

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

**March 9, 2005**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m. March 9, 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, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, 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

**PERSONNEL AGENDA**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C).

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

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

**Floodprone Properties Voluntary Buyout (Per Resolution FCD2004R013)**

Item FP002, Warranty Deed from Dale C. Munn and Ruth S. Munn to the Flood Control District of Maricopa County for the sum of \$560,000.00.

Item FP002, Purchase Agreement and Escrow Instructions.

Item FP007, Warranty Deed from Manuel R. Cantu and Joyce A. Cantu to the Flood Control District of Maricopa County for the sum of \$177,000.00.

Item FP007, Purchase Agreement and Escrow Instructions.

Item FP023, Warranty Deed from Donald P. Kromer and Bonnie J. Kromer to the Flood Control District of Maricopa County for the sum of \$109,000.00.

Item FP023, Purchase Agreement and Escrow Instructions.

Item FP024, Warranty Deed from Terry L. Pettigrew to the Flood Control District of Maricopa County for the sum of \$225,000.00.

Item FP024, Purchase Agreement and Escrow Instructions.

**Northern / Orangewood Project [Butler Drive] (Per Resolution FCD 93-15)**

Item 9911.007, Assignment of Easements from the Flood Control District of Maricopa County to the City of Peoria for the sum of \$1.00 [per IGA FCD 94003].

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**Property Management – New River Dam (Per Resolution FCD 1999R016)**

Item R-007, 8A, 8B, 9, 9A, 9B, 10, 11, 13A, 13B, 16, 16B, 19, 20, 21, 22A, 23A, 23B, 23C, 25, 25A; Non-Exclusive Recreational Easement from the Flood Control District of Maricopa County to the City of Glendale for the sum of \$1.00 [per IGA FCD 2003A015].

**CONTRACT WITH ARCHON, INC., FOR BETHANY HOME OUTFALL CHANNEL - REACH 2B**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to award Contract FCD 2004C021, Bethany Home Outfall Channel - Reach 2B (Project #620) located from 73rd Avenue to 67th Avenue to Archon, Inc. The Board authorized the District on November 3, 2004 (C6905050500) to issue an Invitation for Bids and award the contract to the lowest responsible bidder if the bid was not more than ten percent (10%) above the engineer's estimate. The project was advertised and bids were opened on February 2, 2005. The apparent low bid was more than 10% higher than the engineer's estimate. A review was made of the bids submitted and the engineer's estimate. Increases in construction costs in the Phoenix metropolitan area, in particular for earthwork, are having an affect on construction contract bid prices. It has been determined by the District staff after review of the bids that the bids submitted are acceptable and that the contract should be awarded to the apparent low bidder. (C6905050501)

**RESOLUTION TO NEGOTIATE INTERGOVERNMENTAL AND PROJECT COOPERATIVE AGREEMENTS**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to adopt Resolution FCD 2003R006, Lower Agua Fria River Levee Landscape And Aesthetic Enhancements (Project). This resolution authorizes the Flood Control District of Maricopa County (District) to negotiate Intergovernmental and Project Cooperative Agreements (PCA) among the District, U. S. Army Corps of Engineers (USACE), the City of Avondale (City), and/or others, as appropriate, for rights-of-way acquisition, design, construction, construction management, and future operation and maintenance for the project that is consistent with the District's Policy for the Aesthetic Treatment and Landscaping of Flood Control Projects; limits the District's participation in the project to the maximum amount defined in the allowable cost tables in the District's Landscape and Aesthetics Policy; allows the District to contract for engineering services subject to ratification and approval of this Board of Directors of the District (Board); and allows the District to include funds in the current and future operating budget for the project. The USACE is authorized to spend no more than \$5,000,000 on any single project under this program. As required of all USACE civil works projects, a co-sponsor must cost-share 25% (\$1,670,000) of the project cost bringing the total money available for restoration to \$6,670,000. The city is expected to cost-share with the District on a 50/50 (\$835,000 each) basis. (C6905087600) (ADM1900)

**RESOLUTION FCD 2003R006  
LOWER AGUA FRIA RIVER LEVEE  
LANDSCAPE AND AESTHETIC ENHANCEMENTS**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 allows 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 the acquiring, constructing, maintaining and operating flood control works; and,

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**WHEREAS**, the Resolution 93-03 adopted by the Board on May 3, 1993, established the Flood Control District of Maricopa County (District) Policy for the Aesthetic Treatment and Landscaping of Flood Control Projects; and,

**WHEREAS**, the Policy for the Aesthetic Treatment and Landscaping of Flood Control Projects allows the District to include aesthetic treatments to existing District flood control projects that did not include aesthetic features, at the discretion of the Chief Engineer and General Manager of the District; and,

**WHEREAS**, the aesthetic treatments and landscaping were not incorporated in the Agua Fria River Channelization project when it was originally designed and constructed due to the remote location; and,

**WHEREAS**, the DISTRICT has an agreement with the U. S Army Corps of Engineers (COE) to maintain the capacity of the river channel to convey the standard project flood peak flow capacity (221 Agreement); and,

**WHEREAS**, the COE Feasibility Study, "Agua Fria River Ecosystem Restoration", has features which are consistent with the Districts' Landscape and Aesthetic Policy and with the 221 agreement; and,

**WHEREAS**, the recommended plan of the COE Feasibility Study includes river landscaping and aesthetic enhancements at two (2) locations, which total approximately 140 acres, the landscaping and aesthetic enhancement of the existing east and west levees from approximately I-10 to Van Buren Road, known as the Lower Agua Fria River Levee Landscape and Aesthetic Enhancements, heretofore referred to as the PROJECT, as shown on Exhibit A, attached hereto and made a part herein; and,

**WHEREAS**, the COE requires a local sponsor for this PROJECT who will enter into a Project Cooperation Agreement with the COE to provide the local funding and/or support for the PROJECT; and,

**WHEREAS**, the City of Avondale has agreed to be the local sponsor for the PROJECT and enter into a Project Cooperation Agreement with the COE; and,

**WHEREAS**, the District, in cooperation with the City of Avondale, COE, and others will work to implement the proposed features identified in the COE Feasibility Study, 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, agreements, with the City of Avondale, and/or other municipalities, agencies and others, as appropriate, for rights-of-way acquisition, design, construction, construction management and future operation and maintenance for the PROJECT that is consistent with the District's Policy for the Aesthetic Treatment and Landscaping of Flood Control Projects, subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Board authorizes and directs that the District may participate and contribute in the PROJECT not to exceed the amounts allowable as a maximum amount defined in the allowable cost tables in the District's Landscape and Aesthetics Policy; 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 Operating Budget for the PROJECT,

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subject to prioritization by the District and subject to ratification and approval by this Board of future Operating Budget; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, and negotiate a contract for engineering services for implementation of the PROJECT, subject to the ratification and approval of this Board.

**DATED** this 9<sup>th</sup> day of March 2005.

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

ATTEST:

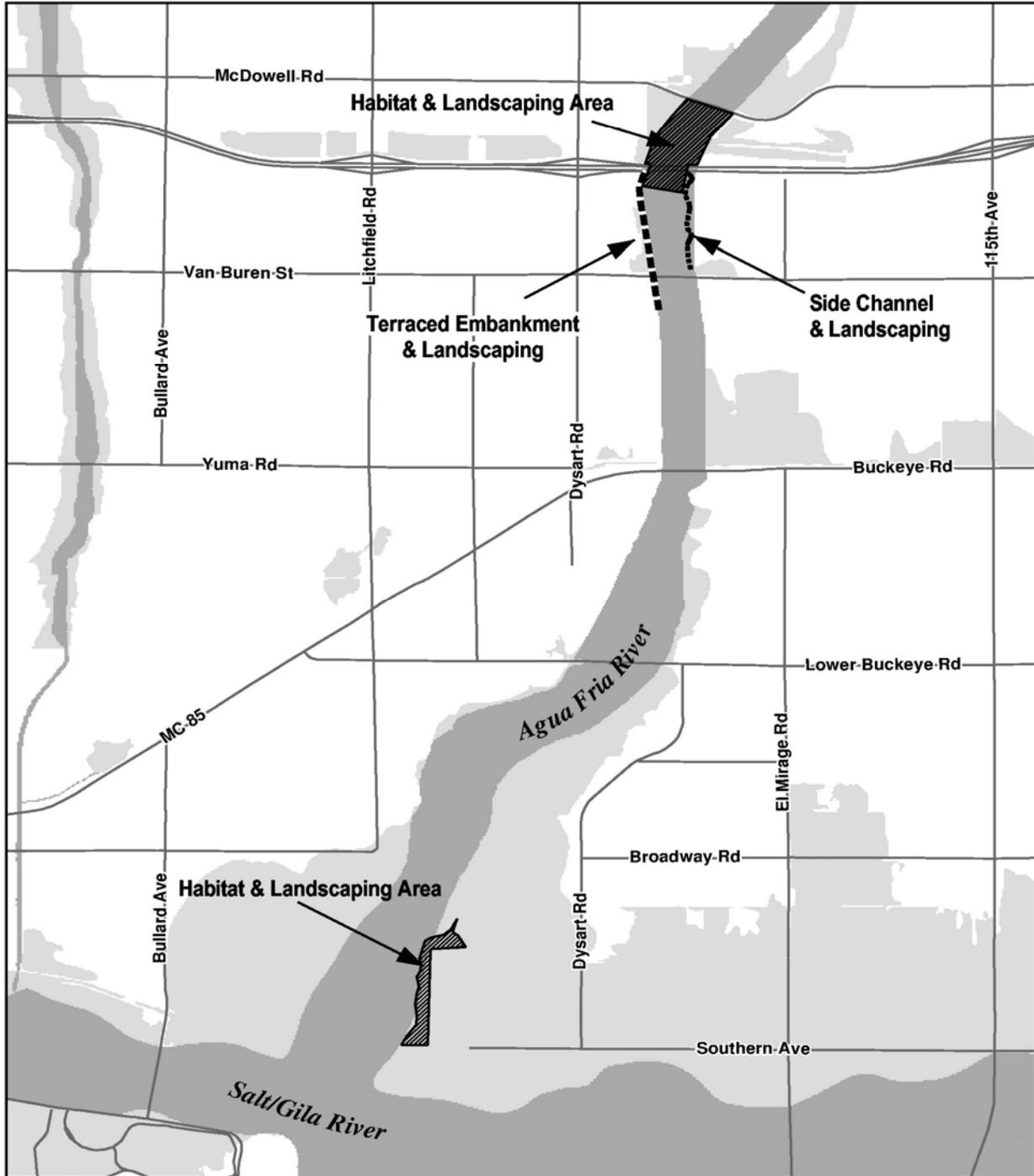
/s/ Fran McCarroll, Clerk of the Board

Enclosure: Exhibit A, Resolution FCD 2003R006

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Resolution: FCD 2003R006

# Exhibit A



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**CONTRACT WITH ENTRANCO, INC. FOR ON-CALL SURVEYING AND MAPPING SERVICES**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to award the following contract for FCD 2004C056, On-Call Surveying and Mapping Services to Entranco, Inc., (Consultant) in the amount of \$250,000. The contract will be effective for a period of 730 calendar days from the date of its execution, or until the expenditure of \$250,000, whichever occurs first. The Flood Control District of Maricopa County and the consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each work assignment prior to notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C6905092500)

**BID AND AWARD CONTRACT FOR CHANDLER HEIGHTS DETENTION BASIN PHASE 2**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County to issue an Invitation for Bids for Contract FCD 2003C029, Chandler Heights Detention Basin Phase 2 Queen Creek Channel and Side Weir (#121), and to award the contract to the lowest responsible bidder if the bid is not more than 10% over the engineer's estimate. (C6905096500)

**MEETING ADJOURNED**

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

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board