

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: _____
Amend No. _____

Date prepared: April 14, 2010

Council Meeting Date: June 1, 2010

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: Andrew Granger, P. E., Engineering Director

SUBJECT: Amendment No. One to the Intergovernmental Agreement with the State of Arizona for Pavement Preservation of certain roadways located in the vicinity between 83rd Avenue and 99th Avenue and Union Hills Drive to Deer Valley Road (EN00315, AG Contract No. P001 2009 003755, ADOT File No.: IGA/JPA 09-045I, TRACS No.: SS754 01C)

RECOMMENDATION:

Discussion and possible action to adopt the Resolution approving Amendment No. One to the Intergovernmental Agreement with the State of Arizona for the Pavement Preservation of certain roadways located in the vicinity between 83rd Avenue and 99th Avenue and Union Hills Drive to Deer Valley Road.

SUMMARY:

The City of Peoria, through its participation in the Maricopa Association of Governments (MAG) Regional Transportation Plan (RTP), has identified several roadways as candidates to be considered for various federal, state, county and local funding programs.

The Arizona Department of Transportation (ADOT), Local Governments Section, acts as project administrator for the Regional Transportation Projects (RTP) within the Phoenix metro area. In addition MAG, ADOT and the City of Peoria assure that projects in the RTP are administered to meet the criteria recommended by the funding resources and programs.

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ **RES. #** _____
LCON# _____ **LIC. #** _____
Action Date: _____

In November 2009 Mayor and Council approved an IGA with ADOT for the design, construction, and construction administration for the American Recovery and Reinvestment Act (ARRA) Pavement Preservation project. At that time the funding for the total project was estimated as follows:

Previous IGA Funding:

ARRA/Recovery Act Fund	\$1,130,050
CITY of PEORIA Funds	<u>\$ 266,220</u>
Total Project Cost	\$1,396,270

In March 2010, ADOT opened bids for the project and recalculated costs for the project. In addition, more ARRA funds were made available for the project.

Therefore, in consideration of the agreements and available funds, ADOT and the city have proposed that the amendment costs be revised as follows:

Amended IGA Funding:

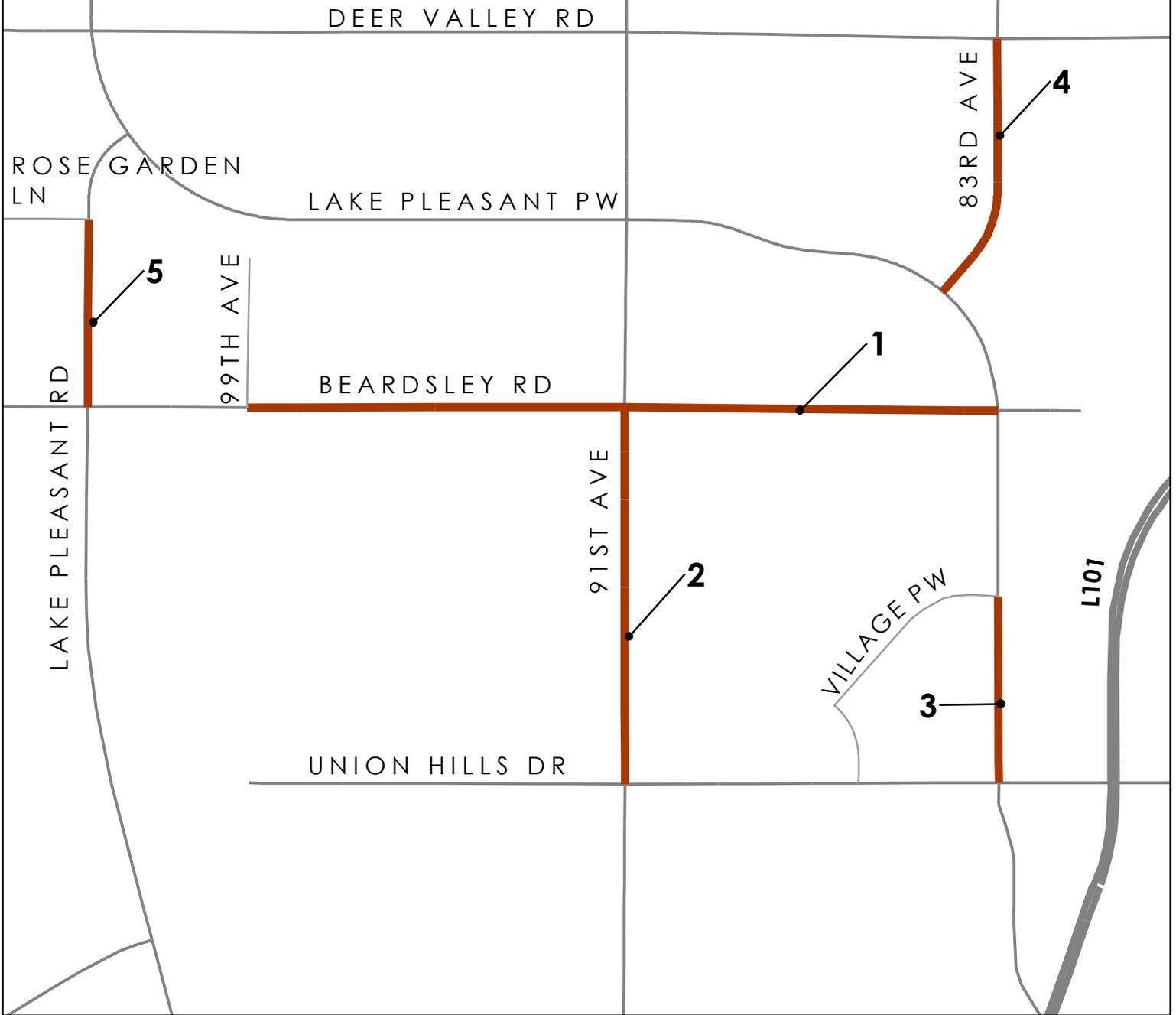
ARRA/Recovery Act Fund	\$2,200,000
CITY of PEORIA Funds	<u>\$ 0</u>
Total Project Cost	\$2,200,000

The city was invoiced \$266,220; however payment was not made. Upon execution of this amendment, ADOT will promptly cancel the previous invoice.

ATTACHMENTS:

1. Location Map
2. Resolution
3. IGA – Amendment No. One

CONTACT: Burton Charron, Senior Civil Engineer, 623-773-7237



LEGEND

1. Beardsley Road - 83rd Ave to 99th Ave
2. 91st Avenue - Union Hills Dr to Beardsley Rd
3. 83rd Avenue - Union Hills Dr to Village PW
4. 83rd Avenue - Lake Pleasant PW to Deer Valley Rd
5. Lake Pleasant Road - Beardsley Rd to Rose Garden Ln

City of Peoria ARRA Pavement Preservation



NOTE:

This Map is based on imprecise source data, subject to change and FOR GENERAL REFERENCE ONLY.

Source Document: C:\PROJECTS\ENGINEERING\Individuals\Don N\Maps by William\ARRA\ARRA_Pavement_Preservation.mxd

ENG WRB 2009-10-14

RESOLUTION NO. 2010-32

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING AMENDMENT NO. ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR THE CONSTRUCTION OF CERTAIN PAVEMENT PRESERVATION IMPROVEMENTS ALONG CERTAIN ROADWAYS LOCATED WITHIN THE CITY OF PEORIA.

WHEREAS, the City of Peoria Mayor and City Council are authorized by Title 9, Chapter 2, Article 4, Section 9-276 (1) to lay out and establish or otherwise improve streets, alleys, avenues, sidewalks, etc. and by Title 11, Chapter 7, Section 11-951 *et seq.* to enter into Intergovernmental Agreements with other governing bodies for services or joint exercise of powers; and

WHEREAS, the City desires to Amend the current Intergovernmental Agreement with the State of Arizona for the construction of certain pavement preservation improvements along certain roadways located within the City of Peoria; and

WHEREAS, the City acknowledges the revised costs, and continues to abide by the provisions set forth in Amendment No. One of the Intergovernmental Agreement, associated with the Pavement Preservation Improvements for certain roadways located within the City of Peoria; and

WHEREAS, the City is willing to abide by all related terms, in accordance with the provisions set forth in the Original Intergovernmental Agreement, and accompanying Amendment No. One to the Intergovernmental Agreement associated with the Pavement Preservation Improvements for certain roadways located within the City of Peoria; and

WHEREAS, by the City entering into Amendment No. One to the Intergovernmental Agreement with the State of Arizona the public interest will continue to best be served.

Resolution No. 2010-32

State of Arizona Amendment No. One for construction of certain Pavement Preservation Improvements along certain roadways located within the City of Peoria

June 1, 2010

Page 2 of 2 Pages

THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Peoria, Arizona approves and adopts this Resolution to enter into an Amendment No. One to the Intergovernmental Agreement with the State of Arizona for the construction of certain pavement preservation improvements along certain roadways located within the City of Peoria

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of June, 2010.

Bob Barrett, Mayor

ATTEST:

Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ADOT File No.: IGA/ JPA **09-045I**
AG Contract No.: P001 2009 003755
Amendment No. One
Project No.: PEO-0(205)
Project: Pavement Preservation
Section: Beardsley Road - Lake
Pleasant Parkway - 83rd Avenue
TRACS No.: **SS754 01C**
Budget Source Item No.: **ARRA**

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PEORIA

THIS AGREEMENT, entered into this date PLEASE DO NOT ENTER, 2010, Amendment No. One amending JPA No. 09-045I, A.G. Contract No.: P001 2009 003755, and executed December 15, 2009, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PEORIA, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

THEREFORE, in consideration of the mutual Agreements expressed herein, due to changed conditions in available funding and estimated costs the Parties agree to amend the original Agreement as follows:

1. Section I, Paragraph 7 is amended as follows:

TRACS No. SS754 01C

ARRA/Recovery Act Funds	\$ 2,200,000.00
City of Peoria Funds	\$ <u>0.00</u>

***TOTAL Project Costs** \$ 2,200,000.00

*(Includes CE and project contingencies)

2. Consistent with terms of the original Agreement, ADOT invoiced the City in the amount of \$266,220.00 but no payment has been received. Accordingly, upon execution of this Amendment to the original Agreement by all the Parties, ADOT will act promptly to cancel that invoice.
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III. MISCELLANEOUS PROVISIONS

1. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Peoria
Attn: Chris Kmetty, PE
8401 W. Monroe
Peoria, Arizona 85345
(623) 773-7247
(623) 773-7212 Fax

2. This Amendment shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

PURSUANT TO ARIZONA REVISED STATUTES § 11-952 (D), attached hereto and incorporated herein, is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amended Agreement the day and year first above written.

CITY OF PEORIA

STATE OF ARIZONA

Department of Transportation

By _____
BOB BARRETT
Mayor

By _____
SAM MAROUFKHANI, P.E.
Deputy State Engineer, Development

ATTEST:

By _____
MARY JO WADDELL
City Clerk

**JPA 09-0451
Amendment No. One**

ATTORNEY APPROVAL FORM FOR THE CITY OF PEORIA

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF PEORIA, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2010.

City Attorney