



Flood Control District of Maricopa County

Flood Control Advisory Board

Meeting Minutes May 24, 2022

Board Members Present: Hemant Patel, Chairman; Richard Schaner, Daniel Worth, Eric Froberg and Kyle Tilghman

Staff Members Present: Michael Fulton, Director; Gus Martinez, Chief Administrator; Wayne Peck, General Counsel; Kristine Rabe; Clerk of the Board

1) **CALL TO ORDER**

Chairman Hemant Patel called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:00 p.m. on Wednesday, May 24, 2022.

2) **ACTION ITEM - APPROVE THE MINUTES OF MARCH 23, 2022 MEETING**

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

3) **INFORMATION ITEM –**

Presented by Mr. Michael Fulton, Director

Mr. Fulton started by stating that while this was not an action item, the Flood Control District would be asking the Flood Control Advisory Board (FCAB) for assistance. The task given to the Board will also require input and participation from the cities and towns who partner with the Flood Control District (District) for building infrastructure.

The number of flood control infrastructure construction projects being presented to the Flood Control District by cities and towns is currently low by historic standards. Many of the projects that have been recommended for construction are not moving forward. The Board of Directors requests the assistance of the FCAB to examine the causes of the project delivery challenges and to provide recommendations for improvement.

Mr. Fulton then shared a graph showing the number of Capital Improvement Program Projects that have been submitted annually since the year 2000. He pointed out the down trend of submissions in recent years.

After the flooding in 2014, the District surveyed the cities and towns regarding flood control needs. At that time, \$2.3 Billion in flood control needs were identified. However, not many of these projects came forward.

Mr. Fulton then went on to discuss the Small Project Assistance Program which also has trends of low submissions. In 2020, the District raised the cost cap share from \$250,000 to \$500,000.

The next slide showed some of the CIP Projects that have not moved forward. It was pointed out that some of the projects are 20 years old.

The Capital Improvement Program Structure was discussed. The Flood Control District participates with cities/towns (Partners) in the design/construction of regional flood control projects. Projects proposed for inclusion in the Capital Improvement Program are evaluated with priority being given to projects that reduce or eliminate actual/potential flooding threats to structures. The standard Partner contribution is 50% of total project costs, and in no case contribute less than 20% unless approved by the Board of Directors. The city/town agrees to operate and maintain projects in perpetuity. Project proceeds only when city/town enters Intergovernmental Agreement (IGA) to fund their portion.

Mr. Fulton then went on to discuss the Small Project Assistance Program Structure. The Flood Control District participates with Partners in the design/construction of local flood control projects. Through the use of standardized agreements, “small” local flood control projects are more quickly constructed. Projects proposed for the Small Project Assistance Program are evaluated with priority being given to projects that reduce or eliminate actual/potential flooding threats to structures. District contributions are capped at 75% of project construction and design costs not to exceed \$500,000 per project. The city/town covers costs for right-of-way acquisition, utility relocations, permitting and agrees to operate and maintain projects in perpetuity. Projects proceeds only when city/town enters IGA to fund their portion.

Mr. Patel, Chairman, commented that it was his understanding that the standard contribution of 50% from the city/town can be flexible. Mr. Fulton commented that the 50/50% is standard but can be flexible. However, questions could be asked such as why would you deviate from 50/50 and under what conditions might you deviate from this?

Mr. Fulton then went on to discuss the Partner (City/Town) Survey that was completed in 2020. Five questions were presented to the Partners and three of the top commonly identified obstacles to project delivery or suggested improvements were the following: 1. Difficulty meeting the standard 50% cost share match. Most Partners do not have a dedicated flood control project funding source. 2. The types of projects eligible for partnership should be expanded (roadway drainage for example). 3. In-kind expenses by Partners should be eligible for cost share credit.

Mr. Fulton mentioned that traditionally the type of projects that have been considered are those that would benefit structures. Roadway projects have typically been left to city/town/county department of transportation.

Mr. Fulton also followed up with several of the cities/towns representatives after the survey and the common theme was lack of funding. The Partners have many competing priorities and the District understands these challenges.

Mr. Fulton then shared that the Board of Directors has asked if the Flood Control Advisory Board is requesting that they work with Partners and the Flood Control District to further examine these project delivery issues and provide recommendations for potential modifications/improvements to the CIP and/or SPAP Programs by September 30, 2022.

Mr. Fulton asked that the FCAB consider the following: Specifically, under what conditions should the District:

- 1) Consider adjustments to the current “standard” cost share model?
 - a. Where might a different cost share apply for one project partner over another?
 - b. For one project over another?
- 2) Participate in projects for major rehabilitation/repair of existing (aging) infrastructure that was built in partnership with the District?
 - a. Only applicable where infrastructure maintenance is documented?
 - b. For repair of storm damage only, or “normal” wear and tear?
- 3) Participate in a limited number of projects that solely improve road drainage and uninterrupted access to public safety facilities (e.g. hospitals and fire stations)?
- 4) Award cost/share credits in exchange for partner commitment for Operations and Maintenance of infrastructure?
 - a. Should percentage of cost share met with this credit be limited?
 - b. Limit to Operations and Maintenance costs expected only over the useful life of the infrastructure?
- 5) Further increase District cost share cap under the SPAP?
- 6) Other?

Mr. Patel, Chairman, mentioned that the best way to help accomplish this goal is to sit down with representatives from the Cities/Towns and then have an agenda item at a future meeting so the Board can present their findings.

Mr. Fulton noted that Mr. Wayne Peck would be available if the Board had questions regarding open meeting law, need to notice meetings, etc.

Mr. Patel requested a list of cities/towns and their contacts that they could speak with and Mr. Fulton said it would be provided to the Board.

Board member, Kyle Tilghman, asked if there were any restrictions around the framework of the budget that would be beneficial to know as the Board is working on this project? Mr. Fulton responded that the District could share the latest budget that was submitted for Fiscal Year 2023.

Mr. Schaner asked for clarification regarding installment payments and doesn't the District already do that. Mr. Fulton replied that through IGA's we have options to work with Partners.

There were no further questions from the Board.

4) COMMENTS FROM THE DIRECTOR

Presented by Michael Fulton, Director

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

Mr. Fulton remarked that his comments would be included in agenda item 5.

5) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS

Presented by Michael Fulton, Director

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

At the Board of Directors meeting on March 23, 2022, the Board of Directors approved the Intergovernmental Agreement with the City of Mesa for Oak Street Basin and Storm Drain Improvements. This agreement identifies and defines the responsibilities of the District and the City, for the joint use of City Right-of-Way and Easements for the portion of the project activities related to construction, construction management, operation and maintenance that are located with the City.

At the meeting on March 23, 2022, the Board also approved a temporary construction easement for the 27th and Olney Avenues Storm Drain Project. Temporary easements were also approved for Scott Avenue Wash Emergency Repair.

At the Board of Directors meeting on April 6, 2022, the Board of Directors approved the Intergovernmental Agreement between the District and the United States Department of Agriculture, Nature Resources Conservation Service for \$479,884.99 in Federal Funds for

technical and financial assistance to the District for repair of portions of the Scott Avenue Was in the Town of Gila Bend.

At the Board of Directors meeting on April 20, 2022, the Board of Directors approved the Intergovernmental Agreement with the City of Glendale for the 103rd Avenue Landfill Drainage Improvement Project between the District and the City of Glendale. The estimated total Project cost is \$1,422,072 and the City will operate and maintain the completed Project. The 103rd Avenue Landfill drainage improvements will provide drainage channels with Flexamat liners, concrete spillways, crossings and rock check dams.

At the meeting on April 20, 2022, the Board also approved the Intergovernmental Agreement with the City of Glendale for the Apollo Gardens Drainage Improvement Project. The estimated total Project cost is \$613,000 and the City will operate and maintain the completed Project. The Apollo Gardens drainage improvements will provide 450 lineal feet of 30-inch storm drain along 61st Avenue with catch basins that will outfall to the Arizona Canal Diversion Channel.

On April 20, 2022, the Board also approved the award of Contract FCD 2022C001 On-Call Services to AECOM Technical Services, Inc. to provide professional engineering services for the design of levees, channels, basins and associated structures for the Gila Bend Drainage Improvement Project.

At the Board of Directors meeting on May 4, 2022, the Board of Directors approved the Intergovernmental Agreement with the Town of Carefree for the East Carefree Drive at Cave Creek Road Drainage Improvement Project. The Carefree Drive drainage improvements will enlarge the existing culverts at Carefree Drive that will reduce the likelihood of potential flooding to a condominium complex upstream of the crossing.

On May 4, 2022, the Board also approved Intergovernmental Agreement with City of Phoenix for tree installation project in Sunnyslope to the Arizona Canal Diversion Channel near 19th Avenue for the planting and maintenance of several drought tolerant trees.

At the Board of Directors meeting on May 18, 2022, the Board of Directors approved the Construction Manager at Risk (CMAR) contract for Paradise Ridge Drainage Improvement Project – Pre-Construction. This authorizes the Flood Control District to issue a Request for Qualifications for a qualified construction manager/general contractor to provide CMAR services under Contract (2022C029) for the Rawhide Wash Flood Hazard Mitigation Pre-Construction and award a Pre-Construction services contract to the successful respondent not to exceed \$500,000.

On May 18, 2022, the Board also approved the Amendment to Intergovernmental Agreement with Wickenburg for Powder House Drainage Improvements Projects. This

Amendment serves to extend the Project construction and funding from June 30, 2022 to June 30, 2023. All other terms and conditions of the IGA remain the same.

At the Board of Directors meeting on May 18, 2022, the Board also approved the Intergovernmental Agreement with Maricopa County for the Patton Road at 195th Avenue Drainage Improvement Project. The Patton Road drainage improvements will provide a low water crossing with for 10'x4' box culverts, a raised roadway profile, and upstream and downstream channel improvements.

There were no questions from the Board.

6) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

There were no comments by members of the public.

Chairman Hemant Patel adjourned the meeting at 3:16 p.m.