



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 20, 2026, 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 and directed the Town Clerk to call the roll. All Council Members were present, constituting a quorum. **Council Member Kai** recused himself from Item A1 at 7:01 PM and did not return to the meeting.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

Mayor Post led the Pledge of Allegiance and moment of silence.

APPROVAL OF AGENDA

Town Manager Terry Rozema suggested moving Item A1 after Item A3, noting that Items A2 and A3 were expected to require less time.

Council Member Cavanaugh moved to approve the agenda with Item A1 moved after Item A3. Council Member Kai seconded the motion. Motion passed, 7-0.

PROCLAMATIONS

PR1 Proclamation Recognizing Department of Arizona Marine Corps League (Jill McCleary)

Town Clerk Jill McCleary read the proclamation recognizing the Department of Arizona Marine Corps League.

CALL TO THE PUBLIC

Five individuals addressed the Council during Call to the Public. **Tami Peel** and **Albert Cortese** spoke regarding proposed one-story building restrictions in the Tangerine Crossing development and requested the Town's assistance in preserving neighboring residents' privacy and views. **Greg Johnsen**, **Kristin Downing**, and **Bennett Burke** expressed concerns regarding the proposed ICE detention facility and Management and Training Corporation's operations, including business licensing, zoning, public safety, and regulatory oversight.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Officer commented on the recent Fall Festival and thanked Parks and Recreation staff for organizing a successful event despite challenging weather conditions.

Council Member Murphy also commented on the Fall Festival, including the rodeo and mutton busting activities, and thanked the community for its participation. She also thanked members of the public for sharing their concerns with the Council and acknowledged Town staff's efforts to research and provide information regarding issues raised by residents.

Council Member Cavanaugh reported that debris had recently been removed from the Santa Cruz River near Cortaro Road through coordination among Town staff, Pima County Regional Flood Control District, and a contractor. He thanked those involved for their prompt response.

Council Member Comerford expressed appreciation for the river cleanup efforts and encouraged community support for the Marana Food Bank, particularly as residents continued to experience financial challenges.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema reported that 66 single-family residential permits had been issued in October to date, compared with 70 during the entire month of October 2025. He reported that the Fall Festival attracted more than 10,000 attendees and that Parks and Recreation fall break camps served 45 children. He also highlighted Police Department community engagement activities, including National Night Out and Coffee with a Cop, and reported that the department had received approximately \$125,000 in grant funding from the Governor's Office of Highway Safety for DUI and traffic enforcement. He concluded by highlighting a recent *Real Talk with the Town* podcast addressing transportation projects and the completion of most improvements associated with the Tangerine Road and Interstate 10 project.

CONSENT AGENDA

C1 Ordinance No. 2026.017: Relating to Finance; amending the Town of Marana Comprehensive Fee Schedule to rename the Development Plan Package fee, delete the previous Development Plan fee; and designating an effective date (Matt Taylor)

C2 Resolution No. 2026-078: Relating to Public Works; approving and authorizing the Mayor to execute the Intergovernmental Agreement between the State of Arizona and the Town of Marana for design review for the final design construction of the Moore Road interchange at Interstate 10 (Fausto Burruel)

C3 Approval of Regular Council Meeting Summary Minutes of October 6, 2026 (Jill McCleary)

Council Member Kai moved to approve the Consent Agenda. Vice Mayor Ziegler seconded the motion. Motion passed, 7-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A2 Resolution No. 2026-080: Consideration and possible adoption of a resolution approving the sale and execution and delivery of pledged excise tax revenue obligations, in one or more series; approving the form and authorizing the execution and delivery of necessary agreements, instruments and documents; delegating authority to determine certain matters with respect to the foregoing and declaring an emergency (Yiannis Kalaitzidis)

Finance Director Yiannis Kalaitzidis introduced the item and provided an overview of the approximately \$96 million water reclamation plant expansion, which would double the facility's treatment capacity. He explained that debt service was expected to be funded primarily through development impact fees before introducing **Stifel Managing Director Mark Reader**.

Mr. Reader reviewed the proposed financing structure, including a 25-year amortization period, anticipated interest rates, and debt service requirements. He announced that Moody's had assigned the Town an Aaa issuer credit rating, the agency's highest rating, and explained that the rating could benefit the Town through lower borrowing costs. He discussed current bond market conditions, the timing of the proposed issuance, and the Town's projected debt service coverage. The presentation slides are on file with the Town Clerk's office.

Vice Mayor Ziegler asked about the anticipated interest rates and whether the Town's Aaa rating could result in more favorable rates. **Mr. Reader** explained that market conditions remained volatile but expressed optimism that the Town could obtain rates below the original estimates. In response to additional questions, **Mr. Reader** confirmed that the bonds would be sold in a single transaction.

Council Member Cavanaugh asked whether the Town's general revenues could be required to cover debt service payments if development slowed and impact fee collections fell short. **Mr. Kalaitzidis** explained that the Town could consider temporarily using other unrestricted revenues through an interfund loan, with repayment anticipated as impact fee revenues recovered.

Vice Mayor Ziegler moved to adopt Resolution No. 2026-080 with the emergency clause. Council Member Kai seconded the motion. Mayor Post asked the Town Clerk to poll the Council. Council Member Cavanaugh, Council Member Comerford, Council Member Kai, Council Member Murphy, Council Member Officer, Vice Mayor Ziegler, and Mayor Post voted Aye. There were no Nays. Motion passed, 7-0.

A3 Resolution No. 2026-081: Relating to Personnel; approving and adopting the Town of Marana Leadership Continuity Program (Curry C. Hale)

Human Resources Director Curry Hale presented the proposed Leadership Continuity Program, designed to preserve institutional knowledge and maintain operational stability during leadership transitions. He explained that the program would allow eligible retirees to provide temporary support and knowledge transfer when a documented Town business need existed. He reviewed eligibility requirements, approval procedures, and safeguards, including voluntary participation, a maximum initial

engagement of 12 months, compliance with Arizona State Retirement System requirements, and annual oversight. The presentation slides are on file with the Town Clerk's office.

Vice Mayor Ziegler expressed support for retaining institutional knowledge but raised concerns about providing employee benefits to retirees engaged through the program. **Town Manager Rozema** explained that such arrangements typically involved contracting through a third-party staffing service and would not include Town employee benefits.

Council Member Cavanaugh asked whether similar programs were used by other Arizona municipalities, who would approve individual agreements, and how compliance with Arizona State Retirement System requirements would be ensured. **Mr. Hale** explained that the Town Manager would have final approval authority and that Human Resources, Finance, and Legal would review the arrangements for compliance with applicable requirements.

Council Member Kai moved to adopt Resolution No. 2026-081. Vice Mayor Ziegler seconded the motion. Motion passed, 7-0.

A1 PUBLIC HEARING: Ordinance No. 2026.018: Relating to Land Development; amending Marana Town Code Title 17 "Land Development", Section 17-6-13 (Data centers); revising Section 17-6-13(G) (Noise Attenuation) to clarify and add additional requirements related to noise attenuation for data centers; adding new paragraph K entitled "Decommissioning" to Section 17-6-13 establishing requirements for the decommissioning of data centers; and designating an effective date (Brett Wittenberg)

Resolution No. 2026-079: Relating to Land Development; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2026.018, amending Marana Town Code Title 17 "Land Development", Section 17-6-13 (Data centers); revising Section 17-6-13(G) (Noise Attenuation) to clarify and add additional requirements related to noise attenuation for data centers; adding new paragraph K entitled "Decommissioning" to Section 17-6-13 establishing requirements for the decommissioning of data centers (Brett Wittenberg)

[**Council Member Kai** declared a conflict of interest and recused himself from the dais at 7:01 PM.]

Town Manager Terry Rozema introduced the proposed amendments and acknowledged the work of Development Services and Legal staff in strengthening the Town's existing data center regulations in response to community concerns.

Director of Development Services Brett Wittenberg reviewed the background of the Town's data center regulations and explained that the proposed amendments focused on noise attenuation and decommissioning requirements. He clarified that the amendments would not reconsider previously approved rezoning decisions.

Town Attorney Jane Fairall reviewed the proposed noise attenuation requirements, including limits for low-frequency and tonal noise, ambient noise measurements, and backup generators. She also outlined the proposed decommissioning requirements, including equipment removal, environmental remediation, financial assurances, and timelines for completion. She explained that financial assurances would be required during the development plan process and maintained throughout the operation and decommissioning of a facility. She reported that the Planning Commission had recommended approval by a vote of 7-0. The presentation slides are on file with the Town Clerk's office.

Mayor Post asked how the Town would address data centers that failed to comply with noise requirements. **Ms. Fairall** explained that operators would be required to demonstrate compliance before receiving a permanent certificate of occupancy and conduct annual noise studies for the first five years of operation. She reviewed available enforcement measures, including fines, actions against business licenses, and court proceedings. **Vice Mayor Ziegler** asked about temporary certificates of occupancy, and **Mr. Wittenberg** confirmed that they were generally issued for 30 days, with extensions available.

Mayor Post asked about the proposed exceptions for backup generators, including utility-directed load shedding and whether noise limits would apply during emergencies and routine testing. **Ms. Fairall** explained that generators would be exempt from noise limits during qualifying emergencies, but routine testing and voluntary load management would remain subject to the limits. **Mayor Post** also asked where noise levels would be measured. **Ms. Fairall** clarified that measurements would be taken at property lines based on the applicable zoning classifications.

Mayor Post asked whether decommissioning requirements would apply to individual buildings within a larger data center development and whether equipment could remain if a facility were repurposed. **Ms. Fairall** explained that decommissioning would generally be triggered when an entire site ceased operations, although other Town Code provisions would continue to apply to unused buildings. She added that equipment could remain if intended for another lawful use.

Samuel Hord of MD Acoustics explained the differences between dBA and dBC measurements and how the proposed standards would better address low-frequency noise. **Council Member Cavanaugh** asked how ambient noise measurements would

account for temporary sounds, such as trains or helicopters. **Mr. Hord** explained that a required 24-hour study would be used to establish baseline conditions.

Council Member Cavanaugh questioned whether large data center operators might treat fines as a cost of doing business rather than correcting violations. **Ms. Fairall** explained that the Town had several enforcement remedies available beyond monetary penalties, although she could not predict how individual operators would respond. **Council Member Cavanaugh** expressed concern about the Town's ability to compel compliance from operators with substantial financial resources.

Mayor Post opened the public hearing at 7:41 PM.

Four individuals addressed the Council during the public hearing. **Greg Johnsen** urged the Council to reconsider the proposed amendments and evaluate alternative approaches to managing data center risks. **Sue Ritz** expressed concerns regarding potential environmental contamination, water use, and cooling systems and recommended further review. **Zach Stout** requested clarification on whether the amendments apply to the Luckett Road projects and suggested additional financial assurance and decommissioning protections. **Pat Johnson** asked about light pollution and potential temperature impacts from data centers.

In response to Ms. Johnson's comments, **Ms. Fairall** explained that the Town's outdoor lighting regulations would apply to data centers but that the Town Code did not specifically regulate temperature increases associated with their operations.

Mayor Post asked whether the proposed amendments would apply to the Luckett Road projects. **Ms. Fairall** explained that the new noise attenuation and decommissioning requirements would apply, except for a previously established nighttime noise limit contained in the specific plans.

Mayor Post asked what would happen if construction stopped before a facility became operational. **Ms. Fairall** explained that financial assurances would already be required during the development plan process.

Mayor Post closed the public hearing at 7:57 PM.

Vice Mayor Ziegler moved to adopt Ordinance No. 2026.018 and Resolution No. 2026-079. Council Member Comerford seconded the motion.

Council Member Cavanaugh requested a roll call vote.

During the roll call vote, **Council Member Cavanaugh** stated that, although he appreciated the efforts to strengthen the Town's data center regulations, he remained concerned about the enforceability of the noise and decommissioning requirements. He

stated that he could not support the ordinance or resolution without stronger assurances that operators would be held accountable for violations.

Council Member Cavanaugh voted Nay. Council Member Comerford, Council Member Murphy, Council Member Officer, Vice Mayor Ziegler, and Mayor Post voted Aye. Motion passed, 5-1.

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.

Mayor Post asked for a motion to enter executive session on Item E2.

Vice Mayor Ziegler moved to go into executive session on Item E2. Council Member Officer seconded the motion. Motion passed, 6-0.

[An executive session was held on Item E2 below, beginning at 8:01 PM and concluding at 8:16 PM.]

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 Discussion and consultation pursuant to A.R.S. § 38-431.03(A)(4) and (7) to consider the Town's position and instruct its attorneys and representatives regarding negotiations for the purchase of interests in real property located on the south side of Twin Peaks Road west of Silverbell Road and east of Saguaro Highlands Drive, as needed for the Twin Peaks Rattlesnake Pass Improvements (Marana Project No. ST073).

Council Member Comerford moved to direct staff as discussed in executive session. Council Member Cavanaugh seconded the motion. Motion passed, 6-0.

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

Mayor Post asked for a motion to adjourn.

Council Member Murphy moved to adjourn the meeting. Council Member Officer seconded the motion. Motion passed, 6-0.

The meeting was adjourned at 8:17 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the regular Town Council meeting held on October 20, 2026. I further certify that a quorum was present.

Jill McCleary, Town Clerk