

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

March 19, 2003

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., March 19, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman; Don Stapley, Max W. Wilson and Mary Rose Wilcox. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

MINUTES

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (5-0) to approve the minutes from meetings held on January 22, 2003.

PERSONNEL AGENDA

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (5-0) to approve the personnel agenda. (List on file in the Clerk of the Board's Office.)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

Laveen Conveyance Channel Project (Per: Resolution FCD 2000R011)

Item A001.006, Warranty Deed from Lines Brothers Farms, L.L.C., an Arizona limited liability company to the Flood Control District of Maricopa County for the sum of \$1.00.

Item A001.006, Escrow Instructions.

Item A001.030; A001.044, Warranty Deed from 75 Baseline L.L.C., an Arizona limited liability company to the Flood Control District of Maricopa County for the sum of \$1.00.

Item A001.030; A001.044, Escrow Instructions.

Item A001.031; A001.047, Warranty Deed from Coplen 61.4, L.L.C., an Arizona limited liability company to the Flood Control District of Maricopa County for the sum of \$1.00.

Item A001.031; A001.047, Escrow Instructions.

Item A001.051-TCE, Temporary Construction Easement and Agreement for Flood Control Purposes at no cost to the District.

Property Management - Indian Bend Wash Outlet (Per: IGA FCD -87030)

Item C2003-32, Easement Agreement for Habitat Restoration from the Flood Control District of Maricopa County to the City of Tempe for the sum of \$1.00.

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Queen Creek Wash Improvement (Per: Resolution FCD 1999R019)

Item A013.005, Right-of-Entry Easement and Agreement for Flood Control Purposes from Ronald L. Buschur to the Flood Control District of Maricopa County for the sum of \$500.00.

Item A013.006, Warranty Deed from Larry I. Cluff and Carlene Cluff to the Flood Control District of Maricopa County for the sum of \$13,217.00.

Item A013.006, Escrow Instructions.

RESOLUTION – EAST MARICOPA FLOODWAY CAPACITY MITIGATION AND MULTI-USE CORRIDOR STUDY

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (5-0) to adopt Resolution FCD 2001R006, East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study, recommending that the Board of Supervisors adopt the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study dated August 2000 and the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Hydrology/Hydraulic Assessment [Project 121 - East Maricopa Floodway (MEMI)], dated September 2000 as planning tools to manage storm water flows and implement multi-use amenities within the East Maricopa Floodway. The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to prepare Intergovernmental Agreements, negotiate for necessary land rights, and contract to implement the flood control features identified in the study and include funds in the District's CIP for the projects identified in the preferred plan. Adoption of resolution FCD 2001R006 will also rescind resolution FCD 1999R014 (approved by the Board of Directors on December 15, 1999 [C69001166]). It is also requested that the Board, having found that such action is in the public interest and based upon a demonstrated need, approve an amendment to the current FY 2003 Five Year CIP for fund 990 (Project No. 121- East Maricopa Floodway) Projects Fund (adopted by the Board on July 22, 2002) by decreasing the FY 2003 (year 1) Revised Project Reserve (function code FCPR) by \$726,000 (from \$2,809,000 to \$2,083,000) and adjusting the FY 2003 (year 1) Project No. 121- East Maricopa Floodway CIP (function code MEMI) Funding by \$726,000 (from \$1,774,000 to \$2,500,000). The total requested five-year CIP adjustment by fiscal Year is as follows:

- Increase the FY 2003 (year 1) capital budget for CIP Project No. 121- East Maricopa Floodway (MEMI) by \$726,000 (from \$1,774,000 to \$2,500,000). Decrease the FY 2003 (year 1) CIP Project Reserve (FCPR) by \$726,000 (from \$2,809,000 to \$2,083,000). The net adjustment to the FY 2003 (year 1) CIP is \$0.
- Increase the FY 2004 (year 2) Revised CIP Project Reserve (FCPR) by \$1,065,000 (from \$1,232,000 to \$2,297,000). Decrease the FY 2004 (year 2) capital budget for CIP Project No. 121-East Maricopa Floodway (MEMI) by \$1,065,000 (from \$1,200,000 to \$135,000).
- Increase the FY 2005 (year 3) capital budget for CIP Project No. 121-East Maricopa Floodway (MEMI) by \$1,100,000 (from \$3,000,000 to \$4,100,000). Decrease the FY 2005 (year 3) Revised CIP Project Reserve (FCPR) by \$1,100,000 (from \$1,840,000 to \$740,000).
- Increase the FY 2006 (year 4) capital budget for CIP Project No. 121- East Maricopa Floodway (MEMI) by \$850,000 (from \$5,000,000 to \$5,850,000). Decrease the FY 2005 (year 4) Revised Project Reserve (FCPR) by \$850,000 (from \$2,500,000 to \$1,650,000).

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The adjustment is required to implement the storm water flows management planning tools and multi-use amenities within the Maricopa Floodway as recommended in the East Maricopa Floodway Capacity Mitigation and Multi-use Corridor Study. (C69030326) (ADM1900)

RESOLUTION FCD 2001R006
RESCINDS FCD 1999R014

**EAST MARICOPA FLOODWAY CAPACITY
MITIGATION AND MULTI-USE CORRIDOR STUDY**

WHEREAS, the Flood Control District of Maricopa County (DISTRICT) initiated in December 1999, under Resolution FCD 1999R014, the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study for the purpose of identifying existing flood control problems and development of mitigation alternatives to include channel modifications, detention basins, and to identify multi-use opportunities for the East Maricopa Floodway corridor; and,

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the DISTRICT (BOARD) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

WHEREAS, the BOARD authorized and directed the Chief Engineer and General Manager of the DISTRICT to negotiate and prepare intergovernmental agreements with the City of Mesa, and Towns of Queen Creek and Gilbert and/or other parties, as appropriate, for cost sharing land acquisition, design, construction, construction management, operation and maintenance and appropriate DISTRICT participation in landscape and multi-use improvements for the Project, subject to the ratification and approval of the BOARD; and,

WHEREAS, the BOARD authorized and directed that the Chief Engineer and General Manager of the DISTRICT initiate and prosecute actions and proceedings in the manner required by law to condemn any and all Rights-of-Entry, Property, and/or Easements required for the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study which cannot be obtained by donation or purchase in the following locations:

Township 1 North, Range 6 East, Sections 10, 15, 22, 23, 26, 35, 36; and
Township 1 South, Range 6 East, Sections 1, 36; and
Township 1 South, Range 7 East, Sections 6, 7, 18, 19, 20, 21, 30; and
Township 2 South, Range 6 East, Sections 1, 2, 10, 11, 15, 22, 27, 28, 33; and,

And as such all lands as described, upon title search, should be notified of the study effort; and,

WHEREAS, the DISTRICT did acquire property adjacent to the East Maricopa Floodway at the confluence of the Rittenhouse Channel and at the confluence of Queen Creek and Sanokai Wash for the purposes of constructing storm water detention basins to mitigate flows within the East Maricopa Floodway and has initiated the detention basin designs; and,

WHEREAS, the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study and Hydrology/Hydraulic Assessment has been completed and has defined a preferred alternative consisting of channel/levee improvements and regional basins for maintaining the hydraulic conveyance of the East

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Maricopa Floodway while providing for implementation of multi-use amenities such as trails, and parks; and,

WHEREAS, Resolution 93-03, Policy for the Aesthetic Treatment and Landscaping of Flood Control Projects provides design, maintenance and expenditure parameters; and,

WHEREAS, the DISTRICT, in cooperation with the City of Mesa, the Towns of Queen Creek and Gilbert, and Maricopa County, will work to implement the features of the preferred alternative of the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study in total or in part, subject to funding and priorities.

NOW, THEREFORE, BE IT RESOLVED, that the BOARD adopt the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study dated August 2000 and September 2000 as a basis to maintain the 100-year storm water conveyance of East Maricopa Floodway and implement the preferred alternative flood control features within areas of Maricopa County; and,

BE IT FURTHER RESOLVED, that the BOARD recommend that the Board of Supervisors of Maricopa County adopt the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study as a planning tool to manage storm water flows within the East Maricopa Floodway and implementation of multi-use amenities within the East Maricopa Floodway; and,

BE IT FURTHER RESOLVED, that the BOARD authorizes and directs the Chief Engineer and General Manager of the DISTRICT to negotiate and prepare intergovernmental agreements with Maricopa County, the City of Mesa, the Town of Gilbert, the Town of Queen Creek and other parties, as appropriate for implementation of the features of the preferred alternative of the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study in accordance with the Guidelines established by Resolution FCD 93-03; and,

BE IT FURTHER RESOLVED, that the Chief Engineer and General Manager of the DISTRICT is hereby authorized and directed to negotiate with the landowners and/or appropriate agencies to obtain the necessary rights-of-entry, property and/or easements, and all other necessary land rights required for the flood control aspects of the preferred alternative of the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study within the following locations:

Township 1 South, Range 6 East, Section 36; and,
Township 2 South, Range 6 East, Sections 1, 2, 10, 11, 15, 22, 27, 28, 33; and,
Township 1 South, Range 7 East, Sections 16, 17, 18, 19, 20, 21; and,
of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; and,

BE IT FURTHER RESOLVED, that the BOARD rescinds Resolution FCD 1999R014, in particular the rights to condemn any and all Rights-of-Entry, Property, and/or Easements required for the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study which are not identified under the preferred alternative of the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study or already controlled by the DISTRICT and which are no longer necessary at this time for the implementation of the defined features; and,

BE IT FURTHER RESOLVED, that the Chief Engineer and General Manager of the DISTRICT retains the rights and is authorized and directed to hire, retain or otherwise utilize the professional services of the Maricopa County Attorney's office or private counsel to initiate and prosecute actions and proceedings in the manner required by law to condemn any and all Rights-of-Entry, Property, and/or Easements required

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for the flood control aspects of the preferred alternative of the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study which cannot be obtained by donation or purchase in the following locations:

Township 1 South, Range 6 East, Section 36; and,
Township 2 South, Range 6 East, Sections 1, 2, 10, 11, 15, 22, 27, 28, 33; and,
Township 1 South, Range 7 East, Sections 16, 17, 18, 19, 20, 21; and,
of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; and,

Subject to the ratification and approval of the BOARD; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the DISTRICT is authorized and directed to advertise, select, negotiate and award contracts for implementation of the flood control features of the East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study and includes funds in the current and future CIP budgets, subject to the ratification and approval of the BOARD.

DATED this 19th day of March 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

RESOLUTION – BUCKEYE WATERSHED LAND ACQUISITION

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (5-0) to adopt Resolution FCD 2002R018, Buckeye Watershed Land Acquisition, a sub-project in the FCD CIP Project No. 211- Buckeye/Sun Valley ADMP (function code BVSP). This resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate with the Arizona Department of Transportation (ADOT) and to acquire the fee simple ownership interest in ADOT real property required for the Buckeye Watershed Land Acquisition sub-project, including the authorization for the inclusion of funds in the District's current Five Year Capital Improvement Program (CIP) at an estimated sub-project cost of \$1,500,000. The Flood Control Advisory Board endorsed this resolution at its December 4, 2002 meeting. It is also requested that the Board having found that such action is in the public interest and based upon a demonstrated need, approve an amendment to the current FY 2003 Five Year CIP for fund 990 – Buckeye / Sun Valley ADMP Project Budget (function code BVSP), (adopted by the Board on July 22, 2002) by decreasing the FY 2003 (year 1) Project Reserve capital budget (function code FCPR) by \$1,500,000.00 (from the revised amount of \$4,309,000 to \$2,809,000) and adjusting the Buckeye/Sun Valley Project budget (BVSP) by \$1,500,000 (from \$1,180,000 to \$2,680,000). The per Fiscal Year adjustments that are being requested are as follows:

- Decrease the revised FY 2003 (year 1) CIP Project Reserve (FCPR) by \$1,500,000 (from \$4,309,000 to \$2,809,000). Increase the FY 2003 (year 1) Project 211- Buckeye/Sun Valley ADMP budget (BVSP) by \$1,500,000 (from \$1,180,000 to \$2,680,000). The net affect of the adjustment on the FY 2003 District CIP is \$0. (C69030566) (ADM1900)

RESOLUTION FCD 2002R018

BUCKEYE WATERSHED PROJECT LAND ACQUISITION

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WHEREAS, The Flood Control District of Maricopa County (District) has been established in accordance with the provisions of Arizona Revised Statutes Title 48, Chapter 21 for the purpose of acquiring, constructing, maintaining, and operating flood control facilities to manage waters of rivers and streams, and other surface waters to reduce the flooding of property and the endangerment of people; and,

WHEREAS, under an intergovernmental agreement dated July 9, 1971 authorized by the Board of Directors of the Flood Control District of Maricopa County (Board) at the Board meeting held January 4, 1971 among the Arizona Highway Department (now Arizona Department of Transportation [ADOT]), the Soil Conservation Service (now Natural Resources Conservation Service [NRCS]), and the Flood Control District of Maricopa County (District), ADOT acquired rights-of-way for the Buckeye Watershed Project (Project) and subsequently granted the District a nonexclusive flowage easement for Project lands acquired by ADOT in fee; and,

WHEREAS, the District operates and maintains the Buckeye Watershed under an agreement authorized by the Board with the NRCS on February 26, 1973 and made on March 5, 1973; and,

WHEREAS, ADOT has expressed its interest in selling its land on which a portion of the Buckeye Watershed Project is constructed; and,

WHEREAS, the District is desirous of acquiring fee simple ownership interest in ADOT Buckeye Watershed Project lands to give the District full control over the use of the lands and to protect the integrity of the structures.

NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes the Chief Engineer and General Manager to negotiate with ADOT for and to acquire the fee simple ownership interest in ADOT real property located in

Sections 1 and 12, Township 1 North, Range 5 West; and
Sections 6, 7, 8, 9, 10, 13, 14, and 15, Township 1 North, Range 4 West; and
Sections 3, 7, 8, 9, 10 and 18, Township 1 North, Range 3 West, and
Section 36, Township 2 North Range 3 West,
Gila and Salt River Meridian, Maricopa County, Arizona, lying northerly of the existing North right of way line of Interstate 10 (EHRENBERG – PHOENIX HIGHWAY); and,

BE IT FURTHER RESOLVED that the Board authorizes the funding in an amount estimated to be \$1,500,000 for a New Capital Improvement Project (PCN 211.02.31), by means of a budget adjustment, in the District's present 5-year Capital Improvement Project budget.

DATED this 19th day of March 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

RESOLUTION – FISCAL YEAR 2003-2004 PLANNING PROGRAM

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (5-0) to adopt Resolution FCD 2003R001, Fiscal Year 2003/04 Planning Program. The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to complete the planning studies identified in Exhibits A and B, to negotiate and award technical

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service contracts for the planning studies and negotiate rights-of-entry, subject to the ratification and approval of the Board of Directors of the District (Board). Expenditures are contingent upon Board Approval of the District's final budget for Fiscal Year (FY) 2003-2004, which includes an appropriation for this purpose. (C69030596) (ADM1900)

RESOLUTION FCD 2003R001

FISCAL YEAR 2003/04 PLANNING PROGRAM

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes (ARS) Title 48-3603, Chapter 21, for the purpose of acquiring, constructing, maintaining, and operating flood control facilities to control waters of rivers and streams, and other surface waters to prevent the flooding of property and the endangering of lives of people; and,

WHEREAS, the District, under ARS §48-3616 is required to survey and report existing flood control problems and develop a comprehensive plan to mitigate the existing flood control problems; and,

WHEREAS, the District's Planning Program includes Area Drainage Master Studies (ADMS), Area Drainage Master Plans (ADMP), and Watercourse Master Plans (WCMP), which survey and document existing flooding hazards, recommend future flood control facilities and identify other measures to mitigate existing flood hazards; and,

WHEREAS, the District's planning studies are valuable tools used by the District and local agencies to identify and mitigate existing flood hazards and to guide future land development; and,

WHEREAS, the District has identified ADMS, ADMP, WCMP and studies to be continued or initiated during Fiscal Year 2003/04, as shown on Exhibits "A" and "B".

NOW, THEREFORE, BE IT RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate and award technical service contracts for the planning studies shown on Exhibits "A" and "B", subject to the ratification and approval of the Board of Directors of the District (Board), with the total Fiscal Year 2003/04 expenditures amount estimated to be \$5,638,500.00; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of obtaining topographic, geologic, hydrographic, and environmental data for the studies, subject to the ratification and approval of the Board.

DATED this 19th day of March 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosure: Exhibit A
Exhibit B

Exhibit A
Planning Studies Budget
FY ¾

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Operating Budget	ADMS Study Area Name	FY 02/03	Estimated FY 03/04 Expenditure
	Carefree Drainage Master Plan	\$409,835	
	Scottsdale Road	\$73,834	
	Wickenburg ADMP		\$50,000
	Lower Hassayampa WCMP		\$116,000
	Agua Fria River WCMP	\$187,950	\$73,000
	Rio Verde ADMP	\$479,988	\$407,000
	El Rio (Gila River - Agua Fria-MC85)	\$1,007,276	\$1,378,000
	Tempe/Mesa Habitat Mitigation		\$30,000
	Wittmann ADMP Update		\$1,532,000
	Buckeye Sun Valley ADMP		\$700,000
	Aguila ADMP		\$182,200
	Adobe Dam ADMP		\$1,020,300
	Existing Structures Aesthetics Evaluation Project	\$126,131	\$50,000
	Candidate Assement Reports		\$100,000
Subtotal Operating Budget	\$2,285,014	\$5,638,500	

Capital Improvement Program Budget	ADMS Study Area Name	FY 02/03	Estimated FY 03/04 Expenditure
	Salt River above Tempe Town Lake	\$20,000	
	Spook Hill ADMP	\$37,327	
	Wittmann ADMP Update	\$1,079,198	
	Buckeye Sun Valley ADMP	\$591,963	
	Aguila ADMP	\$343,375	
	Loop 303/White Tanks ADMP	\$252,538	
	Adobe Dam ADMP	\$1,028,950	
	Durango ADMP	\$14,236	
	Candidate Assement Reports	\$98,764	
Subtotal CIP Budget	\$3,466,351	\$0	

TOTAL Operating and CIP	\$5,751,365	\$5,638,500
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MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Fran McCarroll, Clerk of the Board