

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**June 8, 2005**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., June 8, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Andrew Kunasek, District 3, 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 Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

**MINUTES**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve minutes of the meetings held March 23, 2005, April 6, 2005 and April 20, 2005.

**PERSONNEL AGENDA**

Motion was made by Director Stapley, seconded by Director Kunasek, 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 AND RIGHT-OF-WAY**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

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

Item A002.001, Warranty Deed from the Flood Control District of Maricopa County to the City of Glendale for the sum of \$1.00 [per IGA FCD 2002A003].

**New River -Grand Avenue to Skunk Creek (Per Resolution FCD 2000R013)**

Item R-98A-PCE, Permanent Channel Easement and Agreement for Flood Control Purposes from Pratte Development Company, Inc. a Nevada corporation to the Flood Control District of Maricopa County for the sum of \$3,350.00.

Item R-98A-PCE, Purchase Agreement and Escrow Instructions.

Item R-104-UE, Electric Utility Easement and Agreement from John Buell and Theresa Buell to the Flood Control District of Maricopa County for the sum of \$1,000.00.

**Property Management – New River Dam (Per Resolution FCD 1999R016)**

Item NRD-014-3, Permanent Non-Exclusive Water Line and Sewer Line Easement from the Flood Control District of Maricopa County to the City of Peoria for the sum of \$33,563.00.

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**Property Management – White Tanks 9 (R.I.D. Overchute) (Per Resolution FCD 1999R016)**

Item WT9-18-PCE2, Modification of Channel Easement and Agreement for Flood Control Purposes between Suncor Development Company and the Flood Control District of Maricopa County.

**AMENDMENT WITH USGS FOR DATA COLLECTION ON WATERSHEDS**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) Amendment FCD 2004A012A, between the Flood Control District of Maricopa County and the United States Geological Survey (USGS), covering the period October 1, 2004 to September 30, 2005, to continue collecting data on local watersheds. This has been an ongoing joint agreement for more than 20 years. The total cost of the amended IGA is \$319,540. The district costs under this agreement will be \$197,270, with the USGS contributing the remaining \$122,270. Payments are to be made quarterly. (C6905018201)

**RESOLUTION FOR FLOODPRONE PROPERTIES ACQUISITION PROGRAM FY 2005-06**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to adopt Resolution FCD 2005R010, Floodprone Properties Acquisition Program FY 2005-06 Acquisition. The resolution 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 in accordance with the Floodprone Properties Acquisition Program. The acquisitions will be based on voluntary acceptance of the offers by the applicants, which will be made according to ratings following the prioritization procedure previously approved by the Flood Control Advisory Board and the Board of Directors, and within the available budget currently established at \$3,000,000. (C6905122600) (ADM1900)

**RESOLUTION FCD 2005R010**  
**FLOODPRONE PROPERTIES ACQUISITION PROGRAM**  
**FY 2005-2006 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, 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 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,

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**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,

**WHEREAS**, on September 18, 2002, the Board adopted the District's Comprehensive Plan 2002, Flood Control Program Report identifying the Floodprone Properties Acquisition Program 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; and,

**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, and within the available remaining funds in the FY 2004-2005 CIP Budget and in the proposed FY 2005-2006 CIP Budget amount of \$ 3.0 million; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager is authorized and directed to periodically update Exhibit "A" during FY 2005-2006, by adding eligible floodprone properties, as defined in FPAP, and deleting properties whose owners have declined acquisition or are later determined ineligible. The Chief Engineer and General Manager is authorized to acquire additional properties within the approved budget amount. Additional property acquisitions requiring additional FY 2005-2006 funding must be approved by this Board.

**DATED** this 8<sup>th</sup> day of June 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT "A" – FY 2005-06 FLOODPRONE PROPERTIES ELIGIBLE APPLICANTS**

<b>Maricopa County Assessor's Parcel No.</b>	<b>Location</b>	<b>Watershed</b>	<b>Supervisor District</b>
171-53-027	Phoenix	Upper ACDC	3
171-53-046	Phoenix	Upper ACDC	3
202-06-032	Maricopa County	Upper New River	3
202-11-011B	Maricopa County	Upper New River	3
202-11-024	Maricopa County	Upper New River	3

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202-11-025C	Maricopa County	Upper New River	3
211-51-053D	Maricopa County	Skunk Creek	3
503-90-315	Maricopa County	Lower Hassayampa	4
505-08-035A	Town of Wickenburg	Lower Hassayampa	4

**FUNDS TRANSFER**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve the revenue and expenditure adjustments as follows:

- o **Decrease** in the Flood Control District, Dept (690), Operating Fund (991) revenue budget of \$5,346,832.
- o **Decrease** in the Flood Control District, Dept (690), Operating Fund (991) expenditure budget of \$6,154,039.
- o **Decrease** in the Flood Control District, Dept (690), Capital Projects Fund (990) revenue budget of \$6,154,039.
- o **Increase** in the Flood Control District, Dept (690), Elimination Fund (900) revenue and expenditures budgets of \$6,154,039. (C6905124800) (ADM1900-003)

**IGA WITH PARKS AND RECREATION DEPARTMENT FOR EL RIO EDUCATIONAL RESEARCH AND DEVELOPMENT PROJECT**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2005A004, between the Flood Control District of Maricopa County and the Maricopa County Parks and Recreation Department for roles and responsibilities for the El Rio Educational Research and Development Project. (C6905125200)

**PERMANENT SALARY ADJUSTMENT FOR EMPLOYEE, JUAN DE LA GARZA**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve a permanent salary adjustment of an additional 4.5% retroactive to August 30, 2004, for Flood Control District of Maricopa County employee, Juan De La Garza. (C6905128M00) (ADM1900-001)

**SOLICITATION SERIALS**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM1900)

**Award of Solicitation Serials**

- 05015-S      Landscaping and Planting Services** (\$500,000 estimate/five years). Price agreement to provide various landscaping and restoration services for Flood Control District projects.
- o Botanical Group, Inc.
  - o Desert Seeders, LLC

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- Desierto Verde, LLC
- HMI
- Native Resources International, Inc.
- Qualex Construction, Inc.
- Westscape Environmental, Inc.

**05020-C Flood Warning Equipment** (\$825,000 estimate/five years). Price agreement to purchase flood warning equipment for the Flood Control District.

- High Sierra Electronics, Inc.
- Hydrolynx Systems, Inc.

**MEETING ADJOURNED**

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

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board