



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, December 17, 2024, at or after 6:00 PM

Jon Post, Vice Mayor
Patrick Cavanaugh, 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

Vice Mayor Post called the meeting to order at 6:00 PM. He directed the Town Clerk to call the roll. All Council Members were present, constituting a quorum.

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

APPROVAL OF AGENDA

Vice Mayor Post asked for a motion to approve the agenda.

Council Member Ziegler moved to approve the agenda. Council Member Kai seconded the motion. Motion passed, 6-0.

CALL TO THE PUBLIC

Mr. Brendan Lyons from the Southern Arizona Home Builders Association (SAHBA) addressed the Council. He thanked Town staff for the work put in on the Town's proposed Drainage Manual [Item A5] and for engaging stakeholders throughout its development. He said SAHBA was not opposing the manual, but he recommended that

(1) the proposed hydrology modeling program be HEC Ras 2D instead of what is currently proposed in the manual and (2) the Town not use non-regional hydrologic data in the manual. He requested that the Council table Item A5 or, alternatively, that additional discussions occur on these items.

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Comerford said Town staff was cared for deeply and wished them a Merry Christmas and a Happy New Year.

Council Member Cavanaugh highlighted that the January issue of the Arizona Highways magazine had a large ad dedicated to discovering Marana and its treasures. He said 100,000 people saw the ad and gave kudos to the Town for this effort.

Council Member Ziegler complemented the Town's recent Holiday Festival and Christmas Tree Lighting event. She said it was the best one so far. She thanked the **Parks and Recreation Department** for its efforts related to the event. She said **Mayor Ed Honea** was missed at the event. She also attended the Gladden Farms McDonalds ribbon cutting earlier in the day.

Council Member Kai said he, **Council Member Cavanaugh**, and **Council Member Officer** attended a Colorado Water Users Association (CWUA) meeting in Las Vegas, Nevada regarding an effort to encourage cooperation between the upper and lower basin states in order to conserve water.

Vice Mayor Post said this was the first time he has attempted to conquer **Mayor Ed Honea's** schedule and said he was a very busy man. **Vice Mayor Post** praised the Holiday Festival and Christmas Tree Lighting event and said he was blow away by it. He said he would like to see the Town put more into that event. He said he attended a Pinal Partners meeting where they honored **Mayor Honea**. He said **Mayor Honea** has friends from all across the state. He said the meeting also focused on where Arizona is going in the next ten to 20 years, and he said the amount of growth projected was shocking. He also highlighted a recent meeting with **Mr. Gary Abrams** of Pima Aviation and said the meeting went well, and that he had hopes for a resolution in which both the Town and he can be successful.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema said that there were 28 single-family residential permits issued so far in December. Last December, there were a total of 83 permits issued. He provided an update on the construction of the Marana Aquatic and Recreation Center

(MARC) and said the Council will be able to tour it on January 7, 2024. He said the Town published a Real Talk with the Town podcast remembering **Mayor Ed Honea** and said his memorial services would be held on December 21, 2024, at 1:00 PM at the Marana Municipal Complex. He also said the Council would have a legislative breakfast on January 7, 2024.

Council Member Ziegler requested to see the budget for the MARC now that it is close to completion for comparison purposes. **Mr. Rozema** said he would provide the budget.

PRESENTATIONS

P1 Fee Structure for Marana Aquatic and Recreation Center.

Parks and Recreation Director Jim Conroy introduced this item and its presenters and said that there were not any changes since the August 13, 2024, Study Session, with the exception of a few items the Council had requested that staff look into.

Deputy Parks and Recreation Director Wayne Barnett presented on the proposed fee structure for membership passes. He highlighted the following changes since the Study Session:

- “Resident” for fee purposes defined as any home with an address in the 85653, 85658, 85741, 85742, and 85743 zip codes.
- Existing Senior Center Members will have access to the MARC two mornings per week at no extra charge.
- Veterans and Active Military are eligible for a 10% discount on any memberships, including family passes.
- Child watch is included when a child is listed on an eligible membership (does not apply to Day Passes).

Aquatics Superintendent Brandon Laue presented on rentable spaces in the MARC. He highlighted the following changes since the Study Session:

- The addition of a commercial hourly rate category during operation hours.
- The addition of a commercial hourly rate category after operation hours.

Mr. Conroy explained the following next steps:

- Begin the 60-day public notice period.
- Present final fee structure for Council adoption on February 25, 2024.
- Fees anticipated to go into effect on April 1, 2024.

A copy of the presentation slides is on file with the Office of the Town Clerk. Please see the presentation slides for detailed information regarding the presentation. Clarifying questions were asked and answered during the presentation.

Council Member Ziegler thanked Town staff for including a veteran membership discount. She also complimented that the passes could be pre-sold.

Council Member Kai requested that Town staff look into adding the zip code 85654 to the definition of “resident.” **Mr. Rozema** said that zip code would be included when the item is submitted for public notice.

Vice Mayor Post commented that he was pleased the definition of “resident” included zip code areas around the Town boundaries because many living in these areas feel they are residents of Marana. **Mr. Barnett** said that was the intent.

Council Member Cavanaugh asked if the Silver Sneaker program could be incorporated into the fee structure. **Mr. Barnett** said that staff was currently researching this and similar programs and that the intent is to have these programs available.

Vice Mayor Post asked if the Town had a cutoff number for memberships. **Mr. Conroy** said there was a great level of enthusiasm, and that the Town would need to see if a cutoff would be necessary. **Council Member Ziegler** commented that the City of Goodyear became overwhelmed and ended up having to allow residents only. She said hopefully the Town would not need to do that.

Council Member Kai asked if the Town would run into overtime issues with the hourly rates if events ran late. **Mr. Conroy** said the Town would need to be on top of managing the times the facility’s amenities were being used to mitigate or eliminate such issues.

Council Member Cavanaugh commented that the MARC will allow for generations of memories. He said the sooner passes can be sold, the sooner that those memories can be built.

Vice Mayor Post asked if the family passes would include summer camps, etc. **Mr. Conroy** said they would probably not and that those would be covered under another affordable pass.

CONSENT AGENDA

C1 Ordinance No. 2024.026: Relating to Administration; revising Marana Town Code Title 3 (Administration), chapter 3-5 (Claims and Settlement), sections 3-5-1 (Claims administration) and 3-5-2 (Settlement authority) to clarify roles, responsibilities, and authority related to claims and settlements; and designating an effective date (Jane Fairall)

C2 Resolution No. 2024-105: Relating to Development; approving the Final Plat for Village VI of Linda Vista Village Lots 6001-6012 and Common Areas “D” #6-1, “D” #20 & “G” #6-1, located south of Linda Vista Boulevard, approximately 0.5 miles east of Twin Peaks Road (Scott S. Radden)

C3 Resolution No. 2024-106: Relating to Development; approving the Final Plat for Village VII of Linda Vista Village, Lots 7001-7040 and Common Areas “A” #8, “D” #7, “D” #7-1, “D” #7-2, “D” #7-3, “F” #3, “G” #7-1, “G” #7-2, “G” #7-3, “G” #7-4, “G” #7-5 & “H” #4 located south of Linda Vista Boulevard, approximately 0.5 miles east of Twin Peaks Road (Scott S. Radden)

C4 Resolution No. 2024-107: Relating to Development; approving a final plat for Cypress Gardens II Lots 1-215 and Common Areas “A” (Recreation & Drainage), “B” (Landscape, Drainage and Utilities) generally located at the northwest corner of Barnett Road and Sandario Road (Scott Radden)

C5 Resolution No. 2024-111: Relating to Development; approving the Final Plat for Heritage Park Shoppes Lots 2-13 located south of Tangerine Road and east of Heritage Park Drive within a portion of Section 34, Township 11 South, Range 11 East (Brian D. Varney)

C6 Resolution No. 2024-112: Relating to Intergovernmental Relations; adopting a 2025 Town of Marana Legislative Policy Priority Program and authorizing and directing those authorized to lobby on behalf of the Town of Marana to represent and pursue it (Andrea De La Cruz)

C7 Resolution No. 2024-113: Relating to Real Estate; approving and authorizing the Town Engineer to execute a Private Drainage and Maintenance Easement Agreement in favor of D.R. Horton, Inc., granting a drainage easement and clarifying ownership and establishing maintenance obligations for the private drainage improvements to be placed on Town-owned property at Saguaro Bloom Community Park; waiving the Town’s application fee for new easements (George Cardieri)

C8 Resolution No. 2024-114: Relating to Tourism; approving and authorizing the Mayor to execute an agreement between the Town of Marana and Tucson Bicycle Classic regarding participation in and financial support of the time trial stage of the Tucson Bicycle Classic (Stefanie Boe)

C9 Resolution No. 2024-115: Relating to Tourism; approving and authorizing the Mayor to execute an agreement between the Town of Marana and Project Echelon, Ltd. regarding participation in and financial support of the 2024 Project Echelon Training Weekend, including a Gran Fondo Ride for Veterans (Stefanie Boe)

C10 Resolution No. 2024-116: Relating to Budget; approving the transfer of \$315,000 in budgeted expenditure authority from the West Apron Reconstruction Ph-2 project (AP047) to the Taxiway C Reconstruction, Design project (AP035) for design of the reconstruction of Taxiway C in the fiscal year 2024-2025 budget (Fausto Burruel)

C11 Approval of Regular Council Meeting Summary Minutes of November 6, 2024, approval of Regular Council Meeting Summary Minutes of November 19, 2024, and approval of Regular Council Meeting Summary Minutes of December 3, 2024 (David L. Udall)

Council Member Kai moved to approve the consent agenda. Council Member Ziegler seconded the motion. Motion passed, 6-0.

LIQUOR LICENSES

L1 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #012 Restaurant liquor license submitted by Bruce Robert Barro on behalf of Barro's Pizza, located at 5825 West Arizona Pavilions Drive, Tucson, Arizona, 85743 (David L. Udall)

Town Clerk / Assistant Town Attorney David Udall informed the Council that Town staff reviewed the liquor license application and that it was posted for the required 20-day notice period. He said Town staff recommended that an order recommending approval be submitted to the Arizona Department of Liquor Licenses and Control.

Council Member Ziegler moved to submit to the Arizona Department of Liquor Licenses and Control an order recommending approval of an application for a new series #012 Restaurant liquor license submitted by Bruce Robert Barro on behalf of Barro's Pizza, located at 5825 West Arizona Pavilions Drive, Tucson, Arizona, 85743. Council Member Cavanaugh seconded the motion. Motion passed, 6-0

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 Public Hearing: Ordinance No. 2024.027: Relating to Development; amending Marana Town Code Title 17 (Land Development), Chapter 17-3 (Administration and Enforcement), Section 17-3-1 (Amendment and rezoning) to add provisions establishing time frames for review of zoning applications; and declaring an emergency (Jane Fairall)

Vice Mayor Post opened the public hearing at 6:35 PM.

Town Attorney Jane Fairall presented on this item. She explained that this item was brought in response to Senate Bill 1162, which was passed during the last Legislative Session. She said the bill requires all municipalities to adopt an amendment to their zoning codes by January 1, 2025, to establish specific timeframes regarding the review of zoning applications. She said this item puts into the Town Code exactly what the bill requires to be in the Code. She then summarized the requirements as follows:

- The bill requires the Town to determine whether a zoning application is administratively complete within 30 days of receiving the application. If not, the Town must provide written notice to the applicant outlining specific deficiencies, at which point the time frames are suspended until the applicant submits a new application. At that point, the Town will have a 15-day window to review the submitted application and determine if it is administratively complete at that point. Once complete, the Town will have 180 days to bring the rezoning application before the Town Council for approval, with the following exceptions:
 - The applicant may request an extension in 30-day increments.
 - A one-time 30-day extension may be granted in extenuating circumstances.
- The timeframes summarized above do not apply in the following circumstances:
 - To a rezoning application for land designated as a district of historical significance under state law.
 - An area designated as historic on the National Register of Historic Places.
 - Land already zoned via a specific plan.

Ms. Fairall recommended approval of this item so the Town can be in compliance with the new law. She said the item needed to be continued from the December 3, 2024, meeting to this meeting and said an emergency clause necessitating a roll call vote was therefore required.

Vice Mayor Post closed the public hearing at 6:37 PM.

Council Member Kai moved to adopt Ordinance No. 2024.027. Council Member Ziegler seconded the motion. Vice Mayor Post asked the Town Clerk to poll the Council. Vice Mayor Post, Council Member Cavanaugh, Council Member Comerford, Council Member Kai, Council Member Officer, and Council Member Ziegler voted Aye. There were no Nays. Motion passed, 6-0.

A2 Public Hearing: Ordinance No. 2024.028: Relating to Development; amending Marana Town Code Title 17 (Land Development), amending Chapter 17-6 (General and Miscellaneous Development Regulations) by adding new Section 17-6-14 entitled Accessory Dwelling Units; amending chapter 17-4 (Zoning) by making conforming amendments to sections 17-4-2 (Use matrix) and 17-4-3 (Use conditions matrix); approving the housing impact statement pertaining to this ordinance; and declaring an emergency (Jane Fairall)

Vice Mayor Post opened the public hearing at 6:39 PM.

Ms. Fairall presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Ms. Fairall** explained that this item was brought in response to House Bill 2720, which was passed during the last Legislative Session.

She said the bill became effective on September 14, 2024, and that it requires all municipalities with a population of more than 75,000 to adopt regulations allowing accessory dwelling units (ADUs) on any lot or parcel where a single-family dwelling is allowed. The new law provides that if a municipality fails to adopt required regulations by or before January 1, 2025, ADUs will be allowed on all lots or parcels zoned for residential use without limits.

Ms. Fairall explained that although Marana's population is currently less than 75,000, it is expected to reach that number within the next few years. To avoid having no limits on ADUs, she said Town staff is recommending the adoption of regulations on ADUs that conform to the new law. This ordinance, which is based closely on the League of Arizona Cities and Town's model ordinance, would not be effective until the Town reaches the 75,000-population threshold. **Ms. Fairall** also explained that the new law applies to municipalities and does not impact what homeowners' associations may or may not regulate.

For detailed information, including details related to the regulations of ADUs adopted by this ordinance, other regulatory prohibitions on municipalities provided in the new law, and the Town's housing impact statement related to this ordinance, please see the presentation slides. A clarifying question was asked and answered regarding the presentation.

Ms. Fairall recommended approval of this item. She said the item needed to be continued from the December 3, 2024, meeting to this meeting and said an emergency clause necessitating a roll call vote was therefore required.

Council Member Ziegler said she did not like House Bill 2720 and felt the state was coming down on cities and towns. She said she thought this bill would have unintended consequences down the road. Nonetheless, she said she would vote in favor of this item because the consequences of the Town not adopting this ordinance would be worse.

Council Member Kai said he thought ADUs were a good thing, especially for caregivers of family members.

Vice Mayor Post closed the public hearing at 6:54 PM.

Council Member Ziegler moved to adopt Ordinance No. 2024.028. Council Member Cavanaugh seconded the motion. Vice Mayor Post asked the Town Clerk to poll the Council. Vice Mayor Post, Council Member Cavanaugh, Council Member Comerford, Council Member Kai, Council Member Officer, and Council Member Ziegler voted Aye. There were no Nays. Motion passed, 6-0.

A3 Public Hearing: Ordinance No. 2024.029: Relating to Land Development; adopting amendments to Marana Town Code Title 17 "Land Development"; revising Section 17-1-6 (Definitions), to add a definition for "data center"; revising Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and to provide that data centers are prohibited as a principal use in all standard Town zones and allowed as accessory uses in the Town's industrial zones LI and HI; revising sections 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones) to provide regulations for data centers operating as accessory uses; revising Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-13 (Data centers) establishing that data centers may only operate in the Town as a principal use if approved in a specific plan or specific plan amendment adopted through the normal rezoning process, and establishing development regulations for data centers; and designating an effective date (Jason Angell)

Resolution No. 2024-108: Relating to Land Development; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2024.029, revisions to Title 17 "Land Development" of the Marana Town Code, including revising Section 17-1-6 (Definitions), to add a definition for "data center"; revising Section 17-4-2 (Use matrix) Table 2 - Use matrix, to add the data center use and to provide that data centers are prohibited as a principal use in all standard Town zones and allowed as accessory uses in the Town's industrial zones LI and HI; revising sections 17-4-8 (Industrial zoning districts) and 17-4-16 (Legacy zones) to provide regulations for data centers operating as accessory uses; revising Chapter 17-6 "General and Miscellaneous Development Regulations" to add new section 17-6-13 (Data centers) establishing that data centers may only operate in the Town as a principal use if approved in a specific plan or specific plan amendment adopted through the normal rezoning process, and establishing development regulations for data centers (Jason Angell)

Vice Mayor Post opened the public hearing at 6:56 PM.

Development Services Director Jason Angell presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Mr. Angell** explained that this item is coming before the Council because the Town has received inquiries regarding data centers being established in the Town and the Town does not currently have regulations addressing data centers as a land use. He highlighted the extensive research conducted by Town staff and the draft ordinance presented to the Council at a Study Session in May of 2024. He said the draft ordinance then went through a public comment

period, in which feedback was received. He said the draft ordinance then was heard by the Town's Planning Commission, which unanimously recommended that it be brought before the Council. He then reviewed the elements of the draft ordinance, including the following:

- The definition of "data center."
- Data centers not being allowed as a principal use unless a specific plan is adopted through the standard rezoning process.
- Specific plan requirements for data centers, including requirements related to noise, electrical use, and water use.
- Data centers being permitted in Light Industrial and Heavy Industrial zoning districts and in legacy zones as an accessory use only when certain conditions are met.
- Site design standards for data centers, including building placement and orientation, lighting, setback requirements, generator use regulations, mechanical equipment and substation screening requirements, landscape buffer requirements, and fencing.
- Building design standards for data centers, including massing and scale, building height, principal façade, fenestration, main building entryways, exterior colors and materials.

Please see the slides for detailed information regarding the elements of the draft ordinance. Clarifying questions were asked and answered regarding the presentation. **Mr. Angell** recommended that the Council adopt the draft ordinance.

Council Member Ziegler said she had not been in favor of the draft ordinance after the May 2024 Study Session, but since then has learned more about data centers. She highlighted her concerns had been electricity use, the noise generated by data centers, and water use. She said her water use concern was mitigated by the requirement to use irrigation water to cool the centers. She still had concerns about electricity use and noise, and said the location of data centers was important to her. She asked what would happen if a prospective data center developer could not meet the Town's decibel standards related to noise mitigation. **Mr. Angell** said the Town would pursue legal recourse through its standard Code Enforcement process. **Ms. Fairall** explained the before a building permit is approved, the developer would need to provide the Town with design specifications for the required sound mitigation. In addition, if the data center does not meet the requirements once construction is complete, the Town will withhold a permanent certificate of occupancy (though temporary certificates may be issued) until the developer comes into compliance.

Council Member Ziegler asked why the Town needs data centers now and said the Town does not need one. However, she expressed she was in favor if data centers are in the right place under the right conditions. **Vice Mayor Post** commented that this was the

intent of the ordinance – to give the Town the opportunity on every application to address the Council’s concerns regarding specific centers.

Council Member Cavanaugh said he was pleased with the ordinance and the work Town staff put into it. He particularly liked the building design requirements. He asked if there were data centers with the design elements described in this item. **Mr. Angell** said Town staff found there were while researching.

Council Member Ziegler said when data center developers request to locate data centers in the Town, the Town needs to negotiate the best deal possible financially. **Ms. Fairall** commented that any negotiations would need to be reasonably related to the impact of the development on the Town.

Vice Mayor Post closed the public hearing at 7:32 PM.

Council Member Comerford moved to adopt Ordinance No. 2024.029 and Resolution No. 2024-108. Council Member Officer seconded the motion. Motion passed, 6-0.

A4 Resolution No. 2024-109: Relating to Economic Development; amending the Marana Job Creation Incentive Program (MJCIP) to exclude data centers from the definition of “Targeted Employer” for purposes of the MJCIP (Curt Woody)

Economic Development Director Curt Woody presented on this item. He said data center jobs pale in comparison to the jobs created by a manufacturing facility on the same footprint (50-100 jobs created by a data center compared to 1,000 to 2,000 jobs for a manufacturing facility). He said the MJCIP was created in 2010 for the purpose of attracting and expanding industry within the Town and allows for employers to apply for construction sales tax reimbursement if they meet certain criteria. Because data centers have a lower economic impact on the community, Town staff is requesting via this item that data centers not be allowed to participate in the MJCIP.

Council Member Cavanaugh thought this was a great idea.

Council Member Comerford moved to adopt Resolution No. 2024-109. Council Member Cavanaugh seconded the motion. Motion passed, 6-0.

A5 Ordinance No. 2024.025: Relating to Land Development, adopting the Town of Marana Drainage Manual (Jason Angell)

Resolution No. 2024-103: Relating to Land Development, declaring as a public record filed with the Town Clerk the Town of Marana Drainage Manual adopted by Ordinance No. 2024.025 (Jason Angell)

Mr. Angell said that a couple of weeks ago, this item was presented before the Council and the Council has now had additional time to consider it. He recommended approval of this item.

Council Member Cavanaugh referred to **Mr. Lyons'** concerns expressed during the Call to the Public and asked if the Town should consider addressing them in the drainage manual. **Development Engineering Division Manager Dustin Ward** explained that both concerns raised were considered. He said the chosen model was selected because it is FEMA approved and that other models are getting pushback from FEMA. He said the Town needs an apples-to-apples comparison, and that when another model is introduced, it introduces an orange. He also said the use of non-regional hydrologic data was designed to reasonably keep residents safe from flooding.

Council Member Ziegler moved to adopt Ordinance No. 2024.025 and Resolution No. 2024-103. Council Member Kai seconded the motion. Motion passed, 6-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

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).

Vice Mayor Post asked for any future agenda items. There were no requests to add future agenda items.

ADJOURNMENT

Vice Mayor Post asked for a motion to adjourn.

Council Member Ziegler moved to adjourn the meeting. Council Member Cavanaugh seconded the motion. Motion passed, 6-0. The meeting was adjourned at 7:42 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the regular Town Council meeting held on December 17, 2024. I further certify that a quorum was present.

David L. Udall, Town Clerk