

UTILITY COMMITTEE MINUTES

September 15, 2005

The Utility Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on September 15, 2005 at 8:05 a.m.

COMMITTEE PRESENT

Janie Thom, Chairman
Rex Griswold
Tom Rawles

COUNCIL PRESENT

None

STAFF PRESENT

Michael Hutchinson
Barbara Jones

1. Discuss and consider a request to provide water and sewer service outside the City limits to twelve properties requested by Signature Properties L.L.C.

Development Planning Analyst Beth Hughes-Ornelas provided an overview of the Council Report, which outlined two options relative to providing City utilities to a project being developed outside of Mesa city limits by Signature Properties.

Ms. Hughes-Ornelas advised that Option 1 requires annexation into the City prior to connecting to City utilities, and that Option 2 permits connection to City utilities and requests that the applicant annex into the City of Mesa as soon as possible subject to Council approval of Option 2. She noted that although annexation cannot legally be included as a condition of the Utilities Service Agreement, the applicant has expressed a commitment to move forward with the annexation process. She further advised that the applicant has already submitted documents to the Planning Division.

Committeemember Griswold noted that the applicant was unsuccessful in his attempts to accomplish annexation by joining with Thunder Mountain and with a property to the north of his development.

Mr. Joe Courtney of Signature Properties, the applicant, addressed the Committee and advised that he presently has a well and a septic system in place on one property, which would provide service until City utilities are available. He stated that his intention is to move forward with the annexation process, and he noted that his clients are fully aware of and in support of annexation into the City of Mesa. Mr. Courtney explained that he is unable to complete the street improvements for the project until the utility lines have been installed. He noted that homes in the development are priced in the range of \$3 to \$4 million and that each is equipped with a sprinkler system. Mr. Courtney added that the availability of City of Mesa fire protection service is a key reason that the future homeowners support annexation.

In response to a comment by Chairman Thom, Mr. Courtney explained that residential fire sprinklers are a feature that he personally requires in his development.

Ms. Hughes-Ornelas explained that years ago the City extended sewer lines into the county for future connections, and that occurred prior to the 2001 Council decision that requires annexation in order to obtain City utility services.

City Manager Mike Hutchinson advised that agreements the City entered into prior to 2001, which conditioned the availability of City utility service on future annexation into the City, were legally unenforceable. He requested that the record of actions taken by the Committee and the Council clearly indicate that the developer has committed to move forward with the annexation process.

In response to a question from Committeemember Rawles, Ms. Hughes-Ornelas advised that Mr. Courtney has agreed to construct his development in accordance with City of Mesa standards and language to that effect is included in the Utility Services Agreement.

Mr. Courtney confirmed that the development's construction would conform to City standards.

Councilmember Rawles advised that due to the unique circumstances and the fact that the adjoining Range Rider property annexation is moving forward, he would support Option 2. He suggested that Mr. Courtney confirm his intention to move forward with annexation in a letter to the City.

Mr. Hutchinson stated that he would work with the City Attorney's Office to formulate a letter of agreement.

Councilmember Griswold concurred with Councilmember Rawles, and he noted that this annexation would enable the future annexation of contiguous properties.

Chairman Thom stated the opinion that this project addresses the community's need for executive housing. She added that Mr. Courtney's actions indicate his commitment to follow through with the annexation process.

It was moved by Committeemember Griswold, seconded by Committeemember Rawles, to recommend to the Council that Option 2 be approved.

Carried unanimously.

2. Adjournment.

Without objection, the Utility Committee Meeting adjourned at 8:19 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Utility Committee meeting of the City of Mesa, Arizona, held on the 15th day of September 2005. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK