

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

CC: \_\_\_\_\_  
Amend No. \_\_\_\_\_

Date prepared: June 4, 2010

Council Meeting Date: July 6, 2010

**TO:** Carl Swenson, City Manager  
**THROUGH:** Susan J. Daluddung, Deputy City Manager  
**FROM:** Andrew Granger, P. E., Engineering Director  
**SUBJECT:** Amendment No. Two to the Intergovernmental Agreement with the State of Arizona for the construction of the roadway widening improvements at 91<sup>st</sup> Avenue and Olive Avenue. (Project No. P-0315, AG Contract No. P001-2008-004979, File No. IGA/JPA 08-120I, TRACS No.: SS 603 01C)

**RECOMMENDATION:**

Discussion and possible action to adopt the Resolution approving Amendment No. Two to the Intergovernmental Agreement (IGA) with the State of Arizona for the construction of the roadway widening improvements at 91<sup>st</sup> Avenue and Olive Avenue.

**SUMMARY:**

On December 2, 2008, Council approved the IGA with the State of Arizona regarding construction and funding for the 91<sup>st</sup> Avenue and Olive Avenue intersection. On July 7, 2009, Council approved Amendment No. One revising the funding as provided below:

<b>CMAQ Funds</b>	<b>\$ 3,825,000</b>
CITY OF PEORIA Funds	\$ <u>0</u>
<b>TOTAL Project Costs</b>	<b>\$ 3,285,000</b>

Since Council approved Amendment No. One, another change to the IGA was identified and as a result staff is recommending approval of the Amendment No. Two. The Amendment No. Two includes terms for the City of Peoria to provide eligible inspection services, and be reimbursed for these services. Under the terms of the agreement each agency is responsible for the following:

**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: \_\_\_\_\_

Council Communication  
ADOT IGA – 91<sup>st</sup> and Olive Road Widening, Project No. P-0315  
Amendment No. Two  
July 6, 2010  
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**ADOT**

1. Agree on the Inspector
2. Notify the City of approval
3. Reimburse the City

**City of Peoria**

1. Follow ADOT procedures and policies and as coordinated with the Phoenix Construction District (District)
2. Provide all required and current certifications and chargeable rates
3. Comply with all computer requirements, to include keeping the computer and any information in a secure location
4. Utilize ADOT's automated invoicing system

**ATTACHMENTS:**

1. Resolution
2. IGA

**CONTACT:** Ben Wilson, Civil Engineer, 623-773-7185

RESOLUTION NO. 2010-56

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING AMENDMENT NO. TWO TO THE INTERGOVERNMENTAL AGREEMENT AMENDMENT WITH THE STATE OF ARIZONA FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE INTERSECTION OF 91<sup>ST</sup> AVENUE AND OLIVE AVENUE.

WHEREAS, the City of Peoria (City) 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 entered into an Intergovernmental Agreement on December 2, 2008 with the State of Arizona for the construction of certain improvements to the intersection of 91<sup>st</sup> Avenue and Olive Avenue; and

WHEREAS, on July 9, 2009, Council approved Amendment No. 1 for changes in available funding and the parties agreed to amend the original agreement; and

WHEREAS, Amendment No. 2 provides for the City to provide eligible inspection services and be reimbursed for these services; and

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 Intergovernmental Agreement Amendment with the State of Arizona for the construction of certain improvements to the intersection of 91<sup>st</sup> Avenue and Olive Avenue.

Resolution No. 2010-56  
IGA Amendment No. 2 State of Arizona and City of Peoria  
91<sup>st</sup> Avenue and Olive Avenue.  
July 6, 2010  
Page 2 of 2 Pages

PASSED AND APPROVED by the Mayor and City Council of the City of Peoria, Arizona this 6<sup>th</sup> day of July, 2010.

\_\_\_\_\_  
Bob Barrett, Mayor

ATTEST:

\_\_\_\_\_  
Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Attachment:

1. Intergovernmental Agreement Amendment No. Two

ADOT File No.: IGA/ JPA 08-120I  
AG Contract No.: P001-2008-004979  
**Amendment No. Two**  
Project: PEO 06-202C  
Section: Intersection Improvement  
TRACS No.: **SS603 01C**  
Budget Source Item No.:

**AMENDMENT NO. TWO  
TO  
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN  
THE STATE OF ARIZONA  
AND  
CITY OF PEORIA**

**THIS AGREEMENT**, entered into this date \_\_\_\_\_, 2009, Amendment No. Two, is amending JPA No. 08-120, and following Amendment No. One, A.G. Contract No.: P001-2008-004979, and executed January 9, 2009, filed with the Secretary of State under No. 30576, 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, this Agreement is amended as follows:

**Article I, Paragraph 8 is added as follows:**

**8. The City of Peoria (City) will provide eligible inspection services, and be reimbursed for these services. All ADOT policies and procedures will be applicable as coordinated with the Phoenix Construction District (District) and the ADOT Construction Group. The City, District and Construction Group must agree on the City Inspector. The City Engineering Director must provide the ADOT Construction Group (for pre-approval) all required and current certifications and chargeable rates (labor and equipment). The City Inspector will report to the ADOT Resident Engineer and must comply with all ADOT hardware/software computer requirements; this includes keeping the computer and any information in a secure location. The City Inspector must also utilize ADOT's automated system to complete the required weekly timesheet. The City Inspector will remain an employee of the City of Peoria and will not be considered an employee of the Arizona Department of Transportation during the term of this Agreement. The City will invoice monthly for reimbursement, all charges must be kept current for payment purposes. The ADOT Contract Administrator will be Michelle Bowser at [MBowser@azdot.gov](mailto:MBowser@azdot.gov). The City will be notified of all approvals by the ADOT Construction Group.**

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**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. 17<sup>th</sup> Avenue, Mail Drop 637E  
Phoenix, Arizona 85007  
(602) 712-7124  
(602) 712-3132 Fax

City of Peoria  
Attn: Andy Granger  
Engineering Director  
9875 N. 85<sup>th</sup> Avenue  
Peoria, Arizona 85345  
(623) 773-7212  
(623) 773-7211 Fax

**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.

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**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, Operations

ATTEST:

By \_\_\_\_\_  
**MARY JO WADDELL**  
Clerk

**JPA 08-120I  
AMENDMENT NO. TWO**

**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