



# Flood Control District of Maricopa County

## Flood Control Advisory Board

**Meeting Minutes August 22, 2018**

**Board Members Present:** Gregg Monger, Chairman; Richard Schaner; Bob Larchick; Hemant Patel; Kristina Jensen (on behalf of Mr. Dovalina)

**Staff Members Present:** Michael Fulton, Director; Wayne Peck, General Counsel; Tanee Morris

### 1) **CALL TO ORDER**

Chairman Monger called the meeting of the Flood Control Advisory Board (FCAB) to order at 1:59 p.m. on Wednesday, August 22, 2018.

### 2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### 3) **APPROVE THE MINUTES OF June 27, 2018**

**ACTION:** It was moved by Mr. Patel and seconded by Mr. Schaner to approve the minutes as submitted. The motion carried unanimously, and the minutes were approved.

### 4) **ACTION ITEM - PERMIT TO WORK IN FLOOD CONTROL DISTRICT OF MARICOPA COUNTY REAL PROPERTY**

Presented by Patrick Schafer, Civil/Structures Branch Manager

Mr. Schafer's branch is responsible for administration and management of the right-of-way (ROW) Use Permitting process. The permits ensure that both public and private uses and activities are within District ROW and that the permits do not impair the District's access, operation and maintenance of structural integrity of flood control structures.

The background on the four ROW Use permits was reviewed: drainage, recreational, utility, and ingress/egress. The statistics for ROW Use permits in calendar year 2017 was presented. The breakdown of the 42 permits issued was: utility 50%, ingress/egress 28%, drainage 20%, and the remaining 2% were for recreational.

The historical data shows that there was a substantial increase in applications received from 2016 to 2017; however, the number issued in 2017 was on par with 2016. The total

application receipts for 2018 is projected to be 160 permits and approximately 60 to be issued.

The current resolution has many outdated components that are over 15 years old. The entire document has been updated to reflect current processes and operations. Major modifications include: the use of the current online permitting system; the fee schedule to reflect how fees are calculated and applied to each permit; flexibility on determining after-the-fact unauthorized fees; and language has been updated on both general liability insurance requirements, and for those activities that require USACE section 408 review and permissions. Various terminologies have been changed for better clarification.

The most recent draft version will be provided to the Board.

The staff is studying and reviewing the costs associated with ROW Use Permits. It is anticipated to take a few more months for this to be completed, at which time a modification to the fee schedule will be presented to the Board.

Mr. Patel asked if this was the same permit process which governs solar generating facilities and cell phone towers. Mr. Schafer responded that utility towers are included and permits for those have been issued for some time. There are several per year routinely requested for both solar and cell towers.

In response to Mr. Monger's inquiry about the benefits of the online process, Mr. Schafer stated it has been extremely beneficial since it went live two years ago. There has been a more open and responsive communication with the customer as a whole. It has also sped up the request process. Under the old resolution, six hard copies were required to be submitted. This was totally eliminated and all work is done online where the customer can review everything online.

Ms. Jensen asked about the length of a typical review timeframe. Mr. Schafer stated that he had implemented a review time goal of three weeks for every submittal.

STAFF RECOMMENDS THE FOLLOWING ACTION: Adopt Resolution FCD 2018R013, superseding the current Resolution FCD 2002R002.

ACTION: Mr. Patel moved for adoption of the 2018 Resolution and it was seconded by Mr. Larchick. The motion carried unanimously.

**5) ACTION ITEM - INTERGOVERNMENTAL AGREEMENT FOR 27th AVE & OLNEY STORM DRAIN PROJECT**

Presented by Nazar Nabaty, Project Manager

Mr. Peck disclosed his interest in this project which was noted for the record.

Mr. Nabaty reviewed the watershed background of the study area. An important element of this project is the proposed basins along 23rd Avenue. The projected total cost is \$6.773 million. Before and after views were presented showing the proposed mitigation of flood waters post-project implementation.

City of Phoenix has applied for \$1.1 million FEMA grant to appropriate to the design and construction of the 23rd Avenue basins. There would be a 50/50 cost share between the FCD and City of Phoenix for the project. The District would be the lead agency and upon completion of the project, City of Phoenix will own and operate ~~it~~.the 3 basins and storm drain on Olney Avenue and maintain and operate the storm drain on 27<sup>th</sup> Avenue.

The project schedule goals were covered

Mr. Patel inquired about the preliminary size of the storm drain and Mr. Nabaty responded that it is 72 inches. That still will provide for ten years.

In response to Mr. Schaner's question about the number of homes being removed from a flood situation, Mr. Nabaty stated that some homes are flooded multiple times. Additionally, Mr. Schaner asked about the maintenance responsibility of the City of Phoenix post-project. Mr. Nabaty's responded that the basin location is jurisdictionally within the City of Phoenix, but 27th Avenue is owned by the County. Phoenix has agreed to maintain and operate the entire project.

Mr. Monger asked about the estimated O&M costs, just in a ballpark range, annually, for the City of Phoenix. Mr. Nabaty stated he did not know that cost today.

Mr. Larchick inquired about the construction phases of the project. The basins would be first and then pipeline after that. Mr. Nabaty responded that services fees were currently being negotiated with the consultant and when a solid project schedule was completed, he could provide that to the Board.

Ms. Jensen wanted to know whether gated developments were excluded from the basin maintenance coverage and Mr. Nabaty indicated that was correct.

**STAFF RECOMMENDS THE FOLLOWING ACTION:** Approve IGA FCD2018A011, between FCD and City of Phoenix for 27th Avenue and Olney Avenue Storm Drain Project.

**ACTION:** Mr. Schaner moved for adoption of the IGA FCD2018A011 for design and construction utility relocation, ROW acquisition, construction management, operation and

maintenance for 27th Avenue and Olney Avenue Storm Drain Project, which was seconded by Mr. Patel. The motion carried unanimously.

**6) ACTION ITEM - INTERGOVERNMENTAL AGREEMENT FOR PALM LANE**

Presented by: Mr. Nazar Nabaty, Project Manager

Mr. Nabaty stated that the City of Phoenix will be the lead agency on this project. It is another important project to serve our City residents. The Metro Phoenix Watershed Area was reviewed along with the background for the proposed project area. There are 30 residents who experience multiple flooding ~~and structural damage on a regular basis.~~ **on a regular basis and 10 of these have experienced structural damage.**

The features of the project were covered by Mr. Nabaty. This project will connect with the existing City of Phoenix storm drain. The estimated cost for the design and construction of this project is \$2.4 million. There will be a 50/50 cost share with the City of Phoenix and the District.

The benefits of the project were stated as mitigation for five years in the project vicinity and safely convey flood flows into existing drains. The provisions of the IGA was presented.

Mr. Schaner asked what the FEMA grant timelines are for both this project and the previous one. Mr. Nabaty stated that the City personnel would probably have a better idea of that, but based on previous projects it is expected they will have a response before the end of 2018.

Mr. Larchick asked if there were limitations in the area that prevent the five-year level of protection from being longer. Mr. Nabaty stated that these drains will tie into the existing 57 inch pipes, so any larger pipes would be problematic to the existing system. The only way to increase this is to upgrade the existing systems.

Ms. Jensen added that there is a school at the end of that canal with a bridge going to the school. The school children have to wade through that water to get home from school.

Mr. Larchick asked if any other alternatives were analyzed, such as retention. Mr. Nabaty stated he was unable to respond, but Ms. Jensen explained that an alternative was reviewed which looked at McDowell Road instead of going out, but the design seemed much better to go out to 32nd Street. Additionally, drainage along the canal was also reviewed and that was a more costly option to purchase that property.

**STAFF RECOMMENDS THE FOLLOWING ACTION:** Approve IGA FCD2018A014, between FCD and City of Phoenix for Palm Lane and 30th Street Drainage Project.

ACTION: Mr. Patel moved for adoption of the IGA FCD2018A014, and it was seconded by Mr. Larchick. The motion carried unanimously.

## 7) CIPPP CRITERIA MODIFICATIONS

Presented by Don Rerick, Planning & Project Management Division Manager

PURPOSE: Information and discussion item only. No formal action required.

Mr. Rerick gave a brief update on the CIPPP, which included the purpose of the process and the modifications that have been made since its inception. The most recent update addresses three criteria elements when the scoring committee to review project submittals. Overall, there are eight scoring criteria which the three subsets will be added to: grant funding, water conservation, and low impact development.

The grant funding is intended to give the submitting agency an opportunity to receive two additional points if they have pursued grant funding from a third party in whole or in part for their project.

The water conservation element also affords an opportunity for the city submitting the project can received three additional points if water conservation recharge opportunities are part of the project submittal.

The low impact development (LID) elements provide two additional possible points if included in a submittal.

These new criteria came from the previous chief engineer and general manager's enthusiasm for water conservation and grant funding. He recommended these additions and they were added based on that recommendation for the CIP process.

The details of scoring sheet was reviewed by Mr. Rerick. The new scoring sheet will be used beginning with the FY'20 submittals.

Ms. Jensen asked how much LID had to be in a project submittal to receive extra points. Mr. Rerick responded that the process doesn't have to include how much is LID or water conservation. The intent is to encourage the project partners to provide that as an opportunity.

Mr. Schaner asked where points were subtracted from the total of 100 in order to incorporate the new points. Mr. Rerick recalled that some came from O&M and some from area of protection.

Mr. Monger asked when the scoring shifts from an encouragement culture to a requirement culture. Mr. Rerick replied that it was not anticipated to be an issue unless future management provides direction to the contrary.

Mr. Monger also inquired about the Lake Mead issues which are trickling down to the adjacent states. Mr. Rerick stated that based on previous comments and the magnitude of the projects that significant impacts to those elements in this process will be minimal.

Mr. Patel asked how many projects were currently coming in under the new scoring criteria. Mr. Rerick stated that it remains to be seen when the submittals come in as to how the customers will respond to the changes.

## **8) COMMENTS FROM THE DEPUTY DIRECTOR/NACo AWARDS**

Presented by Michael Fulton, Deputy Director

PURPOSE: Information and discussion item only. No formal action required.

Mr. Fulton covered the recognition given to a number of employees by the National Association for Counties, for five specific projects that were completed and the associated staff recognized as well. There were 48 county-wide awards presented by NACo.

Mr. Monger inquired if there was any connection with a STEM program. Mr. Fulton responded that curriculum was being developed for teachers similar to the air quality outreach program that could be handed out and models used during the application of that curriculum.

A short video was played that displayed what had been put together for the awards program.

## **9) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS**

Presented by Michael Fulton, Deputy Director

PURPOSE: Information and discussion item only. No formal action required.

The Talking Stick Casino was heavily damaged by flooding during an event recently. The FDC Emergency Management was asked to help them recover, which O&M did on a weekend by helping to pump out water in their basements. They've had previous issues with flooding and having to evacuate the casino entirely.

We got approval to advertise for rehab on New River levy storm drain pipes which is in the works.

The contract with Helm is also underway. Mr. Schaner asked if the watershed project is in a fully developed area at this point. Mr. Fulton was not aware. Mr. Ahouraiyan, Senior Planner, responded to the Board that the area is fully developed and provided the borders of the project. It covers about 45 sq. miles and is part of the last piece of the watershed that contributes to Indian Bend Wash. Lower Indian Bend has been completed and the project is in the middle of Middle Indian Bend, which is the eastern part in Phoenix. The drainage problems there continue with recent flooding in the neighborhoods which justified our analysis of the area.

We received authorization for issuing requests for qualifications for the CMAR for McMicken Dam Phase II. That will be a \$25 million project when it is completed.

A recent unanticipated project was fence repair along the ACDC canal. The recent storms showed continued failure of the fences. There is no safety issues from it, but the failures of the fencing need to be addressed. We have a contractor testing sections to see what the best technique will be for those repairs.

Mr. Fulton congratulated the entire staff for their knowledge and hard work, especially when called upon to go above and beyond.

Mr. Monger, on behalf of the entire FCAB Board, congratulated the entire team on the fantastic awards they received. It is much appreciated.

Mr. Monger inquired as to whether any avenues had been explored on the possibility of partnering with ASU or MARSO which both have strong departments on the STEM education programs. Mr. Fulton responded that he didn't believe that outreach had been done as yet. Mr. Monger brought up that there are grants at UofA that may want to be explored to help. Mr. Fulton mentioned that there is competition between old and new curriculum because there are only so many hours in a school year and that was the rationale for having teachers on board with STEM. Mr. Fulton stated that there could be new ideas from ASU/UofA students on how to make the curriculum we are developing more engaging and interesting than the current curriculum. There is still a lot to learn on this program and engaging with some students could certainly make a difference.

## **10) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC**

There were no comments by members of the public.

Mr. Schaner moved that the meeting adjourn. Mr. Patel seconded the motion, and the motion carried unanimously. The meeting adjourned at 3:12 p.m.