



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, April 15, 2025, at or after 6:00 PM

Jon Post, Mayor
Roxanne Ziegler, Vice Mayor
Patrick Cavanaugh, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Teri Murphy, Council Member
John Officer, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

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 **Mayor Post**.

APPROVAL OF AGENDA

Mayor Post asked for a motion to approve the agenda.

Vice Mayor Ziegler moved to approve the agenda as presented. Council Member Cavanaugh seconded the motion. Motion passed, 7-0.

CALL TO THE PUBLIC

PROCLAMATIONS

Regular Council Meeting Summary Minutes
April 15, 2025

PR1 Proclamation Recognizing Arbor Day (David L. Udall)

Town Clerk / Assistant Town Attorney David Udall read the proclamation as **Mayor Post** presented it to its recipient.

PR2 Proclamation Recognizing Laine McDonald (David L. Udall)

Mayor Post read the proclamation as he presented it to **Judge Laine McDonald**. **Mayor Post** praised **Judge McDonald** for all she has done at and for the Town. **Judge McDonald** thanked the Council for the opportunity to be Marana's judge and said it has been the honor of her life. She expressed confidence in the people and programs at the Court and said she knew it would continue to get better and better.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Cavanaugh complemented **Parks and Recreation Maintenance Associate Kim Warner** for his work and praised the Northwest Recovery, Recharge, and Delivery System (NWRDSD) project.

Council Member Comerford said that she has been ill and said thank-you for all of the well wishes. She also said that just because Council Members do not comment during this point in the meeting does not mean they are not doing anything. She said they are doing things constantly.

Council Member Murphy and **Vice Mayor Ziegler** complemented the Marana Police Department's recent awards ceremony.

Mayor Post said he recently had a good meeting with **Pima County Supervisor Jennifer Allen** and got to know her. He said the Town is also in communication with the Arizona State Land Department regarding the possibility of purchasing the Tortolita Preserve.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema said there were 40 single-family residential permits issued so far for the month of April. Last April, there were a total of 110 permits issued. He reminded the Council of the following upcoming events: the State of the Town on April 17, 2025, a sneak-peak of the Marana Aquatics and Recreation Center (MARC) for the Council on April 28, 2025, a MARC Parks and Recreation family and friends night on April 29-30, 2025, the unveiling of the MARC artwork on May 2, 2025, and the MARC grand opening on May 3, 2025. **Mr. Rozema** said that within the last 48 hours, almost 100 people have already signed up for memberships at the MARC. He said 65% of the memberships consist of families, which is what the Council aimed for in its plans for the

MARC. He said the Town received an award for the Cal-Portland Shared Use Path project.

PRESENTATIONS

CONSENT AGENDA

C1 Ordinance No. 2025.009: Relating to Finance; providing that Town of Marana elected officials and employees shall receive free memberships to the Marana Aquatic and Recreation Center (MARC); amending the Town of Marana Comprehensive Fee Schedule related to the MARC to add reduced fees for Town elected official and employee family memberships, to clarify the description for multipurpose room rental, and to eliminate the child watch fee; and declaring an emergency (Jim Conroy)

C2 Resolution No. 2025-031: Relating to Administration; approving and authorizing the Mayor to execute Amendment Four to the Intergovernmental Agreement with Pima County for the Pima Early Education Program (Lisa Shafer)

C3 Resolution No. 2025-032: Relating to Budget; approving the addition of a new Capital Improvement Project known as the Willow Ridge Drainage Improvement Project and transferring up to \$700,000 in General Fund expenditure authority from the Public Works Department, CIP Division restricted account to the newly-created project in the current fiscal year 2024-2025 budget (Fausto Burruel)

C4 Resolution No. 2025-033: Relating to Development; approving a Final Plat for North Klos Ranch, Lots 1 – 3, located approximately four-tenths of a mile north of W. Tangerine Road on the east side of N. Klos Drive (Scott Radden)

C5 Resolution No. 2025-034: Relating to Public Works; approving and authorizing the Mayor to sign a Utility Removal and Abandonment Reimbursement Agreement with Lumen affiliate Qwest Corporation D/B/A CenturyLink QC for the removal and abandonment of certain communications facilities as part of the North Marana Sewer Interceptor Project (George Cardieri)

C6 Resolution No. 2025-035: Relating to Public Works; approving and authorizing the Mayor to sign a Joint Utility Trench and Relocation Reimbursement Agreement and an Extension of Utility Prior Rights Agreement with Tucson Electric Power Company for the relocation of certain TEP facilities as part of the North Marana Sewer Interceptor Project (George Cardieri)

C7 Approval of Regular Council Meeting Summary Minutes of April 1, 2025 (David L. Udall)

Town Attorney Jane Fairall said that one of the consent agenda items had an emergency clause necessitating a roll-call vote.

Council Member Cavanaugh thanked the Parks and Recreation Department for giving Town employees and the Council free membership at the MARC.

Council Member Kai moved to approve the consent agenda. Vice Mayor Ziegler seconded the motion. Mr. Udall polled the Council. All Council Members voted Aye. Motion passed, 7-0.

LIQUOR LICENSES

L1 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #001 In-State Producer liquor license submitted by Kimberly Dawn Thompson on behalf of The Rustiks Brewing Company, located at 6918 North Camino Martin Suite 120, Tucson, Arizona, 85741 (David L. Udall)

Council Member Cavanaugh moved to submit to the Arizona Department of Liquor Licenses and Control an order recommending approval of an application for a new series #001 In-State Producer liquor license submitted by Kimberly Dawn Thompson on behalf of The Rustiks Brewing Company, located at 6918 North Camino Martin Suite 120, Tucson, Arizona, 85741. Council Member Officer seconded the motion. Motion passed, 7-0.

L2 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #005 Government liquor license submitted by Robert Arnold Padilla on behalf of Mike Jacob Sports Park, located at 6901 North Casa Grande Highway, Tucson, Arizona, 85741 (David L. Udall)

Council Member Kai moved to submit to the Arizona Department of Liquor Licenses and Control an order recommending approval of an application for a new series #005 Government liquor license submitted by Robert Arnold Padilla on behalf of Mike Jacob Sports Park, located at 6901 North Casa Grande Highway, Tucson, Arizona, 85741. Vice Mayor Ziegler seconded the motion. Motion passed, 7-0.

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING for the proposed Linda Vista 52 Annexation, located north of Linda Vista Boulevard and southeast of Twin Peaks Road within Section 14, Township 12 South, Range 12 East (Brian D. Varney)

[Mayor Post declared a conflict of interest and stepped down from the dais at 6:23 PM.]

Vice Mayor Ziegler opened the public hearing at 6:24 PM.

Senior Planner Brian Varney presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Mr. Varney** explained that this item involved a public hearing concerning the potential annexation of approximately 52 acres of land and approximately 1.87 acres of right-of-way and roadway. He said this potential annexation was introduced to the Council on April 16, 2024, and that this public hearing is part of the annexation process. He said the statutory requirements found in A.R.S. § 9-471 have been complied with. **Mr. Varney** explained the impacts the annexation would have on Town road maintenance obligations, Marana Police Department coverage, and water service. He then outlined next steps. For more details regarding the presentation, including location area maps, please see the presentation slides.

Mr. Brian Underwood with the **Planning Center** addressed the Council on behalf of the applicant. He said the intent of the annexation was related to two separate residential projects. He said this area was an attractive area for residential development.

Council Member Comerford referenced a report from Pima County and expressed dismay at its contents. She asked why this annexation proposal was even brought before the Council and recommended the Town take no further action on it. She said there was nothing that benefited the Town in this annexation and it would put undue burdens on the Town. She said she was not okay with this annexation.

Vice Mayor Ziegler commented that this meeting only concerned the annexation of the property and was not about rezoning. She said the report from Pima County related to rezoning and said it would be beneficial for Town staff to do a cost-benefit analysis. She said there would be direct and indirect benefits to the Town resulting from this annexation.

Council Member Kai said he felt it would be good for the annexation process to continue forward so Town staff could evaluate whether it was beneficial or not.

Council Member Cavanaugh also recommended staff evaluate it and said there were impact fee and construction sales tax benefits that would come to the Town.

At **Vice Mayor Ziegler's** invitation, **Ms. Linda Morales** with the **Planning Center** addressed the Council and explained the history and benefits of the annexation and the Council's prior direction to proceed.

Mr. Kirk Hall addressed the Council regarding the annexation. He expressed concern with development around his property.

Vice Mayor Ziegler closed the public hearing at 6:49 PM.

[Mayor Post returned to the dais at 6:49 PM.]

A2 Resolution No. 2025-036: Relating to Municipal Court; appointing Elizabeth "Libby" Shelton as Marana Town Magistrate for a three-year term beginning May 3, 2025; approving and authorizing the Mayor to execute an employment agreement between the Town of Marana and Elizabeth "Libby" Shelton (Jane Fairall)

Ms. Fairall said it was her honor and privilege to present this item appointing **Deputy Town Attorney Libby Shelton** to a three-year term as the Town's Magistrate pursuant to the terms and conditions of the employment agreement associated with this item. A clarifying question was asked and answered.

Mayor Post said this position is one of two positions that the Town Council directly hires and that he was excited about this appointment.

Vice Mayor Ziegler moved to adopt Resolution No. 2025-36. Council Member Kai seconded the motion. Motion passed, 7-0.

Ms. Shelton thanked the Council for this opportunity and said she would work hard every day to uphold what has been built at the Court. She said that what **Judge McDonald** built at the Court was very inspiring. She thanked **Mr. Rozema** for his faith and confidence in her in this position. She said she would miss working closely with Town staff in the various departments and complemented the hard-working professionalism in the Town. She thanked **Mr. Frank Cassidy**, **Ms. Fairall**, and the Legal Department.

Mayor Post took some Mayor's privilege and asked **Mr. Rozema** to explain what would be happening with the position left open by **Ms. Shelton's** appointment as Town Magistrate.

Mr. Rozema complemented the Legal Department and the Town as a whole for stocking its shelves well to be able to fill vacant positions as they occur. He said **Mr. Udall** would be filling the Deputy Town Attorney position and that **Cultural Heritage Specialist Jill**

McCleary would be filling the Town Clerk position. He said **Ms. McCleary** has served as a director at the University of Arizona Museum of Art, has done a phenomenal job in her current position, and has great leadership skills. He said she is well suited to serve as the next Town Clerk.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Ordinance No. 2025.008: Relating to Utilities; amending Marana Town Code Title 14 (Utilities), Chapter 14-5 (Provision of Utility Service); Revising Section 14-5-1 (Customer Responsibility) to clarify requirements related to the use and transportation of water by customers; and designating an effective date (David L. Udall)

Water Deputy Director Mike Osborne and **Mr. Udall** presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Mr. Osborne** explained that the purpose of the proposed ordinance is to prevent the unauthorized transportation of water from a temporary hydrant meter or standpipe for use outside of the Town limits or the Marana Water Service Area. He said that the ordinance would further water conservation efforts in the Town, preserve the Town's water resources, and help the Town maintain accurate projections for its Designation of Assured Water Supply (DAWS). **Mr. Osborne** said the intent of this item was to receive initial feedback and direction from the Council. He said an ordinance was prepared in the event the Council would like to adopt it as currently written at this meeting.

Mr. Udall then explained the revisions to the Town Code proposed by this ordinance. He said that currently, Section 14-5-1(B) of the Marana Town Code provides that water customers must use Town water only on the customer's premises and shall not resell the water. He said the proposed ordinance would revise that requirement to state that water customers must use Town water only on the customer's premises *and that they are prohibited from transporting water outside of the Marana Service Area boundaries or the Town limits.*

Mr. Udall said there would be two exceptions to the prohibition of transporting water:

- Construction water customers may fill water storage equipment from an authorized Marana Water service connection and transport the water for construction use at a construction site, so long as the construction site is within either the Marana Water Service Area boundaries or within the Town limits.
- Standpipe water customers would be allowed to transport water outside of the Marana Water Service Area boundaries and outside the Town limits for personal residential use, so long as the water is being transported for such use on a

customer's premises that is within two miles of the Town limits with the following exceptions:

- Existing standpipe water customers already using the standpipe pursuant to a standpipe water account dated before May 16, 2025, are grandfathered in under their current lawful use, regardless of location, until their existing account is closed.
- The Water Director may authorize the use of a standpipe for the transportation of water in the event of an "emergency," which is defined in the proposed ordinance as a disruption or threat to the normal supply or safety of water anywhere within the Tucson Active Management Area.

Mr. Udall said the proposed ordinance also included the following:

- A provision requiring all transportation of water to comply with Arizona's Groundwater Code (A.R.S. Title 45, Chapter 2, Article 8).
- A standalone subsection prohibiting water furnished by the Town from being resold.
- Definitions for "construction use," "construction water customer," "standpipe," and "emergency" for purposes of MTC Section 14-5-1(B).
- General cleanup.

Mr. Udall said staff recognizes this is the first time this proposed ordinance has come to the Council's attention and invited Council input and feedback. He said staff would take the feedback into account and bring back an ordinance with the feedback incorporated or, if the Council was fine with the ordinance as written, it could be adopted at this meeting.

Council Member Kai asked if the firefighting air tankers that base at the Marana Regional Airport during fire season would be able to still utilize Marana water for firefighting purposes under this proposed ordinance. **Mr. Udall** said that example was not contemplated under the proposed ordinance and that it may fall more under the use of water for firefighting purposes rather than the transportation of water. **Mr. Osborne** opined that such use would fall under the emergency clause in the proposed ordinance.

Mayor Post asked why it was necessary to change the Town Code to add these revisions. **Mr. Udall** explained that this arose out of a situation where the Town learned of a water hauler that was transporting Marana Water up to Picacho Peak. He said the Town was not aware at the time that it was being utilized to address arsenic issues in a well at Picacho Peak State Park and that the Town is currently allowing that use on a temporary basis. He said that transportation of water was cause for some concern. He said it

currently is not clear in the Town Code when water can be hauled outside of the Town limits and when it cannot and that the purpose of the ordinance is to add clarity to the Code. **Deputy Town Manager Erik Montague** added that an underlying basis for these changes lies in the fact that water is a precious natural resource to the Town and that hauled water does not make it back into the Town's sanitary sewer system and is therefore not recharged.

Mayor Post said he was glad the proposed ordinance grandfathered in those who are currently using the standpipe regardless of location but said that there are many who live outside of the two-mile radius whose wells might go down. He said there is also concern, especially in dry years, that ranchers do not have stock water and that there are a lot of ranchers who rely on the Marana standpipe. He asked if the proposed ordinance would cover those two scenarios. **Mr. Udall** said the emergency exception under the standpipe language is defined to include disruptions or threats to the normal supply or safety of water anywhere within the Tucson Active Management Area, and that it would give the Water Director the authority to make the call to allow for the transportation of water in such circumstances. **Mayor Post** requested that the language be refined to address these concerns more specifically. **Mr. Udall** said he could certainly do that. He said not every factual scenario could be predicted in advance and that the aim was to tailor the language so it is broad enough for the Water Director to make judgment calls that are appropriate but narrow enough to cover specific concerns and provide clarity.

Mayor Post asked that this item be brought back with those items clarified. **Council Member Kai** asked for more information regarding how much water is subject to transportation. **Mayor Post** agreed and said that would give an idea of how much water was actually causing this concern. **Mr. Osborne** said the Water Department is in the process of conducting that analysis.

Mayor Post said he wasn't saying this was not a good ordinance, but that he wanted to make sure the Town did not adopt something that left some community members in need.

Council Member Cavanaugh commented that some of the Town residents think it is egregious to see the water tanker truck hauling water to Picacho Peak. He said this was the first time he heard it was due to arsenic contamination and said he feels for the residence of Picacho. He asked if the Town had any idea of how much longer this would go on. **Mr. Osborne** said he does not know but that the Town is in constant communication with Picacho Peak State Park to ensure they are actively working toward a solution.

Council Member Officer asked if the Council could also receive a report of how many people will not be able to use standpipe water if the proposed ordinance went into effect.

He said many do not use it on a regular basis but come to it when they need it. **Mr. Osborne** said he would look into it. He said that was part of the reason for the grandfather clause and that future customers are hard to predict.

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

Mr. Rozema provided an update on legislative activities in the state. He said not much is moving right now. One bill that is moving, and that is beneficial to the Town, is the sober living home bill.

D3 Relating to Public Works; update, discussion, and possible direction regarding public and private transportation, traffic and/or drainage projects in the Town (Fausto Burruel)

Public Works Director Fausto Burruel provided an update regarding transportation and traffic projects currently occurring in the Town. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for details. **Mr. Burruel** answered questions related to the various projects during his presentation.

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)(1) for discussion of the appointment of Libby Shelton as Town Magistrate, including discussion of the terms of the Town Magistrate Employment Agreement.

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).

Mayor Post asked for future agenda items. There were no requests for future agenda items.

ADJOURNMENT

Mayor Post asked for a motion to adjourn the meeting.

Several Council Members, including Council Member Cavanaugh, moved to adjourn the meeting. Motion passed, 7-0. Meeting adjourned at 7:49 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on April 15, 2025. I further certify that a quorum was present.



David Udall, Town Clerk