

SUSTAINABILITY AND TRANSPORTATION COMMITTEE MINUTES

April 8, 2025

The Sustainability and Transportation Committee of the City of Mesa met in the Study Session room at City Hall, 20 East Main Street, on April 8, 2025, at 8:34 a.m.

COMMITTEE PRESENT

Jennifer Duff, Chairperson
Rich Adams
Alicia Goforth

COMMITTEE ABSENT

None

STAFF PRESENT

Marc Heirschberg
Holly Moseley
Jack Vincent

Chairperson Duff conducted a roll call.

1. Items from citizens present.

There were no items from citizens present.

2-a. Public hearing on a request for modification, elimination, or approval of alternatives from the requirements of Section 3 of the Terms and Conditions for the Sale of Utilities for the property located at 3003 N. Sossaman Road, Mesa, AZ. The Committee will take action on the request to determine whether to provide a recommendation to City Council.

Chairperson Duff provided an overview of the proposed request and described how the public hearing will be conducted.

Water Resources Department Director Chris Hassert pointed out that the proposed request is to appeal Mesa City Code Title 8, Chapter 10. He displayed a PowerPoint presentation. **(See Attachment 1)**

Mr. Hassert explained that the owners of the subject Parcel 219-22-002G, located in Maricopa County, are requesting relief from Mesa City Code 8-10-4: minimum requirements to receive potable water service, that states the following:

...as a minimum requirement of receiving service to extend a portion of the system with a minimum of an eight-inch distribution main adjacent to and along the entire frontage of the parcel and along all frontages of the property if multiple frontages occur.

Mr. Hassert verified that the proposed property is a corner lot with two frontages. He informed the Committee that the City of Mesa (COM) has reviewed the appeal request and would like the applicant to comply with the City Code and in accordance with the conditions set forth in the signed utility services agreement. He pointed out that according to the City Code, the original

agreement required extension of the sewer line along Palm Lane but since the neighborhood to the east is currently served by private septic systems, that will no longer be required. He presented a map illustrating the subject property and the surrounding area and highlighted the locations of existing water and sewer lines that were constructed by individual property owners. He provided a brief overview of the utility services agreement, including the required improvements noted in Exhibit B. (See Pages 2 through 4 of Attachment 1)

Mr. Hassert discussed the importance of compliance with the City Code and verified that the requirements are consistent with other Arizona Municipal Water Users Association (AMWUA) cities. He pointed out that local water and sewer extensions are typically funded by private development and the infrastructure is planned, built, and funded under City capital improvements project funding including rehabilitation or replacement of lines. (See Pages 5 through 7 of Attachment 1)

Responding to a question from Committeemember Adams, Development Services Deputy Director Beth Hughes-Ornelas stated that staff presented the utility services agreement to the property owners and to her knowledge the owners understood the stipulations of the agreement that were signed.

In response to a question from Committeemember Goforth, Mr. Hassert confirmed that all the water and sewer lines east of the property shown on the map on Page 3, were constructed by private developers as each property was developed. He explained that since these properties are located outside of the city limits, it is not a requirement to connect to the COM water and sewer system and some have chosen to install a well instead.

Responding to a question from Chairperson Duff, Mr. Hassert said that there are no impact fees at this time in the COM. He explained that the water quality changes as additional sites join the line and the desire is to prevent a dead end and close the gap to the loop; however, the COM meets all requirements according to the Safe Drinking Water Act.

Discussion ensued regarding the funding source of the COM water infrastructure.

Chairperson Duff introduced the property owners, Michael and Pam Morasco.

Mr. Morasco provided background information about the subject property and detailed the steps that have been taken to obtain utilities. He explained that prior to signing the utility service agreement there were many discussions with the COM regarding some confusion with the property address. He said he did not understand why City staff kept referring to Palm Lane when his address/frontage was on Sossaman Road. He admitted that when the address was finally confirmed as Sossaman Road by staff, he assumed the discrepancy was resolved and he signed the final utility service agreement documents.

Mr. Morasco expressed his opinion that it is not reasonable for one single family property owner to absorb the cost to construct the added water lines. He pointed out that completing the water system would fill a critical gap in the COM water distribution system and if not constructed by the property owners it will not be constructed.

Chairperson Duff opened the floor to questions about the presentation.

Discussion ensued regarding the requirements for connecting to the COM water and sewer.

Assistant City Attorney Jothi Beljan referred to the material that was presented to Mr. and Mrs. Morasco via email dated May 2024 explaining the conditions of the utility service agreement that was labeled Exhibit B, and the final agreement was signed in October 2024.

In response to a question from Committeemember Adams, Ms. Hughes-Ornelas confirmed that the boundary and topographical survey provided by Mr. and Mrs. Morasco's engineer identified the southern 30 feet as being right-of-way and that Palm Lane is a dedicated Maricopa County Street.

Responding to a question from Committeemember Adams, Mr. Morasco confirmed that had they known they could not connect to the water line on Sossaman Road they would have abandoned the plans to work with the COM and installed a well and septic system on their own. He reiterated that the property was purchased because of the ability to connect to the COM water system.

Committeemember Adams commented that he sympathizes with the situation; however, because of the code, an exception for any purpose would set a precedent and would be unfair to other developers and rate payers.

Committeemember Goforth stated that the COM must remain consistent and follow the code to remain fair and transparent to all citizens.

Discussion ensued regarding the possibility of sewer only utility customers.

Mr. Hassert gave a closing statement and pointed out other developments with similar corner lots that complied with the conditions of the utility service agreement according to the City Code.

Mr. Morasco made his closing statement and stated that connection to the COM water system is too costly and if the appeal is not approved, they will move forward with a well and septic system plan.

Chairperson Duff announced that this is the time and place for a public hearing regarding the proposed request for modification, elimination, or approval of alternatives from the requirements of Section 3 of the Terms and Conditions for the Sale of Utilities for the property located at 3003 N. Sossaman Road, Mesa, AZ.

Barry Speer, Escondido, CA, Planning Commissioner, addressed the Committee regarding the Mesa City Code 8-10-4: Minimum Requirements for Potable Water Service, paragraph A, that states, "*The Director may modify or reduce the requirements that distribution may be extended for the entire frontage of the parcel if such extension is not needed to provide service to customers beyond the property.*" He clarified his perception is that the rationale is built into the Code to provide discretion to the Director when an extension is not needed to provide service to customers beyond the property. He said he does not see this as an exception.

In response to a question from Chairperson Duff, Ms. Beljan pointed out that the verbiage identified by the caller from City Code 8-10-4 refers to property located inside the COM and does not apply outside of the municipal boundary.

Additional discussion ensued regarding the Code language addressed during public comment. Chairperson Duff declared the public hearing closed.

It was moved by Committeemember Goforth, seconded by Committeemember Adams, to deny the request for modification, elimination or an alternative to the requirements for service to the subject parcel.

Upon tabulation of votes, it showed:

AYES – Duff–Adams–Goforth

NAYS – None

Carried unanimously.

3. Adjournment.

Without objection, the Sustainability and Transportation Committee meeting adjourned at 10:08 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Sustainability and Transportation Committee meeting of Mesa, Arizona, held on the 8th day of April 2025. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

sr
(Attachments – 1)

**SUSTAINABILITY &
TRANSPORTATION
COMMITTEE
CITY CODE APPEAL
3003 N. Sossaman Road
(Parcel 219-22-002G)**



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WATER RESOURCES

INTRODUCTION

- **APPEAL SOUGHT**

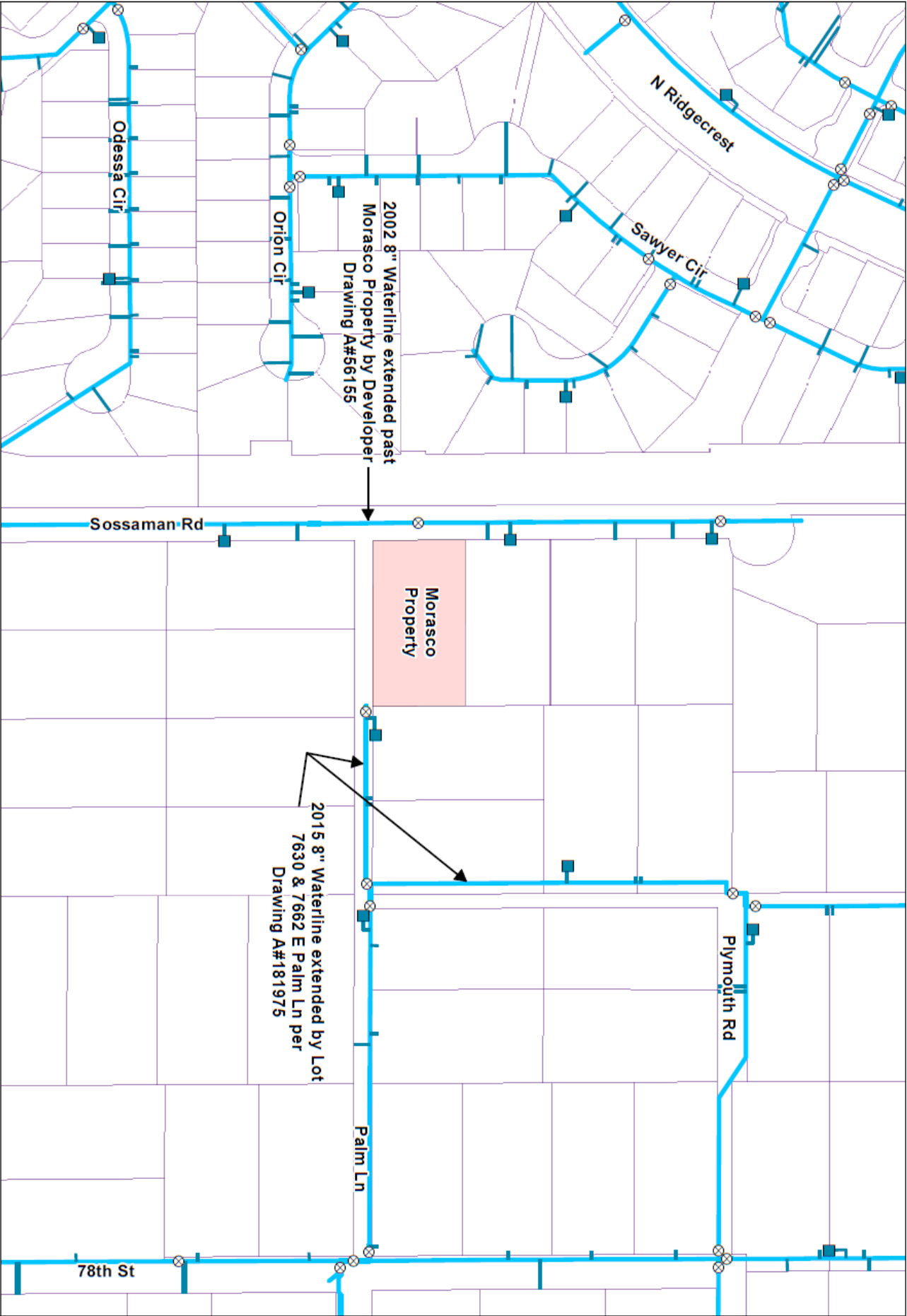
- Property owners for Parcel 219-22-002G in Maricopa County seeking relief from requirements under Mesa City Code Chapter 10, Title 8 which requires new customers to extend water and sewer lines across their property frontages

- **CITY OF MESA POSITION**

- To comply with City Code and as a condition to receive service, the City requires the property owners for this parcel to build an 8" water line along their frontage on Palm Lane
- This segment of water line will complete a system loop and shorten existing dead-end lines
- The City is not requiring the extension of sewer along Palm Lane since the neighborhood to the east is served by septic

- **SURROUNDING WATER DISTRIBUTION SYSTEM**

- The following map illustrates the portions of the water distribution system installed by surrounding private property owners in compliance with the City Code



Morasco Property
APN 219-22-002G

- Water Hydrant
- Water System Valve
- Water Lateral Line
- Water Distribution Line
- Morasco Parcel
- Parcels



UTILITY SERVICES AGREEMENT

- **SIGNED UTILITY SERVICES AGREEMENT**

- On October 9, 2024, the property owners for Parcel 219-22-002G in Maricopa County signed Mesa’s Utility Services Agreement

- **EXHIBIT B. OF THE AGREEMENT**

- To receive water services, Exhibit B of the signed Utility Services Agreement stipulates construction of an 8-inch water line along the E. Palm Lane property frontage

EXHIBIT B (The Required Improvements)

- An 8-inch line must be constructed along your frontage on E. Palm Ln connecting the loop. The process involves designing, obtaining permits, construction, and gaining approval for the mainline connection to the existing 8-inch water mainline located in Sossaman Rd. This connection is necessary and will need to be extended across the frontage of the site.
- The design, permitting, construction and acceptance of the mainline connection to the existing 8” sewer mainline in Sossaman Rd.

WHY THESE CITY CODE PROVISIONS ARE IMPORTANT

- **8-10-3: GENERAL PROVISIONS**
 - (A) All Applicants, Customers and Persons receiving or using City Service from the System are subject to, must comply with, and are deemed to have consented to, this Chapter 10 of Title 8 of the Mesa City Code, as well as the Terms and Conditions and the provisions of applicable Rate Schedules, as well as to such conditions of pressure and supply as the City may provide from time to time through the System and at the property and location served.
- **8-10-4: MINIMUM REQUIREMENTS FOR POTABLE WATER SERVICE**
 - (A) In addition to any other applicable requirements of the Mesa City Code and the Terms and Conditions, all Applicants and property for which service is desired shall, as a minimum requirement of receiving service, extend as a portion of the System a minimum of an eight inch Distribution Main (or such size as is determined by the Director) adjacent to and along the entire Frontage of the parcel (if not existing), and along all Frontages of the property if multiple Frontages occur.
- **CONSISTENT WITH OTHER CITIES**
 - Mesa City Code and the Terms and Conditions are consistent with other Arizona Municipal Water Users Association (AMWUA) cities
 - Localized water and sewer extensions are funded by private development as it occurs with larger backbone infrastructure Master Planned and built by cities

WHY CITY CIP DOLLARS ARE NOT USED TO FUND NEW LOCAL PIPELINES

- **PLANNING FOR GROWTH**
 - Mesa Master Plans identify future specific major water/sewer trunklines
 - CIP projects are planned in a predictable way that is supported by customer rates
- **DIFFICULT CIP MANAGEMENT**
 - If not enough funding in any given year, development would be uneven.
 - If too much funding was allocated, rate payers would experience overinflated utility bills
- **GROWTH PAYING FOR GROWTH (AS IT OCCURS)**
 - City Code stipulates that new development pay for localized water and sewer pipelines along all frontages
 - This applies to undeveloped individual lots as well as master planned communities
 - For example, home buyers in Eastmark pay for water and sewer lines in their neighborhood (rolled into the price of the home)

CONCLUSIONS & RECOMMENDATIONS

The surrounding water distribution system has been funded and built by private property owners in compliance with City Code

Not enforcing the Code signals to private development that the City is inconsistent and erodes the credibility of the City’s practices

Non-compliance of the Code by owners of Parcel 219-22-002G in Maricopa County will result in a sustained critical gap in the water distribution system

The City does not program CIP dollars for new localized water and sewer lines. Any future funds required to build this pipeline in Maricopa County would come from City of Mesa rate payers