AG Contract No. KR95 0905TRN
ADOT ECS File No. JPA 95-79
Project: Traffic Signal
Section: US-60 @ Central Heights/
Escudilla Drive

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF GLOBE

THIS AGREEMENT is entered into 6 December, 1995, pursuant to Arizona Revised Statutes, Sections 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 GLOBE, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 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 delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 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.

3. The State and the City desire to participate in the construction, operation and maintenance of a new traffic signal warranted on US Route 60 at Central Heights Road/Escudilla Drive in the City, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 20346
FILED WITH SECRETARY OF STATE
Date Filed 12/06/95
Jane Dee Hull
Secretary of State
By Vicky Greenwood

II. SCOPE OF WORK

1. The State will:

a. Provide to State standards traffic signal design plans, specifications and such other documents required for construction bidding and construction. Incorporate City review comments as appropriate.

b. Call for bids and award one or more construction contracts for the traffic signal. Administer same and make all payments to the contractor(s). Be responsible for two thirds of the cost of the traffic signal and for any contractor claims for extra compensation attributable to the State.

c. Upon completion, approve and accept the traffic signal as complete and provide maintenance.

d. Upon execution of this agreement, invoice the City for one third of the estimated cost of the traffic signal, in the amount of $30,000.00. After bid opening but prior to construction award, invoice the City for additional funds as required to maintain the City's one third proportionate share.

2. The City will:

a. Review the State's traffic signal design plans and provide comments.

b. Upon completion of the traffic signal and acceptance by the State, provide electrical energy to operate the signal.

c. Retain the right to cancel this agreement in the event of excess cost. Be responsible for one third of the total cost of the traffic signal. Upon execution of this agreement advance the State $30,000.00, and after bid opening pay the State additional funds as required to maintain the City's one third proportionate share.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. 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 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Globe
City Administrator
150 North Pine Street
Globe, AZ 85501

7. 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.

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

CITY OF GLOBE

By
DAVID A. FRANQUERO
Mayor

STATE OF ARIZONA
Department of Transportation

By
CHARLES K. EATON, P.E.
State Traffic Engineer

ATTEST

By
GINA TARANGO
City Clerk

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JPA 95-79

RESOLUTION

BE IT RESOLVED on this 4th day of May 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Globe for the purpose of defining responsibilities for the design, construction and maintenance of intersection improvements and a traffic signal at US-60 and Central Heights Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

for LARRY S. BONINE
Director

CITY OF GLOBE

WORK SESSION AGENDA

MUNICIPAL BUILDING 150 NORTH PINE STREET GLOBE, ARIZONA

NOVEMBER 14, 1995 7:00 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

CORRESPONDENCE

COUNCIL CONSIDERATIONS:

1. GILA AGING COUNCIL / DAY CARE FOR THE ELDERLY - JULIA JONES

2. RESOLUTION NO. 1211 - DRUG FREE ZONE

3. NAMING OF ROUND MOUNTAIN PARK AND SENIOR PARK

4. BEE ORDINANCE

5. SUSPEND WORK SESSION MEETING RULES TO CONSIDER THE FOLLOWING:
   - A) PROPERTY LEASE - MITCH VUKSANOVICH
   - B) IGA - ADOT U.S. 60 / CENTRAL HEIGHTS SIGNAL LIGHT
   - C) VOTE TO HOLD AN EXECUTIVE SESSION ON THE FOLLOWING:
     1) LEGAL CONSULTATION A.R.S. SEC. 38-431.03 (A) (3) RE: C.O.N. & M.P.C.
   - D) RECONVENE FROM EXECUTIVE SESSION TO DISCUSS AND TAKE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT

THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION WHEN NEEDED FOR LEGAL CONSULTATION OF THE ABOVE SHOWN ITEMS. A.R.S. SEC. 38-431.03 (A) (3)

HANDICAPPED INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS
MAY CONTACT
MARY LOU TAMPLIN
FOR THE CITY OF GLOBE
AT 425-7146 OR 425-5330 (TDD) AT LEAST 72 HOURS IN ADVANCE

B) IGA - ADOT U.S. 60 / CENTRAL HEIGHTS SIGNAL LIGHT

The Council is in receipt of the corrected IGA from the Arizona Department of Transportation.

Councilman Aguirre moved to approve the IGA with ADOT. Seconded by Vice Mayor Bittner.

Vice Mayor Bittner directed a question to Police Chief John Armer; he asked if there would have been a benefit to having this light already installed to preventing an accident like the fatality that occurred today?

Police Chief Armer stated that the only benefit that this would have had was that the driver westbound was aware that the light was there and taken that upon himself to use a higher degree of caution, it may have had an impact.

City Administrator Stratton stated that a flashing light will be installed by ADOT to alert drivers that they will be approaching a stop light. This caution light will be in the Hilltop vicinity.

The estimated cost to the City for this light would be $30,000. Mr. Stratton stated that ADOT will assume 2/3 of the cost. An adjustment will be made should the grand total amount of $90,000.00 change.

Motion carried unanimously.

C) VOTE TO HOLD AN EXECUTIVE SESSION ON THE FOLLOWING:

1) Legal consultation A.R.S. Sec. 38-431.03 (A) (3) RE: C.O.N. & M.P.C.

Councilman Gibson moved to hold an Executive Session. Seconded by Councilwoman Stevens.

Motion carried unanimously.

The Council adjourned into Executive Session at 8:15 P.M.

D) RECONVENE FROM EXECUTIVE SESSION TO DISCUSS AND TAKE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

There was no need for the Council to Reconvene into regular session.

The Executive Session adjourned at 9:20 P.M.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session Meeting of the City Council of the City of Globe held on the 14th day of November, 1995. I further certify that the meeting was duly called and held and that a quorum was present.

Gina A. Tarango, City Clerk

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APPROVAL OF THE GLOBE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF GLOBE, 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.

DATED this 14th day of November, 1995.

William L. Zipf

City Attorney

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STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE: 542-5025
TELECOPIER: 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR95-0905-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 29th day of November, 1995.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
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