

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

November 3, 2004

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., November 3, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. 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 Wilcox, seconded by Director Stapley, and unanimously carried (4-0-1) to approve minutes of meeting held September 22, 2004 and October 6, 2004.

PERSONNEL AGENDA

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (4-0-1) 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)

Property Management – ACDC (Pre Resolution FCD 1999R016)

Item T-073, T-074, T-075, & T-100, Communication Line Easement from the Flood Control District of Maricopa County to the Salt River Project Agricultural Improvement and Power District for the sum of \$5,182.00.

Property Management – EMF & Rittenhouse Road Drain (Pre Resolution FCD 1999R016)

Item RR-16, Gas Line Easement from the Flood Control District of Maricopa County to the Salt River Project Agricultural Improvement and Power District for the sum of \$146,735.00.

Property Management – Indian Bend Wash (Pre Resolution FCD 1999R016)

Item S-2204-1, Easement and Agreement from Flood Control District of Maricopa County to Starpointe Corriente Condominiums Limited Partnership, a Delaware corporation for the sum of \$55,800.00.

Item S-2204-1FE, S-2204-2FE, Partial Release of Perpetual Easement and Grant of Perpetual Access Easement, partial release from the Flood Control District of Maricopa County to Starpointe Corriente Condominiums and a Perpetual Access Easement from Starpointe Corriente Condominiums to the Flood Control District of Maricopa County for the sum of \$1.00.

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Property Management – McMicken Outfall Wash (Pre Resolution FCD 1999R016)

Item TW-56F & TW-57F-2, Sewerline Easement from the Flood Control District of Maricopa County to the Arizona-American Water Company for the sum of \$6,143.00.

71st Street Storm Drain Project (Per Resolution 2002R009)

Item TCE 17519017, Temporary Construction Easement and Agreement for Flood Control Purposes from Dean Hutchings to the Flood Control District of Maricopa County for the sum of \$1,000.00.

Item TCE 17536002C, Temporary Construction Easement and Agreement for Flood Control Purposes from Robert I. Law to the Flood Control District of Maricopa County for the sum of \$500.00.

Scottsdale Road Corridor Drainage Improvements Project (Per Resolution 2002R009)

Item TCE 17526012, Temporary Construction Easement and Agreement for Flood Control Purposes from Darlene Patricia Stewart to the Flood Control District of Maricopa County for the sum of \$15,500.00.

CONTRACTS FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (4-0-1) to award the following two (2) contracts for On-Call Landscape Architectural Services: Contract FCD 2004C031 to Olsson Associates, in the amount of \$150,000 and Contract FCD 2002C032 to McCloskey-Peltz, Inc., in the amount of \$150,000. Each contract is for the not-to-exceed amount stated above, or for seven hundred thirty (730) calendar days from the date of award, whichever occurs first. The Flood Control District of Maricopa County (District) and the Consultant will mutually agree to a detailed scope of work for each assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to the notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C69050375ZZ) (C69050395) (C69050385)

CONTRACT WITH WOOD, PATEL & ASSOCIATES, INC.

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (4-0-1) to award Contract FCD 2004C043, On-Call Post Design Services, to Wood, Patel & Associates, Inc., (Consultant). The Contract will be effective for 730 calendar days from the date of execution or until the contract expenditure of \$50,000.00, whichever occurs first. The Flood Control District of Maricopa County (District) and Consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to the notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C69050475)

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CALL FOR BIDS FOR THE BETHANY HOME OUTFALL CHANNEL

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to authorize the Flood Control District of Maricopa County (District) to issue an Invitation for Bids for Contract FCD 2004C021, Bethany Home Outfall Channel - Reach 2B (Project #620) located from 73rd Avenue to 67th Avenue and to award the contract to the lowest responsible bidder if the bid is not more than ten percent (10%) over the engineer's estimate. (C69050505)

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF MESA

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to approve IGA FCD 2004A002 between the City of Mesa (CITY) and the Flood Control District of Maricopa County (DISTRICT). This IGA is for the Design of the McDowell Road and Hermosa Vista Dr. - Hawes Road Drainage System that is within the jurisdiction of the CITY and unincorporated Maricopa County. These are elements from the Spook Hill Area Drainage Master Plan that was adopted by the Board of Directors of the District (BOARD) and the CITY. The IGA identifies and defines the responsibilities of the DISTRICT and the CITY for the cost sharing of the design of this system. (C69050532)

AMEND DISTRICT 5-YEAR CAPITAL IMPROVEMENT PLAN

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to approve an amendment to the District 5-Year Capital Improvement Plan, Department 690, Fund 990:

Increase Year 2 for the Spook Hill ADMP, Function Code F420, by \$203,000, from \$550,000 to \$753,000. The total project budget will be increased from \$19,041,600 to \$19,244,600.

Decrease Year 2 for the Maryvale ADMP, Function Code F620, by \$203,000, from \$11,535,000 to \$11,332,000. The total project budget will be reduced from \$64,212,800 to \$64,009,800. The requested action has a net impact of \$0 on Year 2 of the 5-year plan.

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) Amendment FCD 2000A019A to IGA FCD 2000A019 between the Flood Control District (District) and the City of Peoria (Peoria) for the Skunk Creek Channel and Arizona Canal Diversion Channel within the City of Peoria Project (#362). This Amendment defines the responsibilities for implementing landscape improvements along the Project corridor from 75th Avenue to 83rd Avenue. Peoria will be the lead agency for implementation, with District cost participation not to exceed \$100,000. (C6902066201)

THREE CONTRACTS FOR ON-CALL SURVEYING AND MAPPING SERVICES

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to award the following three (3) contracts for On-Call Surveying and Mapping Services as follows: Contract FCD 2004C035 to A Team Professional Associates, Inc. (Consultant) in the amount of \$250,000.00 (C6905042500), Contract FCD 2004C037 to Brady-Aulerich & Associates, Inc. (Consultant) in the amount of \$250,000.00 (C6905043500), and Contract FCD 2004C039 to CH2M Hill, Inc. (Consultant) in the amount of \$250,000.00 (C6905044500.)

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Each contract is for a not-to-exceed amount and is effective for 730 calendar days from the date of its execution, or until the expenditure of \$250,000.00 for each respective contract, whichever occurs first.

The Flood Control District of Maricopa County (District) and each respective Consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to each contract. (C69050415ZZ)

CONTRACT WITH PROJECT ENGINEERING CONSULTANTS, LTD.

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to award Contract FCD 2004C022, Moon Valley Wash Floodplain Delineation Study, to Project Engineering Consultants, Ltd., in the lump sum of \$ 316,205.75. This contract is to re-delineate the floodplains of Moon Valley Wash located in the City of Phoenix. The contract performance period is 665 calendar days following the Notice to Proceed. (C69050485)

RESOLUTION FOR THE TRES RIOS PROJECT

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to adopt Resolution FCD 2004R005, for the Tres Rios Project (Project #126). The Resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements with the City of Phoenix and others as appropriate to define the District's role and responsibility for the flood control features of the project, subject to the ratification and approval of the Board of Directors of the District (Board). (C69050496) (ADM1990)

**RESOLUTION FCD 2004R005
FLOOD CONTROL FEATURES
of the
TRES RIOS PROJECT**

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District of Maricopa County to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding in Maricopa County; and,

WHEREAS, the Tres Rios project is a joint project between the U. S. Army Corps of Engineers (CORPS) and the City of Phoenix (CITY), with the CITY acting as the local sponsor and representing the Multi-City Sub Regional Operating Group (SROG) consisting of Glendale, Mesa, Phoenix, Scottsdale and Tempe; and,

WHEREAS, the CORPS has completed a feasibility study for the Tres Rios Project with the CITY, and is presently underway with the design for the Tres Rios Project; and,

WHEREAS, the Tres Rios Project is located along the Salt and Gila Rivers from approximately 83rd Avenue downstream to the Agua Fria River, and will provide for river restoration and flood control; and,

WHEREAS, the Flood Control District (DISTRICT) and the CITY desire to implement cooperatively the flood control and drainage features of the Tres Rios Project consisting primarily of a flood control levee

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along the north bank of the Salt and Gila Rivers, beginning west of 91st Avenue and extending downstream to near the confluence with the Agua Fria River, and related interior drainage features near the levee, hereinafter, referred to as the PROJECT; and,

WHEREAS, the DISTRICT will cooperate with the CITY in identifying and obtaining necessary rights-of-way for the PROJECT, including providing easements to the CITY for DISTRICT owned property along the Holly Acres Levee required for the PROJECT; and,

WHEREAS, the DISTRICT would operate and maintain the completed PROJECT features that function solely for flood control purposes; and,

WHEREAS, the DISTRICT is willing to cost share in the flood control features of the PROJECT, and provide, at no cost to the PROJECT, DISTRICT owned rights of way; and,

WHEREAS, the DISTRICT and the CITY wish to negotiate an intergovernmental agreement(s) to formally establish the DISTRICT's role in the PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate and prepare Intergovernmental Agreements (IGA's) with the City of Phoenix and others, as appropriate, to identify the DISTRICT's role and responsibility in the PROJECT, including but not limited to cost-sharing, rights-of-way acquisition activities, and operation and maintenance, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the DISTRICT is authorized to grant to the City of Phoenix, at no cost, permanent easements on DISTRICT owned rights-of-way along the Holly Acres Levee from approximately 113th Avenue to approximately 123rd Avenue for the construction, operation and maintenance of the flood control levee and associated features of the Tres Rios Project; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to include cost-sharing funds in the DISTRICT's current and future Five-Year CIP to pay for the District's portion of the project, subject to the ratification and approval of this Board.

Exhibit A; Tres Rios Project

DATED this 3rd day of November 2004.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

CONTRACT WITH ASPEN CONSULTING ENGINEERS

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to award Contract FCD 2004C023, Camp Creek Tributaries Floodplain Delineation Study, to Aspen Consulting Engineers, in the lump sum of \$198,050.02. This contract is to delineate floodplains of Tributaries to Camp Creek located in Northeast Maricopa County. The contract performance period is 665 calendar days following the Notice to Proceed. (C69050515)

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CONTRACT WITH WEST CONSULTANTS, INC.

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to award Contract FCD 2004C024, Cave Creek from the CAP Canal to Loop 101 Hwy Floodplain Delineation Study, to WEST Consultants, Inc., in the lump sum of \$91,911.78. This contract is to re-delineate the floodplain and floodway for a portion of Cave Creek, located in the City of Phoenix. The contract performance period is 510 calendar days following the Notice to Proceed. (C69050555)

RESOLUTION FOR THE FLOODPRONE PROPERTIES ACQUISITION PROGRAM

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to adopt Resolution FCD 2004R013, Floodprone Properties Acquisition Program FY 2004-2005 Acquisition. This Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to obtain all necessary information for the purpose of initiating negotiations to acquire floodprone properties as listed on Exhibit A in accordance with the Floodprone Properties Acquisition Program. The acquisitions will be based on the applicant's voluntary acceptance of the offers, which will be made according to eligibility and ranking following the prioritization procedure previously approved by the Flood Control Advisory Board and Board of Directors, and within the available budget currently established at \$5,500,000.00. (C69050616) (ADM900)

RESOLUTION FCD 2004R013
FLOODPRONE PROPERTIES ACQUISITION PROGRAM
FY 2004-2005 ACQUISITION

WHEREAS, The Board of Directors of the Flood Control District of Maricopa County (Board) approved Resolution FCD 95-01A on July 30, 2003 (C-69-03-084-6-00), recorded with the Maricopa County Recorder's Office on August 5, 2003, which authorizes the Flood Control District of Maricopa County (District) to amend the *Alternative Flood Control Works Program* as adopted in Resolution FCD 95-01 on September 6, 1995 (PW67B), and authorizes the Chief Engineer and General Manager to utilize the Floodprone Properties Acquisition Program (FPAP) in place of the *Alternative Flood Control Works Program*; and,

WHEREAS, The Chief Engineer and General Manager by Resolution FCD 95-01A is also authorized to negotiate and prepare Intergovernmental Agreements with local jurisdictions for property acquisition under the FPAP; to update and revise the FPAP as required and present any proposed revisions to the Board of Directors for review and approval; and to include funds in the District's current and future five-year CIP Budgets for property acquisition under the FPAP, subject to prioritization by the District and subsequent approvals by the Board; and,

WHEREAS, the *Strategic Plan for Maricopa County* affirms the County's responsibility to protect its residents' health, safety and welfare; and,

WHEREAS, Arizona Revised Statutes Section 48-3616 directs the District to survey flood problems and plan for and implement flood hazard mitigation programs; and,

WHEREAS, Arizona Revised Statutes Section 48-3603 grants authority to the Board to acquire real and personal property within the boundaries of the District for the benefit of the District; and,

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WHEREAS, on September 18, 2002, Resolution 2002R010 (C-69-03-016-6-00) the District's *Comprehensive Plan 2002, Flood Control Program Report* identifying the *Floodprone Properties Acquisition Program* was adopted by the Board as a component of the District's Action Plan which details activities to protect properties from flooding.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to obtain all necessary information for the purpose of initiating negotiations to acquire floodprone properties as listed on Exhibit A in accordance with the Floodprone Properties Acquisition Program.

BE IT FURTHER RESOLVED that the acquisitions will be based on the applicant's voluntary acceptance of the offers, which will be made according to eligibility and ranking following the prioritization procedure previously approved by the Flood Control Advisory Board and Board of Directors, and within the available budget currently established at \$5,500,000.0, and will be contingent on the Board's approval and execution of the acquisition documents.

DATED this 3rd day of November 2004.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit "A" – FY 2004-05 Floodprone Properties Eligible Applicants

Maricopa County Assessor's Parcel No.	Location	Watershed	Supervisor District
170-08-027	Town of Paradise Valley	Upper ACDC	3
171-53-046	City of Phoenix	Upper ACDC	3
202-09-013G	Maricopa County	Skunk Creek	3
202-11-020F	Maricopa County	Upper New River	3
202-11-025E	Maricopa County	Upper New River	3
202-13-065A	Maricopa County	Upper New River	3
202-20-453	Maricopa County	Skunk Creek	3
202-21-031Z	Maricopa County	Skunk Creek	3
211-50-015A	Maricopa County	Skunk Creek	3
211-51-002F	Maricopa County	Skunk Creek	3
211-51-003C	Maricopa County	Skunk Creek	3
211-51-003D	Maricopa County	Skunk Creek	3
211-51-056M	Maricopa County	Skunk Creek	3
211-52-012B	Maricopa County	Cave Creek	3
211-53-046H	Maricopa County	Cave Creek	3

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211-53-065A	Maricopa County	Cave Creek	3
211-70-001P	Maricopa County	Skunk Creek	3
401-14-011G	Maricopa County	Lower Hassayampa	4
401-28-004B	Maricopa County	Lower Hassayampa	4
401-34-002B	Maricopa County	Arlington	5
401-35-001D	Maricopa County	Arlington	5
403-11-052	Town of Gila Bend	Gila Bend	5
503-06-033A	Town of Wickenburg	Lower Hassayampa	4
503-36-013G	Maricopa County	Trilby	4
503-90-345	Maricopa County	Lower Hassayampa	4
505-08-029A	Town of Wickenburg	Lower Hassayampa	4
505-14-004	Town of Wickenburg	Lower Hassayampa	4
505-15-042	Town of Wickenburg	Lower Hassayampa	4

LETTER OF SUPPORT FOR ARIZONA PUBLIC SERVICE

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to adopt the position expressed in the letter composed by Andy Kunasek, Chairman of the Board of Directors of the Flood Control District of Maricopa County and approve the release of the letter. (C6905067M)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (4-0-1) 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 on the transmittal letter dated October 6, 2004. All documents have an effective date of October 6, 2004. (Addendum item F-A-1.) (ADM1910)

Bethany Home Outfall Channel (Per Resolution FCD 98-12)

Item A002.174-IE, Non-Exclusive Ingress and Egress Easement from the Flood Control District of Maricopa County to Qwest Corporation, a Colorado corporation for the sum of \$1.00.

83rd Avenue and Pinnacle Peak Road Drainage Improvement (Per Resolution 2001R012)

Item n/a, Temporary Right-of-Entry Agreement from Ventana Picachos, LLC to the Flood Control District of Maricopa County for the sum of \$10.00.

Hawes Road Channel Improvement (Per IGA FCD2000A018)

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Item 2001.01.01 & 2001.01.02, Permanent Drainage Easement and Agreement for Flood Control Purposes from the Flood Control District of Maricopa County to the City of Mesa for the sum of \$10.00.

Item 2001.02.01, Permanent Drainage Easement and Agreement for Flood Control Purposes from the Flood Control District of Maricopa County to the City of Mesa for the sum of \$10.00.

Property Management – Signal Butte Floodway (Pre Resolution FCD 1999R016)

Item T-2116-2RE, Non-Exclusive Permanent Easement from the Flood Control District of Maricopa County to Dana C. and Dathyl Feather for the sum of \$1.00.

MEETING ADJOURNED

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

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board