

**RESOLUTION NO. 2023- 132**

**CITY OF POMPANO BEACH  
Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT 1 TO LOAN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION FOR NE 3<sup>RD</sup> STREET AND NE 4<sup>TH</sup> STREET STORMWATER DRAINAGE IMPROVEMENT PROJECT TO INCLUDE PROJECTS FOR NW 16<sup>TH</sup> LANE, US-1 AND NE 14<sup>TH</sup> STREET CAUSEWAY; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Amendment 1 to Loan Agreement (SW062460) between the City of Pompano Beach and Florida Water Pollution Control Financing Corporation, to include additional projects and additional financing for projects located on NW 16<sup>th</sup> Lane, US-1 and NE 14<sup>th</sup> Street Causeway, a copy of which Amendment is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

**SECTION 2.** That the proper City officials are hereby authorized to execute said Amendment 1 between the City of Pompano Beach and Florida Water Pollution Control Financing Corporation, which will become a binding obligation in accordance with its terms when signed by both parties. The appropriate City staff is hereby authorized to carry out technical, financial, and administrative activities associated with the loan agreement.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this 11th day of April, 2023.

DocuSigned by:  
*Rex Hardin*  
502CB780EB3F480...

**REX HARDIN, MAYOR**

**ATTEST:**

DocuSigned by:  
*Kerwin Alfred*  
D1C913A8ED334CA...

**KERWIN ALFRED, CITY CLERK**

MEB/jrm  
3/27/23  
l:reso/2023-137

DocuSigned by:



**AMENDMENT 1 TO LOAN AGREEMENT SW062460  
CITY OF POMPANO BEACH**

This amendment is executed by the FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION (the “Corporation”) and the CITY OF POMPANO BEACH, FLORIDA, (the “Local Borrower”) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department, the Corporation, and the Local Borrower shall be referred to as “Parties” or individually as “Party”.

WITNESSETH:

WHEREAS, the Corporation and the Local Borrower entered into a Clean Water State Revolving Fund Loan Agreement, Number SW062460, authorizing a Loan amount of \$1,840,250, excluding Capitalized Interest; and

WHEREAS, the Local Borrower is entitled to additional financing of \$6,344,000, excluding Capitalized Interest; and

WHEREAS, loan repayment activities need rescheduling to give the Local Borrower additional time to complete construction.

WHEREAS, certain provisions of the Agreement need revision and several provisions need to be added to the Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

1. Subsection 1.01(23) of the Agreement is deleted and replaced as follows:

“Project” shall mean the works financed by this Loan and shall consist of furnishing all labor, materials, and equipment to construct the stormwater improvements in accordance with the plans and specifications accepted by the Department for the following contracts:

- (1) “N.E 3<sup>rd</sup> Street and N.E 4<sup>th</sup> Street Storm Drainage Improvements”; and
- (2) “NW 16th Lane Drainage Improvements and US 1 and NE 14th St Improvements”.

The Project is in agreement with the planning documentation accepted by the Department effective December 26, 2013. A Florida Reaffirmation Notice was published on October 30, 2020 and no adverse comments were received.

2. Subsection 2.04(1) of the Agreement is deleted and replaced as follows:

(1) The financial assistance authorized pursuant to this Loan Agreement consists of the following:

State Resources Awarded to the Local Borrower Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:					
State Program Number	Funding Source	CSFA Number	CSFA Title or Fund Source Description	Funding Amount	State Appropriation Category
Original Agreement	Wastewater Treatment and Stormwater Management TF	37.077	Wastewater Treatment Facility Construction	\$8,184,250	140131

3. Additional financing in the amount of \$6,344,000, excluding Capitalized Interest, is hereby awarded to the Local Borrower.

4. A Financing Rate of 0.30 percent per annum is established for the additional financing amount awarded in this amendment. Individually, the interest rate is 0.15 percent per annum and the Grant Allocation Assessment rate is 0.15 percent per annum. However, if this amendment is not executed by the Local Borrower and returned to the Department before April 1, 2023, the Financing Rate may be adjusted.

5. The estimated principal amount of the Loan is hereby revised to \$8,193,050, which consists of \$8,184,250 authorized for disbursement to the Local Borrower and \$8,800 of Capitalized Interest.

6. An additional Loan Service Fee in the amount of \$126,880, for a total of \$163,685, is hereby estimated. The fee represents two percent of the Loan amount excluding Capitalized Interest, that is, two percent of \$8,184,250.

7. The Semiannual Loan Payment amount is hereby revised and shall be in the amount of \$213,948. Such payments shall be paid to, and must be received by the Trustee beginning on August 15, 2024 and semiannually thereafter on February 15 and August 15 of each year until all amounts due hereunder have been fully paid. Until this Agreement is further amended, each Semiannual Loan Payment will be proportionally applied toward repayment of the amounts owed on each incremental Loan amount at the date such payment is due.

The Semiannual Loan Payment amount is based on the total amount owed of \$8,356,735, which consists of the Loan principal plus the estimated Loan Service Fee.

8. Funds disbursed in accordance with Section 4.08 of this Agreement shall be disbursed in the order in which they have been obligated without respect to budgetary line item estimates. All disbursements shall be made from the original Loan amount until that amount has been disbursed; the Financing Rate established for the original Loan amount shall apply to such disbursements for the purpose of determining the associated Capitalized Interest and repayment amount. The Financing Rate established for any additional increment of Loan financing shall be

used to determine the Capitalized Interest and repayment amount associated with the funds disbursed from that increment.

Project costs are revised as follows:

<u>CATEGORY</u>	<u>PROJECT COSTS (\$)</u>
Construction and Demolition	7,158,409
Contingencies	715,841
Technical Services After Bid Opening	310,000
SUBTOTAL (Disbursable Amount)	<u>8,184,250</u>
Capitalized Interest	<u>8,800</u>
TOTAL (Loan Principal Amount)	8,193,050

9. The items scheduled under Section 10.07 of the Agreement are rescheduled as follows:

(2) Completion of Project construction is scheduled for February 15, 2026.

(3) Establish the Loan Debt Service Account and begin Monthly Loan Deposits no later than February 15, 2026.

(4) The first Semiannual Loan Payment in the amount of \$213,948 shall be due August 15, 2026.

10. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 to Loan Agreement SW062460 may be executed in three or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Corporation has caused this amendment to the Loan Agreement to be executed on its behalf by its Chief Executive Officer and the Local Borrower has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Chief Executive Officer of the Corporation.

for  
FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION

*[Signature]*  
\_\_\_\_\_  
Chief Executive Officer

7/19/23  
\_\_\_\_\_  
Date

*[Signature]*  
\_\_\_\_\_  
Reviewed and approved by the Corporate Secretary

for  
CITY OF POMPANO BEACH

DocuSigned by:  
*[Signature]*  
\_\_\_\_\_  
502CB780EB3F480... Mayor

Attest:

Approved as to form and legal sufficiency:

DocuSigned by:  
*[Signature]*  
\_\_\_\_\_  
D1C913A8ED334CA... City Clerk

DocuSigned by:  
*[Signature]*  
\_\_\_\_\_  
343B0B2C81D9424... City Attorney

SEAL



APPROVED AND ACCEPTED BY THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

*[Signature]*  
\_\_\_\_\_  
Secretary or Designee