

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

November 6, 2002

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., November 6, 2002, in the Board of Supervisors' Auditorium, 205 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, Norma Risch, Deputy 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 Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve the minutes from meetings held on September 18, and October 2, 2002.

PERSONNEL AGENDA

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

East Maricopa Floodway Project (Per: Amendment Resolution Dated April 22, 1974)

Item RR-5, Quitclaim Deed from the United States of America, acting through the Secretary of Health and Human Services, by the Director, Division of Property Management to the Flood Control District of Maricopa County.

Northern/Orangewood Storm Drain Project (Per: Resolution FCD 93-15 and IGA FCD94003)

Item NO1-REM; NO3-1; NO3-2, Warranty Deed from Flood Control District of Maricopa County to the City of Glendale for a nominal fee.

Item NOD-278-DE; NOD-301-DE; NOD-302-DE, Assignment of Easements from Flood Control District of Maricopa County to the City of Glendale for a nominal fee.

Salt River Channel (Per: Resolution FCD1999R016)

Item SRC-Easement, Declaration of Modification of Easements by the Flood Control District of Maricopa County, the City of Tempe and Picerne-Rio Salado, LLC.

RESOLUTION – SPOOK HILL AREA DRAINAGE MASTER PLAN

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution FCD 2002R008, Spook Hill Area Drainage Master Plan (Project No. 420 – Spook Hill ADMP),

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and recommend to the Board of Supervisors of Maricopa County that the Board of Supervisors adopts the Spook Hill ADMP dated September 2002 as a planning tool to establish regional flood control infrastructure across the lands impacted by storm water flows within the study area. The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGA) with Maricopa County, City of Mesa, and other parties, as appropriate for implementation of the features of the Plan. (C69030316) (ADM1915-003)

RESOLUTION

FCD 2002R009

SCOTTSDALE ROAD CORRIDOR DRAINAGE MASTER PLAN

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 District to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County, and,

WHEREAS, the District has conducted the Scottsdale Road Corridor Drainage Master Plan, a regional drainage master plan, to identify and mitigate existing and future drainage, and flooding problems in the north eastern metropolitan area; and

WHEREAS, the City of Scottsdale requested in the FY 1995/1996 CIP Prioritization Procedure that the District conduct studies to identify drainage improvements necessary to mitigate the drainage problems within the watershed for Scottsdale Road Corridor; and,

WHEREAS, the current drainage improvements in the watershed, as a system, do not have sufficient nor consistent capacity for the 10-year storm event; and

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

WHEREAS, the District has finalized the Scottsdale Road Corridor Drainage Master Plan and has defined a preferred alternative (Exhibit A) for mitigation of storm water flows with drainage infrastructure; and,

WHEREAS, the District, in cooperation with the City of Scottsdale, Town of Paradise Valley, will work to implement the features defined in the Scottsdale Road Corridor Drainage Master Plan in total or in part, subject to funding, priorities and future authorizations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District adopts the Scottsdale Road Corridor Drainage Master Plan Final Report as the basis to mitigate storm water flooding within the watershed area; and,

BE IT FURTHER RESOLVED that the Board recommends that the City of Scottsdale and the Town of Paradise Valley adopt the Scottsdale Road Corridor Drainage Master Plan within their respective jurisdictions as a planning tool to establish regional flood control infrastructure to mitigate storm water flows within the study area; and,

BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements with the City of Scottsdale, Town of

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Paradise Valley, and/or other parties, as appropriate, for right-of-way acquisition, design, construction, construction management, future operation, and maintenance including appropriate District participation in landscape and multi-use improvements for the preferred flood control features needed to mitigate and/or eliminate flooding within the Scottsdale Road Corridor Drainage Master Plan area, subject to the ratification and approval of the Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District 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 preferred alternative features projects within the following sections:

T3N, R4E, Sections 10, 11, 14, 15, 22, 23, 27; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District retains the right to and is authorized and directed to hire, retain, or otherwise utilize the professional services of the Maricopa 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 preferred alternative of the Scottsdale Road Corridor Drainage Master Plan which cannot be obtained by donation or purchase in the following locations:

T3N, R4E, Sections 10, 11, 14, 15, 22, 23, 27,

subject to the ratification and approval of the 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 current and future Five-Year Capital Improvement Program (CIP) for design, construction of features identified in the Scottsdale Road Corridor Drainage Master Plan, subject to prioritization by the District and subsequent approvals by the Board of future Five-Year CIP; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award a contract for engineering services for implementation of the Scottsdale Road Corridor Drainage Master Plan, subject to the ratification and approval of the Board.

DATED this 6th day of November 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Norma Risch, Deputy Clerk of the Board

RESOLUTION – WEST CACTUS DETENTION BASIN & CHANNELS PROJECT

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution FCD 2002R013, West Cactus Detention Basin & Channels Project (Project No. 470 - White Tanks ADMP). The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGA) with the City of El Mirage and other parties, as appropriate, for the cost sharing, design, construction, construction management, rights-of-way acquisition, operation and maintenance for the West Cactus Detention Basin & Channels Project. (C69030346) (ADM1900)

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RESOLUTION
FCD 2002R013

West Cactus Detention Basin & Channels Project

WHEREAS, Arizona Revised Statutes Title 48, 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 District has updated the White Tanks Area Drainage Master Plan (ADMP), a regional drainage master plan, originally published in 1992, with the Loop 303 Corridor/White Tanks 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 White Tanks Mountain, and the Gila River; and,

WHEREAS, the ADMPs recommended a preferred regional solution to the identified flooding problems that includes a basin located south of Cactus Road and west of El Mirage Road with a channelized outfall from the basin eastward to the Agua Fria River as identified in Exhibit A, attached hereto and made a part hereof; and,

WHEREAS, the City of El Mirage requested in the Fiscal Year (FY) 1999/2000 and the FY 2001/2002 Capital Improvements Program Prioritization Procedure (CIP) that the District cost share in the West Cactus Detention Basin & Channels Project to mitigate a portion of the drainage problems identified in the ADMPs watershed; and,

WHEREAS, the West Cactus Detention Basin & Channels Project is herein defined as the improvements consisting of channel improvements through the golf course, associated drainage structures, modifications to the basin located east of El Mirage Road and south of Cactus Road, and erosion protection to the existing upstream channelization as shown on Exhibit A; and

WHEREAS, the area continues to rapidly urbanize and the regional drainage and flooding problems in the area have not been comprehensively addressed; and,

WHEREAS, the District, in cooperation with the City of El Mirage, will work to implement the drainage features defined in the ADMPs and requested in the CIP Prioritization Procedure, subject to funding, priorities, and future authorizations.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements with the City of El Mirage, and/or other municipalities and agencies, as appropriate, for rights-of-way acquisition, design, construction, construction management, and future operation and maintenance including appropriate District participation in landscape and multi-use improvements for the West Cactus Detention Basin & Channels Project to mitigate and/or eliminate flooding, subject to the ratification and approval of the 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 CIP for design, construction and land acquisition for the West Cactus Detention Basin & Channels Project, subject to prioritization by the District and subsequent approvals by the Board of future Five-Year CIP Prioritization Procedure; and,

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BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award a contract for engineering services for implementation of the West Cactus Detention Basin & Channels Project, subject to the ratification and approval of the Board.

DATED this 6th day of November 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Norma Risch, Deputy Clerk of the Board

RESOLUTION – 75TH AVENUE STORM DRAIN AND DURANGO REGIONAL CONVEYANCE CHANNEL PROJECT

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution FCD 2002R012, 75th Avenue Storm Drain and Durango Regional Conveyance Channel Project (DRCC) (Project No. 565 - Durango ADMP). The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGA) with the City of Phoenix and other parties, as appropriate, for the cost sharing, design, construction, construction management, rights-of-way acquisition, and operation and maintenance for the DRCC. The total intergovernmental cost is currently estimated at \$16,500,000. (C69030356) (ADM1900)

**RESOLUTION
FCD 2002R012
75th Avenue Storm Drain
and
Durango Regional Conveyance Channel Project**

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 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 Durango Area Drainage Master Plan (ADMP) to identify and mitigate existing and future drainage and flooding problems in the southwestern metropolitan area bounded by the Agua Fria River, I-10, the Salt/Gila River, and Cave Creek; and,

WHEREAS, the ADMP recommended a preferred regional solution to the identified flooding problems that includes detention basins and a channel adjacent to 75th Avenue from approximately Van Buren Street to south of Broadway Road, then turning west and continuing until the outfall in the Agua Fria River; and,

WHEREAS, the 75th Avenue Storm Drain And Durango Regional Conveyance Channel Project is herein defined as two detention basins, a channel adjacent to the Union Pacific Railroad from approximately 63rd Avenue to 75th Avenue, a channel adjacent to 75th Avenue from approximately Van Buren Street to south

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of Broadway Road, a storm drain located along 75th Avenue from I-10 to the Salt/Gila River, and associated drainage structures as identified in Exhibit A, attached hereto and made a part hereof; and,

WHEREAS, the City of Phoenix requested to cost share these drainage improvements to mitigate a portion of the drainage problems identified in the ADMP watershed in the District's FY 2001/2002 Capital Improvements Program (CIP) Prioritization Procedure; and,

WHEREAS, the area continues to rapidly urbanize and the regional drainage and flooding problems in the area have not been comprehensively addressed; and,

WHEREAS, the District, in cooperation with the City of Phoenix, will work to implement the drainage features defined in the ADMP and as requested in the CIP Prioritization Procedure, subject to funding, priorities and future authorizations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements with the City of Phoenix, and/or other parties, as appropriate, for rights-of-way acquisition, design, construction, construction management, and future operation and maintenance, including appropriate District participation in landscape and multi-use improvements for the 75th Avenue Storm Drain and Durango Regional Conveyance Channel Project to mitigate and/or eliminate flooding, subject to the ratification and approval of the 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, construction, and land acquisition for the 75th Avenue Storm Drain and Durango Regional Conveyance Channel Project, subject to prioritization by the District and subsequent approvals by the Board of future Five-Year CIP; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award a contract for engineering services for implementation of the 75th Avenue Storm Drain and Durango Regional Conveyance Channel Project, subject to the ratification and approval of the Board.

DATED this 6th day of November 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Norma Risch, Deputy Clerk of the Board

RESOLUTION – SCOTTSDALE ROAD CORRIDOR DRAINAGE MASTER PLAN

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution FCD 2002R009, Scottsdale Road Corridor Drainage Master Plan (C120 - Paradise Valley, Scottsdale, Phoenix) and recommend that it be adopted by the City of Scottsdale and the Town of Paradise Valley. The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate Intergovernmental Agreements (IGA) with City of Scottsdale, Town of Paradise Valley, and other parties, as appropriate for implementation of the features of the Plan. (C69030366) (ADM1900)

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RESOLUTION
FCD 2002R009

SCOTTSDALE ROAD CORRIDOR DRAINAGE MASTER PLAN

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 District to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County, and,

WHEREAS, the District has conducted the Scottsdale Road Corridor Drainage Master Plan, a regional drainage master plan, to identify and mitigate existing and future drainage, and flooding problems in the north eastern metropolitan area; and

WHEREAS, the City of Scottsdale requested in the FY 1995/1996 CIP Prioritization Procedure that the District conduct studies to identify drainage improvements necessary to mitigate the drainage problems within the watershed for Scottsdale Road Corridor; and,

WHEREAS, the current drainage improvements in the watershed, as a system, do not have sufficient nor consistent capacity for the 10-year storm event; and

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

WHEREAS, the District has finalized the Scottsdale Road Corridor Drainage Master Plan and has defined a preferred alternative (Exhibit A) for mitigation of storm water flows with drainage infrastructure; and,

WHEREAS, the District, in cooperation with the City of Scottsdale, Town of Paradise Valley, will work to implement the features defined in the Scottsdale Road Corridor Drainage Master Plan in total or in part, subject to funding, priorities and future authorizations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District adopts the Scottsdale Road Corridor Drainage Master Plan Final Report as the basis to mitigate storm water flooding within the watershed area; and,

BE IT FURTHER RESOLVED that the Board recommends that the City of Scottsdale and the Town of Paradise Valley adopt the Scottsdale Road Corridor Drainage Master Plan within their respective jurisdictions as a planning tool to establish regional flood control infrastructure to mitigate storm water flows within the study area; and,

BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements with the City of Scottsdale, Town of Paradise Valley, and/or other parties, as appropriate, for right-of-way acquisition, design, construction, construction management, future operation, and maintenance including appropriate District participation in landscape and multi-use improvements for the preferred flood control features needed to mitigate and/or eliminate flooding within the Scottsdale Road Corridor Drainage Master Plan area, subject to the ratification and approval of the Board; and,

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BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District 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 preferred alternative features projects within the following sections:

T3N, R4E, Sections 10, 11, 14, 15, 22, 23, 27; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District retains the right to and is authorized and directed to hire, retain, or otherwise utilize the professional services of the Maricopa 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 preferred alternative of the Scottsdale Road Corridor Drainage Master Plan which cannot be obtained by donation or purchase in the following locations:

T3N, R4E, Sections 10, 11, 14, 15, 22, 23, 27,

subject to the ratification and approval of the 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 current and future Five-Year Capital Improvement Program (CIP) for design, construction of features identified in the Scottsdale Road Corridor Drainage Master Plan, subject to prioritization by the District and subsequent approvals by the Board of future Five-Year CIP; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award a contract for engineering services for implementation of the Scottsdale Road Corridor Drainage Master Plan, subject to the ratification and approval of the Board.

DATED this 6th day of November 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Norma Risch, Deputy Clerk of the Board

SELL EXCESS PARCEL

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County (District) to sell an excess parcel (Parcel No. N-2138-4 EX – vacant land located in Wickenburg consisting of 0.19 acres) this fiscal year. The District will utilize its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sale of all real property based on prevailing market conditions. The sale price will be 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 accordance with ARS §9-402, which mandates that an invitation for bid be published for the sale of all real property. (C6903037B) (ADM1903-001)

MEETING ADJOURNED

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

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Don Stapley, Chairman of the Board

ATTEST:

Norma Risch, Deputy Clerk of the Board