

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY FOR THE CONSTRUCTION OF SEGMENT 2 OF THE DIXIE HIGHWAY/ATLANTIC BOULEVARD STREETScape IMPROVEMENTS AT A GUARANTEED MAXIMUM PRICE OF \$45,632,432, TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR AN AMOUNT UP TO \$13,921,600 IN PROJECT FUNDING UNDER THE COUNTY TRANSPORTATION SURTAX PROGRAM, AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO MAKE NONSUBSTANTIVE AMENDMENTS WITHOUT FURTHER COMMISSION APPROVAL AS MAY BE REQUIRED BY BROWARD COUNTY FOR PROGRAM FUNDING, NOT INCLUDING THE GUARANTEED MAXIMUM PRICE, AND TO PROVIDE COPIES OF SUCH AMENDMENTS TO THE CITY COMMISSION AND CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the Second Amendment to Construction Manager-at-Risk Agreement between the City of Pompano Beach and The Whiting-Turner Contracting Company for the construction of Segment 2 of the Dixie Highway/Atlantic Boulevard Streetscape Improvements

(Amendment), substantially similar to attached copy, which is incorporated by reference as if set forth in full, is approved.

SECTION 2. That the Interlocal Agreement with Broward County for an amount up to \$13,921,600 in project funding under the County Transportation Surtax Program (Interlocal Agreement), substantially similar to the attached copy, which is incorporated by reference as if set forth in full, is approved.

SECTION 3. That the Mayor and City Manager are authorized to execute the Amendment and the Interlocal Agreement and to make nonsubstantive amendments, without additional City Commission approval, as may be required by Broward County for Program funding, not including the guaranteed maximum price, and provide copies of such amendments to the City Commission and City Clerk.

SECTION 4. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES:jrm
6/9/22
L:ord/2022-215