

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

October 16, 2002

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., October 16, 2002, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, 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 Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve the minutes from meetings held on July 22, 2002.

PERSONNEL AGENDA

Motion was made by Director Brock, seconded by Director Wilcox, 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 Brock, seconded by Director Wilcox, 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)

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

Item A002.135, Relocation Assistance Entitlements for Rebecca R. Shields in the amount of \$20,000.00.

Item A002.155, Relocation Assistance Entitlements for Thomas M. Woyak in the amount of \$20,000.00.

Chandler Heights - EMF Mitigation Site Project (Per: Resolution FCD1999R014)

Item M-2148-PWE, Permanent Easement and Agreement from Troy D. Freese and Brandie Freese to the Flood Control District of Maricopa County for the sum of \$1,500.00.

Item M-2148-PWE, Escrow Instructions.

EMF Capacity Mitigation Project (Per: Resolution FCD1999R014)

Item 9907.006, Warranty Deed from SFPP, Limited Partnership to the Flood Control District of Maricopa County for the sum of \$130,000.00

Item 9907.006, Escrow Instructions.

Laveen Area Conveyance Channel Project (Per: Resolution FCD2000R011)

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Item A001.017; A001.018, Warranty Deed from Southwest Loop - 59th Avenue Partnership to the Flood Control District of Maricopa County for a nominal fee.

Item A001.017; A001.018, Escrow Instructions.

Item A001.039, Permanent Storm Drain Easement and Agreement for Flood Control Purposes from Southwest Loop - 59th Avenue Partnership to the Flood Control District of Maricopa County for a nominal fee.

Skunk Creek "Floodprone Properties Acquisition Project" (Per: Resolution FCD2001R011)

Item A008.015, Relocation Assistance Entitlements for James P. and Wanda A. Sartain, Jr. in the amount of \$500.00.

TERMINATION OF USE MANAGEMENT AGREEMENT

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve the termination of the Use Management Agreement (PIO 1.4) among the Flood Control District of Maricopa County, Maricopa County, and Pegasus Productions, LLC, d.b.a. Valley of the Sun Marathon for an event at the East Maricopa Floodway. After staging this event over the past two years, Pegasus Productions, LLC, as well as the Parks and Recreation Department, are now requesting to terminate this use management agreement because it no longer meets the particular needs of either party. Paragraph 13, VOLUNTARY TERMINATION, of the agreement, provides an acceptable avenue for accomplishing this mutual goal. If approved, the termination would be retroactively effective as of March 11, 2002, and would absolve both parties from any future obligations for this event, under the terms and conditions of this agreement. (C69010450YY)

CONTRACTS (4) FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to award the following contracts (4) for on-call landscape architectural services for the not-to-exceed amount stated, or for two years from the date of award, whichever occurs first. (C69030095ZZ)

- a. EPG, Inc., Contract FCD 2002C019 in the amount of \$250,000 (C69030105)
- b. BRW, Inc., Contract FCD 2002C020 in the amount of \$250,000 (C69030115)
- c. McCloskey-Peltz, Inc., Contract FCD 2002C021 in the amount of \$125,000 (C69030125)
- d. Olsson Associates, Contract FCD 2002C025 in the amount of \$125,000 (C69030135)

SELL EXCESS PARCELS

Item: Authorize the Flood Control District of Maricopa County to sell excess parcels beginning in FY 2002-2003. The District will utilize its Disposition Program, continuing to evaluate and analyze the best

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potential of leasing or sales of all real property based on prevailing market conditions. The sale prices will be at fair market value to be determined by a certified licensed appraiser, either at the start point of an oral auction, or, in the event of a sale to a municipality, at fair market value without an auction. If an auction takes place, District staff will sell the parcel in compliance with A.R.S. §9-402, which mandates that an invitation for bid be published for the sale of all real property. (C6903022B) (ADM1903-001)

- a. Parcel No. GHC-58-1EX - A vacant strip of land adjacent to Guadalupe Basin No. 3 to be sold at public auction - 951.02 square feet or 0.0218 acres +/- . The appraised fair market value is \$.80 per square foot.
- b. Parcel No. GHC-58-2EX - A vacant strip of land adjacent to Guadalupe Basin No. 3 to be sold to Town of Guadalupe at an appraised fair market value of \$.80 per square foot totaling \$3,070.69. 3,838.37 square feet or 0.0881 acres +/-.
- c. The following parcels are recommended for sale at a value of \$5,000, collectively. The value has been determined by an independent fee appraiser. These 40.1820 acres are the remainder parcels acquired for the Salt River Channel project, prior to the City of Tempe's creation of Tempe Town Lake. These are the last parcels to be sold to the City. The City has requested to purchase the parcels enabling the City to consolidate its ownership in the area and to satisfy the ADWR requirements as to the refilling the lake with flood waters. The District is requiring a reversion clause in the transfer document stating, "... If the Tempe Town Lake goes away, the property will revert back to the Flood Control District." The District's Salt River Channelization project is complete, and it has been determined by District staff that the parcels are non-accessible, (as they are under water), and have little or no utility to the District as long as the Tempe Town Lake exists.
 - i. Parcel No. M-2101-EX1 River bottom land to be sold to the City of Tempe for the Town Lake consisting of 25.4129 acres +/-.
 - ii. Parcel No. M-2101-EX2 River bottom land to be sold to the City of Tempe for the Town Lake consisting of 5.9142 acres +/-.
 - iii. Parcel No. M-2101-EX3 River bottom land to be sold to the City of Tempe for the Town Lake consisting of 3.3596 acres +/-.
 - iv. Parcel No. M-2101-EX4 River bottom land to be sold to the City of Tempe for the Town Lake consisting of 1.0455 acres +/-.
 - v. Parcel No. M-2101-EX5 River bottom land to be sold to the City of Tempe for the Town Lake consisting of 0.0446 acres +/-.
 - vi. Parcel No. N-2600-EX2 River bottom land to be sold to the City of Tempe for the Town Lake consisting of 2.2026 acres +/-.
 - vii. Parcel No. N-2601-EX2 River bottom land to be sold to the City of Tempe for the Town Lake consisting of 2.2026 acres +/-.

Supervisor Kunasek pointed out the reversion clause in F-6c to make certain this was understood by everyone on the board and residents in Tempe.

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve the sale of these excess properties.

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CONTRACT WITH BROOKS, HERSEY & ASSOCIATES, INC.

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to award Contract FCD 2002C026, On-Call Post Design Services, to Brooks, Hersey & Associates, Inc. The contract will be effective for two years from the date of execution or until the contract expenditure of \$50,000, whichever occurs first. The Flood Control District of Maricopa County (District) and Brooks, Hersey & Associates, Inc. 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. (C69030235)

CONTRACTS (2) FOR ON-CALL ENGINEERING, HYDROLOGIC, AND HYDRAULIC SERVICES

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to award contracts (2) for on-call engineering, hydrologic, and hydraulic services between the Flood Control District of Maricopa County (District) and the following consultants. Each respective contract is effective for two years from the date of execution or until the expenditure of \$150,000, (each contract) whichever occurs first. Total dollar amount for both contracts is \$300,000. The District and the consultants 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 of each respective contract. (C69030285ZZ)

- a. Michael Baker, Jr., Inc., Contract FCD 2002C032 (C69030295)
- b. Entellus, Inc., Contract FCD 2002C033 (C69030305)

ADDITION TO FLEET OF TEN SELF-CONTAINED TRAILER MOUNTED PORTABLE TOILETS

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to amend agenda item C69030258 to include revised language that the purchase of ten self-contained trailer mounted portable toilets manufactured specifically for transportation over paved and unpaved roadways and heavy construction work site utilization, are an "addition to the fleet" for the Flood Control District of Maricopa County (District). (C6903025801) (ADM1917)

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board