

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
December 7, 2005**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., December 7, 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; and Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

MINUTES

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to approve the minutes of the meeting held September 21, 2005, October 5, 2005 and October 19, 2005.

PERSONNEL AGENDA

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to approve the 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 ACQUISITION DOCUMENTS

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

Floodprone Properties Voluntary Buyout (Per Resolution FCD 2004R013)

Item FP038, Warranty Deed from Thomas K. Wagner and Elizabeth Ann Nickerson Wagner, Trustees to the Flood Control District of Maricopa County for the sum of \$760,000.00.

Item FP038, Purchase Agreement and Escrow Instructions.

Horspitality Flooding Hazard Mitigation (Per: Resolution FCD 2005R013)

Item E-346.02.20-01, 02; Easement and Agreement for Flood Control Purposes from Paul M. Sullivan and Janice M. Sullivan to the Flood Control District of Maricopa County for the sum of \$1.00.

Property Management - ACDC (Per Resolution FCD 1999R016)

Item T-331-EX, Special Warranty Deed from the Flood Control District of Maricopa County to Preach Incorporated for the sum of \$105,000.00.

Item T-331-EX, Purchase Agreement and Escrow Instructions.

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Property Management - Sunnycove Pipeline (Per Resolution FCD 1999R016)

Item N-2138-4EX, Special Warranty Deed from the Flood Control District of Maricopa County to Roy Polewka for the sum of \$66,500.00.

Item N-2138-4EX, Purchase Agreement and Escrow Instructions.

AMENDMENT AND BUDGET ADJUSTMENT FOR 10TH STREET WASH IMPROVEMENTS

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) Amendment FCD 2005A001A to IGA FCD 2005A001, approved by the Flood Control District of Maricopa County Board of Directors on June 22, 2005 (C6905127200), between the Flood Control District of Maricopa County and the City of Phoenix for the design, utility relocations, rights-of-way acquisition, 404 permit, construction, construction management, and operation and maintenance of 10th Street Wash Improvements, from Alice Avenue to Arizona Canal Diversion Channel (ACDC) Project #580. This amendment allows the city to utilize their "in-house" Landscape Architect staff to perform the landscaping design task, track the cost and receive a credit towards their overall cost share as defined in original IGA FCD 2005A001. Also, it allows the district to retain engineering consultant services to expedite the design of the project. The total estimated project cost remains the same at \$3,100,000.

In order to adequately provide funding for the 10th Street Wash Improvements Project and due to changes in specific other CIP project schedules, the Board is also requested to approve a budget adjustment to the District's FY 2005-06 Capital Improvement Program Budget. The adjustment will reduce the budget amount currently funding Project #480 Queen Creek ADMP by \$170,000, and increase the budget amount in Project #580 ACDC ADMP by \$170,000, of which the 10th Street Wash Improvements is a part. (C6905127202)

IGA WITH CITY OF PEORIA FOR 83RD AVENUE & PINNACLE PEAK PROJECT

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2005A008 among the Flood Control District of Maricopa County, City of Peoria, and the Maricopa County Department of Transportation for the construction, construction management and operation and maintenance of the 83rd and Pinnacle Peak Road Drainage Improvements Project #450. (C6906035200)

BIDS AND AWARD FOR DURANGO REGIONAL CONVEYANCE CHANNEL AND BASINS PROJECT

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to authorize the Flood Control District of Maricopa County to issue an invitation for bids for Contract FCD 2005C017, Durango Regional Conveyance Channel and Basins Project #565. Award the contract to the most responsive and lowest responsible bidder, provided the bid does not exceed the engineer's estimate by 10%. (C6906042500)

RESOLUTION FOR BUCK FIRE REVEGETATION PROJECT

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to adopt Resolution FCD 2005R016, Buck Fire Revegetation Project. This resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County to develop and enter into

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intergovernmental agreements with the Arizona Game & Fish Department and other entities to identify the district's role and responsibilities for cost sharing the implementation of the Buck Fire Revegetation Project, subject to the ratification and approval by the Board of Directors. (C6906046600)

**RESOLUTION FCD 2005R016
BUCK FIRE REVEGETATION PROJECT**

WHEREAS, The Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48, Chapter 21, which requires the District Board of Directors to identify and eliminate or minimize flood hazards by implementing flood hazard mitigation programs within Maricopa County; and (C6906046600)

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 authorizes the District Board of Directors (Board) to contract and join with the United States, municipalities, political subdivisions, and others for acquiring, constructing, maintaining and operating flood control works; and,

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 WCMP); and,

WHEREAS, floodwater conveyance in the Gila River has been affected by the excessive growth of salt cedar and the evaluation of improvements to floodwater conveyance will be an important product of the El Rio WCMP; and,

WHEREAS, recommended measures to reduce flood hazards identified by the El Rio WCMP may prescribe removal of salt cedar within Waters of the United States (WUS) and may require a Clean Water Act Section 404 Permit; and,

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

WHEREAS, the Buck Fire burned approximately 570 acres in the Gila River, south of Buckeye , Arizona on June 29, 2005 on properties owned or managed by the Arizona Game and Fish Department, which created favorable conditions for a revegetation project due to the reduction in salt cedar biomass; and,

WHEREAS, it is in the long term interest of the District to partner with the Arizona Game and Fish Department in developing the Buck Fire Revegetation Project on approximately fifty (50) acres of land managed by the Arizona Game and Fish Department, as shown on Exhibit A, to conduct research on salt cedar removal and replacement and other issues pertaining to floodwater conveyance in Southwestern watercourses and located as follows:

Township 1 South, Range 3 West, Section 18.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate, prepare and enter into intergovernmental agreements with the Arizona Game and Fish Department, with other municipalities, agencies and others, as appropriate, for permit and rights-of-way acquisition, design, construction, construction management and future

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operation and maintenance for the Buck Fire Revegetation Project, 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 Operations Budgets for planning and implementing the Buck Fire Revegetation Project, subject to prioritization by the District and subsequent approvals by this Board of future Operations Budgets.

DATED this 7th day of December 2005

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

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosure: Exhibit A (next page)

EXHIBIT A - Buck Fire Revegetation Project

Flood Control District of Maricopa County Resolution # 2005R016



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RESOLUTION FOR LOOP 303 DRAINAGE IMPROVEMENTS PROJECT

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to adopt Resolution FCD 2005R017, Loop 303 Drainage Improvements Project. This Resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County to negotiate intergovernmental agreements for the cost sharing, 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 Loop 303 Drainage Improvements Project, subject to the ratification and approval by the Board of Directors. (C6906048600)

**RESOLUTION FCD 2005R017
LOOP 303 DRAINAGE IMPROVEMENTS**

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and, (C6906048600)

WHEREAS, the Flood Control District of Maricopa County (District) has updated the White Tanks Area Drainage Master Plan (ADMP), a regional drainage master plan, originally published in 1992, and subsequently updated with the Loop 303 Corridor / White Tanks ADMP Update, published in 2005, 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 Tank Mountains, and the Gila River; and,

WHEREAS, the ADMP recommended a preferred regional solution to the identified flooding problems associated with a portion of the watershed that includes channel(s) and basin(s) located west of SR 303(L) from approximately Greenway Road and outfalling into the Gila River, as shown on Exhibit A, attached hereto and made a part hereof; 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 Maricopa County Department of Transportation requested in the FY 2004/2005 CIP Prioritization Procedure that the Flood Control District cost share in the Loop 303 Drainage Improvements and again in the FY2005/2006 CIP Prioritization Procedure on behalf of Arizona State Department of Transportation (ADOT) to mitigate a portion of the drainage problems identified in the ADMP; and,

WHEREAS, the Loop 303 Drainage Improvements are herein defined as the channel(s) and basin(s) system as generally shown on enclosed Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager to negotiate and prepare intergovernmental agreements and/or agreements with the ADOT, other municipalities, agencies and others, as appropriate, for cost sharing, 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 Loop 303 Drainage Improvements, 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 hereby authorized and directed to negotiate with landowners and/or appropriate agencies to obtain the necessary

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Rights-of-Entry, Property and/or Easements and all other necessary land rights and is authorized and directed 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 Loop 303 Drainage Improvements, which cannot be obtained by donation or purchase in the following locations:

T1N, R2W, Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36;
T2N, R2W, Sections 1, 12, 13, 24, 25, 35, 36;
T3N, R2W, Sections 12, 13, 24, 25, 36;

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 Capital Improvement Program (CIP) for the Loop 303 Drainage Improvements, subject to the District's funding availability and subsequent approvals by this 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 contracts for engineering services for implementation of the Loop 303 Drainage Improvements, subject to the ratification and approval of this Board.

DATED this 7th day of December 2005

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

ATTEST:

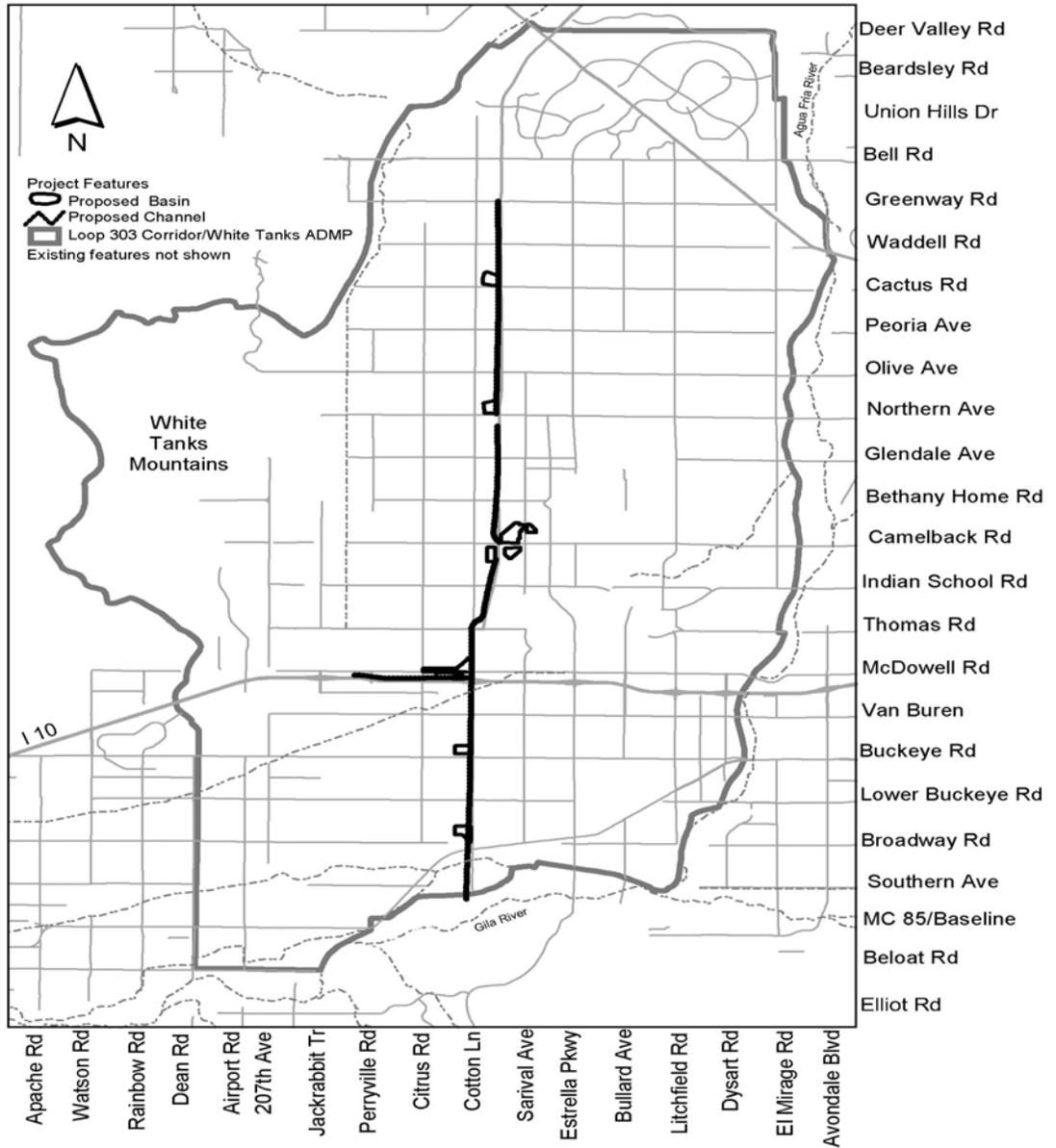
/s/ Fran McCarroll, Clerk of the Board

Enclosure: Exhibit A, Resolution FCD 2005R017

EXHIBIT A: RESOLUTION FCD2005R017, LOOP 303 DRAINAGE IMPROVEMENTS (next page)

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IGA WITH USGS FOR WATER RESOURCE DATA COLLECTION

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2005A013, between the Flood Control District of Maricopa County and the United States Geological Survey (USGS), covering the period October 1, 2005 to September 30, 2006, to continue collecting data on local watersheds. This has been an ongoing joint agreement for more than 20 years. The total cost of the IGA is \$327,020, which is a 2% increase from the previous IGA. The district costs under this agreement will be \$201,010, with the USGS contributing the remaining \$126,010. Payments are to be made quarterly. (C6906049200)

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