

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

**April 16, 2003**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., April 16, 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 Wilson, seconded by Director Stapley, and unanimously carried (5-0) to approve the minutes from meetings held on February 5 and 19, 2003.

**PERSONNEL AGENDA**

Motion was made by Director Wilson, seconded by Director Stapley, 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**

Motion was made by Director Wilson, seconded by Director Stapley, 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 A001.043, Temporary Construction Easement and Agreement for Flood Control Purposes from Phoenix Union High School District No. 210 of Maricopa County to the Flood Control District of Maricopa County at no cost to the District.

**Property Management - Pecos Road Re-alignment Rittenhouse Channel (Per: Resolution FCD 1999R016)**

Item RR-5, RR-8 & RR-9, Permanent Roadway & Utility Easement from the Flood Control District of Maricopa County to the City of Mesa for the sum of \$30,000.00.

**Property Management - Saddleback FRS (Per: Resolution FCD 1999R016)**

Item 2000P085, Utility Easement from the Flood Control District of Maricopa County to Harquahala Generating Company, LLC, a Delaware limited liability company for the sum of \$45,000.00.

**ASSESS FEE FOR A DISHONORED FINANCIAL INSTRUMENT**

Pursuant to A.R.S. §44-6852, motion was made by Director Wilson, seconded by Director Stapley, and unanimously carried (5-0) to authorize the Flood Control District to assess the maker of a dishonored financial instrument the maximum statutorily authorized fee (currently \$25) plus any actual charges that

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may be assessed by the financial institution as a result of a dishonored instrument. (C180302080) (ADM1904)

**REVISED GENERAL TRAVEL POLICY (A2313) AND RESCIND OTHER RELATED POLICIES - CONTINUED**

Item: Adopt revised policy A2313 General Travel Policy and Travel Manual for the Flood Control District. And rescind the following policies as they may have been adopted or followed by the District: A2314 Travel Agency; A2315 Travel Advances; A2316 Conferences, Seminars, and Meetings; A2317 Travel – Transportation; A2318 Travel – Rented Motor Vehicles; A2319 Travel – Air Travel; A2320 Travel – Meals/Per Diem; A2321 Travel – Incidental Expenses; A2322 Travel – Lodging; A2323 Travel – Out of Country; and Federal Publication 1542 – Per Diem Rates. During the past year, the Travel Focus Group containing members from Finance, Human Resources and Materials Management revised policy A2313 - General Travel Policy (formerly known as General Travel Guidelines). The purpose of A2313 - General Travel Policy is to establish policies and procedures governing the travel activities of Maricopa County Elected Officials and employees in accordance with ARS §38-621 et seq. This policy defines the overall responsibility for travel and travel-like expenditures. One of the primary objectives of the group was to streamline the policies. Therefore, the revised policy is a compilation of the Maricopa County Travel and Travel-Related Policies. (C18030246) (ADM1918)

Clerk of the Board Fran McCarroll announced that this item has been continued to the May 7, 2003, meeting.

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION, CITY OF PHOENIX, AND SALT RIVER PROJECT**

Motion was made by Director Wilson, seconded by Director Stapley, and unanimously carried (5-0) to approve Amendment to the Intergovernmental Agreement (IGA) FCD 2000A021A (Project No.117 - South Phoenix Drainage Improvement [DPDI]) among the Flood Control District of Maricopa County (District), Maricopa County Department of Transportation (McDOT), City of Phoenix (City), and the Salt River Project (SRP) for the Laveen Area Conveyance Channel (43rd Avenue to Salt River) and 43rd Avenue and Southern Avenue Detention Basin (Project). The original IGA is for the cost sharing, design, rights-of-way acquisition, utility relocation, construction, construction management, and operation and maintenance of the Project. This amendment acknowledges the total project cost, less donations of land by property owners will exceed the \$15,000,000 limitation defined in the original IGA. This amendment estimates the total project cost, less donations of land by the property owners to be not more than \$19,000,000, which requires an increase in the cost share for the District and the City from \$7,000,000 to \$9,000,000 each. No changes in cost share by the SRP and MCDOT, or any other changes in the IGA are included in the amendment. Having found that such action is in the public interest and based upon a demonstrated need, it is further requested that the Board approve an amendment to the current FY 2003 Five Year CIP for fund 990- Project No. 117-South Phoenix Drainage Improvement Project Budget (approved by the Board on July 22,2002) by increasing the FY 2003 (year 1) current revised Project Reserve (FCPR) by \$4,256,000 (from \$2,083,000 to \$6,339,000) and adjusting the FY 2003 (year 1) South Phoenix Drainage Improvement Project budget (DPDI) by \$4,256,000 (from \$5,274,000 to \$1,018,000). The per FY adjustments that are being requested are as follows;

- a) Increase the FY 2003 (year 1) CIP Project Reserve (FCPR) by \$4,256,000 (from \$2,187,497 to \$6,443,497).

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- b) Decrease the FY 2003 (year 1) Project No. 117-South Phoenix Drainage Improvement (DPDI) project budget by \$4,256,000 (from \$5,274,000 to \$1,018,000). The net affect of the requested adjustment on the FY 2003 District CIP is \$0.
- c) Increase the FY 2004 (year 2) Project No. 117-South Phoenix Drainage Improvement (DPDI) project budget by \$4,930,000.00 (from \$6,115,000 to \$11,045,000).
- d) Decrease the FY 2004 (year 2) Project No. 022-Central Chandler Area Drainage System (DCAA) project budget by \$1,500,000 (from \$3,010,000 to \$1,510,000).
- e) Decrease the FY 2004 (year 2) Project No. 211-Buckeye/Sun Valley ADMP (BVSP) project budget by \$1,100,000 (from \$1,100,000 to \$0).
- f) Decrease the FY 2004 (year 2) Project No. 344 – Wittmann ADMP (WWMP) project budget by \$488,000 (from \$488,000 to \$0).
- g) Decrease the FY 2004 (year 2) Project No. 345 – Aguila ADMP (AAMP) project budget by \$150,000 (from \$150,000 to \$0).
- h) Decrease the FY 2004 (year 2) Project No. 520 – Adobe Dam ADMP (AADA) project budget by \$900,000 (from \$950,000 to \$50,000).
- i) Decrease the FY 2004 (year 2) Project No. 580 – ACDC ADMP (AADL) project budget by \$792,000 (from \$5,100,000 to \$4,308,000)

**The net affect of the requested adjustment on the FY 2004 District CIP is \$0.**

- a) Increase the FY 2005 (year 3) Project No. 117 – South Phoenix Drainage Improvement (DPDI) project budget by \$2,567,000 (from \$1,000,000 to \$3,567,000).
- b) Decrease the FY 2005 (year 3) Project No. 121 – East Maricopa Floodway (MEMI) project budget by \$1,000,000 (from \$4,100,000 to \$3,100,000).
- c) Decrease the FY 2005 (year 3) Project No. 470 – White Tanks ADMP (TWTP) project by \$1,142,000 (from \$8,780,000 to \$7,638,000).
- d) Decrease the FY 2005 (year 3) Project No. 491 – Higley ADMP (HHAP) project budget by \$425,000 (from \$1,000,000 to \$575,000).

The net affect of the requested adjustment on the FY 2005 District CIP is \$0. The net adjustment for FY 2003, FY 2004, and FY 2005 is \$0. Other fiscal year budgeted amounts remain unchanged. (C6901093201)

**CONTRACT WITH ENTELLUS, INC.**

Motion was made by Director Wilson, seconded by Director Stapley, and unanimously carried (5-0) to award Contract FCD2002C029, Wittmann Area Drainage Master Study Update (ADMSU) [Project No. 344 - Wittmann ADMP (WWMP)] to Entellus, Inc. in the lump sum of \$1,976,853.89. The contract performance is seven hundred twenty (720) calendar days effective the date of the Notice to Proceed. (C69030665)

**CONTRACT WITH JULIE M. LEMMON, ATTORNEY-AT-LAW**

Motion was made by Director Wilson, seconded by Director Stapley, and unanimously carried (5-0) to award Contract FCD 2003C003, On-Call General Legal Counsel Services, to Julie M. Lemmon, Attorney-At-Law.

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The contract is to perform on-call general legal counsel services on behalf of the Flood Control District of Maricopa County (District) in accordance with Exhibit A, General Scope of Work and Exhibit B, Fee Schedule attached to the contract. The contract shall be for a two year period from the date of May 17, 2003, or until the contract amount of \$500,000 is expended, whichever occurs first. This contract has options to renew for two additional two-year periods subject to the approval by both parties of a revised Fee Schedule thirty days prior to the commencement of each contract period. Actual expenditure is contingent upon approval by the Board of Directors of the District of the Budget, which includes an appropriation for this purpose. (C69030675)

**CONTRACT WITH MORRISON-MAIERLE, INC.**

Motion was made by Director Wilson, seconded by Director Stapley, and unanimously carried (5-0) to award Contract FCD 2003C009, On-Call Plan Review Services with Morrison-Maierle, Inc. (Consultant). The contract will be effective for a period of two years or until the contract amount of \$250,000 is expended, 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 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 the contract. All work assignments authorized under this contract will be for the plan review services for the District and related features and properties. (C69030695)

**MEETING ADJOURNED**

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

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Fulton Brock, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board