



UTILITY COMMITTEE MINUTES

May 24, 1999

The Utility Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 24, 1999 at 3:30 p.m.

COMMITTEE PRESENT

Bill Jaffa, Chairman
Dennis Kavanaugh
Pat Pomeroy

COUNCIL PRESENT

Jim Davidson

STAFF PRESENT

C.K. Luster
Gregory Brown
Linda Crocker
Jack Friedline
Mike Hutchinson
Barbara Jones
Gene Larson
Tom Mattingly
Frank Mizner
David Plumb
David Ramirez
Others

OTHERS PRESENT

Barry Halsted
Anthony Sumares
Others

1. Consider a request for water service at 8540 East Oak Street.

In response to a request from Chairman Jaffa, Public Works Manager Jack Friedline advised that Civil Engineer Gene Larson will present this case to the Utility Committee.

Mr. Larson referred to a map of the area displayed in the Council Chambers and provided a brief overview of this agenda item and stated that the property owner is requesting that water be extended to his property.

Mr. Larson noted that staff is recommending that water service be extended in accordance with City regulations as outlined in the Utility Committee Report handout, and subject to the following stipulations: (1) dedicate to the City a 20-foot wide Public Utilities and Facilities Easement (private street) with a 45-foot radius half cul-de-sac at the end; (2) design and construct a 6-inch water line in the Public Utilities and Facilities Easement (PUFE) and terminate the water line with a fire hydrant; (3) owner to pay standard water development fees and meter fees at time of development; (4) owner to agree to future annexation of property by City at such time as deemed necessary and desirable by the City and (5) owner to execute standard development agreement.

Mr. Larson stated that the property owner is objecting to the dedication of the PUFÉ for the private street and to the construction of the six-inch waterline and fire hydrant to service the property. Mr. Larson added that the owner's objections are based on an existing development agreement for 8500 E. Oak Street that was negotiated in September 1996.

Discussion ensued relative to the fact that the September 1996 development agreement was agreed to by the City under the policies in effect at that time and prior to the adoption of the Terms and Conditions for the Sale of Utilities, the fact that the development agreement was for a single residence on a single lot, specifically 8500 E. Oak Street, the fact that since September 1996, the single lot identified in the development agreement has been split into two "flag lots," one of which is the subject of this agenda item, and the fact that in accordance with the ordinance each parcel of land will be served from a public utility main line directly adjacent to the entire frontage of the property.

Mr. Larson stated that the City is requesting the PUFÉ for turn around purposes for emergency vehicles and solid waste vehicles and also to give direction to emergency vehicles when they enter this area on Oak Street by utilization of private street signage.

Committeemember Kavanaugh expressed the opinion that the owners of the property at the time the original agreement was executed misrepresented to the City the intended use of that property and benefited by this omission. Committeemember Kavanaugh expressed concern regarding imposing costs on the current landowner and stated the opinion that an equity issue exists.

Public Works Manager Jack Friedline explained that the new landowners purchased the property in January 1999 and are subject to the ordinance revision. Mr. Friedline added fire protection would be difficult to provide if changes are not made to the current dirt road.

In response to a request from Chairman Jaffa, Barry Halsted, representing the applicant Michael Gallego, explained that Mr. Gallego was out of town and he was here to present information. Mr. Halsted stated that letters have been received from the neighbors indicating that they are not in opposition to allowing Mr. Gallego permission to tap into the existing line. Mr. Halsted added that he had copies of the recorded easements.

In response to a question from Committeemember Kavanaugh, Mr. Halsted stated that Mr. Warren was one of the individuals that signed the original development agreement to have the water extended to his property. Mr. Halsted presented the documentation to the Committee.

Chairman Jaffa expressed concern relative to providing adequate emergency services and required egress and ingress and noted that the current proposal does not address these concerns.

Chairman Jaffa suggested that this item be referred to City Attorney Neal Beets for review and possible recommendation relative to equity and right-of-way issues and that staff consider possible alternatives.

It was moved by Committeemember Kavanaugh, seconded by Committeemember Pomeroy, that consideration of the request for water service at 8540 East Oak Street be continued to the next meeting of the Utility Committee.

Carried unanimously.

2. Consider a request for water service for property in the 3800 block of East McKellips.

In response to a request from Chairman Bill Jaffa, Building Inspections Superintendent Tom Mattingly stated that Civil Engineer Gene Larson will present this case.

Mr. Larson displayed overheads depicting the location of the property and briefly highlighted the case. Mr. Larson stated that staff recommends providing water service in accordance with City regulations subject to the following stipulations: (1) provide suitable paved access to the property via dedicated public right-of-way or a private street in a Public Utility and Facility Easement (PUFE); (2) extend a six-inch water line from McKellips Road to the property and terminate with a fire hydrant in accordance with City standards; (3) extend sanitary sewer from McKellips Road to the property; (4) pay standard development fees at time of development, and (5) provide on-site storm runoff retention in accordance with City regulations.

Mr. Larson noted that the City provided the property owners with three options to extend the lot and access for emergency vehicles and solid waste.

Discussion ensued relative to encroachment issues, right-of-way and the fact that the property owner is requesting that a one-inch water service line be extended.

In response to a request from Committeemember Jaffa, Anthony Sumares, property owner, indicated his willingness to work with the City in order to obtain approval.

Additional discussion ensued relative to meeting with surrounding property owners to gain their approval, alternative options and the fact that this case requires additional discussion and review.

It was moved by Committeemember Pomeroy, seconded by Committeemember Kavanaugh, that the request for water service for property in the 3800 block of East McKellips Road be referred back to staff for further discussion and review.

Carried unanimously.

3. Adjournment.

It was moved by Committeemember Kavanaugh, seconded by Committeemember Pomeroy, that the Utility Committee Meeting adjourn at 4:20 p.m.

Carried unanimously.

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 24th day of May 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

Utility Committee Meeting
May 24, 1999
Page 4

BARBARA JONES, CITY CLERK