

**Agenda Item:** 2.b

**Meeting Date:** February 22, 2024

## **MEMORANDUM**

**To:** City Commission

**Date:** 2024-01-10

**From:** Jorge Quintas Deputy City Manager

**Subject:** Second Reading of Ordinance 24-01, Amending Section 78-515 of Article X, Chapter 78 of the City Code of Ordinances allowing for Franchise Utility providers with facilities located within City rights-of-ways to not be subject to the Annual General Permit requirements set forth therein.

**Presenter(s):** Jorge M. Quintas, P.E., Deputy City Manager; and Christopher B. Roe, Attorney, Bryant Miller Olive P.A.

**Recommend:** Commission approval on the Second Reading of Ordinance 24-01, Amending Section 78-515 of Article X, Chapter 78 of the City Code of Ordinances allowing for Franchise Utility providers with facilities located within City rights-of-ways to not be subject to the Annual General Permit requirements set forth therein.

**Epic Goal(s):** Goal #2 - Create a visual sense of place throughout Dunedin; and Goal #4 - Be the statewide model for environmental sustainability stewardship.

**Boards & Committees:** N / A

**Budget Impact:** None

**Past Action:** First Reading of Ordinance 24-01 held on January 25, 2024, (Agenda Item #2.a).

**Next Action:** Adoption of Ordinance 24-01 .

**Attachments:**

[A. Amending Ordinance #24 -01 \(Signed by BMO\).pdf](#), [B. City of Dunedin Business Impact Statement - Ordinance #24-01.pdf](#), [C. Ordinance #24-01 - Proof of Advertisement.pdf](#),

**Background:**

Adoption of the Duke Energy Electric Utility Franchise Ordinance 24-02 necessitates the elimination of the requirement for Duke to apply for / obtain an Annual General Permit from the City to work within our rights-of-ways. Doing so could not be accomplished in the Duke Franchise Ordinance, as it also applies to other franchise holders within the City (i.e.: Clearwater Gas, and any other future franchisee). The adoption schedule for the Amending Ordinance therefore must track and accompany the Duke Franchise Ordinance.

As such, the City Attorney's Office prepared the referenced Ordinance 24-01, Amending Section 78-515 of Article X, Chapter 78 of the City Code of Ordinances allowing for Franchise Utility providers with facilities located within City rights-of-ways to not be subject to the Annual General Permit requirements set forth therein. The resultant impact on businesses is to lessen administrative and regulatory burdens, and reduce annual costs, for businesses which possess a franchise from the City.

Staff hereby recommends Commission approval on the Second Reading of Ordinance 24-01, as detailed herein.