

RESOLUTION 2020-037

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO APPROVE THE EXCHANGE OF HURF FUNDS TO DESIGN AND CONSTRUCT IMPROVEMENTS FOR NORTH GARDEN AVENUE AND FRY BOULEVARD; AS WELL AS AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council to authorize the City staff to seek, make application for, and accept any Federal and State funding assistance for improvements to our community that are beyond the funding capacity of City revenues, when it is determined by the City Council to be in the best interests of the City; and

WHEREAS, the City and State share responsibilities of providing streets and public roadways, which are safe and meet the transportation needs of the general public; and

WHEREAS, a "west end" corridor study has determined that roadway narrowing is warranted to enhance streetscape, bicycle, and pedestrian improvements; and

WHEREAS, such improvements are expected to provide a more balanced multi-modal safe corridor and increase economic vibrancy of the City's "west end".

WHEREAS, it is in the mutual interest and benefit for the Arizona Department of Transportation (ADOT) and the City to construct said improvements; and

WHEREAS, both parties desire to enter into an Intergovernmental Agreement that will increase the amount of funding available for the project from \$2,948,333 to \$3,127,295 and extend the project timeline due to impacts associated with COVID-19; and

WHEREAS, the HURF money will be used to design and construct improvements to North Garden Avenue and Fry Boulevard; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council of seeking Federal and State funding assistance, be, and hereby is, reaffirmed.

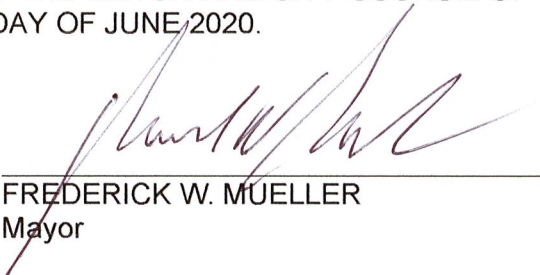
SECTION 2

That the City Council approves entering into an amended Intergovernmental Agreement with ADOT to improve North Garden Avenue and Fry Boulevard.

SECTION 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution,

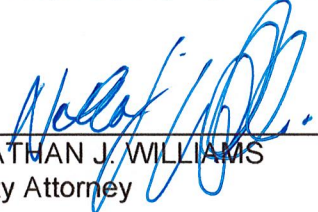
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 25TH DAY OF JUNE 2020.



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FREDERICK W. MUELLER  
Mayor

APPROVED AS TO FORM:



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NATHAN J. WILLIAMS  
City Attorney

ATTEST:



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JILL ADAMS  
City Clerk

PREPARED BY:  
ANGELA DIXON MAHER  
Senior Civil Engineer

ADOT File No.: IGA/ JPA 18-0006906-I  
Amendment No. Two: 20-0007780-I  
AG Contract No.: P001 2018 001877  
Project Location/Name: North  
Garden/Fry Blvd - Phase 1  
Type of Work: Sidewalk, Striping, and  
Lighting Improvements  
Federal-aid No.: HURF  
ADOT Project No.: T00182 01D/01C  
TIP/STIP No.: SVMPO 18-01  
CFDA No.: 20.205 - Highway Planning and  
Construction  
Budget Source Item No.: N/A

**AMENDMENT NO. TWO  
TO  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF SIERRA VISTA

**THIS AMENDMENT NO. TWO to INTERGOVERNMENTAL AGREEMENT (the “Amendment No. Two”)**, is entered into this date \_\_\_\_\_, pursuant to Arizona Revised Statutes (“A.R.S.”) §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the “State” or “ADOT”) and the CITY OF SIERRA VISTA, acting by and through its MAYOR and CITY COUNCIL (the “City”). The State and the City are collectively referred to as the “Parties.”

**WHEREAS**, the INTERGOVERNMENTAL AGREEMENT, IGA/JPA 18-0006906-I, A.G. Contract No. P0012018001877, was executed on September 26, 2018, (the “Original Agreement”); IGA/JPA 18-0006906-I Amendment No. One, executed on July 15, 2019, (the “Amendment No. One”);

**WHEREAS**, the State is empowered by A.R.S. § 28-401 to enter into this Amendment No. Two and has delegated to the undersigned the authority to execute this Amendment No. Two on behalf of the State;

**WHEREAS**, the City is empowered by A.R.S. § 48-572 to enter into this Amendment No. Two and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Amendment No. Two and has authorized the undersigned to execute this Amendment No. Two on behalf of the City; and

**NOW THEREFORE**, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. Two is to extend the timeframe to 2022, and revise Project costs for the design and construction phase of this HURF Exchange Project. Attachment One (HURF Exchange Project Scoping Form, HURF Exchange Project Cost Estimate, HURF Exchange Project and Draw Schedule, and HURF Exchange Draw and Final Reimbursement Invoice) is

revised and replaced accordingly. The Parties desire to amend the Original Agreement and Amendment No. One, as follows:

**I. RECITALS**

(NO CHANGES)

**II. DEFINITIONS AND ACRONYMS**

(NO CHANGES)

**III. SCOPE OF WORK**

Section III, Paragraph 1. is revised, as follows:

1. The City has represented to the State that it will be able to complete the Project phases according to the Funding Transfer and Authorization Schedule table below.

<b>Funding Transfer and Authorization Schedule Table</b>				
Project Phase(s) Programmed in TIP Intended as HURF Exchange	Fiscal Year Programmed	STBGP Apportionments and OA Charged to COG/MPO*	HURF Exchange Funding Credited to COG/MPO	Deadline to Submit Authorization Request to ADOT
Design	2019/2020	\$464,604.00	\$418,144.00	June 30, 2019
Right of Way				
Construction	2022	\$2,662,691.00	\$2,396,422.00	June 30, 2021
Other:				
TOTAL		\$3,127,295.00	\$2,814,566.00	
*STBGP apportionments and obligation authority will be charged to the COG/MPO at 100% of this amount.				

**IV. MISCELLANEOUS PROVISIONS**

Section IV, Paragraph 17 is revised, as follows:

17. The Parties shall ensure that all contractors comply with the applicable requirements of A.R.S. §35-393.01.

**EXCEPT AS AMENDED, ALL OTHER** terms and conditions of the Original Agreement and Amendment No. One remain in full force and effect.

**THIS AMENDMENT NO. TWO** shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

**IN ACCORDANCE WITH** A.R.S. § 11-952 (D) attached and incorporated in this Amendment No. Two 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 Amendment No. Two and that the Amendment No. Two is in proper form.

**IN WITNESS WHEREOF**, the Parties have executed this Amendment No. Two the day and year first above written.

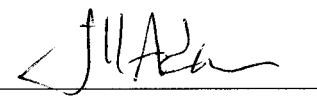
**CITY OF SIERRA VISTA**

By

  
**FREDERICK MUELLER**  
Mayor

ATTEST:

By

  
**JILL ADAMS**  
City Clerk

**STATE OF ARIZONA**

Department of Transportation

By

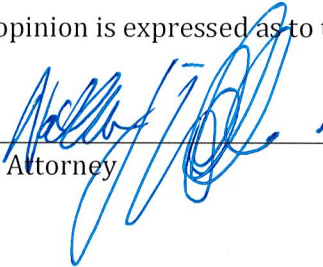
  
**STEVE BOSCHEN, PE**  
Division Director

**ATTORNEY APPROVAL FORM FOR THE CITY OF SIERRA VISTA**

I have reviewed the above referenced Amendment No. Two to the Original Agreement and Amendment No. One between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF SIERRA VISTA, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. Two 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 Amendment No. Two.

\_\_\_\_\_  
City Attorney



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Date

25 June 2020