

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**June 2, 2004**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., June 2, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Fulton Brock, District 1; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present, Fran McCarroll, 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)

**FLOOD CONTROL DISTRICT PERSONNEL AGENDA**

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

**New River Dam Dike #2 Encroachment Mitigation (Per Resolution FCD Docket Number 10794)**

Item A020.001 and 002, Warranty Deed from Desert Cove Homes, Inc., a Nevada Corporation to the Flood Control District of Maricopa County for the sum of \$6,100.00.

Item A020.001 and 002, Purchase Agreement and Escrow Instructions.

**RESOLUTION – TRILBY WASH FEASIBILITY STUDY**

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (4-0-1) to adopt Resolution FCD 2004R003 authorizing and directing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to negotiate intergovernmental agreements (IGAs) with the U.S. Army Corps of Engineers (USACOE) and others, as necessary for the Trilby Wash Feasibility Study. This resolution further authorizes the district to enter into negotiations for technical service contracts for planning and engineering contracts for the Trilby Wash Feasibility Study and to award those contracts, subject to the ratification and approval of the Board of Directors. All contracts will be submitted to the Board for ratification and approval. This study will be funded out of the District's Operating Budget and is contingent upon Board approval of future years Operating Budget submissions. (C69040856) (ADM1900)

**RESOLUTION FCD2004R003  
TRILBY WASH FEASIBILITY STUDY**

**WHEREAS**, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48 for the purpose of acquiring, constructing, maintaining,

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and operating flood control facilities to control waters of rivers, streams, and other surface waters to prevent the flooding of property and the endangering of lives of people; and,

**WHEREAS**, the District is mandated by state and federal law to comply with dam safety regulations and the District is the primary agency responsible for the safe and proper operation of twenty-two (22) flood control dams; and,

**WHEREAS**, the District operates and maintains the McMicken Dam Project (McMicken Dam), which includes McMicken Dam, McMicken Outlet Channel, and McMicken Outlet Wash, which provides highly beneficial flood protection for a significant portion of Maricopa County; and,

**WHEREAS**, issues of dam safety, aging infrastructure, land subsidence, earth fissuring, and urbanization encroachment must be addressed at the McMicken Dam if flood protection provided by the McMicken Dam is to be sustained into the future; and,

**WHEREAS**, Public Law 761, seventy-fifth Congress, dated June 28, 1938 authorized and directed the Secretary of War to conduct preliminary examinations and surveys of the Gila River and its tributaries in Arizona, and the Senate Energy and Water Development Appropriation Bill, 1994, dated September 7, 1993 (to accompany House Report 2445) provided funding for the United States Army Corps of Engineers (USACOE) to conduct a reconnaissance study investigating restoration of riparian habitat, recreation, recharge, water quality, and flood control on the Agua Fria River known as Trilby Wash; and,

**WHEREAS**, the USACOE has conducted a reconnaissance study investigating restoration of riparian habitat, recreation, recharge, water quality, and flood control on the Agua Fria River known as "Maricopa County (Trilby Wash), Arizona", and the Energy and Water Development Appropriations Act, 2000 (Public Law 106-60, dated 29 September 1999), pursuant to this authority, and has determined that further study in the nature of a "Feasibility Phase Study" is required to fulfill the intent of the study authority and to assess the extent of the Federal interest in participating in a solution to the identified problem; and,

**WHEREAS**, The proposed Trilby Wash Feasibility Study includes the McMicken Dam Project and its watershed inclusive of Trilby Wash and areas downstream benefited by the McMicken Dam; and,

**WHEREAS**, Section 105 of the Water Resources Development Act of 1986 (Public Law 99-662, as amended) specifies the cost sharing requirements applicable to the proposed Trilby Wash Feasibility Study.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to negotiate intergovernmental agreements (IGAs) with the USACOE and others, as necessary for the Trilby Wash Feasibility Study; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to enter into negotiations for technical service contracts for planning and engineering contracts for the Trilby Wash Feasibility Study; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to conduct environmental, regulatory permitting, public involvement activities, and to obtain all necessary rights-of-entry for the Trilby Wash Feasibility Study; 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 sufficient funding in future District budgets to fund the District's share of the costs for the Trilby Wash Feasibility Study and related District activities, subject to the approval of this Board.

**DATED** this 2<sup>nd</sup> day of June 2004

/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**CONTRACT WITH JACOBS CIVIL, INC. – 83<sup>RD</sup> AVENUE & PINNACLE PEAK ROAD DRAINAGE IMPROVEMENTS PROJECT**

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (4-0-1) to award Contract FCD 2003C060, 83<sup>rd</sup> Avenue & Pinnacle Peak Road Drainage Improvements Project No. 450] to Jacobs Civil, Inc. The basic contract is for a lump sum of \$677,777.83 plus a not-to-exceed fee of \$73,383.32 for optional items. The optional items, which include additional public meetings, PAAC meetings, basin and channel design, utility designating and potholing, will only be implemented if needed. The total contract amount, including the optional items, will not exceed \$751,161.15. The contract performance is 420-calendar days effective the date of the notice-to-proceed. (C69040915)

**CONTRACT WITH STEWART GEO TECHNOLOGIES, INC. – WICKENBURG AREA DRAINAGE MASTER PLAN**

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (4-0-1) to award Contract FCD 2003C066, Mapping Services for Wickenburg Area Drainage Master Plan (ADMP), to Stewart Geo Technologies, Inc., in the lump sum of \$829,968. The contract performance is 390-days effective the date of the notice-to-proceed. (C69040935)

**CONTRACT WITH RBF CONSULTING – LOWER CENTENNIAL WASH WATERSHED ZONE A DELINEATION STUDY**

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (4-0-1) to award Contract FCD 2003C061, Lower Centennial Wash Watershed Zone A Delineation Study to RBF Consulting in the lump sum of \$689,730. This contract is to delineate floodplains of washes tributary to Centennial Wash located within unincorporated Maricopa County. The contract performance period is 940-days following the notice-to-proceed. (C69040965)

**RESOLUTION – 26<sup>TH</sup> AVENUE AND VERDE LANE DETENTION BASIN AND STORM DRAIN PROJECT**

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (4-0-1) to adopt Resolution FCD 2004R002, 26<sup>th</sup> Avenue and Verde Lane Detention Basin and Storm Drain Project No. 620]. This resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to prepare and negotiate Intergovernmental Agreement (IGA) with the City of Phoenix (City) and others, as appropriate, for cost sharing, design, rights of way acquisition, construction, construction management, and operation and maintenance for this Project and to include funding in the current and future Five Year Capital Improvement Programs (CIP). The total estimated cost of the project is \$7,000,000 with the cost being shared equally by the district (\$3,500,000) and the city (\$3,500,000). (C69040976) (ADM1900)

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**RESOLUTION FCD 2004R002  
26th AVENUE AND VERDE LANE DETENTION BASIN  
AND STORM DRAIN**

**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 in Maricopa County; and,

**WHEREAS**, the Flood Control District of Maricopa County (District) and the City of Phoenix (City) have identified elements from the Maryvale Area Drainage Master Plan (ADMP) to develop regional flood control infrastructure. The 26th Avenue and Verde Lane Detention Basin and Storm Drain (Project) features of the ADMP have been identified as a high priority; and,

**WHEREAS**, the Project, as shown on Exhibit A, includes a detention basin located at Verde Lane and 26<sup>th</sup> Avenue, a berm along the alignment of the newly constructed Arizona Department of Transportation (ADOT) wall along the north side of the ADOT basin north of Thomas, and storm drains along 26<sup>th</sup> and 25<sup>th</sup> Drives from south of the Grand Canal to the detention basin. The Project ultimate outlet will be the 27th Avenue storm drain system; and,

**WHEREAS**, in July 2001, Phoenix submitted the Project to the District's Capital Improvement Program (CIP) Prioritization Procedure for Fiscal Year 2002/03 and the Project received a favorable rating and was recommended for inclusion in the future CIP budgets; and,

**WHEREAS**, in 2003 funding for Phase 1 of the Project was included in a Phoenix voter approved bond issue; and,

**WHEREAS**, the rights-of-way acquisition, design and construction for the Project are estimated to cost \$7,000,000.00; to be cost shared equally (50/50) between the District and City, and,

**WHEREAS**, the City is the lead agency for all aspects of the Project, and the District will cooperate and cost share the implementation of the Project with the City and/or other municipalities and agencies, as appropriate.

**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 (IGA's) with the City and others, as necessary, for the coordination and cost sharing of the design, rights-of-way acquisition, construction, and construction management, and for the operation and maintenance of the 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 cost sharing funds in the District's current and future Five-Year CIP to pay for the District's portion of the Project, subject to the ratification and approval of this Board.

**DATED** this 2nd day of June 2004.

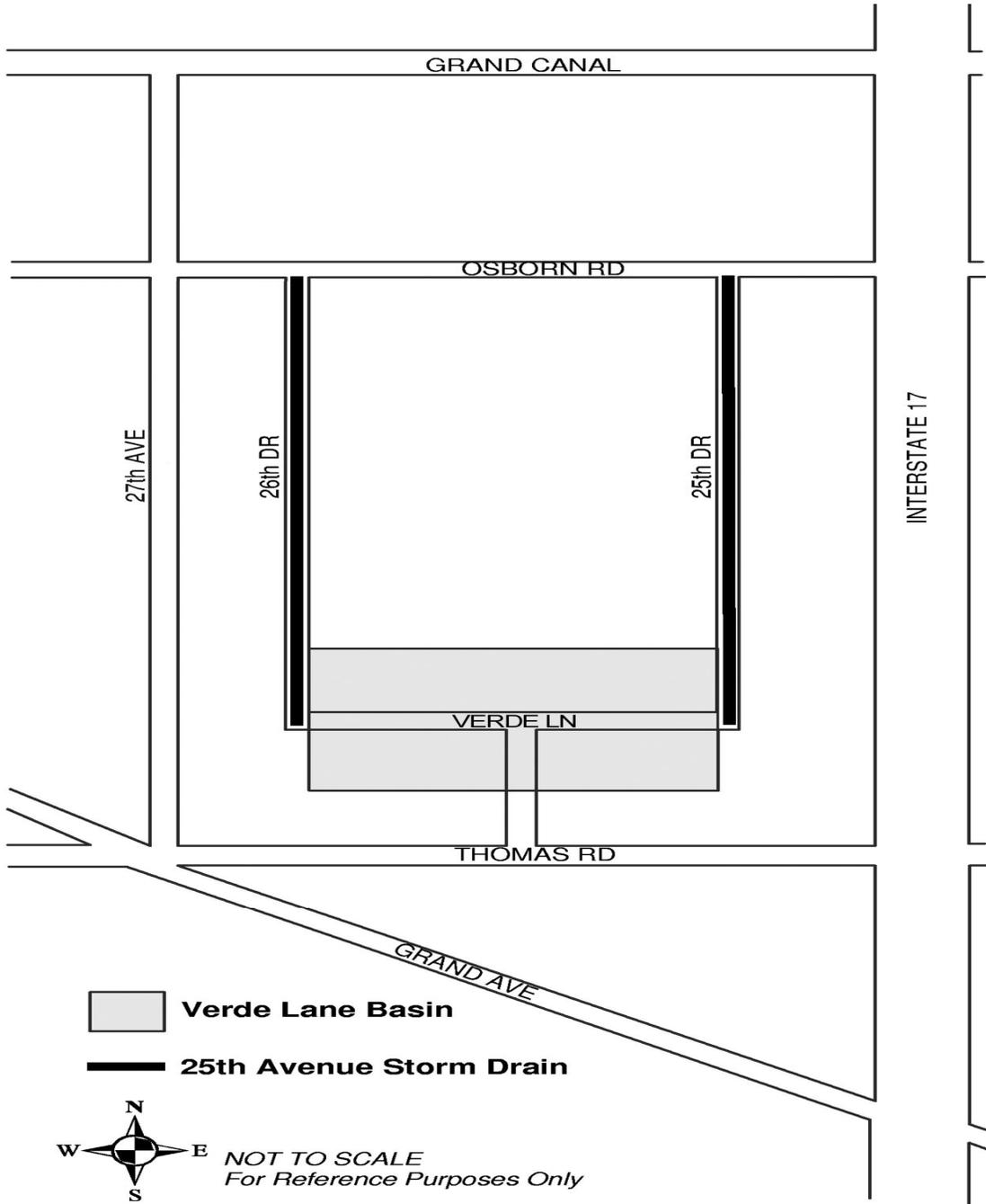
/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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**EXHIBIT "A"**  
**FCD 2204R002 Site Map**



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**EASEMENT FOR FLOOD CONTROL PURPOSES**

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (4-0-1) to consider changes to the Flood Control District of Maricopa County's position concerning easement for flood control purposes set forth in the letters to State Land Department and Natural Resources Conservation Service authorized by the Board on May 19, 2004, and authorize a letter reflecting such changes. (Discussed in executive session on June 1, 2004.) (C6904102M) (ADM1900-004)

**MEETING ADJOURNED**

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

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Andy Kunasek, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board