

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
October 18, 2006**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., October 18, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Bruce White, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

PERSONNEL AGENDA

Motion was made by Director Brock, seconded by Director Wilson, and unanimously carried (5-0) 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 ACQUISITIONS

Motion was made by Director Brock, seconded by Director Wilson, and unanimously carried (5-0) 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)

Property Management - Rittenhouse Road Drain (Per Resolution FCD 1999R016)

Item RR10, Gas Line Easement from the Flood Control District of Maricopa County to Southwest Gas Corporation, a California Corporation for the sum of \$3,920.00.

DOWNTOWN BUCKEYE REGIONAL BASIN AND STORM DRAIN PROJECT

Motion was made by Director Brock, seconded by Director Wilson, and unanimously carried (5-0) to adopt Resolution FCD2006R007, Downtown Buckeye Regional Basin and Storm Drain Project, for developing and negotiating intergovernmental agreements (IGA) and agreements for the cost sharing, design, construction, construction management, rights-of-way acquisition, operation and maintenance. Also allow for the authorization to perform designs; authorization for rights-of-way acquisition, and program funding for the Downtown Buckeye Regional Basin and Storm Drain Project. (C6907018600) (ADM1900)

**RESOLUTION FCD 2006R007
DOWNTOWN BUCKEYE REGIONAL BASIN AND STORM DRAIN PROJECT**

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 plan for the construction of facilities, such as the Downtown Buckeye Regional Basin and Storm Drain Project, that eliminate or minimize flooding problems within Maricopa County; and,

WHEREAS, the District conducted the Buckeye/Sun Valley Area Drainage Master Study (ADMS) to identify existing and future drainage and flooding problems and to assist the District in the prioritization and development of future drainage infrastructure needs; and

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WHEREAS, the District's Buckeye/Sun Valley ADMS identified significant flooding hazards in historic downtown Buckeye in the area bounded by the MC Hwy 85 on the north, Hazen Road on the south, Apache Road on the east and Miller Road on the West; and

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

WHEREAS, these flooding problems were further evaluated and a mitigation plan was developed under the Downtown Buckeye Candidate Assessment Report, completed in June of 2004; and,

WHEREAS, a pre-design assessment study conducted and finalized in June 2005 further defined the preferred alternative for the mitigation of storm water flows with drainage infrastructure, shown on the attached Exhibit 1, and herein referred to as the Downtown Buckeye Regional Basin and Storm Drain Project (Project); and

WHEREAS, the Town of Buckeye submitted the Project to the District in the FY 2005/2006 Capital Improvement Program Prioritization Procedure and it has been recommended by the Flood Control Advisory Board for inclusion into the District's Capital Improvement Program; and

WHEREAS, the Project consists of a regional basin, storm drains and open collector channels, depicted on Exhibit 1;

NOW, 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 Town of Buckeye, and/or other municipalities and agencies, as appropriate, for right-of-way acquisition, design, construction, construction management, and operation and maintenance for the Downtown Buckeye Regional Basin and Storm Drain Project, 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 Project within the following locations:

Sections 4, 5, 8, 9, 16, 17, and 18 of Township 1 South, Range 3 West of the Gila and Salt River Baseline and Meridian, Maricopa County, Arizona.

BE IT FURTHER RESOLVED, that the Chief Engineer and General Manager of the Flood Control District of Maricopa County retains the right to 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, under the rights of eminent domain, any and all necessary rights-of-entry, real property, and/or easements required for the project which cannot be obtained by donation or purchase in the following locations:

Sections 4, 5, 8, 9, 16, 17 and 18 of Township 1 South, Range 3 West of the Gila and Salt River Baseline and Meridian, Maricopa County, Arizona.

Subject to the ratification and approval of this Board; and,

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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 to pay for the District's share of the Project, subject to the availability of funds and 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 proceed with design of the Project and to advertise, select, negotiate and award contracts for engineering services necessary for design and/or construction of the Project, subject to the availability of funds subject to the ratification and approval of this Board.

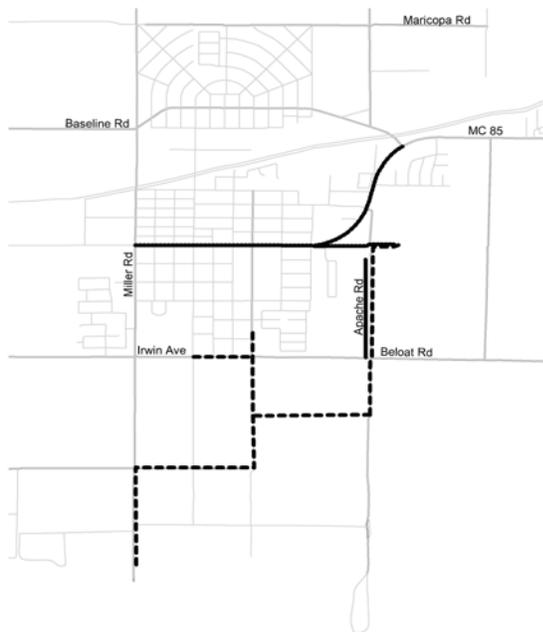
DATED this 18th day of October 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

EXHIBIT 1: RESOLUTION FCD2006R007



LEGEND

-  Potential Storm Drain Alignments
-  Potential Pipe Outfall Alignments
-  Potential Open Channel Outfalls
-  Street Centerlines

1000 0 1000 Feet



VA SHYL'AY AKIMEL ENVIRONMENTAL RESTORATION PROJECT

Motion was made by Director Brock, seconded by Director Wilson, and unanimously carried (5-0) to approve Resolution FCD2005R006, authorizing and directing the Chief Engineer and General Manager of the Flood Control District of Maricopa County to negotiate an intergovernmental agreement with the City of Mesa to participate in the Pre-construction Engineering Design for the Va Shyl'ay Akimel

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Environmental Restoration Project and to reimburse the city for a portion of the local cost share of the design in the amount of \$100,000.

Also approve adjustment to the FY 2006-07 Five Year Flood Control District of Maricopa County Capital Improvement Program (CIP) budget. The adjustment is required to increase funding to Salt River Upstream Indian Bend (Function Class F130) in the amount of \$100,000 and decrease funding to the White Tanks Area Drainage Master Plan (ADMP) (Function Class F470) in the amount of \$100,000. (C6907020600) (ADM1900)

**RESOLUTION FCD2005R006
VA SHLY'AY AKIMEL RESTORATION PROJECT**

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 requires the Flood Control District to identify and eliminate or minimize flooding problems by implementing flood hazard mitigation programs within Maricopa County; and

WHEREAS, Arizona Revised Statutes Title 48, Chapter 36, as revised, authorizes the Board of Directors to enter into intergovernmental agreements with political subdivisions of the state for the design and construction of capital facilities to eliminate or minimize flooding problems within Maricopa County; and

WHEREAS, the United States Army Corps of Engineers (COE) in partnership with the City of Mesa and the Salt River Pima Maricopa Indian Community, have completed the Va Shly'ay Akimel Salt River Ecosystem Restoration Feasibility Study (Feasibility Study); and

WHEREAS, the Feasibility Study has identified a recommended alternative that includes capital facilities to eliminate or minimize flooding problems within the Salt River; and

WHEREAS, the City of Mesa (CITY) entered into a design agreement with the COE to be a local sponsor for Preconstruction Engineering Design of the recommended alternative; and

WHEREAS, the Feasibility Study estimates the cost of Preconstruction Engineering Design to be \$5,000,000.00; and

WHEREAS, the COE requires the local sponsor to provide a cost share of twenty-five percent (25%) of the cost of Preconstruction Engineering Design; and

NOW, THEREFORE, BE IT RESOLVED that the Chief Engineer and General Manager is authorized and directed to negotiate an Intergovernmental Agreement (IGA) with the City of Mesa to participate in the Va Shly'ay Akimel Restoration Project Preconstruction Engineering Design and to reimburse the City of Mesa for a portion of the local cost share of said design for flood damage reduction within the CITY and unincorporated Maricopa County in the amount of \$100,000.00.

DATED this 18TH day of October 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosure: Exhibit A – Va Shly'ay Akimel Vicinity Map

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EXHIBIT A
Resolution FCD2005R006

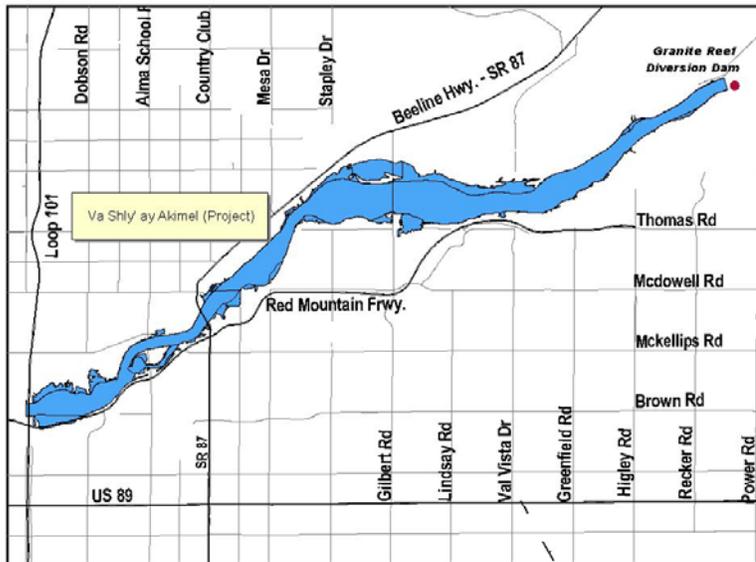


Exhibit A
Va Sh'ay Akimel Site Map

RESOLUTION TRANSFER OF REAL PROPERTY

Motion was made by Director Brock, seconded by Director Wilson, and unanimously carried (5-0) to adopt Resolution FCD 2006R011, Transfer of Real Property from Maricopa County to the Flood Control District of Maricopa County for approval and acceptance to acquire, at no cost to the District, the non-possessory interest in the dedicated right-of-way and easements designated as The East Mesa Drains, Maricopa County, Arizona. (C1807006000) (C6907022B00) (ADM1903-001)

EXHIBIT A
EAST MESA DRAINS
MCR Book 98 Page 15:

A drainage easement being that portion of the east 30 feet of the south 1,873.58 feet of "Knolls Estates", a subdivision of a portion of the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 21 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 98, Page 15, in the office of the Recorder, Maricopa County, Arizona; EXCEPT any portion of East Alder Road, East Balsam Road, and East Broadway Road right-of-way. The above described parcel contains 1.1870 acres more or less.

MCR Book 107 Page 19:

A drainage easement being that portion of "34 PALMS", a subdivision of a portion of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 107, Page 19 in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land 16 feet wide lying between Lot 18 and Lot 19 of said plat. The above described parcel contains 0.0371 acres more or less.

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MCR Book 98 Page 3:

A drainage easement being that portion of "Knolls Mobile Homes Subdivision", a subdivision of a portion of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 98, Page 3, in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land that lies between Lots 5, 12, 21, 28, 37 and Lots 6, 11, 22, 27, 38 of said plat; EXCEPT any portion of the right-of-way of 82nd Way, 83rd Street, and 83rd Place right-of-way. The above described parcel contains 0.1965 acres more or less.

MCR Book 128 Page 5:

A drainage easement being that portion of "Cherokee Mobile Estates", a subdivision of part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 21 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 128, Page 5, in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land lying 60 feet in width south of Lot 16 through Lot 23 of said plat; EXCEPT any portion of the South Ellsworth Road right-of-way. The above described parcel contains 0.7149 acres more or less.

MCR Book 133 Page 50:

A drainage easement being that portion of "Cherokee Mobile Estates Unit Two", a subdivision of part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 21 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 133, Page 50, in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land lying south of Lots 184 through 195 of said plat; EXCEPT any portion of the right-of-way of East Broadway Road, South 90th Street, and South 91st Street right-of-way. The above described parcel contains 0.7456 acres more or less.

MCR Book 97 Page 15:

A drainage easement being that portion of "Apache Paradise Unit One", a subdivision of a portion of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 22 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 97, Page 15 in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land lying between Lots 43 through 52 plus Lot 56 and Lots 57 through 68 of said plat; EXCEPT any portion of 98th Street right-of-way. The above described parcel contains 1.2916 acres more or less.

MCR Book 107 Page 34:

A drainage easement being that portion of "Apache Paradise Unit Two", a subdivision of a portion of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 22 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 107, Page 34 in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land lying between Lots 38 through 42 and Lots 69 through 73 of said plat; EXCEPT any portion of 96th Street right-of-way. The above described parcel contains 0.4842 acres more or less.

MCR Book 116 Page 5:

A drainage easement being that portion of "Crisway Estates Unit Two", a subdivision of part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 116, Page 5, in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land lying between Lots 97 and 101 of said plat and Lots 98 and 100 of said plat, and that certain parcel of land lying south of Lot 61 and bound by East Coralbell Avenue and 98th Way of said plat; EXCEPT any portion of East Coralbell Avenue, 98th Way, and 99th Street rights-of-way. The above described parcel contains 0.1467 acres more or less.

MCR Book 118 Page 48:

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A drainage easement being that portion of "Crisway Estates Unit Three", a subdivision of part of the Northeast Quarter of the Northeast Quarter (NE¼NE¼) of Section 27 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 118, Page 48, in the office of the Recorder, Maricopa County, Arizona; said portion is that that certain parcel of land lying between Lots 167 and 181 and Lots 168 and 180 of said plat, and that certain parcel of land lying between Lots 133 and 141 and Lots 134 and 140 of said plat; EXCEPT any portion of 99th Street, 99th Place, and Crismon Road right of way. The above described parcel contains 0.2266 acres more or less.

MCR Book 109 Page 8:

A drainage easement being that portion of "Newman Park", a subdivision part of the East 165.7 feet of the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section 22 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 109, Page 8 in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land lying between Lot 2 and Lot 3 of said plat; EXCEPT any portion of South Crismon Road right-of-way. The above described parcel contains 0.1440 acres more or less.

MCR Book 124 Page 13:

A drainage easement being that portion of "Valley View #4", a subdivision of the Southwest Quarter of the Northwest Quarter (SW¼NW¼) of Section 5 - T1N, R7E of the G&SRB&M, according to the plat recorded at Book 124, Page 13 in the office of the Recorder, Maricopa County, Arizona; said portion is that certain parcel of land 30 feet wide lying between Lots 1 through 12 of said plat and Lots 13 through 21 of said plat; EXCEPT any portions of 76th Street and 78th Street right-of-way; said parcel contains 0.9116 acres more or less.

WICKENBURG DOWNTOWN FLOODING HAZARD MITIGATION PROJECT

Motion was made by Director Brock, seconded by Director Wilson, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County to issue an Invitation for Bids for Contract FCD 2006C018, Wickenburg Downtown Flooding Hazard Mitigation Project, #343, and award the contract to the lowest responsive responsible bidder if the bid is not more than 10% over the engineer's estimate. (C6907023500)

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board