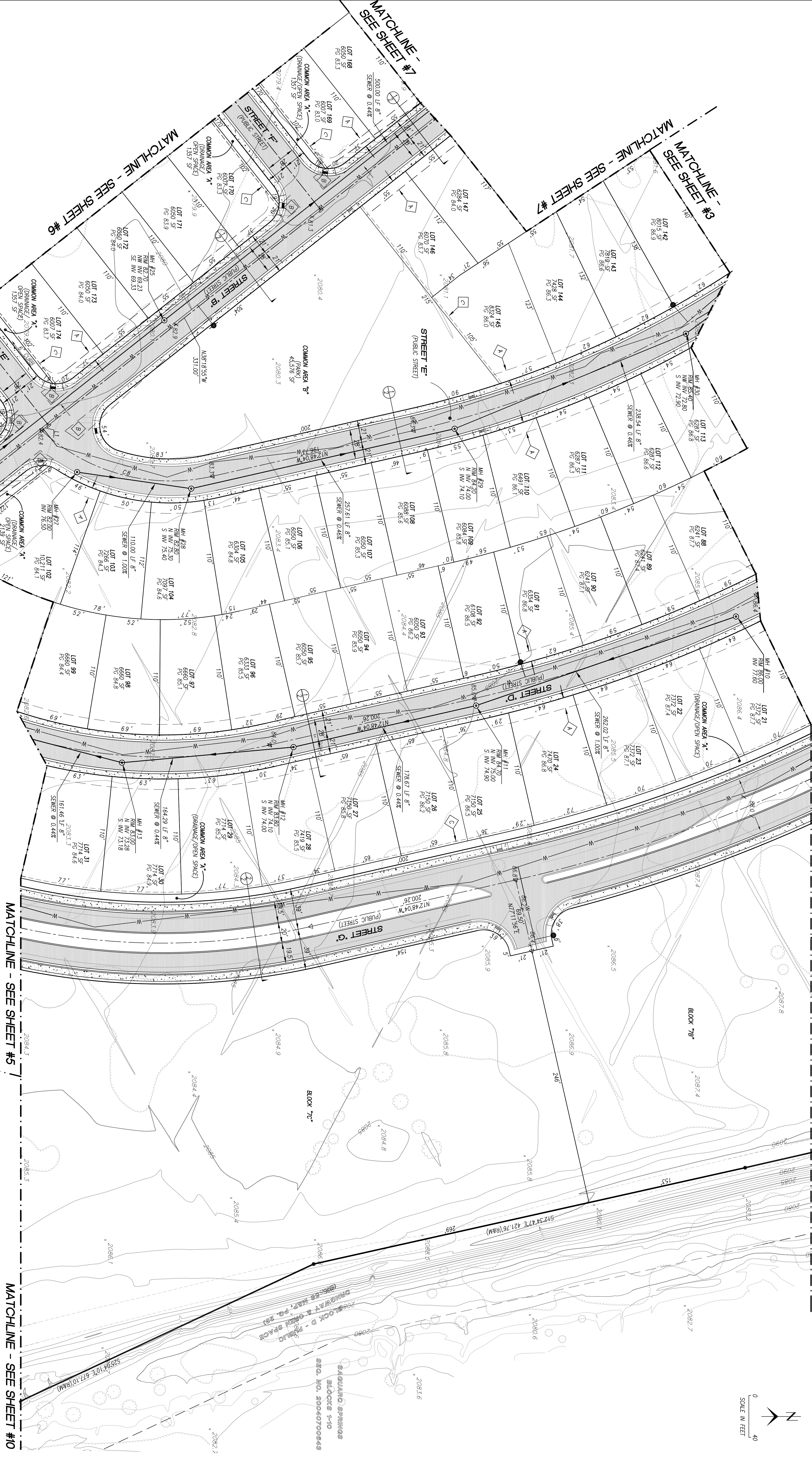
3561 E. Sunrise Drive, Suite #225 Tucson, Arizona 85718 (520) 318-1950 Fax (520) 318-1930

SCALE:			SHEET
DRAWN BY: JVA	DATE: 11/20/18	DRAWING #	3 of 10
DESIGNED BY: MVM	REV. DATE: 2/7/19	2458-PP1.DWG	
CHECKED BY: MVM	REV. DATE: 3/14/19	PLAN #2458	



MATCHLINE - SEE SHEET #3

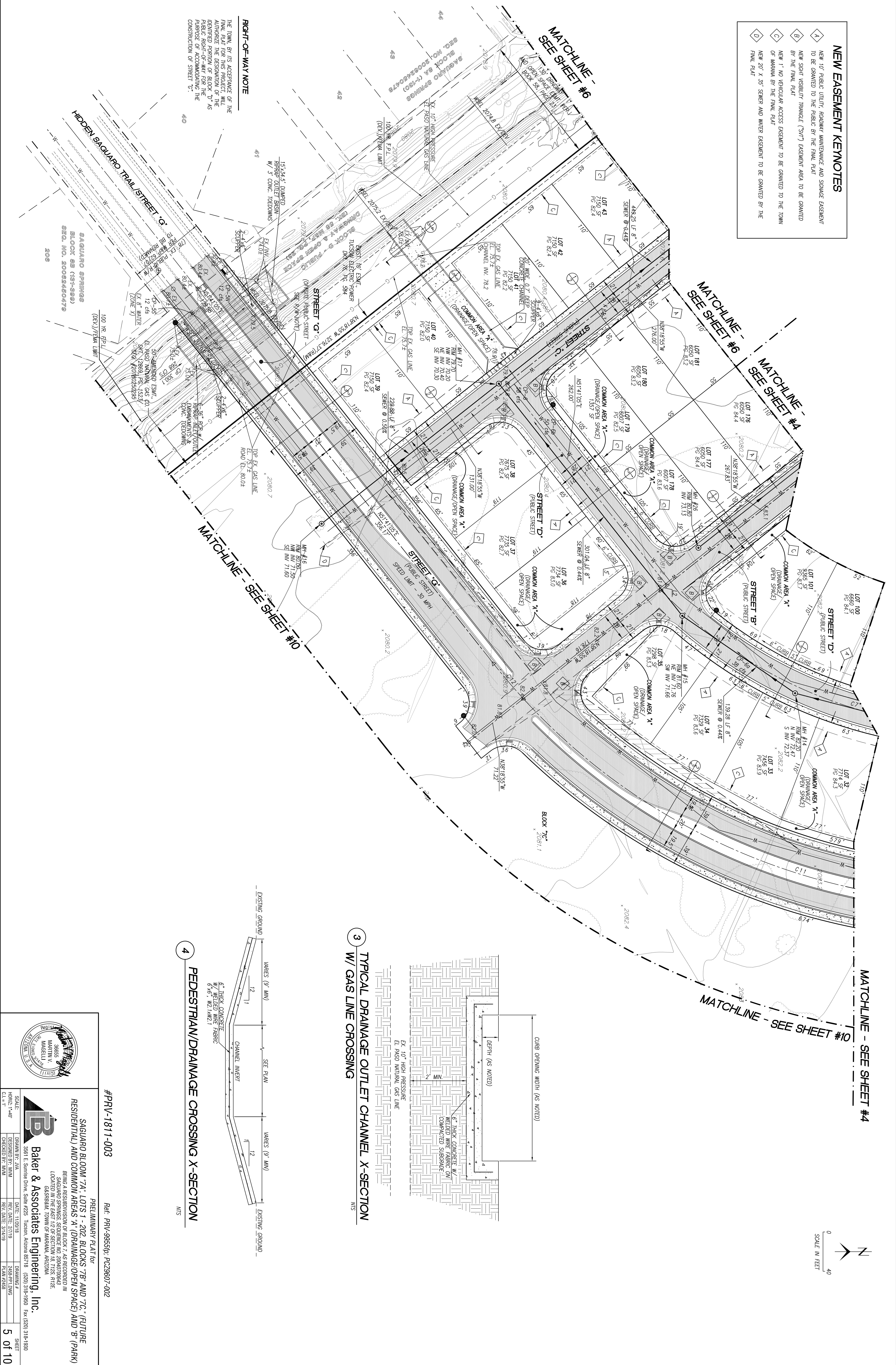
MATCHLINE - SEE SHEET #9



NEW EASEMENT KEYNOTES

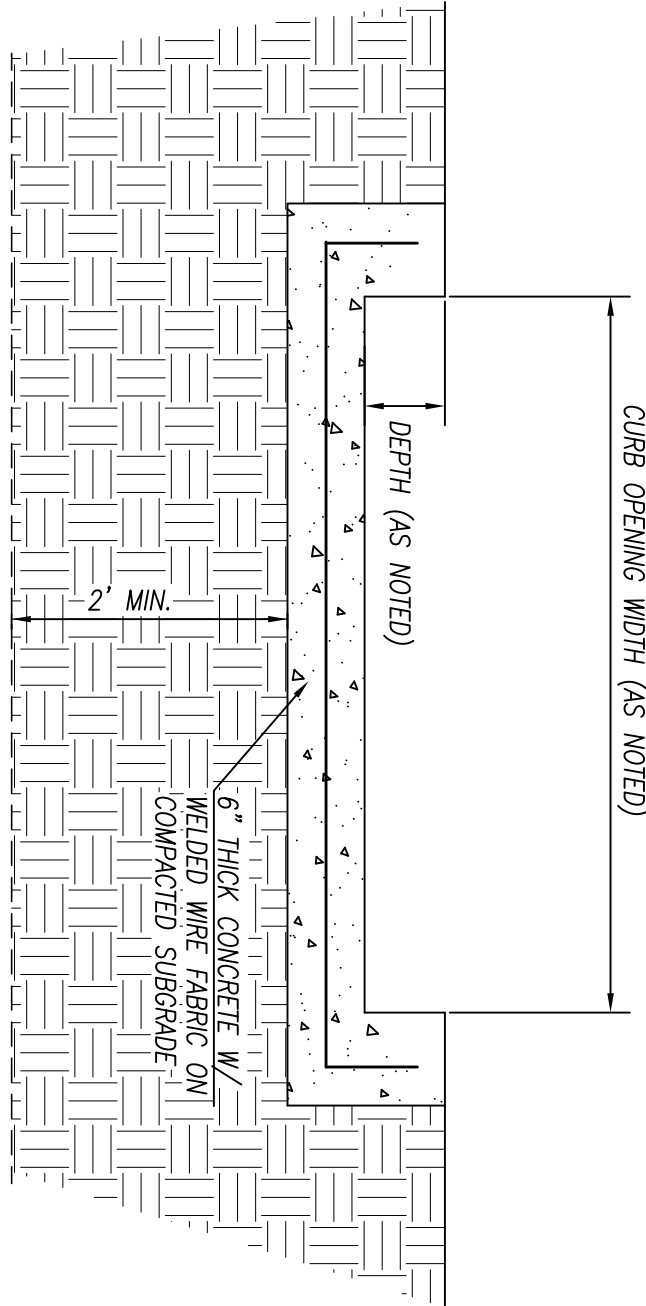
- A NEW 10" PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT TO BE GRANTED TO THE PUBLIC BY THE FINAL PLAT
- B NEW SIGN VISIBILITY TRIANGLE ("SVT") EASEMENT AREA TO BE GRANTED BY THE FINAL PLAT
- C NEW 1' NO VEHICULAR ACCESS EASEMENT TO BE GRANTED TO THE TOWN OF MARANA BY THE FINAL PLAT
- D NEW 20' X 35' SEWER AND WATER EASEMENT TO BE GRANTED BY THE FINAL PLAT

RIGHT-OF-WAY NOTE
THE TOWN, BY ITS ACCEPTANCE OF THE FINAL PLAT FOR THIS PROJECT, WILL AUTHORIZE THE DESIGNATION OF THE IDENTIFIED PORTION OF BLOCK "D" AS PUBLIC RIGHT-OF-WAY FOR THE PURPOSE OF ACCOMMODATING THE CONSTRUCTION OF STREET "G".

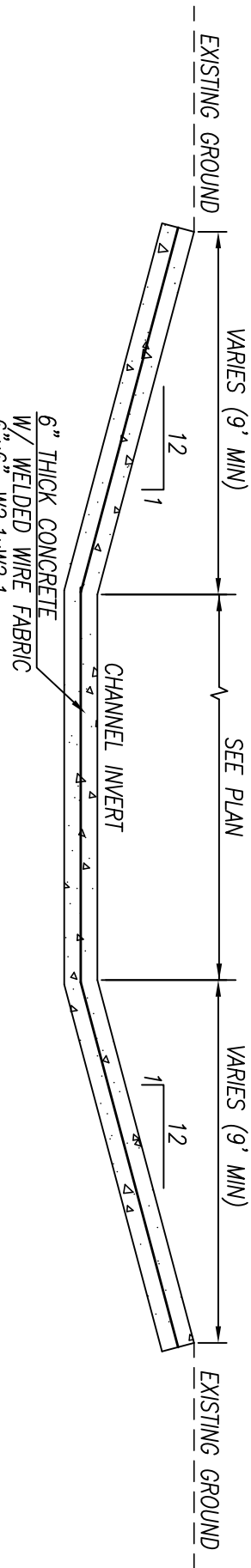


MATCHLINE - SEE SHEET #4

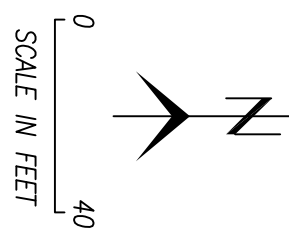
MATCHLINE - SEE SHEET #10



3 TYPICAL DRAINAGE OUTLET CHANNEL X-SECTION
W/ GAS LINE CROSSING



4 PEDESTRIAN/DRAINAGE CROSSING X-SECTION



MARTIN V. MAGELLI
38655
STATE OF ARIZONA
PROFESSIONAL ENGINEER

Baker & Associates Engineering, Inc.
3861 E. Sunrise Drive, Suite #225 Tucson, Arizona 85718 (520) 318-1950 Fax (520) 318-1990

#PRV-1811-003

Ref: PRV-9956fp; PC29607-002

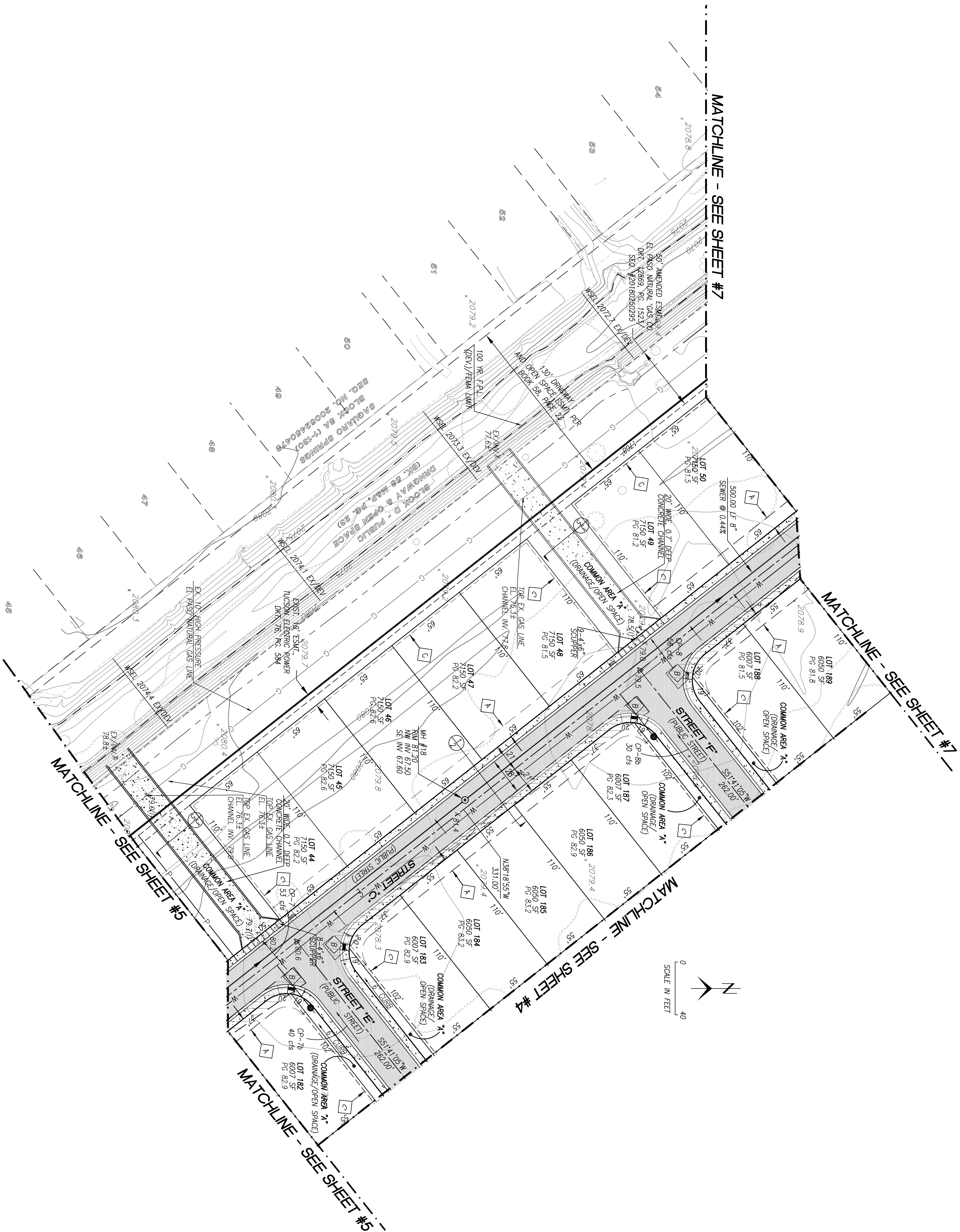
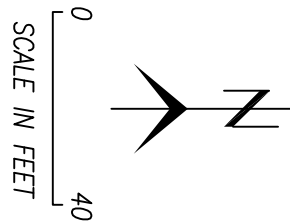
PRELIMINARY PLAT for
SAGUARO BLOOM "7A" LOTS 1 - 202, BLOCKS "7B" AND "7C" (FUTURE RESIDENTIAL) AND COMMON AREAS "A" (DRAINAGE/OPEN SPACE) AND "B" (PARK)

BEING A RESUBDIVISION OF BLOCK 7, AS RECORDED IN
SAGUARO SPRINGS, SEQUENCE NO. 2894028642
LOCAL GASBORAK, TOWN OF MARANA, ARIZONA

SCALE: HORIZ: 1"=40'	DRAWING: JVA	DATE: 11/20/13	DRAWING #	SHEET
CHECKED BY: MM	DESIGNED BY: MM	REV. DATE: 2/7/19	2458P1.DWG	5 of 10
C.L. = 1"	CHECKED BY: MM	REV. DATE: 3/17/19	PLAN #238	

NEW EASEMENT KEYNOTES

- A NEW 10' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT TO BE GRANTED TO THE PUBLIC BY THE FINAL PLAT
- B NEW SIGHT VISIBILITY TRIANGLE ("SVT") EASEMENT AREA TO BE GRANTED BY THE FINAL PLAT
- C NEW 1' NO VEHICULAR ACCESS EASEMENT TO BE GRANTED TO THE TOWN OF MARANA BY THE FINAL PLAT
- D NEW 20' X 35' SEWER AND WATER EASEMENT TO BE GRANTED BY THE FINAL PLAT



Baker & Associates Engineering, Inc.
3861 E. Sunrise Drive, Suite #225, Tucson, Arizona 85718 (520) 318-1950 Fax (520) 318-1990

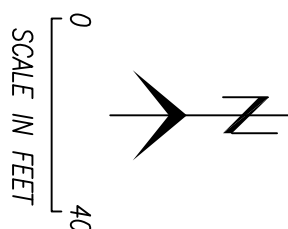
PRELIMINARY PLAT for
SAGUARO BLOOM 7A, LOTS 1 - 202, BLOCKS 7B AND 7C, (FUTURE
RESIDENTIAL AND COMMON AREAS "A" (DRAINAGE/OPEN SPACE) AND "B" (PARK)
BEING A RESUBDIVISION OF BLOCK 7, AS RECORDED IN
SAGUARO SPRINGS SCHEME NO. 2894020642
LOCAL GASTREBANK TOWN OF MARANA, ARIZONA

SCALE: HORIZONTAL: 1"=40'	DRAWN BY: JVA	DATE: 11/20/13	DRAWING #	SHEET
CHECKED BY: MM	DESIGNED BY: MM	REV. DATE: 2/7/19	2458P1.DWG	6 of 10
CL: 1"	CHECKED BY: MM	REV. DATE: 3/14/19	PLAN #2158	

#PRV-1811-003

Ref: PRV-99561fp; PC29607-002

- A NEW 10' PUBLIC UTILITY, ROADWAY MAINTENANCE, AND STORAGE EASEMENT TO BE GRANTED TO THE PUBLIC BY THE FINAL PLAT
- B NEW SPORT ASSEMBLY TRAILANCE ("S") EASEMENT AREA TO BE GRANTED BY THE FINAL PLAT
- C NEW 1' NO VEHICULAR ACCESS EASEMENT TO BE GRANTED TO THE TOWN OF MARMA BY THE FINAL PLAT
- D NEW 20' X 35' SLOTER AND WATER EASEMENT TO BE GRANTED BY THE FINAL PLAT

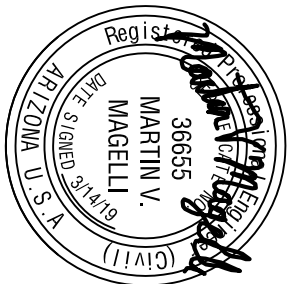


Ref: PRV-9955fp; PCZ9607-002

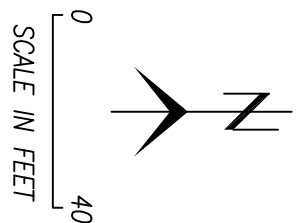
BEING A RESUBDIVISION OF BLOCK 7, AS RECORDED IN
SAGUARO SPRINGS, SEQUENCE NO. 20040700643
LOCATED IN THE EAST 1/2 OF SECTION 18, T12S, R12E
C O C O P A T O W N S H I P M A D A D A N A A R I Z O N A

3561 E. Sunrise Drive, Suite #225 Tucson, Arizona 85718 (520) 318-1950 Fax (520) 318-1930

SCALE:		SHEET
DRAWN BY: JVA	DATE: 11/20/18	DRAWING #
DESIGNED BY: MM	REV. DATE: 2/7/19	2458-P.P.1.DWG
CHECKED BY: MM	REV. DATE: 3/14/19	PLAN #2458

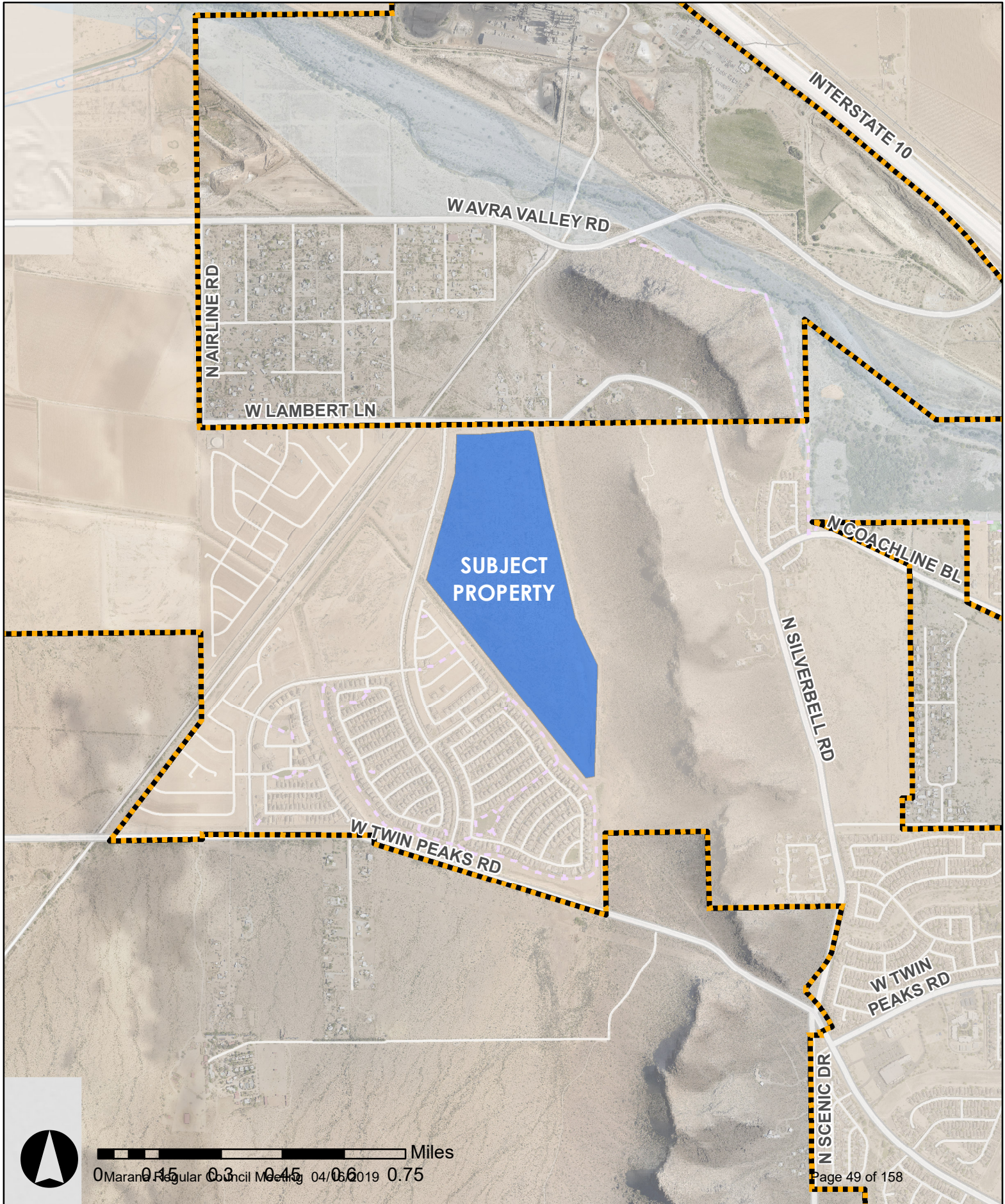


- 4 NEW 10' PUBLIC UTILITY, ROADWAY MAINTENANCE, AND STORAGE EASEMENT TO BE GRANTED TO THE PUBLIC BY THE FINAL PLAT
- 5 NEW SIGHT VISIBILITY TRIANGLE ("V") EASEMENT AREA TO BE GRANTED BY THE FINAL PLAT
- 6 NEW 1' NON VEHICULAR ACCESS EASEMENT TO BE GRANTED TO THE TOWN OF MARQUA BY THE FINAL PLAT
- 7 NEW 20' X 35' SEWER AND WATER EASEMENT TO BE GRANTED BY THE FINAL PLAT



PRV1811-003 Saguaro Bloom 7A Preliminary Plat

Lots 1-202, Blocks "7B" and "7C" (Future Residential), and Common Areas "A" (Drainage/Open Space) and "B" (Park)



**PROJECT APPLICATION****PROJECT INFORMATION**

Project Name: Saguaro Bloom Block "7"

Description of Project: Single Family Residential

Number of Lots: 204

Parcel No.(s): 216-40-0210

Gross Area (Acres): 121.14

Project Address: Lambert/Saguaro Peaks

Ref. Project No.: PRV-9955fp; PRV-96-97

CONTACT INFORMATION**Owner:** Title Security Agency of Arizona Trust 201434

Contact Name:

Address: [[see applicant information below]]

City:

State:

Zip:

Email:

Phone No.:

Applicant: D. R. Horton, Inc.

Contact Name: Jimmy Gaulin

Address: 3580 W. Ina Road, Suite 100

City: Tucson

State: AZ

Zip: 85741

Email: jjgaulin@drhorton.com

Phone No.: 336-7002

Consultant/Engineer: Baker & Assoc. Engineering

Contact Name: Marty Magelli

Address: 3561 E. Sunrise Drive, Suite 225

City: Tucson

State: AZ

Zip: 85718

Email: marty@baetucson.com

Phone No.: 318-1950

OWNER/APPLICANT AUTHORIZATION

I, the undersigned, certify that all of the facts set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

James J. Gaulin

Applicant Name (PRINT)

[Signature]

Signature

11/15/2018

Date

FOR OFFICIAL USE ONLY

Project No. _____

Date Received _____

☐ Annexation☐ Rezone☐ Specific Plan☐ General Plan Amendment☐ Preliminary Plat☐ Final Plat☐ Significant Land Use Change☐ Minor Land Division☐ Variance☐ Development Plan☐ Development Plan Package☐ Dedications / Easements☐ Lic. Agreement☐ Landscape Plan☐ Conditional Use Permit☐ Report (Type): _____☐ SWPP☐ Native Plant Plan☐ Native Plant Exception☐ Other: _____☐ Improvement Plan (Type): _____

Revision Date 6/17/2016



Council-Regular Meeting

C4

Meeting Date: 04/16/2019

To: Mayor and Council

From: David Udall, Associate Town Attorney

Date: April 16, 2019

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2019-030: Relating to the Marana Regional Airport; approving and authorizing the Mayor to execute a Land/Facility Use Agreement between the Town of Marana and the Arizona Department of Forestry and Fire Management for use of the Airport as an air tanker base for fire suppression activities during fire season (David Udall)

Discussion:

For a number of years, the Arizona Department of Forestry and Fire Management (formerly the Arizona State Forestry Division) has used property on the premises of the Marana Regional Airport each fire season as a base for air-based fire suppression, either through a sublease with Northwest Fire District or most recently, through a direct agreement with the Town. The proposed Land/Facility Use agreement will continue this relationship.

The agreement will allow the Department to park single engine air tankers at the airport during the fire season (roughly May through July), as well as temporary mobile office building/trailers. In addition, the Department may station an airplane and a helicopter at the airport for fire reconnaissance and fire support. Pursuant to the agreement, Town rental/parking fees would be waived, but the Department would be required to pay for its own water and electric utilities associated with its use of the airport property directly to the utility companies. The agreement will be in place for three years.

Pursuant to the terms of the agreement, the Town would waive approximately \$7,000 in parking/rental fees for the fire season.

Financial Impact:

As has been done in the past, the Town would waive all potential parking/rental fees for each fire season. Such fees would amount to approximately \$7,000 for each quarter.

Staff Recommendation:

Staff recommends approval of the agreement.

Suggested Motion:

I move to adopt Resolution No. 2019-030, approving and authorizing the Mayor to execute a land/facility use agreement between the Town of Marana and the Arizona Department of Forestry and Fire Management for use of the airport as an air tanker base for fire suppression activities during fire season.

Attachments

Resolution No. 2019-030
Exhibit A to Resolution
Airport Use Area Map

MARANA RESOLUTION NO. 2019-030

RELATING TO THE MARANA REGIONAL AIRPORT; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LAND/FACILITY USE AGREEMENT BETWEEN THE TOWN OF MARANA AND THE ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT FOR USE OF THE AIRPORT AS AN AIR TANKER BASE FOR FIRE SUPPRESSION ACTIVITIES DURING FIRE SEASON

WHEREAS A.R.S. § 28-8411 authorizes the Town Council of the Town of Marana to undertake all activities necessary to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate an airport; and

WHEREAS the Town Council finds that entering into a Land/Facility Use Agreement with the Arizona Department of Forestry and Fire Management to allow the use of property at the Marana Regional Airport as an air tanker base for fire suppression activities in Southern Arizona during the fire season is in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, as follows: The Land/Facility Use Agreement between the Town of Marana and the Arizona Department of Forestry and Fire Management in substantially the form attached to and incorporated by this reference in this resolution as Exhibit A is hereby approved, the Mayor is hereby authorized and directed to execute it for and on behalf of the Town of Marana, and the Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

ARIZONA DEPARTMENT OF FORESTRY AND FIRE
MANAGEMENT

LAND/FACILITY USE AGREEMENT

Agreement #: _____

Resource Order #: _____

The Town of Marana, as owner of the property described herein (the "Owner"), agrees to furnish the described land or facilities (the "Property") to the Arizona Department of Forestry and Fire Management (the "State") for use as a single engine air tanker base for fire suppression activities (the "Base") pursuant to the terms and conditions set forth in this Land/Facility Use Agreement (the "Agreement").

1. **DESCRIPTION OF PROPERTY/FACILITIES:** The Property is described as follows: that certain real property at the Marana Regional Airport, located at 11700 W. Avra Valley Road, Marana, Arizona, consisting of an approximately 19,250 square foot pad (175 feet x 110 feet) for aircraft parking on the southwest portion of the helicopter ramp area, west of Taxiway A. Additionally, aircraft can be parked on the main parking ramp located northwest of the Jet Apron if necessary. An area consisting of approximately 22,500 square feet (150'x150') has been designated for the placement of a 30'x76' office trailer and vehicle parking south of the airport perimeter road. The Property is more particularly shown in the location map attached to and incorporated in this Agreement as Exhibit A.
2. **TERM:** This Agreement shall remain in effect for three years, from April 24, 2019 through April 23, 2022, unless it is terminated sooner pursuant to the terms of this Agreement.
3. **USE:** The State shall use the Property as a single engine air tanker base for fire suppression activities during the fire season. The "fire season" is typically defined as May through July each year, but the State may occupy the Property earlier or later in the year as the State determines is necessary for fire suppression activities. The State shall notify the Town when the State intends to occupy the Property. The allowed uses under this Agreement shall include the use of tie down space for single engine air tankers parked on the Property by the State or the State's contractors for fire suppression activities. Additionally, the State shall be permitted to park trailers or other mobile building structures on the Property for use as office space for personnel operating out of the Base. The State shall also be permitted to station on the

Property an Air Attack platform (one airplane) for fire reconnaissance and a helicopter for fire support.

- a. Under no circumstances may the State (i) use or permit the use of the Property for any purpose other than for the purposes described in this Agreement, (ii) cause or permit waste of the Property or (iii) adversely affect the Owner's title and rights to the Property, including any water rights or any other rights owned or claimed by the Owner.
 - b. The State shall make no structural or electrical modifications, painting or other alterations to the Property.
4. **TERMINATION:** This Agreement may be terminated by mutual written agreement of the parties or by and at the sole discretion of the Owner. If terminated by the Owner, the Owner shall give the State at least 60 calendar days' written notice of termination, unless the Owner determines that a shorter period of notice is necessary in order to address an imminent health or safety issue.
5. **ENVIRONMENTAL IMPACT:** The State, at its own expense, shall ensure that the State and the State's agents, employees, contractors, and invitees comply with all present and hereafter enacted Environmental Laws, and any amendments thereto, affecting operations on the Property. "Environmental Laws" means any and all laws, rules, regulations, regulatory agency guidance and policies, ordinances, applicable court decisions, and airport guidance documents, directives, policies (whether enacted by any local, state or federal governmental authority) now in effect or hereafter enacted that deal with the regulation or protection of the environment (including the ambient air, ground water, surface water, waste handling and disposal, and land use, including sub-strata land), or with the generation, storage, disposal or use of chemicals or substances that could be detrimental to human health, the workplace, the public welfare, or the environment. The State shall be responsible for cleaning up any fire retardant or fuel spills associated with the State's use and occupation of the Property.
6. **INDEMNIFICATION:** The State shall defend, indemnify and hold harmless the Owner, its officers, agents, and employees from and against any and all claims, demands, causes of action, complaints, suits, losses, damages, injuries, and liabilities whatsoever (including those for costs, expenses, and attorneys' fees) arising out of the State's use of the Property or the State's negligent acts or omissions in connection with this Agreement.

7. **INSURANCE:** The parties understand and agree that the State's contractors are required to provide evidence of insurance to the State pursuant to written contract with the State. The State shall require those contractors who use the Property pursuant to this Agreement to (a) name the Owner as an additional insured in the contractor's insurance policies and (b) provide the Owner with certificates of insurance and additional insured endorsements evidencing the minimum coverages required under the contractors' contracts with the State.
8. **COMPLIANCE WITH LAWS:** In its use and occupation of the Property, the State shall abide by all existing laws of the State of Arizona, County of Pima and Town of Marana and all regulations of the Federal Aviation Administration, as they may be amended from time to time.
9. **INSPECTION:** A pre-use and post-use inspection of the property will be conducted and documented by both the Owner and the State to assess possible damage that may occur during occupancy.
10. **RATE:** The Owner agrees to waive any and all Town of Marana rental fees applicable to the State's use of the Property, including any tie down and parking fees listed in the Town of Marana comprehensive fee schedule. The Property is equipped with a fire hydrant and water meter. The State shall transfer water and electric utilities for the Property into the State's name and the State shall be responsible for paying all water and electric utility bills directly to the utility providers during the time the State uses and occupies the Property. In addition, the State, at its own expense, shall clean and restore the Property to pre-use conditions at the end of each fire season.
11. **LOSS, DAMAGE OR DESTRUCTION:** The State assumes liability for the loss, damage, or destruction of the Property or the Owner's equipment on the Property, provided that no reimbursement will be made for loss, damage, or destruction when due to (1) ordinary wear and tear, or (2) the fault of negligence of the Owner or Owner's agents.
12. **MODIFICATIONS:** Any changes to this Agreement shall be made in writing and signed by both parties.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last party's signature date below.

The "Owner":

THE TOWN OF MARANA,
an Arizona municipal corporation

Ed Honea
Mayor

Date

ATTEST:

Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

The "State":

ARIZONA DEPARTMENT OF FORESTRY
AND FIRE MANAGEMENT, an Arizona
state agency

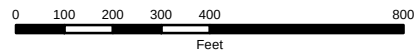
By:_____

Its:_____

Date



Exhibit A





Council-Regular Meeting

C5

Meeting Date: 04/16/2019

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Dan Grossman, CIP Process Analysis

Date: April 16, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Budget; approving an increase of \$106,993 in the project budget for the El Rio Riparian Restoration Project (PK026); authorizing the transfer of appropriations for the increase in project budget; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the increase in project budget (Keith Brann)

Discussion:

The Town of Marana's fiscal year 2018-2019 budget includes \$251,800.00 in the Capital Improvement Plan for project construction and design for the El Rio Riparian Restoration Project (PK026).

The 2007 Marana Spectrum Development Agreement between the Town of Marana and Kimco Barclay Marana provided for a developer contribution of \$456,000 to the Town for environmental mitigation. The Town of Marana also received \$34,500 from WIFA toward Planning and Design for the El Rio Riparian Restoration Project. As a result, total available funding for the project is \$490,500.

The Town has received a competent bid from Pima Paving Inc. in the amount of \$316,378.50 for the El Rio Riparian Restoration Project. With the inclusion of additional trees and archeological monitoring, the total necessary to construct the El Rio Riparian Restoration Project (PK026) is \$329,501.50.

Of the \$490,500 in total available funding, \$153,494 has been spent to date, leaving \$337,006 available for the project. However, current year remaining budget authorization for the project is \$233,013. Thus, the remaining balance of \$103,993 which has not yet been programed into the Town of Marana's approved CIP budget is

being requested to fully fund the El Rio Riparian Restoration Project (PK026).

Marana Town Code Section 3-4-7(B)(3) provides that Town Council approval is necessary when a purchase is requested in the adopted budget, but the funds exceed the budgeted amount by more than \$50,000.

Financial Impact:

Fiscal Year: 2019

Budgeted Y/N: N

Amount: \$103,993

The funding for this increase in project budget will come from the remaining balance of the Environmental Mitigation contribution from Kimco Barclay Marana, 38051010-8015-PK026. Budget capacity for the transfer exists within other CIP budget items.

Staff Recommendation:

Staff recommends approval of the increase in project budget for the El Rio Riparian Restoration Project (PK026).

Suggested Motion:

I move to approve an increase of \$103,993 in the project budget for the El Rio Riparian Restoration Project (PK026); to authorize the transfer of appropriations for the increase in project budget; and to authorize the Town Manager or designee to execute the necessary documents to effectuate the increase in project budget.

Attachments

No file(s) attached.



Council-Regular Meeting

C6

Meeting Date: 04/16/2019

To: Mayor and Council

From: Laine Sklar, Town Magistrate

Date: April 16, 2019

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2019-031: Relating to Municipal Court; approving the appointment of Ryan Bleau and Maria Felix as magistrates pro tempore for the Marana Municipal Court (Laine Sklar)

Discussion:

On January 16, 2018, the Council reappointed Michael Aaron, Kenneth Bowman, Maria Davila, Alfred McDonald, and Ronald Newman to serve as magistrates pro tempore in the Marana Municipal Court, on an as-needed basis. Town Magistrate Laine Sklar recommends that additional judges pro tempore be appointed to ensure full court coverage. As a result, Judge Sklar conducted an open process calling for applications for the position. After review of those applications, Judge Sklar now recommends that the Council appoint Ryan Bleau and Maria Felix as additional magistrates pro tempore to be used on an as-needed basis when Judge Sklar is unavailable for court. The appointments of these two individuals would run through September 30, 2019, to coincide with the term of Judge Sklar's current contract with the Town. Based on Judge Sklar's review, both individuals meet the qualifications imposed by Arizona law and the Court's requirements for serve as a judge pro tempore, and possess the requisite skill and character to perform the duties of a judge pro tempore.

Staff Recommendation:

Staff recommends appointment of Ryan Bleau and Maria Felix as magistrates pro tempore.

Suggested Motion:

I move to adopt Resolution No. 2019-031, approving the appointment of Ryan Bleau and Maria Felix as magistrates pro tempore for the Marana Municipal Court.

Attachments

Resolution No. 2019-031

MARANA RESOLUTION NO. 2019-031

RELATING TO MUNICIPAL COURT; APPROVING THE APPOINTMENT OF RYAN BLEAU AND MARIA FELIX AS MAGISTRATES PRO TEMPORE FOR THE MARANA MUNICIPAL COURT.

WHEREAS Section 5-2-1 of the Marana Town Code provides that the Town Council may appoint special magistrates or acting magistrates, also known as magistrates pro tempore, for the purposes of hearing a particular case or acting as the Town Magistrate in the Town Magistrate's absence; and

WHEREAS the Town Council, upon recommendation of the Town Magistrate, the Honorable Laine Sklar, has determined that it is necessary to appoint qualified individuals to serve as magistrates pro tempore on an as-needed basis in the Marana Municipal Court; and

WHEREAS the Town Magistrate solicited applications for magistrates pro tempore and based upon applications received and reviewed by the Town Magistrate, recommends that the Town Council appoint Ryan Bleau and Maria Felix to serve as magistrates pro tempore on an as needed basis; and

WHEREAS the Town Council finds that these individuals meet the qualifications imposed by Arizona law and possess the requisite skill and character to perform as a magistrates pro tempore.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that Ryan Bleau and Maria Felix are hereby appointed as magistrates pro tempore for the Marana Municipal Court on an as-needed basis, effective April 16, 2019 through September 30, 2019.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney



Council-Regular Meeting

C7

Meeting Date: 04/16/2019

To: Mayor and Council

Submitted For: Cherry L. Lawson, Town Clerk

From: Suzanne Sutherland, Executive Assistant to the Town Clerk

Date: April 16, 2019

Subject: Approval of Regular Council Meeting Summary Minutes from April 2, 2019 (Cherry L. Lawson)

Attachments

Draft 04/02/2019 Regular Council Meeting Summary Minutes



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers April 2, 2019, at or after 7:00 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

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Honea called the meeting to order at 7:02 PM and directed the Clerk to call the roll. **Vice Mayor Jon Post; Council Members Dave Bowen, Patti Comerford, Herb Kai (Excused), and Roxanne Ziegler** were present. There were a quorum of council members present constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by **Mayor Honea**.

APPROVAL OF AGENDA

Council Member Bowen moved to approve the agenda, and Vice Mayor Post seconded the motion. The motioned passed, 6-0.

CALL TO THE PUBLIC

Mayor Honea opened the meeting to receive public comments. There were no comments offered.

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Officer thanked the Town staff for their efforts in creating a successful Founder's Day event. **Council Member Ziegler** echoed the remarks of **Council Member Officer**. She thanked Sgt. Alvarez for offering to take a few residents on tour of the police facility.

Mayor Honea thanked all persons who involved in making Founder's Day a successful event. He had attended an event where he presented awards (buckles) at the Cobra event – there were 200 in attendance at the event.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Jamsheed Mehta updated the Council on local community events for this coming weekend. The Town of Marana is the recipient of the Arizona Chapter of the Southern Arizona Branch Project of the Year Award for Transportation Project costing between \$25 - 75 million. In that category, Marana stood first. He congratulated those staff persons and others involved.

PRESENTATIONS

CONSENT AGENDA

Mayor Honea stated once a motion has been offered, there needs to be by roll call vote as Item No. C1 has an emergency clause within the ordinance.

Vice Mayor Post moved to approve the Consent Agenda, and Council Member Ziegler seconded the motion.

Ayes: Mayor Honea, Vice Mayor Post; Council Members Bowen, Comerford, Ziegler and Officer.

Nays: None.

Motion passed, 6-0.

C1 Ordinance No. 2019.009: Relating to Finance; amending the Town of Marana comprehensive fee schedule to reduce certain Park Facility Rental Fees for certain youth non-profit groups; and declaring an emergency (Jane Fairall)

C2 Resolution No. 2019-026: Relating to Development; accepting for maintenance certain public water improvements serving Hampton Inn & Suites on Lot 1 of Marana Center II Lots 1-3 (Keith Brann)

C3 Approval of Study Session Summary Minutes from March 26, 2019 and approval of Regular Council Summary Minutes from March 19, 2019 (Cherry L. Lawson)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

B1 Presentation: Relating to Boards, Commissions and Committees; discussion and consideration regarding input and development recommendations from the Spring 2019 Marana Citizens' Forum on the topic "Marana General Plan" (Heath Vescovi-Chiordi)

Citizen Forum Delegate Jocelyn Bronson, provided a PowerPoint Presentation on the Marana Citizens' Forum Engagement in the Make Marana 2040 General Plan Exercise (*on file in the Town Clerk's Office*).

COUNCIL ACTION

A1 PUBLIC HEARING: Resolution No. 2019-027: Relating to Utilities; designating the gravity portion of the Tangerine-Downtown Sewer a protected facility and adopting the Tangerine-Downtown Sewer protected facility charge (John Kmiec)

[7:25 PM Minutes:] **Mayor Honea** opened the Public Hearing to receive testimony on the above item. No testimony was offered.

Water Director, John Kmiec provided an overview of this item stating this item is for the establishment for a fee for the payback of the gravity portion of the Tangerine-Downtown Sewer line. At the time of the settlement with the Pima County Wastewater, there was a transitional period of the Saguaro Bloom neighborhood; that development would eventually end up with Marana Designated Management Area (DMA) of the sewer. In 2014, plans were put together and discussion with the stakeholders, particularly in north Marana of making that connection with Saguaro Bloom and the county having eventually turning that area over to Marana DMA.

In early 2018, the Council adopted an ordinance allowing for protected facilities fee to be created that would allow the Town to build any sewer type structure or water structures in the future. The Town would front those funds to help advance the development—the Town would create a fee to recover those cost for the Town as those developments continue. The gravity portion of the Tangerine-Downtown Sewer line is one of the first of a protected facilities that the Town has designed. On February 22, 2019, the Town notified the stakeholders in north Marana, from Tangerine Farms Boulevard along the alignment of the sewer line through the Clark Farms area of the establishment to repay the Town for the fees it advanced for that portion to encourage development.

The fee was calculated by the number of potential connection available on that sewer line divided by the cost of the project. The Town is estimating the fee \$519.67 per EDU connection. During the time between February 22 and this public hearing, the Town received one comment from the Tangerine I-10 LLC group. At the time Tangerine Farms Boulevard was built, they did have installed the sewer line, and that sewer line was pre-existing. They questioned whether they could use that sewer line. The Town responded stating they would be credited those fees for that sewer line as they preemptively installed the sewer line. Tangerine I-10 LLC group would be exempted for 442 EDU units.

[7:29 PM Minutes:] **Mayor Honea** closed the Public Hearing.

Council Member Bowen moved to approve Resolution No. 2019-027 designating the gravity portion of the Tangerine-Downtown Sewer a protected facility and adopting the Tangerine-Downtown Sewer protected facility charge, Vice Mayor Post seconded the motion. Motion passed: 6-0.

A2 Resolution No. 2019-023: Relating to development; approving a final plat for Cortaro Ranch Phase II, Lots 1 through 6 and Common Areas "A" and "B" located north of Cortaro Farms Road and west of Cerius Stravenue (Brian D. Varney)

A3 Resolution No. 2019-024: Relating to development; approving a development plan for Cortaro Ranch Phase II, a commercial development located north of Cortaro Farms Road and west of Cerius Stravenue (Brian D. Varney)

Senior Planner, Brian Varney provided an overview of both stating these two items are a request for approval of a final plat and development plan for the Cortaro Ranch Phase II. These are the last two of a few that Council has seen in the past year. Council has previously approved a rezoning at the March 19, 2019 Council Meeting for a small section of this property within this development area. He provided additional details related to the development of the Cortaro Ranch Phase II near Cortaro Farms Road and west Cerius Stravenue. *(PowerPoint Presentation is on file in the Town Clerk's Office.)*

Council Member Bowen moved to approve Resolution No. 2019-23 approving a final plat for Cortaro Ranch Phase II, Lots 1 through 6 and Common Areas "A" and "B" located north of Cortaro Farms Road and west of Cerius Stravenue and Resolution No. 2019-24 approving a development plan for Cortaro Ranch Phase II, a commercial development located north of Cortaro Farms Road and west of Cerius Stravenue, and Vice Mayor Post seconded the motion. Motion passed: 6-0.

A4 Relating to Procurement; ratifying the Town Manager's approval of two change orders to the Construction Contract with Pavex Corp. for the Rehabilitate Apron, Rehabilitate Taxiway, Project No. AP025 for the Marana Regional Airport in the amounts of \$77,672.19 and \$65,360.00; authorizing the transfer of appropriations if

necessary for the change orders; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change orders (Steve Miller)

Airport Director, Steve Miller provided an overview of the reconstruction project that began in December stating they are more than three (3) months into the project as well as an update of the funding efforts. The FAA grant has provided 91.06% of the project totaling \$4,497,369; ADOT and Marana has contributed 4.47% (ADOT \$220,769 and Marana \$476,724). Marana's total is slightly higher than ADOT as there were parts of this project that were deemed non-federal fundable because of the location of the pavement. It was deemed only useful for private entities; therefore, the federal government would not fund portions of the project. In those cases, Marana and Pima Aviation are paying that difference. *(A copy of the Construction Project Area is on file in the Town Clerk's Office.)*

These change orders will bring the Construction Contract total to \$4,819,718.19, with the cost of the two change orders at \$143,032.19 (Change order 1: \$77,672.19 Cement treatment Jet Apron; and Change order 2: \$65,360.00 Cement treatment Fuel Apron). At the close of the project, staff will be requesting reimbursement from the FAA of their 91.06% portion, in the amount of \$130,245.12 and ADOT's 4.47% portion, in the amount of \$6,393.54.

Council Member Ziegler moved to approve ratifying the Town Manager's approval of two change orders to the Construction Contract with Pavex Corp. for the Rehabilitate Apron, Rehabilitate Taxiway, Project No. AP025 for the Marana Regional Airport in the amounts of \$77,672.19 and \$65,360.00; authorizing the transfer of appropriations if necessary for the change orders; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change orders, and Council Member Bowen seconded the motion. Motion passed: 6-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Budget; discussion, direction and possible action regarding development of the fiscal year 2019-2020 budget, including proposed budget initiatives and expenditures (Jamsheed Mehta)

D2 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Jamsheed Mehta)

Mr. Mehta provided an update on three (3) legislative bills, two are related: Highway Safety Fee (HURF funding). In the previous year, there was an additional \$18 registration fee that was initially proposed. Then there was a \$32 registration fee proposed. SB1001 which is an attempt to repeal that bill in its entirety. HB2320 a similar bill that attempts to differently approach this, that would reduce the fee back to

\$18 instead of repealing it in its entirety which would then require the gap in funding be appropriated by the general fund. HB2109 County Excise Tax to add an additional half cent (1/2) previously discussed by Council. Last week it passed the Senate Transportation and Budget Safety Committee on a vote of 5-3. On April 1, it was approved in the Rules Committee, and was approved this day by the Party Caucus and is awaiting a full floor vote perhaps as early as next week.

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), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

E2 Executive session pursuant to A.R.S. § 38-431.03(A)(7) to consider its position and instruct the Town's representatives regarding negotiations for the possible sale or lease to Metropolitan Domestic Water Improvement District of two well sites on Town-owned land near the Marana Regional Airport.

[7:48 PM Minutes:] *Council Member Bowen moved to adjourn into Executive Session, and Vice Mayor Post seconded the motion. Motion passed: 6-0.* [8:14 PM Minutes:] Executive Session adjourned.

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).

Council Member Ziegler requested to have a future agenda item placed on an agenda. She explained, it is as a result of a recent Council Meeting on HB2109 whereby the majority of Council were caught off guard on what was expected of them that evening. She proposed for the future to make sure we are very clear and transparent of what we need to do. She wished to request we develop a policy or procedure to follow when the Council is asked to take potential action notification to our lobbyist regarding a legislative position. In other words, if there is something on [here (holding up a piece of paper)] we really need to address as a Council, I would like to have a position – have a policy. I understand that there is one other municipality that have them; I believe, there is one at the League of Cities and Towns. So that way, we won't be caught off guard... some of these, we will never talk about, but 2109 I think this came to most of us as surprise. And, I don't want to ever feel like that again on this dais. So um, I would

like to have a policy of position if we could on how to attack something like that in the future.

Mayor Honea stated the “we” can look into something like that.

ADJOURNMENT

Mayor Honea asked for a motion to adjourn the meeting.

Council Member Bowen moved to adjourn the meeting, and Vice Mayor Post seconded the motion. Meeting adjourned at 8:16 P.M.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on April 2, 2019. I further certify that a quorum was present.

Cherry L. Lawson, Town Clerk



Council-Regular Meeting

L1

Meeting Date: 04/16/2019

To: Mayor and Council

Submitted For: Cherry L. Lawson, Town Clerk

From: Suzanne Sutherland, Executive Assistant to the Town Clerk

Date: April 16, 2019

Subject: Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding a new series 12 restaurant liquor license application submitted by Kevin Arnold Kramber on behalf of High 5 Grill, located at 3682 W. Orange Grove Road Suite 146, Tucson, AZ 85741 (Cherry L. Lawson)

Discussion:

This application is for a series 12 restaurant liquor license at High 5 Grill, located at 3682 W. Orange Grove Road Suite 146, Tucson, AZ 85741.

Pursuant to state law, the application was posted at the premises where the business is to be conducted. The posted notice provided that residents within a one mile radius from the premises may file written arguments in favor of or opposed to the issuance of the license with the Town Clerk's Office within 20 days of the posting. Any written arguments received by the Clerk's Office for or against the proposed liquor license are attached to this item and will be submitted to the Department of Liquor Licenses and Control (DLLC).

Town staff has reviewed this application to determine whether the applicant is in compliance with zoning, building and other legal requirements for the business. Additionally, the Marana Police Department has conducted a local background check.

The Town Council must enter an order recommending approval or disapproval of the application within 60 days after filing of the application. Pursuant to state statute, a license will only be issued after a satisfactory showing of the capability, qualifications and reliability of the applicant and "in all proceedings before the town council, the applicant bears the burden of showing that the public convenience requires and that the

best interests of the community will be substantially served by the issuance of a license.”

If the Council’s recommendation is for disapproval, the order must include an attachment stating the specific reasons for the recommendation of disapproval and including a summary of the testimony or other evidence supporting the recommendation.

If the Council enters an order recommending approval of the application, or makes no recommendation, then no hearing before the Arizona state liquor board will take place, unless the director of the DLLC, the liquor board or a resident within a one mile radius from the premises requests a hearing. If the Council enters an order recommending disapproval of the application, or if the director, board or a resident within a one mile radius from the premises requests a hearing, then the state board will hold a hearing regarding the application.

At the hearing, the state board will consider all evidence and testimony in favor of or opposed to the granting of the license. The decision of the board to either grant or deny an application will normally take place within 105 days after the application has been filed, unless the director of the DLLC deems it necessary to extend the time period.

Staff Recommendation:

In reviewing the application materials for this liquor license, Town Staff learned of an error in the DLLC Questionnaire form that was submitted by the applicant. Staff has since received an amended DLLC Questionnaire with a letter of explanation, and these documents have been included for the Council's review.

After reviewing this additional information, Staff recommends that an order recommending approval be submitted to the DLLC for this liquor license application.

Suggested Motion:

OPTION 1: I move to adopt and submit to the DLLC an order recommending approval of a new series 12 restaurant liquor license application submitted by Kevin Arnold Kramber on behalf of High 5 Grill, located at 3682 W. Orange Grove Road Suite 146, Tucson, AZ 85741.

OPTION 2: I move to adopt and submit to the DLLC an order recommending disapproval of a new series 12 restaurant liquor license application submitted by Kevin Arnold Kramber on behalf of High 5 Grill, located at 3682 W. Orange Grove Road Suite 146, Tucson, AZ 85741.

Attachments

Application
Amended Questionnaire
Affidavit of Posting

Local Governing Body Recommendation
Common Liquor License Descriptions

State of Arizona
Department of Liquor Licenses and Control

Created 02/20/2019 @ 08:24:45 AM

Local Governing Body Report

LICENSE

Number: Type: 012 RESTAURANT
Name: HIGH 5 GRILL
State: Pending
Issue Date: Expiration Date:
Original Issue Date:
Location: 3682 W ORANGE GROVE ROAD
STE 146
TUCSON, AZ 85741
USA
Mailing Address: [REDACTED]
USA
Phone: (000)000-0000
Alt. Phone: [REDACTED]
Email: [REDACTED]

AGENT

Name: KEVIN ARNOLD KRAMBER
Gender: Male
Correspondence Address: [REDACTED]
USA
Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: [REDACTED]

OWNER

Name: CATZ GRILLE LLC
Contact Name: KEVIN ARNOLD KRAMBER
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: 1928280 State of Incorporation: AZ
Incorporation Date: 01/01/2019
Correspondence Address: [REDACTED]
USA
Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: [REDACTED]
Officers / Stockholders

Name:
CATHERINE ALICE WHALEY

Title:
MEMBER

% Interest:
100.00

CATZ GRILLE LLC - MEMBER

Name: CATHERINE ALICE WHALEY
Gender: Female
Correspondence Address: [REDACTED]

USA

Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: [REDACTED]

MANAGERS

Name: ROBERT FRANK MCQUOID
Gender: Male
Correspondence Address: [REDACTED]

USA

Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: [REDACTED]

APPLICATION INFORMATION

Application Number: 49141
Application Type: New Application
Created Date: 01/29/2019

QUESTIONS & ANSWERS

012 Restaurant

- 1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S. §4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.
Yes
- 2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.
Yes
- 5) Are you a tenant? (A person who holds the lease of a property; a lessee)
Yes
A Document of type LEASE is required.
- 6) Is there a penalty if lease is not fulfilled?
Yes
What is the penalty?
\$4875 and landlord lockout

- 7) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
No
- 8) Are you the owner?
No
- 9) Are you a purchaser?
No
- 10) Are you a management company?
No
- 11) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 12) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
n/a; Capital Contributions
- 13) Have you provided a diagram of your premises?
Yes
- 14) Is there a drive through window on the premises?
No
- 15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
yes, contiguous
- 16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
No
- 17) Have you provided a Restaurant Operation Plan form?
Yes
- 18) Have you provided a Records Required for Audit form?
Yes

DOCUMENTS

DOCUMENT TYPE	FILE NAME	UPLOADED DATE
QUESTIONNAIRE	Cathy Q and attachement.pdf	01/29/2019
DIAGRAM/FLOOR PLAN	Floor Plan.pdf	01/29/2019
QUESTIONNAIRE	KK Q Attach ASF Passport.pdf	01/29/2019
MENU	Menu.pdf	01/29/2019
RECORDS REQUIRED FOR AUDIT	Records Required For Audit.pdf	01/29/2019
RESTAURANT OPERATION PLAN	Rest Op Plan.pdf	01/29/2019
QUESTIONNAIRE	Robert Mgr Q.pdf	01/29/2019
MISCELLANEOUS	Sect 5-Avitia.pdf	01/29/2019
LEASE	Floor Plan.pdf	01/29/2019

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
	CURRENT	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. ☐ Yes ☐ No
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☐ Yes ☐ No
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☒ Yes ☐ No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202,4-210 ☐ Yes ☐ No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☐ No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) ☐ Yes ☐ No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) ☐ Yes ☐ No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement.
Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

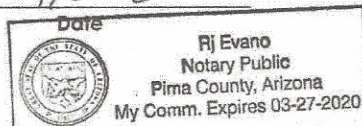
NOTARY

I (Print Full Name) ROBERT McQuoid hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: [Signature]

State of Arizona County of Pima
The foregoing instrument was acknowledged before me this

My Commission Expires on: 3/27/2020 26 Day of MARCH, 2019
Day Month Year



[Signature]
Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: _____ SIGNATURE: _____



Where everyone comes to Celebrate!

Robert F. McQuoid
High 5 Grille
3682 W Orange Grove Rd Suite #146
Tucson, AZ 85741

Arizona Department of Liquor
Licenses and Control
800 W Washington 5th floor
Phoenix, AZ 85007-2934
www.azliquor.gov

Regards to Liquor License
Application Amendment,

21 March 2019

To Whom it may concern,

It was brought to my attention that when filling out the questionnaire that I answered No for question number 14. I did this thinking that the incident that occurred on 8/15/2013 had passed the 5yr term. I didn't finish this case till 8/30/2016 after being arrested for missing the original court date. Charges for this case have now been dismissed and set aside. I have all paperwork regarding this case if required. I apologize for any misunderstanding in this matter.

If you have any questions, please feel free to contact me.

Thank you,

A handwritten signature in black ink, appearing to be "R. McQuoid", written over a light blue circular background.

Robert F. McQuoid

Chef General Manager, High 5 Grille

High 5 Grille

Phone: 520-869-3779

E-mail: catzgrille@gmail.com



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

AFFIDAVIT OF POSTING

Date of Posting: March 1, 2019 Date of Posting Removal: 3/25/2019

Applicant's Name: Kramber Kevin Arnold
Last First Middle

Business Address: 3682 W Orange Grove Rd Ste 146 Tucson 85741
Street City Zip

License #: 12104302/49141

I hereby certify that pursuant to A.R.S. 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

Elton Burns, Jr. Housing Specialist (520) 990-2496
Print Name of City/County Official Title Phone Number

Elton Burns Jr 3/1/2019
Signature Date Signed

Return this affidavit with your recommendations (i.e., Minutes of Meeting, Verbatim, etc.) or any other related documents.
If you have any questions please call (602) 542-5141 and ask for the Licensing Division.



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Local Governing Body Recommendation
A.R.S. § 4-201(C)

1. City or Town of: Town of Marana Liquor License Application #: 12104302/49141
(Circle one) (Arizona application #)
2. County of: Pima City/Town/County #: LL2019-08
3. If licensed establishment will operate within an "entertainment district" as described in A.R.S. §4-207(D)(2),

(Name of entertainment district) (Date of resolution to create the entertainment district)
- A boundary map of entertainment district must be attached.
4. The Marana Town Council at a Regular meeting held on the 2 of
(Governing body) (Regular or special) (Day)
April, 2019 considered the application of Kevin Arnold Kramber
(Month) (Year) (Name of applicant)
for a license to sell spirituous liquor at the premises described in application 12104302/49141
(Arizona liquor license application #)
for the license series #: type #12 Restaurant as provided by A.R.S §4-201.
(I.e.: series #10: beer & wine store)

ORDER OF APPROVAL/DISAPPROVAL

IT IS THEREFORE ORDERED that the license APPLICATION OF Kevin Arnold Kramber
(Name of applicant)
to sell spirituous liquor of the class and in the manner designated in the application, is hereby recommended
for _____
(Approval, disapproval, or no recommendation)

TRANSMISSION OF ORDER TO STATE

IT IS FURTHER ORDERED that a certified copy of this order be immediately transmitted to the State Department of Liquor, License Division, 800 W Washington, 5th Floor, Phoenix, Arizona.

Dated at _____ on _____, _____, _____
(Location) (Day) (Month) (Year)

(Printed name of city, town or county clerk)

(Signature of city, town or county clerk)

Department of Liquor Licenses and Control
Descriptions of Common Types of Liquor Licenses

Series 6 Bar

The bar (series 6) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a bar retailer to sell and serve all types of spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. § 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Payment must be made no later than the time of delivery. Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the ones provided for the bar. A hotel or motel with a Series 6 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m.

Series 7 Beer and Wine Bar

The beer and wine bar (series 7) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine (no other spirituous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. § 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar. Payment must be made no later than the time of delivery.

Department of Liquor Licenses and Control
Descriptions of Common Types of Liquor Licenses

Series 9 Liquor Store

The liquor store (series 9) license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows a spirituous liquor store retailer to sell all types of spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 9 (liquor store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.

Series 10 Beer and Wine Store

This non-transferable, off-sale retail privileges liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 10 (beer and wine store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.

Series 11 Hotel/Motel

This non-transferable, on-sale retail privileges liquor license allows the holder of a hotel/motel license to sell and serve all types of spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises. The restaurant on the licensed premises must derive at least forty percent (40%) of its gross revenue from the sale of food. The holder of this license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is provided by a key or magnetic card device and may not be furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m.

Series 12 Restaurant

This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.



Council-Regular Meeting

A1

Meeting Date: 04/16/2019

To: Mayor and Council

From: Brian Varney, Senior Planner

Date: April 16, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2019.010: Relating to Development; approving a rezoning of approximately 52 acres of land from Zone E (Transportation Corridor Zone) and Zone C (Large Lot Zone) to R-3.5 (single-family residential) and R-6 (single-family residential), and approximately 17.4 acres of land from Zone E (Transportation Corridor Zone) to Village Commercial (VC); and approving a minor amendment to the Marana General Plan land use designation from Low-Density Residential (LDR) to Medium-Density Residential (MDR) (Brian D. Varney)

Discussion:

Rezoning Request

The Planning Center, representing Sears Financial Development, LLC, Joplin Estates, LLC, and the Chivers Family Trust, is requesting approval to rezone approximately 52 acres of land from Zone E (Transportation Corridor Zone) and Zone C (Large Lot Zone) to R-3.5 (single-family residential with a minimum lot size of 3,500 square feet) and R-6 (single-family residential with a minimum lot size of 6,000 square feet), and approximately 17.4 acres of land from Zone E (Transportation Corridor Zone) to Village Commercial (VC).

The rezoning area is bordered on the west by the right-of-way for Interstate 10 and the Union Pacific Railroad, zoned Light Industrial (LI). The Linda Vista Village at Cascada residential subdivision, currently in the platting process, and the existing Marana Center commercial development (Tucson Premium Outlets) are located to the north and both zoned Specific Plan (F). Single-family residential and low-intensity commercial uses are located south of the rezoning area and are zoned C. The area is bordered on the east by existing, single-family residential uses zoned C, as well as vacant land zoned R-6. A 14.7

acre parcel owned by the Arizona Board of Regents and currently used as a KUAT AM and wireless communication site is located between the proposed R-6 zoning and the proposed VC zoning.

Marana General Plan

The Marana General Plan designates the proposed rezoning area with a land use category of Low-Density Residential (LDR). The LDR land use category is typically characterized by single-family detached homes on relatively large lots within a density range of 0.5 to 2.0 residences per acre. The combined density proposed for the rezoning area is 3.65 residences per acre (RAC) with 2.73 RAC proposed for the R-6 zoning and 4.15 RAC proposed for the R-3.5 zoning. The request for rezoning is accompanied by a request for a minor amendment to the General Plan from LDR (Low Density Residential) to Medium-Density Residential (MDR), which accommodates a density range of 2.1 to 8.0 RAC.

Land Use

The land use plan for Joplin Estates proposes 190 single-family residential lots on 52 acres. Of the 52 acres, 33.7 acres is proposed to be rezoned to R-3.5 and 18.3 acres is proposed to be rezoned to R-6. Typical lot sizes are proposed at 4,800 square feet for the R-3.5 zoning and 6,000 square feet for the R-6 zoning. If approved, the zoning will accommodate both single-story and two-story homes and will require compliance with the Town's Residential Design Standards. Approximately 17.2 acres of the residential portion of the rezoning area will be devoted to open space including the drainageway traversing the project, retention / detention areas, bufferyards, a 30,000 square-foot neighborhood park, and a natural earth pathway along the top of the bank of the drainage channel. The land uses within the 17.4 acres of proposed Village Commercial zoning have not yet been determined; however, the new zoning will accommodate a wide variety of commercial and residential uses as allowed by the Land Development Code.

The topography of the site is characterized by relatively flat terrain sloping from the northeast to the southwest. Town staff will require the submittal of a drainage study and evaluate all on-site and off-site drainage in greater detail during the preliminary plat process.

Access and Circulation

Primary ingress / egress to the rezoning area is proposed from an extension of the future Camino Benicardo, extending southward from Linda Vista Boulevard through the planned Linda Vista Village at Cascada project. A preliminary plat has been approved for Linda Vista Village at Cascada, and delineates the connection of Camino Benicardo from Linda Vista Boulevard to the Joplin Estates Rezoning area. Sufficient public right-of-way to serve the Joplin Estates Rezoning will not exist until Camino Benicardo is dedicated by a future Linda Vista Village at Cascada final plat. To clarify this, Town staff has included a proposed condition within the draft rezoning ordinance requiring the dedication of right-of-way for Camino Benicardo through the Linda Vista Village at Cascada property before approval of a subdivision plat or development plan for the Joplin Estates Rezoning property can be approved. Additionally, a condition has been proposed requiring substantial completion of construction of Camino Benicardo

through the Linda Vista Village at Cascada property before the Town will grant a certificate of occupancy for any structure within the Joplin Estates Rezoning property.

The appropriate right-of-way of up to a width of 90' for Camino Benicardo, through the Joplin Estates Rezoning property, will be dedicated to the Town during the platting process. Additional access points are proposed at the south and east boundaries of the rezoning area for possible future roadway connections through adjacent properties. The Town is considering a future extension of the existing Joplin Lane from Cortaro Farms Road northward to Camino Benicardo; however, the timing is uncertain. It is anticipated that all streets internal to the rezoning area will be public and maintained by the Town of Marana; however, if platted as private streets, a homeowner's association will accept maintenance responsibility. The Town's Traffic Engineering Division has reviewed and accepted a traffic study for the rezoning area.

Utilities

The rezoning area is located within the Town of Marana water service area and the water supply is assured. A proposed plan identifying water use, fire flow requirements and all on-site and off-site water facilities shall be submitted for hydraulic review. A water service agreement and all necessary on-site and off-site water infrastructure will be required to be constructed by the property owners / developer at the time of development.

Sewer service will be provided to future development within the rezoning area by Pima County. The rezoning area lies within the service areas of Northwest Fire, TEP, Southwest Gas, Century Link and Comcast.

Citizen Participation

The applicant held a neighborhood meeting on December 18, 2018 to introduce the proposed rezoning to the nearby property owners. The primary concerns expressed by those in attendance included access, existing drainage conditions and the current flooding, and concern regarding the usage of existing wells in the area. It was discussed that access to existing properties in the area would not be negatively impacted by the proposed development and a 30' existing access easement utilized by the area residents would remain. The property owners of the rezoning area have agreed to establish a connection between the adjacent properties and the planned subdivision's internal road network allowing the area residents access to Camino Benicardo, and ultimately Linda Vista Boulevard, through the future development. The neighbors also expressed concern about the existing sheet-flooding in the area. The project engineer explained that the proposal to channelize the floodway within this project will significantly reduce the existing sheet-flow currently impacting the neighbors along the south and southeast property boundary. The proposed drainage basins and related facilities will also mitigate on-site and off-site flows. The concerns regarding the existing wells in the area were addressed by clarifying that Marana Water would be providing water service to the area and local wells would not be impacted.

Public Notification

The public hearing was noticed in The Daily Territorial newspaper, and all property owners within 300 feet of the rezoning area were noticed by United States Mail of the

date, time, and topic of the public hearing. Additional notice was posted at various locations within the community and on the Town's website.

Recommended Findings of Fact

1. The property is currently zoned Zone C (Large-lot Zone) and Zone E (Transportation Corridor Zone). The proposed change in zoning to R-3.5 (single-family residential), R-6 (single-family residential), and Village Commercial (VC) will require a minor amendment to the General Plan from the current Low-Density Residential (LDR) to Medium Density Residential (MDR).
2. With the acceptance of the recommended conditions, the proposed rezoning is in compliance with all other development standards of the Land Development Code related to these zoning classifications.
3. The proposed rezoning, with acceptance of the recommended conditions, does not appear to be detrimental to the immediate area or to the health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Case Analysis Review Criteria

1. Ability to comply with development regulations, i.e. water, sanitation, access, developable parcel, etc.:

With the acceptance of the recommended conditions the proposed rezoning complies with the requirements of all agencies.

2. Ability to comply with requirements of the zoning regulations, i.e. lot size, frontage, setbacks, etc.:

With the acceptance of the recommended conditions, the proposed rezoning complies with the requirements of R-3.5 (single-family residential), R-6 (single-family residential), and Village Commercial (VC) zoning and the purpose and intent of the Land Development Code.

3. Consistent with the purpose of the zoning regulations and with the intent of the General Plan:

The proposed rezoning is consistent with the purpose and intent of the Land Development Code and the Town of Marana General Plan, contingent upon the approval of the proposed minor amendment from LDR to MDR.

4. Compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the Town:

Based upon the requirements and conditions, the proposed rezoning does not appear to be detrimental to the immediate area or to the general health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Staff Recommendation:

Staff recommends adoption of Ordinance No. 2019.010, approving the Joplin Estates Rezoning and a minor amendment to the General Plan based upon the recommended findings and subject to the conditions set forth in the draft Ordinance included with these agenda materials.

Planning Commission Recommendation:

The Planning Commission heard the request for the proposed rezoning and minor amendment to the General Plan at a public hearing held on March 27, 2019. By a vote of 6 to 0, the Planning Commission voted in favor of recommendation to the Town Council approval of the Joplin Estates Rezoning, as presented by staff, with an amendment to one condition.

Suggested Motion:

I move to adopt Ordinance No. 2019.010, approving the Joplin Estates Rezoning, subject to the recommended conditions.

Attachments

Ordinance No. 2019.010
PCZ1810-001 JOPEST RZ Exhibit A
PCZ1810-001 JOPEST RZ Map
PCZ1810-001 JOPEST RZ App
PCZ1810-001 JOPEST RZ Commission Minutes (Draft)

MARANA ORDINANCE NO. 2019.010

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 52 ACRES OF LAND FROM ZONE E (TRANSPORTATION CORRIDOR ZONE) AND ZONE C (LARGE LOT ZONE) TO R-3.5 (SINGLE-FAMILY RESIDENTIAL) AND R-6 (SINGLE-FAMILY RESIDENTIAL), AND APPROXIMATELY 17.4 ACRES OF LAND FROM ZONE E (TRANSPORTATION CORRIDOR ZONE) TO VILLAGE COMMERCIAL (VC); AND APPROVING A MINOR AMENDMENT TO THE MARANA GENERAL PLAN LAND USE DESIGNATION FROM LOW-DENSITY RESIDENTIAL (LDR) TO MEDIUM-DENSITY RESIDENTIAL (MDR)

WHEREAS Sears Financial Development, LLC, Joplin Estates, LLC, and the Chivers Family Trust (collectively the "Property Owners") own a total of 69.4 acres of property located south of Linda Vista Boulevard and east of Interstate 10 in portions of Sections 22 and 23, Township 12 South, Range 12 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized The Planning Center to submit an application to rezone 52 acres of the Rezoning Area from Zone E (Transportation Corridor Zone) and Zone C (Large Lot Zone) to R-3.5 (single-family residential) (33.7 acres) and R-6 (single-family residential) (18.3 acres), and 17.4 acres from Zone E (Transportation Corridor Zone) to Village Commercial (VC), and to amend the Marana General Plan from Low-Density Residential (LDR) to Medium-Density Residential (MDR); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on March 27, 2019, and voted 6 to 0 to recommend that the Town Council approve this Rezoning and its associated minor general plan amendment, subject to the recommended conditions and amending one condition; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning and its associated general plan amendment on April 16, 2019 and determined that this Rezoning and minor general plan amendment should be approved.

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

Section 1. The zoning of the Rezoning Area is hereby changed from Zone E (Transportation Corridor Zone) and Zone C (Large Lot Zone) to R-3.5 (single-family residential), R-6 (single-family residential) and Village Commercial (VC).

Section 2. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the

Property Owners and their successors in interest (all of whom are collectively included in the term “Property Owners” in the following conditions):

1. Compliance with all applicable provisions of the Town’s codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. Any preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the Conceptual Land Use Plan presented to, and approved by, the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of a preliminary plat or development plan for any portion of the Rezoning Area.
4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the Marana Water Department (the “water provider”) prior to approval of a preliminary plat for any portion of the Rezoning Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Property Owners must enter into a water service agreement with the water provider consistent with the accepted WIP.
5. A master sewer plan must be submitted by the Property Owners and accepted by the Pima County Regional Wastewater Reclamation Department (the “wastewater utility”) prior to the approval of any final plat or development plan for the Rezoning Area. The master sewer plan shall identify all on-site and off-site wastewater facilities needed to serve the proposed development, and shall include all information required by the wastewater utility. If the wastewater utility requires a sewer service agreement as a condition of service to the proposed development, the Property Owners must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
6. The Property Owners must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Rezoning Area.
7. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
8. The maximum number of residential lots within the Rezoning Area shall not exceed 190.
9. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Property Owners should retain

appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.

10. The Property Owners shall transfer to Marana, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for the Town providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the Town and the Property Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.
11. Prior to the issuance of any grading permits, the Property Owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.
12. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
13. No subdivision plat or development plan shall be approved for any portion of the Rezoning Area until the public right-of-way of Camino Benicardo has been dedicated through the Linda Vista Village at Cascada property, establishing legal public access from the Rezoning Area to Linda Vista Boulevard.
14. No certificate of occupancy shall be issued for any structure within the Rezoning Area until substantial completion of construction of Camino Benicardo through the Linda Vista Village at Cascada property, establishing paved public access from the Rezoning Area to Linda Vista Boulevard.
15. The Property Owners shall dedicate right-of-way at a width of 90 feet for Camino Benicardo with the recording of the first final subdivision plat. Right-of-way shall be dedicated along the entire frontage of the residential portion of the Rezoning Area as shown on the Conceptual Land Use Plan. The Property Owners shall be responsible for the design and construction of the Camino Benicardo roadway along the frontage.

Section 3. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona,
this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

EXHIBIT A

LEGAL DESCRIPTION – JOPLIN ESTATES

PARCEL 1:

THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA, LYING NORTHEAST OF THE TUCSON GAS AND ELECTRIC COMPANY RIGHT-OF-WAY AS DESCRIBED IN DOCKET 2336 AT PAGE 82.

EXCEPT THE NORTH 800 FEET OF THE EAST 800 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22.

PARCEL 1A:

EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER:

THE NORTH 30 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE NORTH 30 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER; THE EAST 30 FEET OF THE NORTH 30 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE WEST 30 FEET OF THE NORTH 30 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTH 30 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE EAST 30 FEET OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 2:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 2A:

EASEMENTS FOR INGRESS AND EGRESS AND UTILITIES AS SET FORTH IN: DOCKET 4186 AT PAGE 572 AND DOCKET 6216 AT PAGE 1079.

EASEMENTS FOR INGRESS AND EGRESS AS SET FORTH IN: DOCKET 2470 AT PAGES 15, 16 AND 17; DOCKET 4349 AT PAGE 51; DOCKET 5508 AT PAGES 62 AND 66; AND DOCKET 6062 AT PAGE 661.

PARCEL 3:

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA.

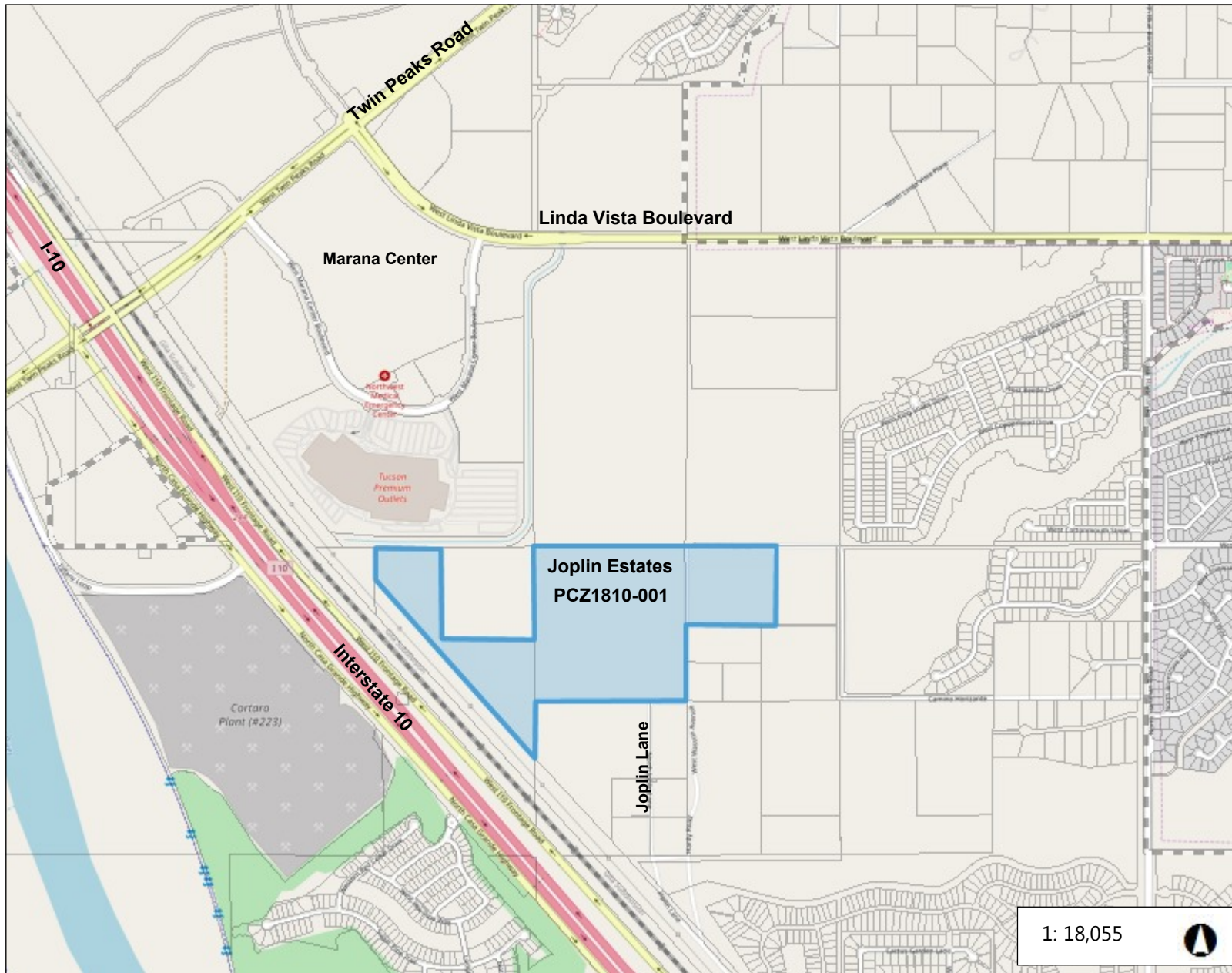
EXCEPT THE EAST 528 FEET.





Legend

- Marana Addresses
- Marana Town Limits
- Parcels (Black)



Notes

0.6 0 0.28 0.6 Miles

**PROJECT APPLICATION****PROJECT INFORMATION**

Project Name: Joplin Estates Rezoning

Description of Project: Rezoning of 69.4 acres from E & C to R-3.5, R-6 & VC

Number of Lots: 180

Parcel No.(s): 221-04-0240, 221-06-0100, 221-06-0090

Gross Area (Acres): 69.4 AC

Project Address: n/a

Ref. Project No.: n/a

CONTACT INFORMATION**Owner:** Interstate Industrial & Chivers Family Trust

Contact Name: Doron Sears

Address: 6340 N. Campbell Ave

City: Tucson

State: AZ

Zip: 85718

Email: doron@searsfinancial.net

Phone No.: (520) 529-8217

Applicant: The Planning Center

Contact Name: Lexy Wellott/ Linda Morales

Address: 2 E Congress Ste. 600

City: Tucson

State: AZ

Zip: 85716

Email: lwellott@azplanningcenter.com / lmorales@...

Phone No.: (520) 623-6146

Consultant/Engineer: Perry Engineering

Contact Name: Ken Perry

Address: 505 W. Wetmore Road

City: Tucson

State: AZ

Zip: 85705

Email: kperry@perryengineering.net

Phone No.: (520) 620-9870

OWNER/APPLICANT AUTHORIZATION

I, the undersigned, certify that all of the facts set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Lexy Wellott

Applicant Name (PRINT)

Signature

10/10/18

Date

FOR OFFICIAL USE ONLY

Project No.

PC21810-001

Date Received

10/11/18

☐ Annexation☐ Rezone☐ Specific Plan☐ General Plan Amendment☐ Preliminary Plat☐ Final Plat☐ Significant Land Use Change☐ Minor Land Division☐ Variance☐ Development Plan☐ Development Plan Package☐ Dedications / Easements☐ Lic. Agreement☐ Landscape Plan☐ Conditional Use Permit☐ Report (Type): _____☐ SWPP☐ Native Plant Plan☐ Native Plant Exception☐ Other: _____☐ Improvement Plan (Type): _____

Revision Date: 1/26/2017



MARANA PLANNING COMMISSION
REGULAR COMMISSION MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, March 27, 2019, at or after 6:30 P.M.

Thomas Schnee, Chairman
Don Duncan, Vice Chair
Terry Fehrmann, Commissioner
Ronald Hill, Commissioner
Richard Miller, Commissioner
Bryan Schachter, Commissioner
Sharon Tyson, Commissioner

MINUTES

CALL TO ORDER. Chairman Schnee called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION/MOMENT OF SILENCE. Led by Chairman Schnee.

ROLL CALL. Commission Secretary Terri Byler called roll. Commissioner Tyson was absent. A quorum was present.

CALL TO THE PUBLIC. No speaker cards presented.

APPROVAL OF AGENDA. *Motion to approve by Commissioner Fehrmann, seconded by Commissioner Miller. Passed unanimously.*

ANNOUNCEMENTS.

GENERAL ORDER OF BUSINESS. Approve Regular Planning Commission Meeting Minutes from February 27, 2019. *Motion to approve by Commissioner Hill, seconded by Commissioner Miller. Passed unanimously.*

PUBLIC HEARINGS.

1. CUP1903-001 Silverbell Self-Storage: A request for approval of a conditional use permit to allow for the development of indoor self-storage facilities; RV, boat, and vehicle storage; and moving truck rental at 8333 N. Silverbell Road (southwest corner of Silverbell and the south leg of Continental Reserve Loop). (Ryan Fagan)

Prior to starting, Chairman Schnee noted that he lives in Continental Reserve and sits on the Board of Directors. This will have no impact on his decision regarding this item.

Ryan Fagan, noted the request is for conditional use permit for a proposed self-storage located at 8333 N. Silverbell Road. The location is in the in the Pima Farms Specific Plan, the land use is "C" Commercial and is subject to the Silverbell Road Corridor Overlay District. Pima Farms commercial zoning allows for a wide variety of commercial uses. The Silverbell Road Corridor Overlay District allows for self-storage facilities, recreational vehicle and boat storage, and automobile and truck rental be permitted conditionally. The existing development plan for this site was approved in 2005.

The proposal is for a 3-story indoor self-storage facility, RV/boat/vehicle storage, and truck rental. All require a conditional use permit. The proposal has two phases. Phase One: sell/lease existing building, resurface existing vacant pads to allow walled and gated RV/boat/vehicle storage. Phase Two: build 3-story indoor self-storage facility. The proposed business hours: 9:00 am – 6:00 pm 7 days a week. Building would be accessible to renters 24/7/365.

Staff has proposed additional standards:

Landscaping: restore missing/dead plants, provide a new landscape plan for the self-storage building, with additional landscaping along Continental Reserve Loop. Lighting: interior lighting must be on timers/motion sensors from 10:00 pm to sunrise and must be 3000K or less. Signage: no wall signage on the north side and nothing that may be construed as signage may be visible through the windows. No display of rental trucks along Silverbell Road or Continental Reserve Loop.

Chairman Schnee asked the number/type of rental vehicles. **Jim Weisert** - applicant - noted there would be two to four vehicles that would be located on the side of the facility. The vehicles would have a rollup door on the back. **Chairman Schnee** asked how far the building would be set back from the road. **Jim Wiesert** noted they would meet all requirements of the Town, adding the building hasn't been designed yet. **Chairman Schnee** asked if the windows could be blacked-out. **Jim Weisert** stated absolutely. It is all negotiable. **Commissioner Miller** asked if there were any restrictions on the vehicles being stored. **Jim Weisert** stated there will be restrictions. **Vice Chair Duncan** asked how bright the sign will be. **Jim Wiesert** stated that is flexible. We want to be part of the community and work with the community to make sure everyone is happy. The building will be a "Class A" facility with modern technology and designed to fit the community. **Vice Chair Duncan** was concerned with the visibility of the storage vehicles. Jim Weisert noted they would be flexible with the location of where citizens would store their vehicles. The new facility would actually hide a majority of the parking directly behind it. The majority of the parking will not be visible from Silverbell Road. They are welcome to ideas regarding parking visible to Continental Reserve Loop.

Chairman Schnee opened the public portion of the hearing.

Dawn Cooper was opposed to the project. She had concerns with the increase of traffic, noise, and crime. Linda Lachuga was opposed to the project. She doesn't want it in the area. John Russin was opposed to the project. He had concerns with traffic, crime and safety. Rebekah Russin was opposed to the project. She was concerned with high crime, increase in traffic. Adding that her children walk to the nearby school. Thomas Miner was opposed to the project. He felt the screening wall would be tagged with graffiti. Gregory Bill was opposed to the project. He felt there would be an increase in traffic, lighting and noise. Michael Ruzinski was opposed to the project. He wanted to keep the character of the neighborhood. He was concerned with property values. Roy Gonyea was opposed to the project. He felt the project would lower his property value and there would be an increase in noise, traffic and safety.

Bill Johnson was opposed to the project. Mary Johnson was opposed to the project. Felt her property value would decrease. Denise McDowell was opposed to the project. She had traffic concerns, reduction in home values and potential crime. Crystal Sander was opposed to the project. She was concerned with potential crime, traffic and property values. Diane Svab was opposed to the project. Michael Gleigher was opposed to the project. He was concerned with the character of the proposed business and the impact to the area. Bob Judson was opposed to the project. Kurt Grissinger was opposed to the project. He felt the proposed wall will be tagged with graffiti and junk cars will be stored in the lot. Ella Clements was opposed to the project. She felt the project will be devastating to the children in the neighborhood.

Chairman Schnee closed the public portion of the hearing.

Chairman Schnee felt there was no way to block the view of the RV and boat parking with the 6' wall and planned vegetation. He felt the vehicles would still be in view and is not in favor of that plan. Commissioner Hill agreed with Chairman Schnee. Commissioner Schachter felt this project is a reduction in the economic benefit of this site. Commissioner Miller was not in favor of the RV, vehicle parking. Commissioner Fehrmann stated the conditional use permit has been well thought out and the proposed layout could be beneficial in many ways but she has a concern with the welfare of the residents. Vice Chair Duncan noted that he is hesitant to vote for the RV parking due to the location. He felt at covered parking would have been a better choice. Chairman Schnee felt the proposed facility hours of 24/7/365 would bring a lot of late-night traffic and encourage people to enter the property when it wasn't being monitored. He felt 6:00 am to 10:00 pm was sufficient. Chairman Schnee felt the indoor storage was a nice idea but felt the building height of 39' was too high and would stand out. If the applicant would submit a building lower in height [possibly with a basement,] the building would be designed to fit in with the current scheme along Silverbell Road. Commissioner Miller noted that the land is zoned "Commercial" and whatever goes in, will increase traffic. The issue of safety or graffiti was not a concern, but he doesn't think this particular project would fit in this location. Vice Chair Duncan agreed with Chairman Schnee and Commissioner Miller. He would like to see the project be brought back with modifications, but doesn't like the current proposal.

Motion to approve by Chairman Schnee, seconded by Commissioner Miller.

Chairman Schnee – No

Vice Chair Duncan – No

Commissioner Fehrmann – No

Commissioner Hill – No

Commissioner Miller – No

Commissioner Schachter – No

Motion denied unanimously, 0-6

2. CUP1801-001 Golden Leaf Medical Marijuana Facility Expansion: Approving and authorizing an amendment to the approved conditional use permit for the second expansion of the existing medical marijuana facility located at 5390 W. Ina Road (A.P.N. 226-35-006Y). (Cynthia Ross)

Cynthia Ross noted the applicant proposes an amendment to the approved conditional use permit for an 11.98 acre expansion. The parcel **1.19.02**

Chairman Schnee opened the public portion of the hearing. Seeing there were no speaker cards, Chairman Schnee closed the public portion of the hearing.

Motion to approve by Chairman Schnee, seconded by Commissioner Fehrmann. Passed unanimously. 6-0

3. PCZ1810-001 Joplin Estates Rezoning: A request for a recommendation to the Marana Town Council for approval to rezone approximately 52 acres of land from Zone E (Transportation Corridor Zone) and Zone C (Large Lot Zone) to R-3.5 (Single-family Residential) and R-6 (Single-family Residential), and approximately 17.4 acres of land from Zone E (Transportation Corridor Zone) to Village Commercial (VC). The property is generally located south of Linda Vista Boulevard and east of Interstate 10 in portions of Section 22 and 23, Township 12S, Range 12E. (Brian D. Varney)

Chairman Schnee opened the public portion of the hearing. Seeing there were no speaker cards, Chairman Schnee closed the public portion of the hearing.

Motion to approve with amended condition: 14. "No subdivision plat or development plan shall be approved for any portion of the Rezoning Area until the public right-of-way for Camino Benicardo has been dedicated through the Linda Vista Village at Cascada property, establishing legal public access from the Rezoning Area to Linda Vista Boulevard." by Commissioner Hill, seconded by Chairman Schnee. Passed unanimously. 6-0

COMMISSION ACTION.

1. PRV1811-003 Saguaro Bloom 7A Preliminary Plat: A request for a recommendation to the Town Council for approval of a preliminary plat for Saguaro Bloom "7A", Lots 1-202, Blocks "7B" and "7C" (Future Residential), and Common Areas "A" (Drainage/Open Space) and "B" (Park) located at the southeast corner of Lambert Lane and Saguaro Peaks Boulevard. (Ryan Fagan)

Motion to approve by Commissioner Fehrmann, seconded by Commissioner Miller. Passed unanimously. 6-0

INFORMATIONAL ITEMS/POSSIBLE ACTION ITEMS.

FUTURE AGENDA ITEMS.

ADJOURNMENT. Motion to adjourn at 8:25 p.m. by Vice Chair Duncan, seconded by Chairman Schnee. Passed unanimously.

CERTIFICATION.

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on March 27, 2019. I further certify that a quorum was present.



Terri Byler, Commission Secretary



Council-Regular Meeting

A2

Meeting Date: 04/16/2019

To: Mayor and Council

Submitted For: David Spurlock, Chief Building Official

From: Libby Shelton, Senior Assistant Town Attorney

Date: April 16, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: Ordinance No. 2019.011: Relating to Building Safety; adopting by reference the 2018 International Building Code (IBC), the 2018 International Existing Building Code (IEBC), the 2018 International Plumbing Code (IPC), the 2018 International Residential Code (IRC), the 2018 International Mechanical Code (IMC), the 2018 International Property Maintenance Code (IPMC), the 2018 International Energy Conservation Code (IECC), the 2017 National Electrical Code (NEC), the 2018 International Fire Code (IFC), the 2018 International Fuel Gas Code (IFGC), and the 2018 International Swimming Pool and Spa Code (ISPSC); adopting local amendments to the foregoing codes; amending Marana Town Code Title 7 by revising Sections 7-1-2 and 7-1-6; and providing an effective date (David Spurlock)

Resolution No. 2019-032: Relating to Building Safety; declaring the 2018 International Building Code (IBC), the 2018 International Existing Building Code (IEBC), the 2018 International Plumbing Code (IPC), the 2018 International Residential Code (IRC), the 2018 International Mechanical Code (IMC), the 2018 International Property Maintenance Code (IPMC), the 2018 International Energy Conservation Code (IECC), the 2017 National Electrical Code (NEC), the 2018 International Fire Code (IFC), the 2018 International Fuel Gas Code (IFGC), and the 2018 International Swimming Pool and Spa Code (ISPSC) and the local amendments to the foregoing codes adopted by Marana Ordinance No. 2019.011 as public records filed with the Town Clerk.

Discussion:

On April 16, 2013, the Town Council adopted Ordinance 2013.007 adopting by reference the following building codes with local amendments: the 2012 International Building Code (IBC), the 2012 International Plumbing Code (IPC), the 2012 International Mechanical Code (IMC), the 2012 International Residential Code (IRC), the 2012 International Property Maintenance Code (IPMC), the 2012 International Energy Conservation Code (IECC), the 2012 International Fire Code (IFC), the 2012 International Fuel Gas Code (IFGC), and the 2011 National Electric Code (NEC).

On September 6, 2016, the Town Council adopted Ordinance 2016.020 adopting local amendments to the International Property Maintenance Code (IPMC) to include designating the Board of Adjustment as the appellate review body and having the code official designated by the Town Manager.

At a January 8, 2019 study session, Town staff made a presentation on adoption of the suite of 2018 building codes updated by the International Code Council. At the January study session, the presentation outlined efforts to work with local fire districts to coordinate the fire code. In addition, Town staff proposed adoption of the 2018 International Existing Building Code (IEBC) and the 2018 International Swimming Pool and Spa Code (ISPSC).

This ordinance proposes adoption of the 2018 building codes. This ordinance also amends Section 7-1-2 of Marana Town Code to incorporate the adoption of these codes and amends Section 7-1-6 to make the Board of Adjustment the appellate review body for all building code issues. In addition, this proposed ordinance would make the Building Official the code official for the International Property Maintenance Code.

Exhibits A through K to the resolution adopt local amendments to the 2018 building codes. The resolution makes the 2018 building codes with local amendments a public record.

Staff Recommendation:

Staff recommends adoption of Ordinance No. 2019.011 and Resolution No. 2019-032, adopting the 2018 building codes with local amendments and making it a public record.

Suggested Motion:

I move to adopt Ordinance No. 2019.011 and Resolution No. 2019-032, adopting the 2018 building codes with local amendments and making it a public record.

Attachments

Ordinance No. 2019.011

Resolution No. 2019-032

Exhibit A

Exhibit B

Exhibit C

Exhibit D

Exhibit E

Exhibit F

Exhibit G

Exhibit H

Exhibit I

Exhibit J

Exhibit K

Adoption of 2018 Building Codes

MARANA ORDINANCE NO. 2019.011

RELATING TO BUILDING SAFETY; ADOPTING BY REFERENCE THE 2018 INTERNATIONAL BUILDING CODE (IBC), THE 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC), THE 2018 INTERNATIONAL PLUMBING CODE (IPC), THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC), THE 2018 INTERNATIONAL MECHANICAL CODE (IMC), THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2017 NATIONAL ELECTRICAL CODE (NEC), THE 2018 INTERNATIONAL FIRE CODE (IFC), THE 2018 INTERNATIONAL FUEL GAS CODE (IFGC), AND THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC); ADOPTING LOCAL AMENDMENTS TO THE FOREGOING CODES; AMENDING MARANA TOWN CODE TITLE 7 BY REVISING SECTIONS 7-1-2 AND 7-1-6; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Town is authorized by A.R.S. § 9-467 to require building permits and A.R.S. §9-499 to regulate property maintenance; and

WHEREAS the Town is authorized by A.R.S. § 9-802 to adopt codes and public records by reference; and

WHEREAS the Town Council finds that the building codes established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The following, declared by Marana Resolution No. 2019-032 to be public record and available for review in the Town Clerk's office, are hereby adopted by reference:

- A. The 2018 International Building Code (IBC) and the local amendments to it.
- B. The 2018 International Existing Building Code (IEBC) and the local amendments to it.
- C. The 2018 International Plumbing Code (IPC) and the local amendments to it.
- D. The 2018 International Residential Code (IRC) and the local amendments to it.

- E. The 2018 International Mechanical Code (IMC) and the local amendments to it.
- F. The 2018 International Property Maintenance Code (IPMC) and the local amendments to it.
- G. The 2018 International Energy Conservation Code (IECC) and the local amendments to it.
- H. The 2017 National Electrical code (NEC) and the local amendments to it.
- I. The 2018 International Fire Code (IFC) and the local amendments to it.
- J. The 2018 International Fuel Gas Code (IFGC) and the local amendments to it.
- K. The 2018 International Swimming Pool and Spa Code (ISPSC) and the local amendments to it.

SECTION 2. The following penalty clauses are including in the building codes and local amendments adopted pursuant to this ordinance.

- A. The 2018 international building code (IBC) with local amendments contains the following penalty clauses:

Section 114.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

Section 115.3 Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- B. The 2018 International Existing Building Code (IEBC) with local amendments contains the following penalty clauses:

Section 113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or

certificate issued under the provisions of this code shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

Section 114.3 Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- C. The 2018 International Plumbing Code (IPC) with local amendments contains the following penalty clauses:

Section 108.4 Violation penalties.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders.

Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

- D. The 2018 International Residential Code (IRC) and the local amendments contains the following penalty clauses:

Section 113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs

a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

Section 114.2 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- E. The 2018 International Mechanical Code (IMC) with local amendments contains the following penalty clauses:

Section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

- F. The 2018 International Property Maintenance Code (IPMC) with local amendments contains the following penalty clauses:

Section 108.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Section 112.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine that shall not exceed \$1,000 unless otherwise designated in this code, a town ordinance or under state law.

- G. The 2018 International Energy Conservation Code (IECC) with local amendments contains the following penalty clauses:

Section C108.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set by the applicable governing authority.

Section R108.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set by the applicable governing authority.

- H. The 2018 International Fire Code (IFC) with local amendments contain the following penalty clauses:

Section 110.4 Violation penalties.

Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 112.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- I. The 2018 International Fuel Gas Code (IFGC) with local amendments contain the following penalty clauses:

Section 108.4 Violation penalties.

Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders.

Upon notice from the code official that plumbing work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

- J. The 2018 International Swimming Pool and Spa Code (ISPSC) with local amendments contain the following penalty clauses:

Section 107.4 Violation penalties.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 107.5 Stop work orders

Upon notice from the *code official*, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

SECTION 3. Chapter 7-1 of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

[Section 7-1-1 remains unchanged]

7-1-2 Building codes adopted

A. The Marana building code consists of the following code documents incorporated by this reference in this title, all of which are on file with the town clerk's office:

1. The 2012~~8~~ international building code, with local amendments.
2. The 2018 international existing building code, with local amendments.
- ~~23~~. The 2012~~8~~ international plumbing code, with local amendments.
- ~~34~~. The 2012~~8~~ international residential code, with local amendments.
- ~~45~~. The 2012~~8~~ international mechanical code, with local amendments.
- ~~56~~. The 2012~~8~~ international property maintenance code, with local amendments.
- ~~67~~. The 2012~~8~~ international energy conservation code, with local amendments.
- ~~78~~. The 2014~~7~~ national electrical~~1~~ code, with local amendments.
- ~~89~~. The 2012~~8~~ international fire code, with local amendments.
- ~~910~~. The 2012~~8~~ international fuel gas code, with local amendments.
- ~~1011~~. The 2018 international swimming pool and spa code, with local amendments.

B. The Marana building code adopts by reference the 2008 Marana outdoor lighting code ~~following local ordinances and codes~~, which ~~are~~ is on file with the town clerk's office.

1. ~~The 2006 Marana pool and spa code.~~

2. ~~The 2008 Marana outdoor lighting code.~~

[Sections 7-1-3 through 7-1-5 remain unchanged]

7-1-6 Administrative appeal process

A. Whenever a violation of this building code is determined, whether during construction or at the plan review stage, and the applicant wishes to appeal the decision of the staff because of code interpretation, unreasonable hardship or other acceptable reasons, the applicant may appeal to the building official as follows:

1. The applicant shall file a written appeal on the forms provided by the building official. If the building official rules in favor of the applicant, the issue is closed.
2. If an appeal is denied by the building official, the applicant shall either comply with the decision or appeal to the board of ~~appeals~~ adjustment in accordance with the building code.

SECTION 4. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. For a six-month period after the effective date of this ordinance, the Marana Building Official is expressly given discretion and authority to allow projects already under design when this ordinance becomes effective to be reviewed based on the codes in effect immediately prior to the effective date of this ordinance.

SECTION 6. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

MARANA RESOLUTION NO. 2019-032

RELATING TO BUILDING SAFETY; DECLARING THE 2018 INTERNATIONAL BUILDING CODE (IBC), THE 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC), THE 2018 INTERNATIONAL PLUMBING CODE (IPC), THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC), THE 2018 INTERNATIONAL MECHANICAL CODE (IMC), THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2017 NATIONAL ELECTRICAL CODE (NEC), THE 2018 INTERNATIONAL FIRE CODE (IFC), THE 2018 INTERNATIONAL FUEL GAS CODE (IFGC), AND THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC) AND THE LOCAL AMENDMENTS TO THE FOREGOING CODES ADOPTED BY MARANA ORDINANCE NO. 2019.011 AS A PUBLIC RECORD

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA as follows:

SECTION 1. The following codes adopted by Marana Ordinance No. 2019.011, three copies of which are on file in the office of the Town Clerk, are hereby declared to be public records and ordered to remain on file with the Town Clerk:

- A. The 2018 International Building Code (IBC) and the local amendments to it.
- B. The 2018 International Existing Building Code (IEBC) and the local amendments to it.
- C. The 2018 International Plumbing Code (IPC) and the local amendments to it.
- D. The 2018 International Residential Code (IRC) and the local amendments to it.
- E. The 2018 International Mechanical Code (IMC) and the local amendments to it.
- F. The 2018 International Property Maintenance Code (IPMC) and the local amendments to it.
- G. The 2018 International Energy Conservation Code (IECC) and the local amendments to it.
- H. The 2017 National Electrical code (NEC) and the local amendments to it.
- I. The 2018 International Fire Code (IFC) and the local amendments to it.
- J. The 2018 International Fuel Gas Code (IFGC) and the local amendments to it.

K. The 2018 International Swimming Pool and Spa Code (ISPSC) and the local amendments to it.

SECTION 2. The local amendments to the codes described in Section 1 adopted by Marana Ordinance No. 2019.011, a copy of which are attached to and incorporated in this resolution as Exhibits A through K, and three copies of which are on file in the office of the Town Clerk, are hereby declared to be public records and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

EXHIBIT A TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Building Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 104.8 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

Section 105.1.1 Annual permit. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining: Instead of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *building official* is authorized to issue an annual *permit* upon application ~~therefor to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.~~ Subject to the following:

1. The applicant for the registered plant annual permit shall be an architect registered in the State of Arizona and who shall be directly responsible for compliance with this code with respect to all work that would otherwise require a permit.
2. All new applications need to be accompanied by a complete set of plans of the affected areas of construction with the scope of work and operations section clearly outlined. Annual registered plant permits shall not be granted for buildings or facilities not currently operating under a valid certificate of occupancy.
3. Fees for annual permits shall expire on December 31st of each year and will need to be renewed and approved for registered plant status to be maintained.
4. The permit will be suspended if the applicant becomes no longer employed by the registered plant. If this occurs, the plant will need to notify the Building Official and call for immediate inspection on any ongoing work until such time that a replacement registrant is approved by the Building Official.
5. Annual permits may be revoked at any time by the Building Official if the applicant fails to comply with requirements.
6. A summary report of all work done under the registered plant registration shall be prepared by the registered architect, and submitted annually to the Building Official.
7. Work conducted under the registered plant annual permit may be reviewed and inspected by the Building Official while the work is in progress or on an annual basis.
8. The following work is not to be covered within the scope of the annual permit and shall require separate permitting:
 - a. Any work creating a different occupancy classification or group for any or all portion of a building.
 - b. Any work creating a different building type for all or any portion of a building.
 - c. Any work that adds, alters, removes or penetrates required firewalls or barriers, exit courts, exit passageways or horizontal exits.
 - d. Any work that provides for the relocation of more than five sprinkler heads.
 - e. Any work that modifies load-bearing structures.

Section 105.2 Work exempt from permit (Building). REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than ~~120~~ 200 square feet (~~11~~ 18.6 m²).

[Numbers 2-13 remain unchanged]

14. Any work performed by or at the direction of the United States of America or the State of Arizona.

15. Amusement devices or structures located on a site for no more than 30 calendar days.

16. Temporary tents or membrane structures, provided they're in compliance with chapter 31 of the International Fire Code.

17. Re-roofing of existing buildings with similar materials regardless of value.

Section 105.2 Work exempt from permit (Electrical). REVISE with following **ADDITIONS** shown with double underlining following paragraph number 3:

[Numbers 103 remain unchanged]

4. Power for amusement devices and carnival rides in place on a site for less than (30) calendar days.
5. Repair or replacement of fixed motors and transformers of the same type and rating in the same location.
6. Temporary decorative lighting.
7. Repair or replacement of current-carrying parts of any switch, conductor, control device, or over-current device of the required capacity in the same location.
8. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 volts of energy except lighting devices that must meet the requirements of the lighting code.

Section 105.2 Work exempt from permit (Mechanical). REVISE item number 6 as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

6. Replacement of ~~Portable~~ evaporative coolers with like coolers.

Section 113 BOARD OF APPEALS. DELETE title "Board of Appeals" and REPLACE with "Appeals".
DELETE subsections 113.1 through 113.3 and REPLACE with "The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6."

Section 114.4 Violation penalties. REVISE this section by DELETING "prescribed by law" and REPLACING with "set forth in Marana Town Code Title 7, section 7-1-5."

Section 115.3 Unlawful continuance. REVISE this section by DELETING "prescribed by law" and REPLACING with "set forth in Marana Town Code Title 7, section 7-1-5."

Section 202 Definitions. Swimming Pool. REVISE with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

SWIMMING POOL. Any structure intended for swimming, recreational bathing or wading that contains water over ~~24~~ 18 inches (~~610~~ 457mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

Section 308.2 Institutional Group I-1. REVISE section by **DELETING** 16 and **REPLACING** it with 10.

Section 308.2.3 REVISE section by **DELETING** each 16 and **REPLACING** each with 10.

Section 308.3.2 Five or fewer persons receiving medical care. DELETE this section in its entirety.

Section 310.4.1 Care facilities within a dwelling. REVISE section by **ADDING** “that are capable of self-preservation” following “Care facilities for five or fewer persons”.

Section 310.5 Residential Group R-4. REVISE section by **DELETING** 16 and **REPLACING** it with 10.

EXHIBIT B TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Existing Building Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 104.8 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

Section 112 BOARD OF APPEALS. DELETE title “Board of Appeals” and **REPLACE** with “Appeals”.
DELETE subsections 112.1 through 112.3 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

Section 113.4 Violation penalties. REVISE this section by **DELETING** “prescribed by law” and **REPLACING** with “set forth in Marana Town Code Title 7, section 7-1-5.”

Section 114.3 Unlawful continuance. REVISE this section by **DELETING** “prescribed by law” and **REPLACING** with “set forth in Marana Town Code Title 7, section 7-1-5.”

EXHIBIT C TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Plumbing Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 103.4 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

106.1.1 Annual permit. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Instead of an individual construction permit for each alteration to an already *approved* system or equipment or appliance installation, the code official is authorized to issue an annual permit upon application ~~therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.~~ subject to the following:

1. The applicant for the registered plant annual permit shall be an architect registered in the State of Arizona and who shall be directly responsible for compliance with this code with respect to all work that would otherwise require a permit.
2. All new applications need to be accompanied by a complete set of plans of the affected are as of construction with the scope of work and operations section clearly outlined. Annual registered plant permits shall not be granted for buildings or facilities not currently operating under a valid certificate of occupancy.
3. Fees for annual permits shall expire on December 31st of each year and will need to be renewed and approved for registered plant status to be maintained.
4. The permit will be suspended if the applicant becomes no longer employed by the registered plant. If this occurs, the plant will need to notify the Building Official and call for immediate inspection on any ongoing work until such time that a replacement registrant is approved by the Building Official.
5. Annual permits may be revoked at any time by the Building Official if the applicant fails to comply with requirements.
6. A summary report of all work done under the registered plant registration shall be prepared by the registered architect, and submitted annually to the Building Official.
7. Work conducted under the registered plant annual permit may be reviewed and inspected by the Building Official while the work is in progress or on an annual basis.
8. The following work is not to be covered within the scope of the annual permit and shall require separate permitting:
 - a. Any work creating a different occupancy classification or group for any or all portion of a building.
 - b. Any work creating a different building type for all or any portion of a building.
 - c. Any work that adds, alters, removes or penetrates required firewalls or barriers, exit courts, exit passageways or horizontal exits.

- d. Any work that provides for the relocation of more than five sprinkler heads.
- e. Any work that modifies load-bearing structures.

Section 106.6.2 Fee schedule. **DELETE** section in its entirety and **REPLACE** with “The fees for plumbing work shall be in accordance with the Town of Marana Fee Schedule.”

106.6.3 Fee refunds. **REVISE** by **INSERTING** 80% in both blanks that state “SPECIFY PERCENTAGE”.

Section 108.4 Violation penalties. **REVISE** section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation ~~guilty of a~~ **[SPECIFY OFFENSE]**, ~~punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders. **REVISE** section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. ~~liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~ Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 109 MEANS OF APPEAL. **DELETE** subsections 109.1 through 109.7 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

Section 305.4.1 Sewer depth. **REVISE** by **INSERTING** 12 in both blanks that state “NUMBER”.

Section 314.2.1 Condensate disposal. **REVISE** section by **ADDING** the following at the end of the paragraph:

Condensate disposal shall be allowed to terminate as follows:

1. Into an approved fixture tailpiece, funnel drain, waste air gap fitting, floor sink, slop sink, and laundry tray.
2. At or below grade outside the building in an area capable of absorbing the condensate flow without surface drainage.

3. Over roof drains or gutters or downspouts that connect to drainage pipes, provided they terminate at or above grade in an area capable of absorbing the condensate flow without surface drainage.

Section 410.4 Substitution. REVISE section by **ADDING** a sentence to the end of the paragraph as follows: When a single drinking fountain is required, it may be substituted with a *water dispenser*.

Section 903.1 Roof extension. REVISE by **INSERTING** 6 in blank that states "NUMBER".

Section 1003.2 Approval. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

The size, type and location of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements and the construction and design standards of the appropriate jurisdiction(s) providing sewage disposal ~~of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator.~~

Section 1003 INTERCEPTORS AND SEPARATORS. REVISE by **DELETING** sections 1003.3 thru section 1003.10.

EXHIBIT D TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Residential Code

Section R101.1 Title. REVISE section by inserting Town of Marana

Section R101.2 Scope. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~:

Exception: The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904:

1. Live/work units located in *townhouses* and complying with the requirements of Section 419 of the *International Building Code*.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. ~~A care facility with five or fewer persons receiving custodial care within a dwelling unit.~~
4. ~~A care facility with five or fewer persons receiving medical care within a dwelling unit.~~
5. ~~A care facility for five or fewer persons receiving care that are within a single family dwelling.~~

Section R102.5 Appendices. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Provisions in the appendices "H" and "P" shall ~~not~~ apply; all others shall not, unless specifically referenced in the adopting ordinance.

Section R104.8 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

Section R105.2 Work Exempt from Permit (Building). REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

7. Prefabricated swimming pools that are less than ~~24~~ 18 inches (~~610~~ 457 mm) deep.

Section R105.2 Work Exempt from Permit (Mechanical). REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

6. ~~Portable evaporative coolers.~~ Replacement of evaporative coolers with like coolers.

ADD new Section R106.6:

Section 106.6 Model plans. When two or more buildings, structures, or systems of regulated equipment are to be built without substantial modifications as defined by the Building Official, an applicant may apply for a model plan permit. This permit shall be charged plan review fees with additional fees for each exterior design elevation. The Building Official shall determine the number and type of accepted revisions/options per model plan. The model plan shall be designed for a specific subdivision(s) and may be used in that subdivision(s) without being

subject to renewal until that subdivision is built out. Models designed to be used in any location allowed by soil condition shall be valid only until the next code change as adopted by the Town.

Section R112 BOARD OF APPEALS. DELETE title “Board of Appeals” and **REPLACE** with “Appeals”. **DELETE** subsections 112.1 through 112.3 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

Section R113.4 Violation penalties. REVISE this section by **DELETING** “prescribed by law” and **REPLACING** with “set forth in Marana Town Code Title 7, section 7-1-5.”

Section R114.3 Unlawful continuance. REVISE this section by **DELETING** “prescribed by law” and **REPLACING** with “set forth in Marana Town Code Title 7, section 7-1-5.”

Table R301.2(1) Climatic and Geographic Design Criteria, REVISE to state the following:

TABLE R301.2(1)													
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGOR	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic Effects	Special wind region	Windborne debris zone		Weathering	Frost line depth	Termite					
0	115	NO	NO	NO	B	NEGLECTIBLE	0	MODERATE TO HEAVY	32	NO	Contact Marana Flood Plain Management	1500 or less	68
MANUAL J DESIGN CRITERIA													
Elevation	Latitude	Winter Heating	Summer Cooling		Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference					
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity							

Section R313 Automatic Fire Sprinkler Systems. DELETE section in its entirety.

Section M1411.3 Condensate disposal. REVISE section by **ADDING** the following at the end of the paragraph:

Condensate disposal shall be allowed to terminate as follows:

1. Into an approved fixture tailpiece, funnel drain, waste air gap fitting, floor sink, and laundry way.
2. At or below grade outside the building in an area capable of absorbing the condensate flow without surface drainage.
3. Over roof drains, gutters, or downspouts that connect to drainage pipes, provided they terminate at or above grade in an area capable of absorbing the condensate flow without surface drainage.

Section P2603.5.1 Sewer depth. Insert [number] as “12” in both locations.

Section P2904.1.1 Required sprinkler locations. REVISE section by **DELETING** the first sentence and **REPLACING** with the following: “Sprinklers are not required within dwelling units. This section serves as a guide for voluntary installations or to allow for a Fire-Resistant Construction reduction within section R302.”

EXHIBIT E TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Mechanical Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 103.4 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

Section 106.2 Permits not required. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

6. Replacement of Portable evaporative coolers with like coolers.

Section 106.5.2 Fee schedule. **DELETE** section in its entirety and **REPLACE** with “The fees for mechanical work shall be in accordance with the Town of Marana Fee Schedule.”

106.5.3 Fee refunds. REVISE by **INSERTING** 80% in both blanks that state “SPECIFY PERCENTAGE”.

Section 108.4 Violation penalties. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation ~~guilty of a~~ **[SPECIFY OFFENSE]**, ~~punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~ Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. ~~liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~ Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 109 MEANS OF APPEAL. **DELETE** subsections 109.1 through 109.7 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

Section 307.2.1 Condensate disposal. REVISE section by **ADDING** the following at the end of the paragraph:

Condensate disposal shall be allowed to terminate as follows:

1. Into an approved fixture tailpiece, funnel drain, waste air gap fitting, floor sink, slop sink, and laundry tray.
2. At or below grade outside the building in an area capable of absorbing the condensate flow without surface drainage.
3. Over roof drains or gutters or downspouts that connect to drainage pipes, provided they terminate at or above grade in an area capable of absorbing the condensate flow without surface drainage.

Section 1004.1 Standards, REVISE section as follows with **ADDITIONS** shown with double underlining:

1004.1 Standards. Boilers shall be designed, constructed and certified in accordance with the ASME *Boiler and Pressure Vessel Code*, Section I or IV and Arizona Boiler Rules, Title 20, Chapter 5. Controls and safety devices for boilers with fuel input ratings of 12,500,000 Btu/hr (3,662,500 W) or less shall meet the requirements of ASME CSD-1. Controls and safety devices for boilers with inputs greater than 12,500,000 Btu/hr (3,662,500 W) shall meet the requirements of NFPA 85. Packaged oil-fired boilers shall be listed and labeled in accordance with UL 726. Packaged electric boilers shall be listed and labeled in accordance with UL 834. Solid-fuel-fired boilers shall be listed and labeled in accordance with UL 2523.

EXHIBIT F TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Property Maintenance Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 103.4 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

Section 103.5 Fees. REVISE by adding Town of Marana Fee Schedule

Section 109.6 Hearing. REVISE by **DELETING** appeals board and **REPLACING** it with Board of Adjustment

Section 111.1 Application for Appeal. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment. REVISE by **DELETING** 20 days and **REPLACING** it with 10 days

Section 111. 2 Membership of board. REVISE by **DELETING** this section and its subsections in their entirety

Section 111. 3 Notice of meeting. REVISE by **DELETING** paragraph in its entirety and **REPLACING** it with "Within seven business days after receipt of the owner's, occupant's or lessee's request for appeal the town shall either withdraw or modify the notice or schedule an appeal hearing before the Board of Adjustment. The owner occupant or lessee shall be notified in writing by certified mail of the date, time and location of the hearing. The hearing shall be scheduled not less than 15 calendar days and no more than 30 calendar days after receipt by the town clerk of the request for hearing."

Section 111.4 Open hearing. REVISE by **DELETING** Title "Open hearing" and **REPLACING** it with "Hearing." REVISE by **DELETING** remaining paragraph and subsections in their entirety and **REPLACING** them with "The hearing shall be conducted in an informal manner and the rules of evidence shall not apply. The owner occupant or lessee may be represented by an attorney. The Board of Adjustment may affirm or withdraw the notice or modify the scope of the work required by the notice. The decision of the Board of Adjustment is final."

Section 111.7 Court review. REVISE by **DELETING** this section in its entirety.

Section 111.8 Stays of enforcement. REVISE section by **DELETING** appeals board and **REPLACING** it with Board of Adjustment.

Section 112.4 Failure to comply. Revise section by **DELETING** "of not less than (amount) dollars or more than (amount) dollars" and **REPLACING** with "that shall not exceed \$1,000 unless otherwise designated in this code, a town ordinance or under state law."

Section 202 General Definitions. REVISE Cost of Such Demolition or Emergency Repairs by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment.

Section 302.4 Weeds. REVISE by inserting 9 inches in height.

Section 304.14 Insect Screens. REVISE section by **DELETING** “During the period from (date) to (date)” and **CAPITALIZING** “every.”

Section 602.3 Heat supply. REVISE section by **DELETING** “During the period from (date) to (date) to maintain” and **REPLACING** with “capable of maintaining.”

Section 602.4 Occupiable work spaces. REVISE section by **DELETING** “During the period from (date) to (date) to maintain” and **REPLACING** with “capable of maintaining.”

EXHIBIT G TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Energy Conservation Code

Section C101.1 Title. REVISE section by inserting Town of Marana

Section C109 BOARD OF APPEALS. DELETE subsections C109.1 through C109.3 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

Section C402.1.1 Low-energy buildings. REVISE section by **ADDING** item #4:

4. Structures not intended for public occupancy that have openings in the thermal envelope during business operations and do not utilize air conditioning such as repair garages, fabrication shops, warehouses, or similar facilities.

Section C403.1.1 Calculations of heating and cooling loads. REVISE section by **ADDING** the following at the end of the paragraph:

Not required for emergency replacement of cooling and heating equipment where there are no alterations, additions, or changes of occupancy, the equipment does not increase in capacity, and the equipment was installed prior to this code cycle.

Section R101.1 Title. REVISE section by inserting Town of Marana

Section R109 BOARD OF APPEALS. DELETE subsections R109.1 through R109.3 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

Section R403.10.3 Covers. DELETE this section in its entirety.

EXHIBIT H TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2017 National Electrical Code

Article 210.5 Identification for branch circuits. REVISE section by **DELETING** paragraph (C) and **REPLACING** it with the following:

(C) Ungrounded conductors. Branch circuits shall conform to the following color code.

Volts	Phase	System	Phase A	Phase B	Phase C	Grounded Conductor
120/208	3	WYE	Black	Red	Blue	White
277/480	3	WYE	Brown	Orange	Yellow	Grey
120/240	3	DELTA	Black	Orange	Red	White

Exception No. 1: The above color-coding is not required in residential occupancies.

Exception No. 2: Industrial occupancies holding a Registered Plant Permit may use their own coding system. The color coding system must be presented at the time of permit application for the Registered Plant Permit. The registrant must post the color code on the inside on the panel.

Exception No. 3: Additions to an existing electrical system, where an alternate color- coding system exists. The alternate color coding system shall be continued.

EXHIBIT I TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Fire Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 105.6 Required Operational Permits. REVISE section by **DELETING** language in 105.6 and all subsequent subsections (105.6.1 through 105.6.50) and **REPLACE** with: "Coordinate with local, responding fire district/department regarding the requirement of operational permits."

Section 105.7.25 Temporary membrane structures and tents. REVISE section by **DELETING** 400 and **REPLACING** it with 700. REVISE by **DELETING** 37 and **REPLACING** it with 65. REVISE subsection 3.1 by **DELETING** 700 and **REPLACING** it with 900 and **DELETING** 65 and **REPLACING** it with 83. REVISE subsection 3.2 by **DELETING** 700 and **REPLACING** it with 900 and **DELETING** 65 and **REPLACING** it with 83.

Section 109 BOARD OF APPEALS. **DELETE** title "Board of Appeals" and **REPLACE** with "Appeals". **DELETE** subsections 109.1 through 109.3 and **REPLACE** with "The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6."

Section 110.4 Violation penalties. **DELETE** this section and **REPLACE** with "Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5."

Section 112.4 Failure to Comply. **DELETE** this section and **REPLACE** with "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5."

Section 202 GENERAL DEFINITIONS.

Occupancy Classification. REVISE definitions as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

OCCUPANCY CLASSIFICATION.

Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than ~~46~~ 10 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to following:

Alcohol and drug centers
Assisted living facilities
Congregate care facilities
Group homes
Halfway houses

Residential board and care facilities
Residential board and custodial care facilities
Social rehabilitation facilities

[No changes to Condition 1]

[No changes to Condition 2]

Six to ~~16~~ 10 persons receiving custodial care. A facility housing not fewer than six and not more than ~~16~~ 10 persons receiving custodial care shall be classified as Group R-4.

DELETE Five or fewer persons receiving custodial care section.

Residential Group R-3.

Congregate living facilities (nontransient) with ~~16~~ 10 or fewer occupants

Care facilities within a dwelling. Care facilities for five or fewer persons that are capable of self-preservation receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

Residential Group R-4. Residential Group R-4 shall include buildings, structures or portions thereof for more than five but not more than ~~16~~ 10 persons that are capable of self-preservation, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Building of Group R-4 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to, the following: **[No changes to remainder of definition]**

Section 304.1.2 Vegetation. REVISE by DELETING “Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the *International Wildland-Urban Interface Code*.”

Section 307.3 Extinguishment authority. REVISE by INSERTING “responding fire district/department or Marana Police Department” after fire code official.

SECTION 503 FIRE APPARATUS ROADS. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Section 503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus per Section D102.1. and shall be surfaced so as to provide all-weather driving capabilities.

Section 503.6.1 Electric operating gates. Gates that use electric or other means of power to automatically open or unlock shall have a manual override system. Manual override controls shall be located on the entrance side of gate, or when power has failed, the gates(s) shall open and stay open until power is restored for normal operations.

Section 503.6.2 Fire apparatus access road gates. Gates/barricades securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096mm) unobstructed.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by the responding fire personnel for emergency access on to the property or leaving the property.
6. Locking device specifications shall be submitted for approval by the fire code official.
7. Gates/barricades that are permanently secured for access reasons shall be posted with the approved fire access signs, on both sides of the gate/barricade. Signs can be mounted on gate or follow requirements under Section D103.6.

Section 503.7 Maintenance. The person(s) in possession of the premises, on and into which a fire apparatus access roadway is required, shall be solely responsible for the maintenance of such roadways and all required signs. No owner, manager or other person(s) in charge of premises served by a required fire apparatus access roadway shall abandon or close the fire apparatus roadway or any part thereof without permission of the fire code official.

The person(s) in possession of the premises shall be responsible for ensuring that fire apparatus roadways are clear at all times.

SECTION 507 FIRE PROTECTION WATER SUPPLIES. REVISE section as follows with **ADDITIONS** shown with double underlining:

Section 507.5.7 Reflective pavement markers. Fire hydrants shall be identified by the installation of approved blue reflective pavement markers.

Section 510.1 Emergency responder radio coverage in new buildings. REVISE by DELETING “public safety communications system” and REPLACING with “Pima County Wireless Integrated Network (PCWIN) 800 MHz Radio System utilized by the Northwest Fire District.”

Section 5608.10 Disposal. REVISE by DELETING 15 and REPLACING with 60.

The following Appendix Requirements are ADOPTED:

APPENDIX B: FIRE FLOW REQUIREMENTS FOR BUILDINGS

APPENDIX C: FIRE HYDRANT LOCATIONS AND DISTRIBUTIONS

APPENDIX D: FIRE APPARATUS ACCESS ROADS

Section D103.6.2 Roads more than 26 feet in width. REVISE section as follows by ADDING:

Exception: Roads 32 feet or wider with wedge curbs on both sides (measured from end of curb to end of curb) are not required to be posted.

EXHIBIT J TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Fuel Gas Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 103.4 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

Section 106.1.1 Annual permit. REVISE with **DELETIONS** shown with strikeouts and **ADDITIONS** shown with double underlining:

106.1.1 Annual permit. Instead of an individual construction permit for each alteration to an already *approved* system or equipment or appliance installation, the code official is authorized to issue an annual permit upon application ~~therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.~~ subject to the following:

1. The applicant for the registered plant annual permit shall be an architect registered in the State of Arizona and who shall be directly responsible for compliance with this code with respect to all work that would otherwise require a permit.
2. All new applications need to be accompanied by a complete set of plans of the affected areas of construction with the scope of work and operations section clearly outlined. Annual registered plant permits shall not be granted for buildings or facilities not currently operating under a valid certificate of occupancy.
3. Fees for annual permits shall expire on December 31st of each year and will need to be renewed and approved for registered plant status to be maintained.
4. The permit will be suspended if the applicant becomes no longer employed by the registered plant. If this occurs, the plant will need to notify the Building Official and call for immediate inspection on any ongoing work until such time that a replacement registrant is approved by the Building Official.
5. Annual permits may be revoked at any time by the Building Official if the applicant fails to comply with requirements.
6. A summary report of all work done under the registered plant registration shall be prepared by the registered architect, and submitted annually to the Building Official.
7. Work conducted under the registered plant annual permit may be reviewed and inspected by the Building Official while the work is in progress or on an annual basis.
8. The following work is not to be covered within the scope of the annual permit and shall require separate permitting:
 - a. Any work creating a different occupancy classification or group for any or all portion of a building.
 - b. Any work creating a different building type for all or any portion of a building.
 - c. Any work that adds, alters, removes or penetrates required firewalls or barriers, exit courts, exit passageways or horizontal exits.
 - d. Any work that provides for the relocation of more than five sprinkler heads.
 - e. Any work that modifies load-bearing structures.

Section 106.6.2 Fee schedule, DELETE section in its entirety and **REPLACE** with “The fees for work shall be in accordance with the Town of Marana Fee Schedule.”

Section 106.6.3 Fee refunds. REVISE by **INSERTING** 80% in both blanks that state “SPECIFY PERCENTAGE”.

Section 108.4 Violation penalties. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation ~~guilty of a~~ **[SPECIFY OFFENSE]**, ~~punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~ Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders. REVISE section as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining:

Upon notice from the code official that plumbing work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. ~~liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~ Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 109 MEANS OF APPEAL. DELETE subsections 109.1 through 109.7 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

EXHIBIT K TO MARANA RESOLUTION No. 2019-032

Town of Marana Amendments to the 2018 International Swimming Pool and Spa Code

Section 101.1 Title. REVISE section by inserting Town of Marana

Section 103.4 Liability. REVISE section by **DELETING** board of appeals and **REPLACING** it with Board of Adjustment

Section 105.6.2 Fee schedule. **DELETE** section in its entirety and **REPLACE** with “The fees for work shall be in accordance with the Town of Marana Fee Schedule.”

105.6.3 Fee refunds. REVISE by **INSERTING** 80 in both blanks that state “SPECIFY PERCENTAGE”.

Section 107.4 Violation penalties. REVISE section as follows with **DELETIONS** shown with strikeouts and **ADDITIONS** shown with double underlining:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation guilty of a **[SPECIFY OFFENSE]**, punishable by a fine of not more than **[AMOUNT]** dollars or by imprisonment not exceeding **[NUMBER OF DAYS]**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 107.5 Stop work orders. REVISE section as follows with **DELETIONS** shown with strikeouts and **ADDITIONS** shown with double underlining:

Upon notice from the *code official*, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation, liable for a fine of not less than **[AMOUNT]** dollars or more than **[AMOUNT]** dollars. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108 MEANS OF APPEAL. **DELETE** subsections 108.1 through 108.7 and **REPLACE** with “The means of appeal are set forth in Marana Town Code Title 7, section 7-1-6.”

301.1 Scope. REVISE section as follows with **DELETIONS** shown with strikeouts: The provisions of this chapter shall govern the general design and construction of ~~public and residential~~ pools and spas and related piping, equipment, and materials. ~~Provisions that are unique to a specific type of pool or spa are located in Chapters 4 through 10.~~

Section 301.1.1 Applications of Chapters 4 through 10. REVISE by **REPLACING** every 4 with a 7.

Section 305.2.1 Barrier height and clearances. REVISE item 1 as follows with **DELETIONS** shown with ~~strikeouts~~ and **ADDITIONS** shown with double underlining: Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 60 48 inches (1524 ~~1219~~ mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.

Chapter 4, DELETE in its entirety and reference the **ARIZONA ADMINISTRATIVE CODE, TITLE 18, CHAPTER 5, ARTICLE 2.** as applicable.

Chapter 5, DELETE in its entirety and reference the **ARIZONA ADMINISTRATIVE CODE, TITLE 18, CHAPTER 5, ARTICLE 2.** as applicable.

Chapter 6, DELETE in its entirety and reference the **ARIZONA ADMINISTRATIVE CODE, TITLE 18, CHAPTER 5, ARTICLE 2.** as applicable.



2018 BUILDING CODE ADOPTION PROCESS

DAVID SPURLOCK, CHIEF BUILDING OFFICIAL

2018 BUILDING CODES





INTERNATIONAL CODE COUNCIL

CODE EDITIONS TO BE ADOPTED

- International Building Code (IBC)
- **International Existing Building Code (IEBC)**
- International Fire Code (IFC)
- International Fuel Gas Code (IFGC)
- International Mechanical Code (IMC)
- International Property Maintenance Code (IPMC)
- International Energy Conservation Code (IECC)
- International Plumbing Code (IPC)
- International Residential Code (IRC)
- **International Swimming Pool and Spa Code (ISPSC)**
- 2017 National Electric Code (NEC)

11 books, approximately 4,000 pages

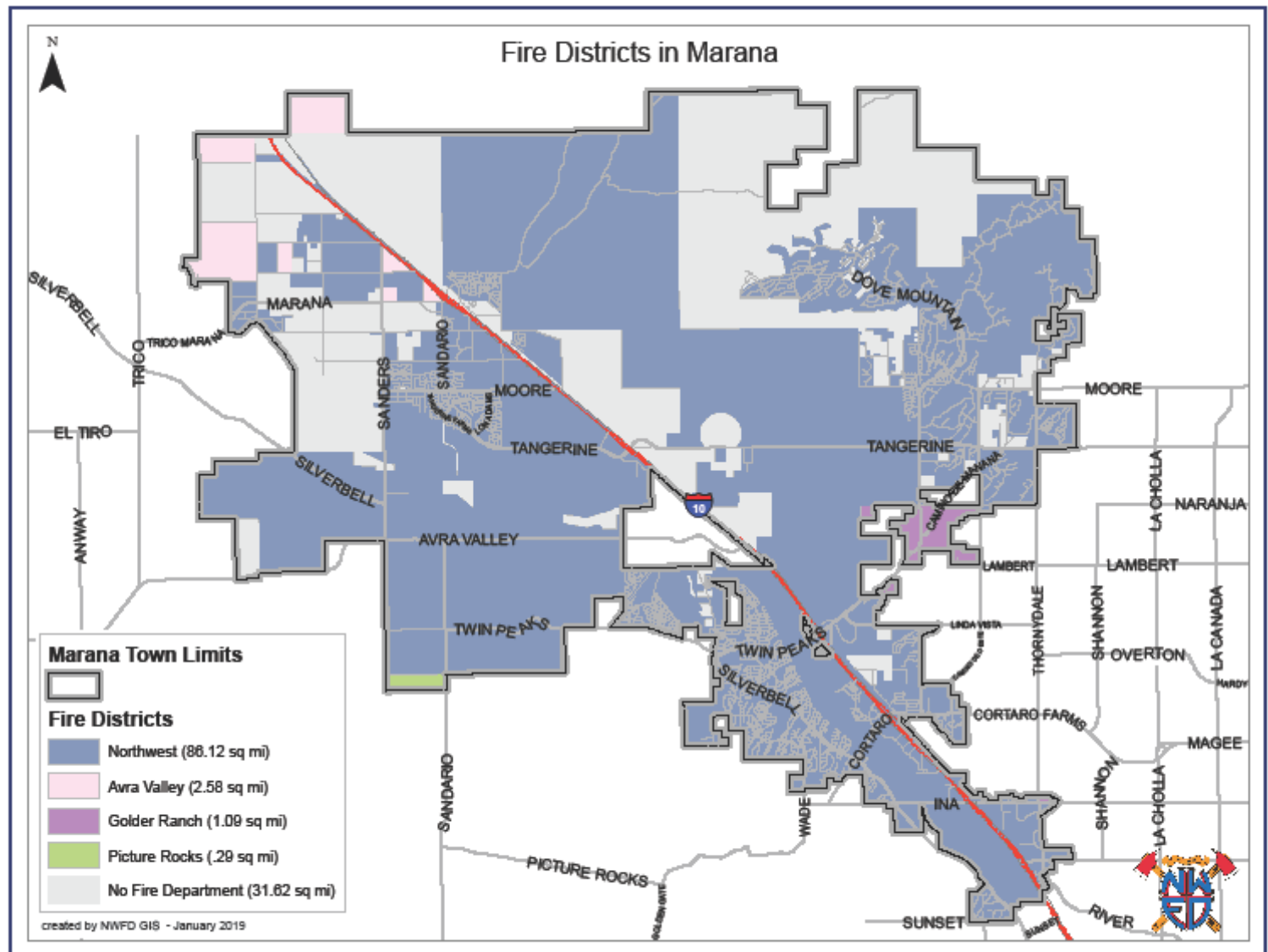




Major Points

- **2018 International Swimming Pool and Spa Code (ISPSC)**
 - New Code, Integrated into I-Code Suite
 - Town has its own pool code prior to this edition
 - Region is moving away from Pima County Pool code to ISPSC
- **2018 International Fire Code (IFC)**
 - Historically adopted NWFD amendments “AS-IS”
 - Caused jurisdictional issues, conflicts and confusion
 - TOM has multiple fire districts within Town Limits, plus non-district areas.
 - Adopt 2018 IFC with TOM amendments
 - NWFD is coordinating their amendments to match TOM amendments
- **Council Study Session January 8, 2019**
- **Present Adoption Ordinance to Council**





Why adopt 2018 Code Set

- **Keep up to date with building construction technology**
- **Keep up to date Clarity and interpretation of code application**
- **Flexibility for small business and tenants**
- **Flexibility for existing buildings**
- **Regional consistency**







Council-Regular Meeting

A3

Meeting Date: 04/16/2019

To: Mayor and Council

From: Keith Brann, Town Engineer

Date: April 16, 2019

Strategic Plan Focus Area:
Community

Strategic Plan Focus Area Additional Info:

Principle Statement 1: We will maintain a safe and well-managed community.

Subject: Resolution No. 2019-033: Relating to Public Works; authorizing Town staff and representatives to acquire, by negotiation or condemnation, lands and property rights needed for the following Town of Marana projects: Adonis Subdivision Drainage Improvements (ST062), Silverbell Road Sidewalk (ST069), Lon Adams Road Reconstruction (ST068), Avra Valley Road Pavement Reconstruct (ST061), and Camino de Oeste Road Restoration (ST066) (Keith Brann)

Discussion:

The Town sometimes needs to acquire property rights for a capital improvement project. These property rights could include rights of entry, temporary or permanent easements, and additional real property or right of way. Traditionally, staff brought each project forward individually. In an effort to simplify this effort, staff is grouping projects that are active or expected to be active in the near term. This would be the first "bundling" of multiple projects for the purpose of seeking authorization to acquire property rights. Therefore, this resolution is Council's authorization for Town staff to acquire property rights by negotiation or condemnation for the following five public works projects:

- Adonis Subdivision Drainage Improvements, Marana Project ST062
- Silverbell Road Sidewalk, Marana Project ST069 (Silverbell Sidewalk infill, Twin Peaks to Cortaro)
- Lon Adams Road Reconstruction, Marana Project ST068 (Lon Adams Road, Barnett to Grier)

- Avra Valley Road Pavement Reconstruct, Marana Project ST061 (Avra Valley Road, Sanders to western Town limits)
- Camino de Oeste Road Restoration, Marana Project ST066 (Camino de Oeste, Tangerine to Moore)

Staff Recommendation:

Staff recommends adoption of Resolution No. 2019-033, authorizing Town staff to acquire property rights needed for the five public works projects.

Suggested Motion:

I move to adopt Resolution No. 2019-033, authorizing Town staff to acquire property rights needed for the five public works projects.

Attachments

Resolution No. 2019-033
CIP Property 5 Projects

MARANA RESOLUTION NO. 2019-033

RELATING TO PUBLIC WORKS; AUTHORIZING TOWN STAFF AND REPRESENTATIVES TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, LANDS AND PROPERTY RIGHTS NEEDED FOR THE FOLLOWING TOWN OF MARANA PROJECTS: ADONIS SUBDIVISION DRAINAGE IMPROVEMENTS (ST062), SILVERBELL ROAD SIDEWALK (ST069), LON ADAMS ROAD RECONSTRUCTION (ST068), AVRA VALLEY ROAD PAVEMENT RECONSTRUCT (ST061), AND CAMINO DE OESTE ROAD RESTORATION (ST066)

WHEREAS the Town of Marana is constructing or will soon begin constructing the following Town projects: Adonis Subdivision Drainage Improvements (ST062), Silverbell Road Sidewalk (ST069), Lon Adams Road Reconstruction (ST068), Avra Valley Road Pavement Reconstruct (ST061), and Camino de Oeste Road Restoration (ST066) (the "Projects"); and

WHEREAS the Town of Marana needs to acquire certain rights-of-way, easements and other property rights to construct the improvements needed for the Projects, (all of which interests in real estate are collectively referred to as the "Needed Property"); and

WHEREAS the Mayor and Council of the Town of Marana find that the acquisition or condemnation of the Needed Property is necessary for the public health, safety and welfare of the citizens of Marana.

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

Section 1. The particular rights-of-way, easements, and other property rights that constitute the "Needed Property" will be set forth on the right-of-way plans prepared for each of the Projects.

Section 2. Town staff and representatives are hereby authorized and directed to negotiate the Town's acquisition of the Needed Property for its fair market value as determined based on an independent fee appraisal.

Section 3. Before procuring an appraisal on any of the real estate included in the Needed Property, Town staff and representatives are authorized to offer the owner the Town staff's estimated cost of obtaining an appraisal.

Section 4. The Town Manager, Town Engineer, and Town staff and representatives are hereby authorized to execute on the Town's behalf any and all

documents necessary to acquire the Needed Property on terms consistent with sections 2 or 3 of this resolution.

Section 5. If Town staff and representatives are unable to acquire the Needed Property on terms consistent with sections 2 or 3 of this resolution, the Town Attorney is hereby authorized and directed to bring one or more actions under the power of eminent domain to acquire the Needed Property for just compensation as determined by the Court or jury.

Section 6. Town staff and representatives are authorized to pay all survey, environmental investigation, title, escrow, recording, and filing fees and costs associated with these acquisitions.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney



Property Acquisition for Capital Projects

Keith Brann, Town Engineer

April 16, 2019



Methods Town obtains property

- **Donation**
- **Dedication**
- **Exaction**
- **Purchase**
- **Eminent Domain**

Purchase of Property and Eminent Domain

- The government must make a good faith effort to purchase property prior to exercising eminent domain
 - Hire appraiser to evaluate taking and prepare a market value report
 - Purchase title insurance/litigation guarantee to verify current property ownership
 - Make offer to property owner(s)
 - Should property owner provide alternative information that could affect value, negotiate in good faith
- If a negotiated price can not be arrived at, **Eminent Domain** proceeding is begun
 - Filing of condemnation action
 - Arbitration can be used for further negotiation
 - Court proceedings
 - Final Order of Condemnation

United States Constitution – 5TH Amendment

“No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

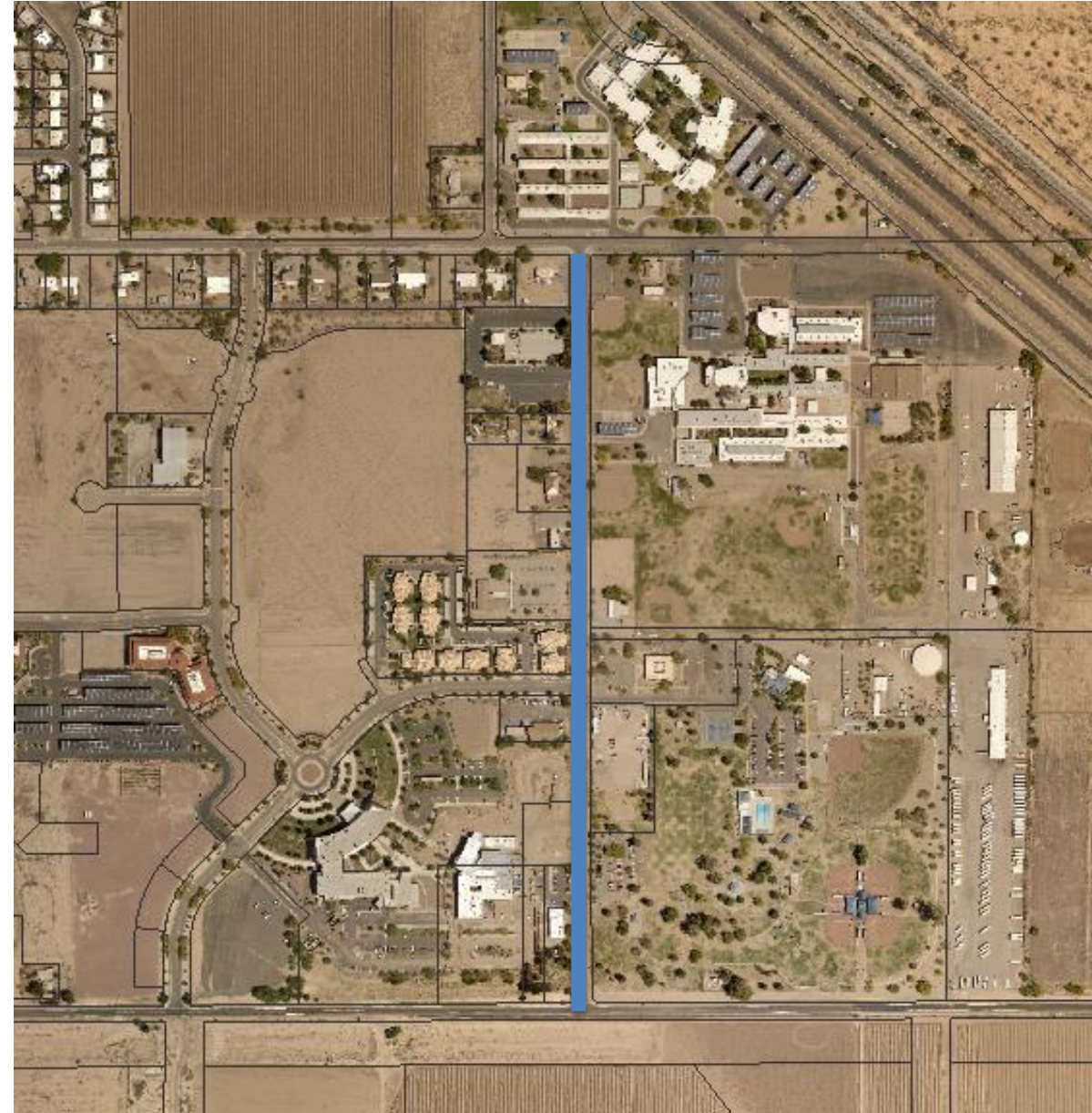


Current CIP projects

- **Lon Adams Road, Barnett to Grier**
- **Adonis Subdivision**
- **Avra Valley Road, Sanders to West Town limits**
- **Camino de Oeste, Tangerine to Moore**
- **Silverbell Sidewalks, Twin Peaks to Cortaro**

Lon Adams Road, Barnett to Grier

- **Project ST068**
- **Full road reconstruction**
- **Added sidewalks, landscaping, lighting**
- **Existing 60ft Right of Way**



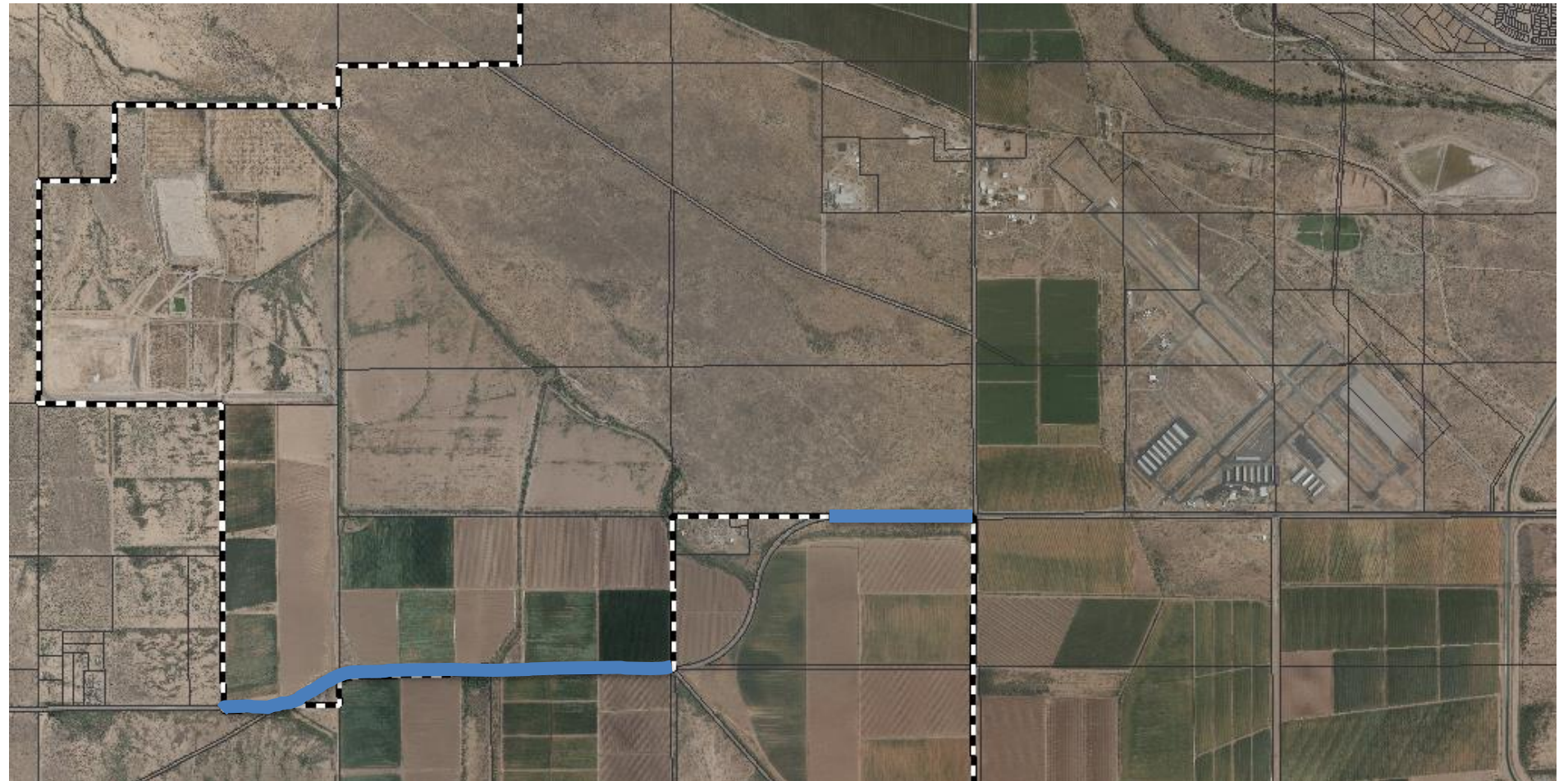
Adonis Subdivision Drainage Improvements

- **Project ST062**
- **Road reconstruction**
- **Drainage improvements**
- **Existing 60ft Right of Way – main streets**
- **Existing 50ft Right of Way – side streets**
- **Private alleys**



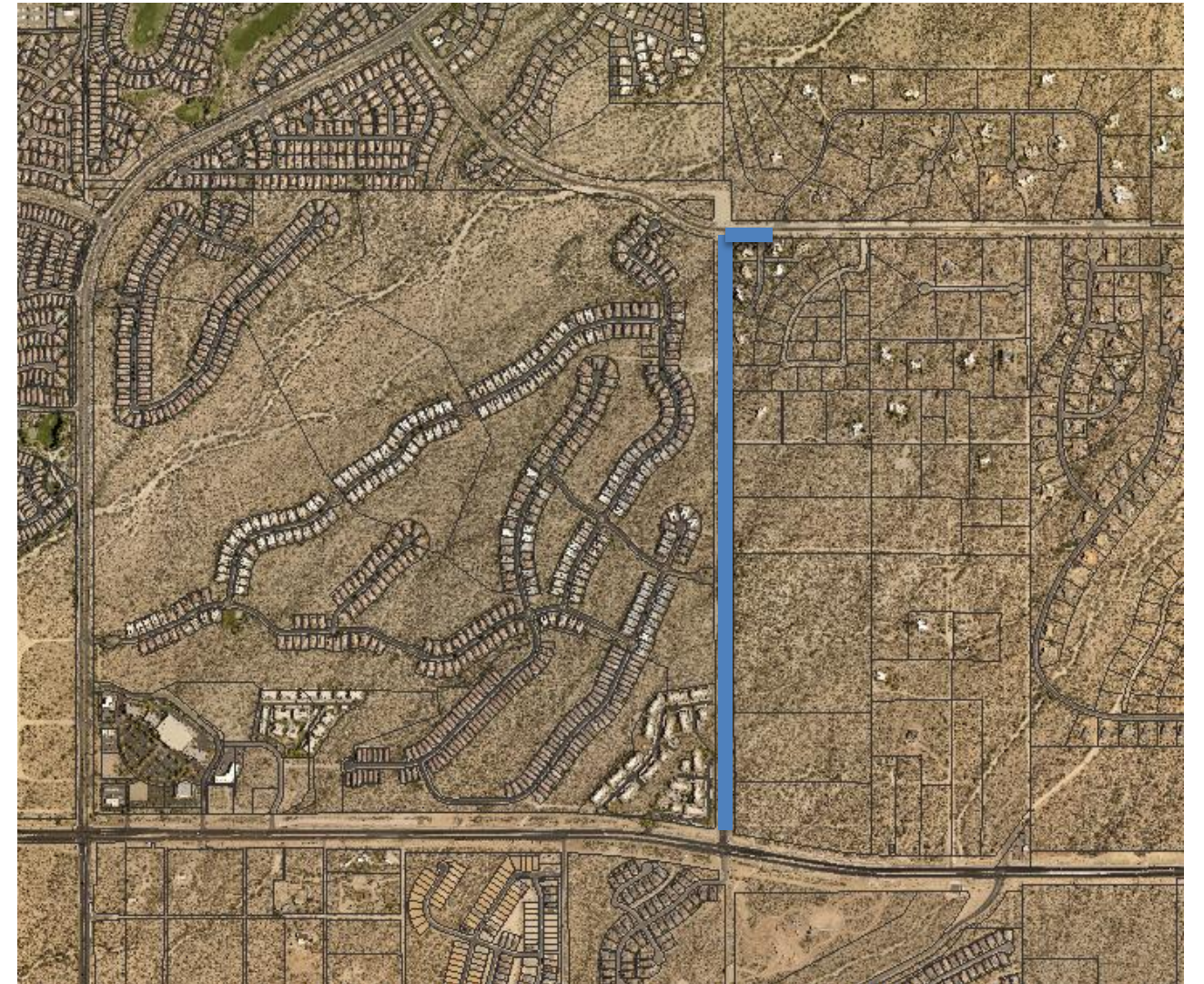
Avra Valley Road, Sanders to Town Limits

- **Project ST061**
- **Road rehabilitation**
- **Existing 100ft Right of Way**



Camino de Oeste, Tangerine to Moore

- **Project ST066**
- **Road reconstruction**
- **Added Multi-use Trail**
- **Existing 150ft Right of Way**





Silverbell Sidewalks, Twin Peaks to Cortaro

- Project ST069
- Sidewalk infill
- Existing 200ft Right of Way

