

ORDINANCE NO. 2021-017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING ORDINANCE NO. 2006-027, BY AMENDING THE NON-EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY TO PROVIDE GAS SERVICES AND TO USE PUBLIC RIGHTS-OF-WAY OF THE CITY OF COCONUT CREEK, DATED OCTOBER 16, 2006, IN ORDER TO RENEW THE AGREEMENT FOR FIFTEEN (15) YEARS AND TO PROVIDE FOR UPDATES CONSISTENT WITH CHANGES TO STATE LAW AND THE CITY'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City entered into a Non-exclusive Franchise Agreement with Peoples Gas System, a division of Tampa Electric Company, on October 16, 2006, via Ordinance No. 2006-027 ("Agreement" attached hereto as Exhibit "A") for a period of fifteen (15) years, renewable for an additional fifteen (15) years, to provide natural gas service to those customers within the City, and to allow the use of the City's rights-of-way; and

WHEREAS, the parties are desirous of renewing the Agreement for an additional fifteen (15) years as contemplated in Section 3, "Term," of the Agreement and to provide for the amendment of certain provisions within the Agreement to provide for updates consistent with changes to State law and the City's Code with such amendments being reflected in Amendment No. 1 ("Amendment No. 1" attached hereto as Exhibit "B"); and

WHEREAS, the City Commission finds that it is in the best interest of its residents to enter into Amendment No. 1 to the Agreement.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of

this ordinance. Exhibits "A" and "B," attached hereto, are incorporated herein and made a specific part of this ordinance.

Section 2: Amendment. That the City Commission hereby approves the Amendment No. 1 to the Agreement.

Section 3: That the City Manager, or designee, is hereby authorized to execute the Amendment No. 1 to the Agreement.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 24TH DAY OF JUNE, 2021.

PASSED SECOND READING THIS 9TH DAY OF AUGUST, 2021.

Rebecca A. Tooley, Mayor

Attest:

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>