

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
March 26, 2008**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., March 26, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1 and Don Stapley, District 2. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Deputy County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

FCD-1. MINUTES

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to approve the minutes of the meeting held on October 17, 2007.

FCD-2. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

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

Hermosa Vista/Hawes Rd. Storm Drain & Basin (Per Resolution 2002R008)

Item #: FA029.004 – Permanent Drainage Easement and Agreement for Flood Control Purposes – APN: 219-26-141E (a portion of) - from The Flood Control District of Maricopa County (Grantee) to Robert A. Pfeifle and Kathleen Pfeifle (Grantors) – for the sum of \$7,806.00.

Hermosa Vista/Hawes Rd. Storm Drain & Basin (Per Resolution 2002R008)

Item #: FA029.004 – Purchase Agreement and Escrow Instructions – APN: 219-26-141E (a portion of) - Robert A. Pfeifle and Kathleen Pfeifle.

FCD-3. RESOLUTION-DOWNTOWN PHOENIX DRAINAGE IMPROVEMENT

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to adopt Resolution FCD2008R001, Downtown Phoenix Drainage Improvement. The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to develop and negotiate Inter-Governmental Agreements (IGA) for the design, construction, construction management, rights-of-way acquisition, operation and maintenance; authorization to perform designs; authorization for rights-of-way acquisition, and program funding for the Downtown Phoenix Drainage Improvement (Project). (C6908040600) (ADM1900)

**RESOLUTION FCD 2008R001
DOWNTOWN PHOENIX DRAINAGE IMPROVEMENT**

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

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WHEREAS, the City of Phoenix (CITY) requested in the FY 2004/2005 Capital Improvement Program (CIP) Prioritization Procedure that the DISTRICT conduct a floodplain study for the Cave Creek floodplain, from south of the Grand Canal to the Salt River; and,

WHEREAS, the DISTRICT identified the current drainage infrastructure in the watershed, as a system, does not have sufficient capacity for the 10-year storm event; and,

WHEREAS, the area is urbanized and the regional drainage and flooding problems in the area are not adequately addressed; and,

WHEREAS, the DISTRICT is currently developing the Metro Phoenix Area Drainage Master Plan (Metro ADMP), a regional drainage master plan, to identify and mitigate existing and future drainage and flooding problems in the Metropolitan Phoenix area approximately bounded on the west by I-17, on the north by the Arizona Canal Diversion Channel (ACDC), on the south by the Salt River, and on the east by Papago Buttes (Exhibit A); and,

WHEREAS, the DISTRICT has defined a recommended alternative for the Metro ADMP (Exhibit B) for mitigation of storm water flows with drainage infrastructure; and,

WHEREAS, the DISTRICT, in cooperation with the CITY, will work to implement the features defined in the Metro ADMP in total or in part, subject to funding, priorities and future authorizations; and,

WHEREAS, the Downtown Phoenix Floodprone (DOWNTOWN) area is defined on the west by 19th Avenue, on the north and east by I-10 and on the south by Salt River (Exhibit C); and,

WHEREAS, the CITY requested in the FY 2007/2008 CIP Prioritization Procedure that the DISTRICT participate in funding for design, right-of-way acquisition, construction, and construction management of elements of the recommended DOWNTOWN plan.

THEREFORE BE IT RESOLVED that the Board of Directors of the Flood Control District of Maricopa County authorizes and directs the Chief Engineer and General Manager to negotiate and prepare intergovernmental agreements with the CITY and others as appropriate for design, right-of-way acquisition, construction, construction management, and operation and maintenance of elements of the recommended DOWNTOWN plan, needed to mitigate and/or eliminate flooding within portions of the downtown Phoenix area, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager is hereby authorized and directed 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 identified elements of the recommended DOWNTOWN plan within the following sections:

T1N, R3E, sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the DISTRICT is authorized and directed to advertise, select, negotiate and award contracts for engineering services for implementation of the elements of the recommended DOWNTOWN plan, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the DISTRICT is authorized and directed to include funds in the DISTRICT'S current and future Five-Year CIP for design,

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right-of-way acquisition, construction, and construction management of the elements of the recommended DOWNTOWN plan, identified in the Metro ADMP, subject to prioritization by the DISTRICT and subsequent approvals by this Board of future Five-Year CIP budgets.

DATED this 26th day of March 2008.

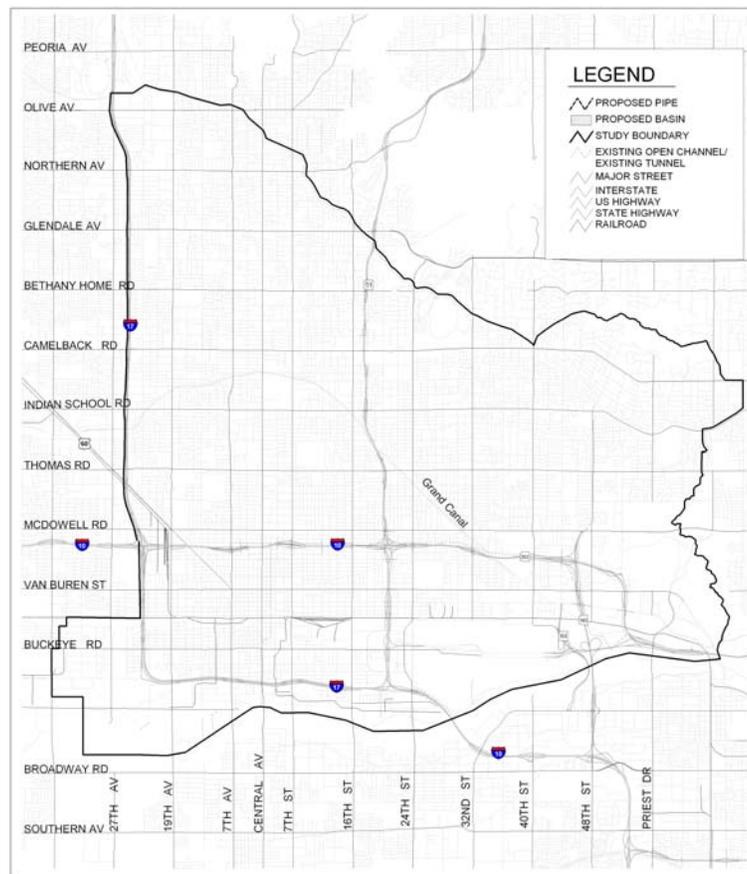
/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

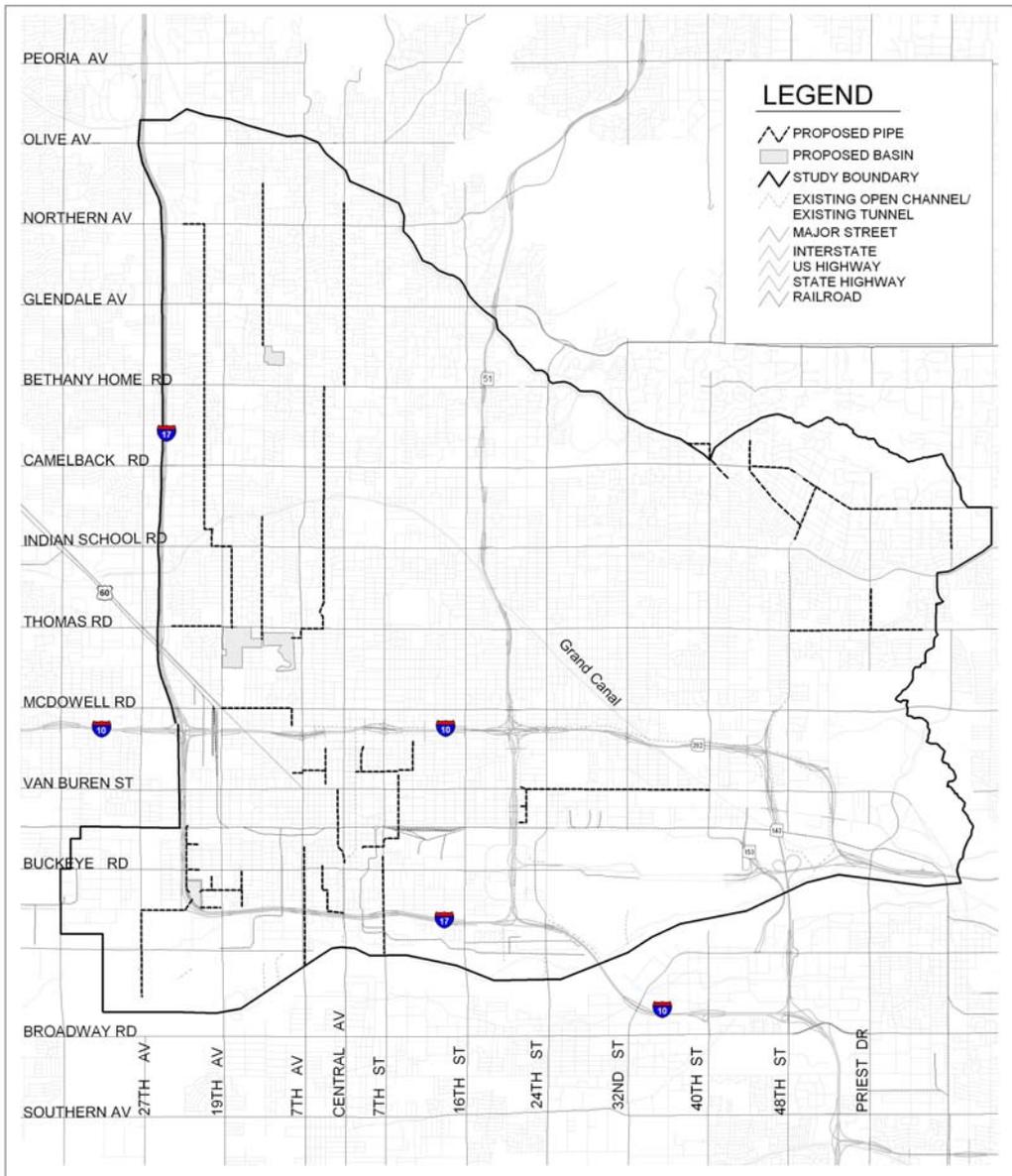
- Exhibits:: Exhibit A, Metro Phoenix ADMP Study Area
Exhibit B, Metro Phoenix ADMP Recommended Plan
Exhibit C, Metro Phoenix ADMP Downtown Recommended Plan

**Exhibit A: resolution FCD2008r001
Metro Phoenix ADMP study area**



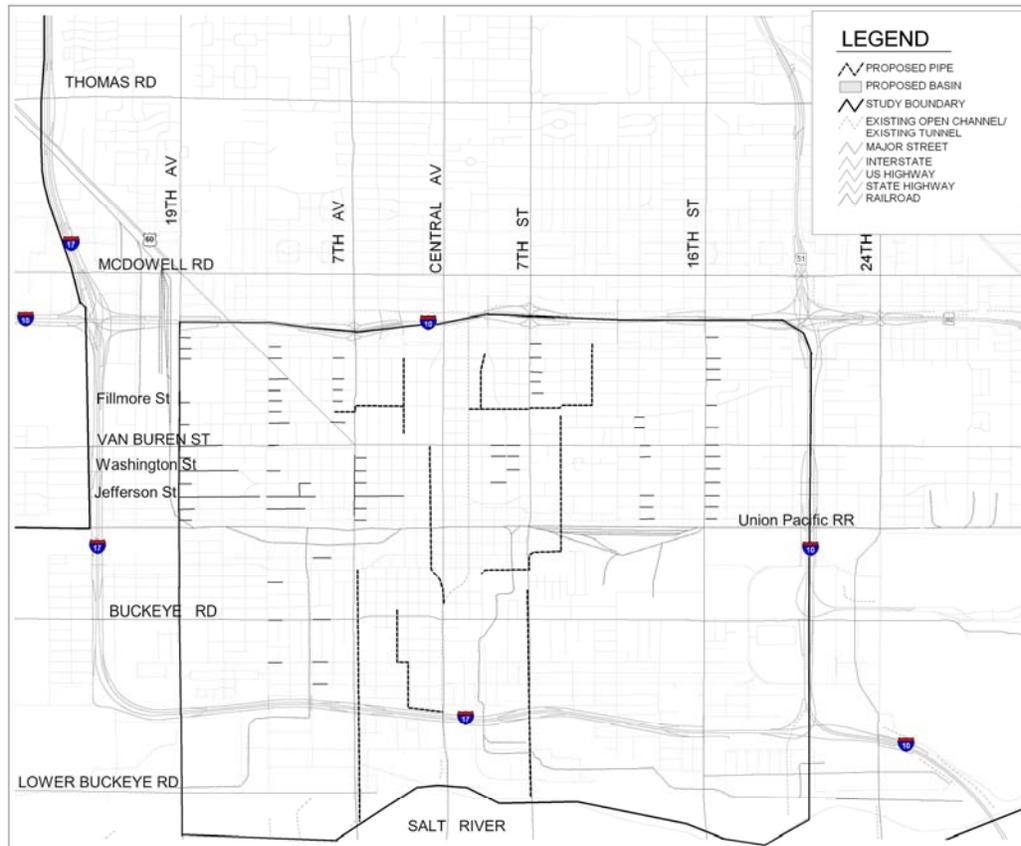
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Exhibit B: Resolution FCD2008R001
Metro Phoenix ADMP recommended plan



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Exhibit C: Resolution FCD2008R001
Metro Phoenix ADMP downtown plan



FCD-4. CHANGE ORDER TO ON-CALL MATERIALS TESTING SERVICES WITH AMEC EARTH & ENVIRONMENTAL, INC.

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to approve Change Order No. 1 in the amount of \$250,000 Flood Control District of Maricopa County Contract FCD 2007C046 – On-Call Materials Testing Services with AMEC Earth & Environmental, Inc. (Consultant). Change Order No. 1 is required to address unforeseen additional materials testing requirements for the construction of the White Tanks Flood Retarding Structure No. 3 Remediation Phase I (Project) (#470). The Consultant contract was awarded by the County Engineer on January 18, 2008, in an amount not to exceed \$250,000. Change Order No. 1 would increase the total contract amount from \$250,000 to \$500,000. (C6908041500)

FCD-5. SPECIAL WARRANTY DEED

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to approve and authorize the Chairman of the Board of Directors of the Flood Control District of Maricopa County to sign the Special Warranty Deed for the sale of excess Parcel A003.005 EX to the City of Goodyear in the amount of \$425,825 which is the appraised value. (C6908042B00)

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FCD-6. BIDS AND AWARD FOR RITTENHOUSE DETENTION BASIN PHASE 2 – SOUTH BASIN AREA PROJECT

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to authorize the Flood Control District of Maricopa County to issue an Invitation for Bids for Contract FCD 2003C026, Rittenhouse Detention Basin Phase 2 – South Basin Area Project, (#121), and to award the contract to the lowest responsive responsible bidder if the bid is not more than 10% over the engineer's estimate. (C6908044500)

FCD-7. BIDS AND AWARD FOR HERMOSA VISTA/HAWES ROAD STORM DRAIN AND BASIN PROJECT

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to authorize the Flood Control District of Maricopa County to issue an Invitation for Bids for Contract FCD 2007C030, Hermosa Vista/Hawes Road Storm Drain and Basin Project, (#420), and to award the contract to the lowest responsive responsible bidder if the bid is not more than 10% over the engineer's estimate. A corresponding agenda item (C6908043200) to this request is listed on the March 26, 2008 Supplemental. (C6908045500)

SUPPLEMENTAL

SF-1. IGA WITH THE CITY OF MESA FOR THE HERMOSA VISTA/HAWES ROAD STORM DRAIN AND BASIN PROJECT

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2007A009 between the Flood Control District of Maricopa County and the City of Mesa for the rights-of-way acquisition, utility relocation, construction, construction management, operation and maintenance of the Hermosa Vista/Hawes Road Storm Drain and Basin Project, (#420). The project is estimated to cost \$12,000,000 for which the IGA provides for a District cost share of 65% (estimated to be \$7,800,000) and a City cost share of 35% (estimated to be \$4,200,000). A corresponding agenda item (C6908045500) to this IGA is listed on the March 26, 2008 Formal Agenda. (C6908043200)

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