

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

February 16, 2005

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m. February 16, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present:: Max W. Wilson, Chairman, District 4; Fulton Brock, District 1 (attended by conference phone); Andrew Kunasek, District 3. Absent: Don Stapley, Vice Chairman, District 2, and Mary Rose Wilcox, District 5. 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.

MEETING RECESSED

Chairman Wilson called the meeting to order and then recessed the meeting to 9:00 a.m., February 17, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, to consider items on the February 16, 2005, agenda.

MEETING RECONVENED

Chairman Wilson reconvened the meeting at 9:00 a.m., February 17, 2005, in the Board of Supervisors Conference Room, 301 W. Jefferson, Phoenix, Arizona with the following members present. Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. 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 Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve minutes of meeting held December 13, 2004, January 19, 2005 and February 2, 2005.

PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) 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 DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, 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)

Property Management – Bethany Home Outfall Channel (Per Resolution FCD 1999R016)

Item A002.003, Non-Exclusive Underground Power Line Easement from the Flood Control District of Maricopa County to Salt River Project Agricultural Improvement and Power District for the sum of \$1.00.

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Property Management – South Phoenix Laveen Drain (Per Resolution FCD 1999R016)

Item SPL-16, Non-Exclusive Underground Utility Easement from Flood Control District of Maricopa County to the Salt River Project Agricultural Improvement and Power District for the sum of \$15,677.00

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

Item R-80A-ROE, Right-of-Entry Easement and Agreement for Flood Control Purposes from Arizona Public Service Company, an Arizona Corporation to the Flood Control District of Maricopa County for the sum of \$500.00.

Item R-80A-TCE, Temporary Construction Easement and Agreement for Flood Control Purposes from KWSS 91st, LLC, an Arizona Limited Liability Company to the Flood Control District of Maricopa County for the sum of \$1,000.00.

WHITE TANKS FLOOD RETARDING STRUCTURE RESOLUTION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt Resolution FCD 2004R011, White Tanks Flood Retarding Structure (FRS) No. 3 Outlet Channel Project (Project). The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate with landowners and/or appropriate agencies to obtain the necessary Rights-of-Entry, property and/or easements and all other necessary land rights required, hire, retain or otherwise utilize the professional services of the 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 for the implementation of the Project, which cannot be obtained by donation or purchase, advertise, select, and negotiate contracts for engineering services for design of the Project, and budget funding in the District's current and future CIP for this Project. (C6905076600) (ADM1900)

**RESOLUTION FCD 2004R011
WHITE TANKS FLOOD RETARDING STRUCTURE NO. 3
OUTLET CHANNEL PROJECT**

WHEREAS, The Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48-3603, Chapter 21, which requires the Board of Directors of the Flood Control District of Maricopa County (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

WHEREAS, the Flood Control District of Maricopa County (District) has developed the Loop 303 Corridor/White Tanks Area Drainage Master Plan Update (ADMP) to identify and mitigate existing and future drainage and flooding problems in the western metropolitan area bounded by the Agua Fria River, McMicken Dam, the Salt/Gila River, and the White Tank Mountains; and,

WHEREAS, the ADMP recommended a preferred regional solution to the identified flooding problems that includes a channel from White Tanks Flood Retarding Structure (FRS) #3 adjacent to the Jackrabbit Road alignment and discharging into the White Tanks FRS #4 and is identified on Exhibit A as the White Tanks FRS #3 Outlet Channel and hereinafter referred to as the Project; and,

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WHEREAS, the impending development on both sides of Jackrabbit Trail (195th Avenue), in the area from Camelback Road to Bethany Home Road, would effectively eliminate the available vacant rights-of-way and will substantially increase the cost for the Project; and,

WHEREAS, the District staff submitted a request to the District's FY 2004/2005 Capital Improvement Program (CIP) Prioritization Procedure for these drainage improvements as part of Natural Resource Conservation Service (NRCS) project to mitigate problems associated with the White Tanks FRS # 3 and #4 and for drainage problems identified in the ADMP.

WHEREAS, the Flood Control Advisory Board on October 27, 2004 endorsed the staff's proposed project and has recommended that the Board of Directors of the Flood Control District of Maricopa County District (Board) adopt this Resolution; and

NOW, THEREFORE BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate with 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 Project within the following sections:

T2N, R2W, Sections 16, 17, 20, and 21;

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is hereby directed and authorized to hire, retain or otherwise utilize the professional services of the 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 for the implementation of the Project, which cannot be obtained by donation or purchase; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is directed and authorized to include funds in the District's current and future Five Year CIP for Rights-of-Way acquisition for the Project, subject to approvals by this Board of future Five-Year CIP budgets.

DATED this 17th day of February 2005

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

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A - White Tanks Flood Retarding Structure No. 3 Outlet Channel Project

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CONTRACT WITH AMEC EARTH & ENVIRONMENTAL, INC. FOR ON-CALL FISSURE RISK ZONE INVESTIGATION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to award Contract FCD 2004C053, On-Call Fissure Risk Zone Investigation at Powerline, Vineyard and Rittenhouse Flood Retarding Structures to AMEC Earth & Environmental, Inc. This contract will be effective for a period of two (2) years from the date of execution or until the contract expenditure of \$250,000, whichever occurs first. The Flood Control District of Maricopa County (District) and AMEC Earth & Environmental, 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. (C6905083500)

CONTRACT WITH HOSKIN-RYAN CONSULTANTS FOR ON-CALL ENGINEERING AND SURVEYING SERVICES INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to award Contract FCD 2004C054, On-Call Engineering, and Surveying Services with Hoskin-Ryan Consultants, Inc., (Consultant). The contract will be effective for a period of seven hundred thirty (730) calendar days 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 District floodplain mapping, engineering, and surveying services. (C6905094500)

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board