

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
APRIL 20, 2005**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., April 20, 2005, in the Board of Supervisors' Auditorium, 205 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. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Stefanie Pesqueira, 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

~ Director Wilcox was absent ~

MINUTES

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to approve the minutes of meeting held March 23, 2005.

PERSONNEL AGENDA

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) 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 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)

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

Item A002.002, A002.003, A002.005-TR, A002.007-TR; Warranty Deed from the Flood Control District of Maricopa County to the City of Glendale for the sum of \$1.00 [per IGA FCD 2002A003].

Item A002.003-PDE; Assignment of Easements from the Flood Control District of Maricopa County to the City of Glendale for the sum of \$1.00 [per IGA FCD 2002A003].

Item A002.004; Special Warranty Deed from the Flood Control District of Maricopa County to the City of Glendale for the sum of \$1.00 [per IGA FCD 2002A003].

Item A002.013, A002.014; Permanent Irrigation Easement and Agreement for Flood Control Purposes 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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Floodprone Properties Voluntary Buyout (Per Resolution FCD2004R013)

Item FP014, Warranty Deed from Shannon A. Watson to the Flood Control District of Maricopa County for the sum of \$310,000.00.

Item FP014, Purchase Agreement and Escrow Instructions.

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

Item R-98A-ROE, Right-of-Entry Easement and Agreement for Flood Control Purposes from Pratte Development Company, Inc. to the Flood Control District of Maricopa County for the sum of \$500.00.

Property Management – ACDC (Per Resolution FCD 1999R016)

Item T-295 and T-298, Non Exclusive Utility Easement from the Flood Control District of Maricopa County to AGL Networks Fiber Optics for the sum of \$5,520.00.

Property Management – I-10 ADOT Basins (Per Resolution FCD 1999R016)

Item A004.004 and A004.005, Non Exclusive Access Easement from the Flood Control District of Maricopa County to VHS of South Phoenix, Inc. for the sum of \$1.00.

Item A004.004 & A004.005, Non Exclusive Drainage Easement from the Flood Control District of Maricopa County to VHS of South Phoenix, Inc. for the sum of \$1.00.

RESOLUTION FOR EL RIO EDUCATIONAL RESEARCH AND DEVELOPMENT PROJECT

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (4-0-1) to adopt Resolution FCD 2005R002, El Rio Educational Research and Development Project. This resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to negotiate and prepare Intergovernmental Agreements with Maricopa County Parks and Recreation Department, the Maricopa County Department of Transportation, and enter into Cooperative Agreements with the U.S. Department of Interior Bureau of Reclamation, which identify the District's role and responsibilities for cost sharing in the El Rio Educational Research and Development Project. (C6905103600) (ADM1900)

**RESOLUTION FCD 2005R002
EL RIO EDUCATIONAL RESEARCH AND DEVELOPMENT 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 contract and join with the United States, municipalities, political subdivisions, and others for acquiring, constructing, maintaining and operating flood control works; and,

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WHEREAS, the Board approved Contract FCD 2001C024, on August 7, 2002 (C-69-02-083-5-00) authorizing the District to undertake the El Rio Watercourse Master Plan (El Rio Study); and,

WHEREAS, floodwater conveyance in the Gila River has been affected by the excessive growth of non-native plant species and evaluation of improvements to floodwater conveyance is an important outcome of the El Rio Study; and,

WHEREAS, solutions that are identified by the El Rio Study may include structural flood control projects that will require removal of salt cedar within Waters of the United States (WUS) requiring a Clean Water Act Section 404 permit, which requires habitat mitigation; and,

WHEREAS, the El Rio Study has identified the need to construct a research project to determine the most effective method to replace the salt cedar community with hydraulically and ecologically compatible plant species in order to improve floodwater conveyance and comply with 404 permit requirements; and,

WHEREAS, the results of this research project will be used and integrated into future watercourse and area master planned flood control projects, as well as Capital Improvement Projects along watercourses throughout Maricopa County; and,

WHEREAS, it is in the best interest of the District to cooperate with the Maricopa County Board of Supervisors, the Maricopa County Parks and Recreation Department, and the U.S. Department of the Interior Bureau of Reclamation in developing the El Rio Educational Research and Development Project to research floodwater conveyance and other issues pertaining to salt cedar removal in Southwestern watercourses including federal permit requirements while educating the public about environmental issues in the Estrella Mountain Regional Park; and,

WHEREAS, the El Rio Educational Research and Development Project site will be located on approximately ten (10) acres in the Gila River and included in the Maricopa County Estrella Mountain Regional Park, as shown on Exhibit A, attached hereto and made a part hereof; and,

WHEREAS, the District in cooperation with the Maricopa County Department of Parks and Recreation, the Maricopa County Department of Transportation, the U. S. Department of the Interior Bureau of Reclamation, and others, will work to implement the proposed features of the El Rio Educational Research and Development Project, which consists of four (4) vegetation research plots in the Gila River, a trail, an educational kiosk and interpretive signs, and a parking area, subject to funding, priorities and future authorizations.

NOW, THEREFORE, BE IT RESOLVED the Board authorizes and directs the Chief Engineer and General Manager to negotiate and prepare cost sharing Intergovernmental Agreements (IGA) with the Maricopa County Parks and Recreation Department and the Maricopa County Department of Transportation and to enter into Cooperative Agreements with the U.S. Department of the Interior Bureau of Reclamation and/or other municipalities, agencies, and others as necessary, for rights-of-way acquisition, design, construction, construction management and future operation and maintenance for the El Rio Educational Research and Development Project including applying for, accepting, and utilizing funds from the U.S. Department of the Interior Bureau of Reclamation, 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

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and directed to include funds for planning and implementing, in the District's current and future Operations budget for routing of U.S. Department of the Interior Bureau of Reclamation funds and in the District's current and future Five-Year Capital Improvement Program (CIP), for the El Rio Educational Research and Development Project, subject to the ratification and approval of this Board.

DATED this 20th day of April 2005.

/s/ Max W. Wilson, Chairman

ATTEST:

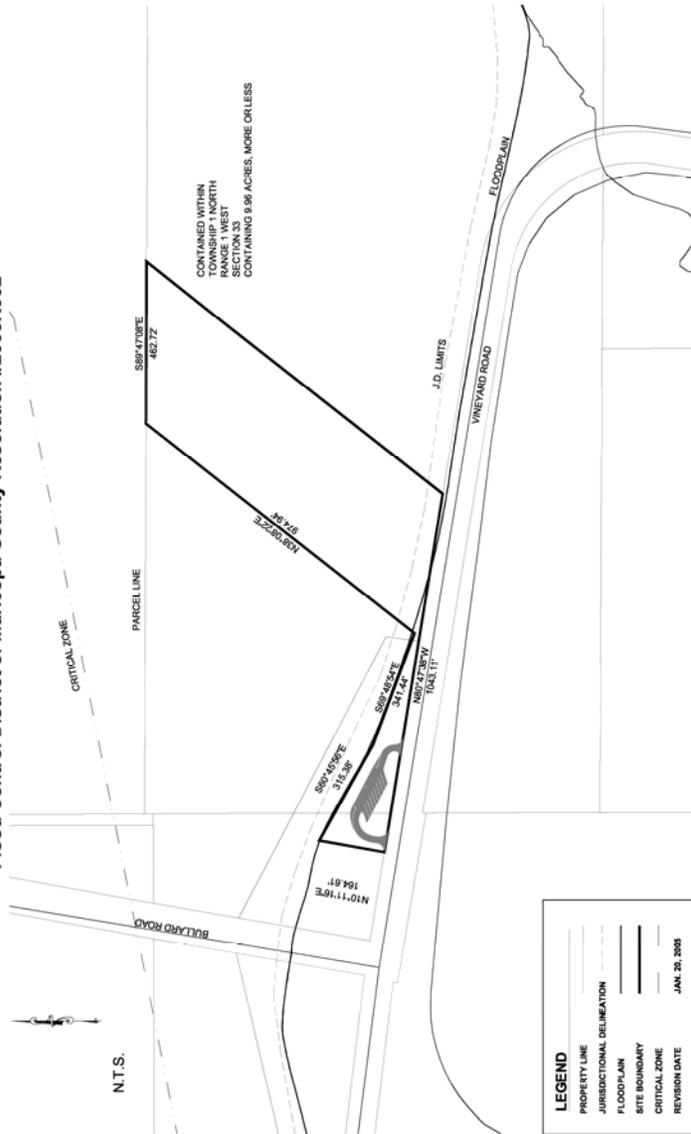
/s/ Fran McCarroll, Clerk of the Board

Enclosure: Exhibit A, Resolution FCD2005R002 El Rio Educational Research and Development Project

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EXHIBIT A - El Rio Educational Research and Development Project

Flood Control District of Maricopa County Resolution #2005R002



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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