



NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION
PINAL COUNTY FLOOD CONTROL DISTRICT
BOARD OF DIRECTORS
AGENDA
Wednesday, August 25, 2021

9:30 AM - CALL TO ORDER

PINAL COUNTY ADMINISTRATIVE COMPLEX
BOARD OF SUPERVISORS HEARING ROOM
135 N. PINAL STREET
FLORENCE, AZ 85132

BUSINESS BEFORE THE BOARD

(Consideration/Approval/Disapproval of the following:)

(1) CONSENT ITEMS:

All items indicated by an asterisk (*) will be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objects at the time the agenda item is called.

- * A. Discussion/approval/disapproval of Minutes from August 4, 2021, Board of Directors Flood Control District Meeting. (Natasha Kennedy)
- * B. Discussion/approval/disapproval of Resolution No. 082521-FL21-001A which amends Resolution No. 080421-FL21-001 that authorized the design and construction of a flood mitigation project at Bonanza Ranch in San Tan Valley and was approved by the Board of Directors on August 4, 2021. This amendment adds additional components to the previously authorized project, to include a retention basin and additional culverts, and increases the project cost from an estimated \$750,000 to an estimate \$1,250,000. Supervisor District #2. (FL21-001A) (Christopher Wanamaker/Andrew Smith)
- * C. Discussion/approval/disapproval of the authorization of the Pinal County Flood Control District to enter into an Agreement with the DB Attesa I, LLC for the termination of a maintenance agreement for the proposed flood control channel improvements at the Attesa project and for the Chairman of the Board of Directors to sign the Agreement. This agreement will terminate a maintenance agreement previously approved by the Pinal County Flood Control District Board of Directors. Supervisor District #3. (FL21-003) (Joshua Plumb/Andrew Smith)

ADJOURNMENT

(SUPPORTING DOCUMENTS ARE AVAILABLE AT THE CLERK OF THE BOARD OF SUPERVISORS' OFFICE AND AT <https://pinal.novusagenda.com/AgendaPublic/>)

NOTE: One or more members of the Board may participate in this meeting by telephonic conference call.

The Board may go into Executive Session for the purpose of obtaining legal advice from the County's

Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Board of Supervisors and Pinal County Board of Directors do not discriminate against qualified individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact the Clerk of the Board Office at (520) 866-6068, at least (3) three business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.

Meeting Notice of Posting



AGENDA ITEM

August 25, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Clerk of the Board

Director: Natasha Kennedy

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Discussion/approval/disapproval of Minutes from August 4, 2021, Board of Directors Flood Control District Meeting.
(Natasha Kennedy)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

Approve as presented.

History		
Time	Who	Approval
7/29/2021 12:43 PM	Clerk of the Board	Yes

ATTACHMENTS:

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☐ [Minutes FCD](#)



PINAL COUNTY

WIDE OPEN OPPORTUNITY

**PINAL COUNTY FLOOD CONTROL DISTRICT
BOARD OF DIRECTORS
MINUTES
Wednesday, August 4, 2021
10:48 AM**

BOARD OF DIRECTORS

Chairman Stephen Q. Miller
Director, District 3

Vice-Chairman Mike Goodman
Director, District 2

Kevin Cavanaugh
Director, District 1

Jeffrey McClure
Director, District 4

Jeff Serdy
Director, District 5

**PINAL COUNTY ADMINISTRATIVE COMPLEX
BOARD OF SUPERVISORS HEARING ROOM
135 N. PINAL STREET
FLORENCE, AZ 85132**

All Presentations are attached to the Agenda at:
[Click Here to View the Flood Control District Agenda](#)

and a Video Recording of this meeting can be viewed at:
[Click Here to View Video Recording](#)

The Pinal County Flood Control District Board of Directors convened at 10:48 a.m. this date. The meeting was called to order by Chairman Miller.

Members Present: Chairman Stephen Q. Miller; Vice-Chairman Mike Goodman; Director Kevin Cavanaugh; Director Jeffrey McClure; Director Jeff Serdy

Staff Present: County Manager, Leo Lew; Chief Civil Deputy County Attorney, Chris Keller; Clerk of the Board, Natasha Kennedy and Deputy Clerk of the Board, Kelsey Pickard

(I) CONSENT ITEMS:

All items indicated by an asterisk (*) will be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objects at the time the agenda item is called.

Chairman Miller announced there has been a request from the audience to pull Consent Agenda Item C. Chairman asked if there were any additional requests from Board Members, staff or the audience to remove any additional consent agenda items for discussion.

Item Action: Approved Consent Agenda Items A and B.

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Cavanaugh

To approve Consent Agenda Items A and B.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- * A. Discussion/approval/disapproval of Minutes from July 7, 2021, Board of Directors Flood Control District Meeting. (Natasha Kennedy)
- * B. Discussion/approval/disapproval of Resolution No. 080421-FL21-002 authorizing design and construction of a flood mitigation project on Welton Wash in Dudleyville, including expenditure of funds estimated to be \$5,500,000 for the design and construction of this project. Supervisor District #1. (FL21-002) (Joshua Plumb/Andrew Smith)

Item C Pulled from Consent Agenda

- * C. Discussion/approval/disapproval of Resolution No. 080421-FL21-001 authorizing design and construction of a flood mitigation project at Bonanza Ranch in San Tan Valley, including expenditure of funds estimated to be \$750,000 for the design and construction of this project. Supervisor District #2. (FL21-001) (Joshua Plumb/Andrew Smith)

Nelson Daprato, San Tan Valley, appeared before the Board and spoke in favor of this item however, expressed concerns regarding the current inadequate plans to resolve the flooding and regarding the safety of the citizens.

Chairman Miller advised Mr. Daprato's comments have been heard, they are on record, and will be passed along to the Flood Control District staff.

Vice-Chairman Goodman requested to discuss this further including the funding of this project.

Christopher Wanamaker, County Engineer, appeared before the Board and spoke regarding the flood mitigation project at Bonanza Ranch.

Chris Keller, Chief Civil Deputy County Attorney, provided direction regarding how the Board can proceed.

Discussion held regarding the flood mitigation project at Bonanza Ranch and how to proceed.

Chairman Miller asked if there are any additional members of the public present in the audience who wish to address the Board for Agenda Item C, to come forward at this time.

The following members of the public appeared before the Board and spoke in favor of this item however, expressed concerns regarding the current inadequate plans to resolve the flooding: Cheryl Karlicek, Roger George, and Lynette Langone.

Further discussion held regarding the flood mitigation project at Bonanza Ranch, expanding the scope of work and funding, and how to proceed.

Kevin Costello, Deputy County Attorney, appeared before the Board and provided additional clarification of the content of the Resolution before the Board.

Item Action: Approved, giving direction to staff to come back before the Board with amendments to add to the Resolution on August 25, 2021

Motion Made By: Supervisor Goodman

Seconded By: Supervisor McClure

To approve Resolution No. 080421-FL21-001 authorizing design and construction of a flood mitigation project at Bonanza Ranch in San Tan Valley, including expenditure of funds estimated to be \$750,000 for the design and construction of this project, and giving direction to staff to come back before the Board with amendments to add to the Resolution on August 25, 2021.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

11:15 a.m. – Chairman Miller adjourned the August 4, 2021, Pinal County Flood Control District Board of Directors Meeting and convened the Pinal County Public Health Services Board of Directors Meeting.

**PINAL COUNTY
FLOOD CONTROL DISTRICT
BOARD OF DIRECTORS**

Stephen Q. Miller, Chairman

ATTEST:

Natasha Kennedy, Clerk of the Board

Minutes Prepared By: Kelsey Pickard, Deputy Clerk of the Board

Approval of Minutes: August 25, 2021



AGENDA ITEM

August 25, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #: 68

Dept. #: 311

Dept. Name: Flood Control District

Director: Andrew Smith

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Discussion/approval/disapproval of Resolution No. 082521-FL21-001A which amends Resolution No. 080421-FL21-001 that authorized the design and construction of a flood mitigation project at Bonanza Ranch in San Tan Valley and was approved by the Board of Directors on August 4, 2021. This amendment adds additional components to the previously authorized project, to include a retention basin and additional culverts, and increases the project cost from an estimated \$750,000 to an estimate \$1,250,000. Supervisor District #2. (FL21-001A) (Christopher Wanamaker/Andrew Smith)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

Funds have been budgeted in the current fiscal year to do project design. Funds for construction will be allocated in the FY22-23 Flood Control District Budget subject to the ratification of the Board of Directors.

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

This project will mitigate the risk of flooding to properties fronting Adobe Dam Road.

MOTION:

Approved as presented

History	Who	Approval
Time		
8/16/2021 3:44 PM	County Attorney	Yes
8/17/2021 9:23 AM	Budget Office	Yes
8/17/2021 10:58 AM	County Manager	Yes
8/17/2021 11:27 AM	Clerk of the Board	Yes

ATTACHMENTS:

[Click to download](#)

When recorded return to:
Christopher Wanamaker, P.E.
Pinal County Flood Control District
P.O. Box 727
Florence, AZ 85132

Resolution No. _____

**RESOLUTION OF THE PINAL COUNTY FLOOD CONTROL DISTRICT
BOARD OF DIRECTORS AMENDING RESOLUTION 080421-FL21-001
WHICH AUTHORIZED THE DESIGN AND CONSTRUCTION OF A
FLOOD MITIGATION PROJECT AT BONANZA RANCH IN SAN TAN
VALLEY**

WHEREAS, the Pinal County Flood Control District (District) was established in accordance with provisions of Arizona Revised Statutes Title 48, Chapter 21, which authorizes the Board of Directors of the Pinal County Flood Control District (Board) to design, construct, operate and maintain flood control works and storm drainage facilities within or without the District for the benefit of the District; and,

WHEREAS, on August 4th, 2021 the Pinal County Flood Control District Board of Directors approved resolution number 080421-FL21-001 (Resolution) which authorized the design and construction of a flood mitigation project at Bonanza Ranch in San Tan Valley.

WHEREAS, the previous approved Resolution needs to be amended to include additional components to the previously authorized project, to include a detention basin and additional culverts which increases the project cost from an estimated \$750,000 to an estimate \$1,250,000

WHEREAS, in response to flooding in an area known as Bonanza Ranch in the unincorporated San Tan Valley area, the District retained JE Fuller Hydrology and Geomorphology, Inc. (JE Fuller) to perform analysis to identify flood mitigation strategies in the area (Study); and

WHEREAS, the report from the Study titled "Bonanza Ranch Drainage Alternative Analysis and Concept Design" dated October 12, 2020, recommended a drainage improvement project that protects property on Adobe Ranch Road, in the vicinity of Bonanza Ranch in San Tan Valley, as shown on the attached Revised Proposed Improvements Map, Exhibit A, hereinafter the PROJECT; and,

WHEREAS, consistent with the recommendations in the Study, the Chief Engineer recommends that the District authorize the design and construction of a channel, detention basin, and culverts in the area to better convey storm water and to mitigate flooding for the protection of people and property in the area east of Bonanza Ranch to include Adobe Dam Road; and

WHEREAS, the District will need to contract for the design of the PROJECT and to acquire real and personal property and/or easements, provide for utility relocation and do all things necessary for the implementation of the PROJECT;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Pinal County Flood Control District appoints Christopher Wanamaker, the County Engineer, as the Project Manager for this PROJECT; and,

BE IT FURTHER RESOLVED that the Project Manager is authorized and directed to include funds estimated to be \$1,250,000 for the design and construction of the PROJECT in the District's current and future budget subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Project Manager is authorized and directed to negotiate and prepare intergovernmental agreements and/or agreements with municipalities, agencies and others, as appropriate, for cost sharing, rights-of-way acquisition, utility relocation, design, and construction of the PROJECT; and,

BE IT FURTHER RESOLVED that this PROJECT will be planned and designed to meet the recurrence interval of the ten-year flood, determined by the data and methodology used by the PROJECT designers, and this level of protection is specifically approved by this Board; and,

BE IT FURTHER RESOLVED that this PROJECT, consistent with the recommendations in the report titled "Bonanza Ranch Drainage Alternative Analysis and Concept Design" dated October 12, 2020 by JE Fuller, will be constructed by the Pinal County Public Works Department or a third party; and,

BE IT FURTHER RESOLVED that the new channel, detention basin, and culverts underlying the private driveways in the PROJECT area will be maintained by the Pinal County Flood Control District or a third party subject to ratification and approval by the Board after the PROJECT is completed; and,

BE IT FURTHER RESOLVED that the Project Manager is 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; and to retain counsel to initiate and prosecute actions and proceedings in the manner required by law to condemn any and all Rights-of-Entry, Property, and/or Easements required for the implementation of the PROJECT, that cannot be obtained by donation or purchase at the following location:

Township 03 South and Range 07 East, Section 25.

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

BE IT FURTHER RESOLVED that the Project Manager is authorized and directed to advertise, select, negotiate and award contracts for design and construction for implementation of the PROJECT, subject to the ratification and approval of this Board.

Dated this ____ day of _____, 2021.

Stephen Miller
Chairman, Board of Directors

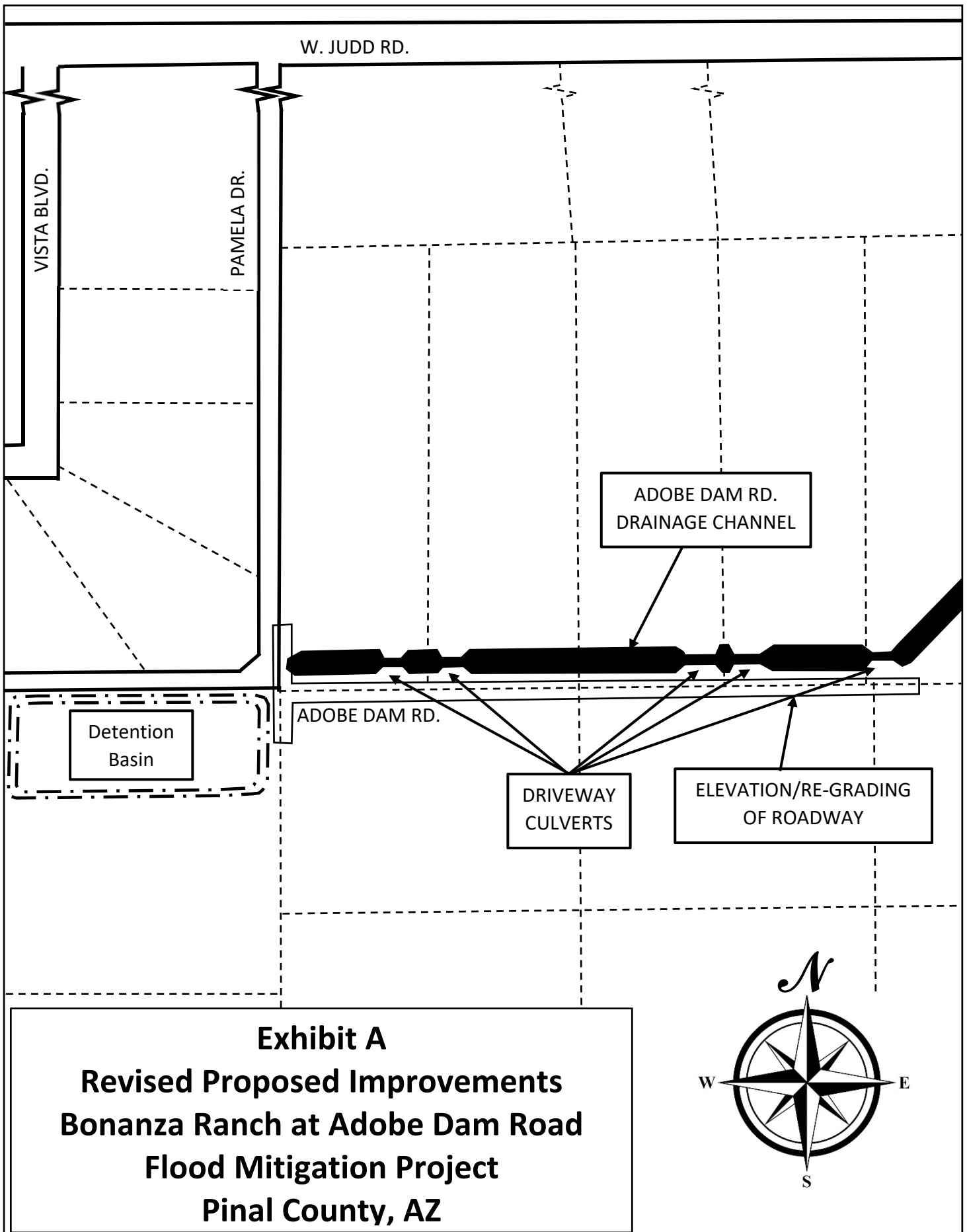
ATTEST:

Natasha Kennedy
Clerk of the Board

APPROVED AS TO FORM:



Kevin Costello
Pinal County Flood Control District





AGENDA ITEM

August 25, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #: 68

Dept. #: 311

Dept. Name: Flood Control District

Director: Andrew Smith

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Discussion/approval/disapproval of the authorization of the Pinal County Flood Control District to enter into an Agreement with the DB Attesa I, LLC for the termination of a maintenance agreement for the proposed flood control channel improvements at the Attesa project and for the Chairman of the Board of Directors to sign the Agreement. This agreement will terminate a maintenance agreement previously approved by the Pinal County Flood Control District Board of Directors. Supervisor District #3. (FL21-003) (Joshua Plumb/Andrew Smith)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

The termination of the Maintenance Agreement with DB Attesa I, LLC is not expected to have a fiscal impact on the Flood Control District budget.

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

The authorization of the Pinal County Flood Control District to terminate the Maintenance Agreement with DB Attesa I, LLC will allow the revision and eventual processing and approval of a Conditional Letter of Map Revision for the Attesa Development. The structures designed as an element of the Conditional Letter of Map Revision will be covered under a new Maintenance Agreement, to be brought to the Board of Directors at a future meeting.

MOTION:

Approved as presented

History		
Time	Who	Approval
8/16/2021 3:45 PM	County Attorney	Yes
8/17/2021 9:24 AM	Budget Office	Yes
8/17/2021 10:58 AM	County Manager	Yes
8/17/2021 11:27 AM	Clerk of the Board	Yes

ATTACHMENTS:

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☐ [Agreement](#)

When recorded return to:

Pinal County Flood Control District
Scott Bender, P.E., CFM
31 N. Pinal Street, PO Box 727
Florence, AZ 85132
PCFCD _____

PCFCD # _____

**TERMINATION OF THE MAINTENANCE AGREEMENT
BETWEEN PINAL COUNTY FLOOD CONTROL DISTRICT
AND DB ATTESA I LLC FOR THE MAINTENANCE OF FLOOD
CONTROL IMPROVEMENTS IN THE ATTESA DEVELOPMENT**

This Termination of Maintenance Agreement (this "Termination") is made and entered into this ____ day of January, 2021, between the Pinal County Flood Control District, a political subdivision of the State of Arizona ("District") and the DB Attesa I, LLC, and Arizona Limited Liability Company, its successors or assigns (hereinafter "Attesa"). The District and Attesa are collectively referred to hereafter as the "Parties" and each individually as a "Party".

RECITALS

A. Whereas the Parties entered into a Maintenance Agreement for the Maintenance of Flood Control Improvements in the Attesa Development ("Maintenance Agreement"); and.

B. Whereas, changing conditions have caused Attesa to reconsider the construction of the improvements contemplated by the Maintenance Agreement; and.

C. Whereas, based on the changed circumstances the Parties wish to terminate the Maintenance Agreement.

TERMINATION

NOW, THEREFORE, the Parties agree as follows:

1. The Maintenance Agreement for the Maintenance of Flood Control Improvements in the Attesa Development entered between DB Attesa I, LLC and the Pinal County Flood Control District on or around February 27, 2019, is hereby terminated. No further actions or responsibilities are required by of the Parties to the Maintenance Agreement.
2. Attesa acknowledges that future development of the Property referenced in the Maintenance Agreement may require additional permits, or approvals. The

IN WITNESS WHEREOF, the parties executed this Agreement the day and year first written above.

A Political Subdivision of the State of Arizona

Scott Bender
County Engineer

Date

By: _____
Stephen Q. Miller Date _____
Chairman, Board of Directors

By: _____
Clerk of the Board Date

Kevin Costello Attorney District	Date
-------------------------------------	------

DB Attesa I, L.L.C., an Arizona limited liability company

By: DB Attesa I, L.L.C., an Arizona limited liability company

Its: Manager

By: _____
Date

STATE OF ARIZONA)
) ss.
County of Pinal)

On this _____ day of _____, 2017, before me personally appeared, Patrick Johnson, as manager of DB Attesa I, L.L.C. an Arizona limited liability company, being authorize to do so, and acknowledged that he signed the above document for the purposes therein contained.

Notary Public

My Commission Expires:



AGENDA ITEM

August 25, 2021 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Clerk of the Board

Director: Natasha Kennedy

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Meeting Notice of Posting

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History	Who	Approval
Time		

ATTACHMENTS:

Click to download

☐ [Notice of Posting](#)



MEETING NOTICE OF POSTING

STATE OF ARIZONA

COUNTY OF PINAL

I, Natasha Kennedy, being duly sworn upon her oath, says as follows:

I am the appointed Clerk of the Pinal County Board of Supervisors.

In my position as Clerk of the Board of Supervisors and Board of Directors, I am responsible for posting all Agendas.

Pursuant to A.R.S. 38-431.02 notice is hereby given that the Pinal County Board of Supervisors and Pinal County Board of Directors will hold a Regular meeting on **Wednesday, August 25, 2021 at 9:30 a.m.** in the Board Hearing Room, 1891 Historic Courthouse, Administrative Complex, located at 135 N. Pinal Street, Florence, Arizona 85132.

Board Meetings are broadcasted live and the public may access the meeting at <https://www.pinalcountyz.gov/bos/Pages/LiveStreaming.aspx>

Board Agendas are available at <https://pinal.novusagenda.com/AgendaPublic/>

At any time during business hours, citizens may reach the Clerk of the Board Office at (520) 866-6068 or via email at ClerkoftheBoard@pinal.gov for information about Board meeting participation.

Note: One or more members of the Board may participate in this meeting by telephonic conference call.

I hereby further certify that I caused to be posted this Friday, August 20, 2021, around 11:00 AM the Regular Agenda, Flood Control District Agenda, and Executive Session at the following locations:

1. A kiosk located outside the front entrance to The Old Historical Courthouse, Administrative Complex Building, 135 North Pinal Street, Florence, Arizona 85132
2. County website under Meetings located at www.pinal.gov
3. Emailed the NOVUS Agenda Distribution List and Clerk of the Board Notification Distribution List

WITNESS my official signature and corporate seal of Pinal County, Arizona this 20th day of August, 2021.




Natasha Kennedy
Clerk of the Board
Board of Supervisors of Pinal County, Arizona

CLERK OF THE BOARD OF SUPERVISORS

1891 Historic Courthouse | 135 North Pinal Street | P.O. Box 827 | Florence, AZ 85132 | T: 520-866-6068
www.pinal.gov