

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING ORDINANCE NO. 2015-77; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

Ordinance 2015-77 was adopted at the September 8, 2015 City Commission hearing. On September 9, 2015 the Director of the East CRA, Kim Briesemeister, advised via email that at the September 3, 2015 East CRA Advisory Board meeting, the Board expressed concerns about the "concession stand agreement guidelines". Furthermore, several City Commissioners have independently expressed concern with the new regulations. Therefore the proposed Ordinance, if approved, would rescind the previously adopted regulations. Should the Ordinance 2015-77 be rescinded, Staff will prepare revised regulations to address the various concerns.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *KBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	09/21/2015	Approval	
City Attorney	09/21/2015	Approval	<i>[Signature]</i> Memo #2015-1648
<input checked="" type="checkbox"/> City Manager			<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration
1 st Reading <u>10/13/2015</u>	1 st Reading _____	Results: _____
2 nd Reading <u>09/21/2015</u>	_____	_____
Adopted - Ord. 2015-81	_____	_____



City Attorney's Communication #2015-1648

September 21, 2015

TO: Karen Friedman, AICP, Principal Planner
FROM: Mark E. Berman, City Attorney
RE: Ordinance Rescinding Ordinance No. 2015-77

Attached please find the following form of Ordinance, relative to the above-referenced matter:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY
OF POMPANO BEACH, FLORIDA, RESCINDING
ORDINANCE NO. 2015-77; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.


MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-1648

Attachment

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING ORDINANCE NO. 2015-77; 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 Ordinance No. 2015-77, a copy attached hereto, is hereby rescinded in its entirety.

SECTION 2. If any provision of this Ordinance or the application thereof 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

Karen Friedman

From: Kim Briesemeister <kim@rma.us.com>
Sent: Wednesday, September 9, 2015 9:19 PM
To: 'Lamar Fisher'; Barry Dockswell; FW_Rex Hardin; 'barrymossflorida@aol.com'; CBurrieatty@aol.com; 'pfins@bellsouth.net'; Chris Brown
Cc: 'jrog8641@comcast.net'; 'da131755@gmail.com'; 'jdniswonger@msn.com'; 'mrs.gee@netzero.net'; 'rafi@katzlawgroup.net'; 'stacerfl@msn.com'; 'tiarax24@gmail.com'; 'rlubomski@aol.com'; Cathy Trenkle; Adriane Esteban; Horacio Danovich; Robin Bird; Karen Friedman; Dennis Beach
Subject: Concerns about Pier Concession Agreement

CRA Board,

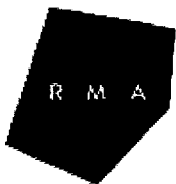
I goofed up on something.

At the East Advisory meeting last Thursday night, 9/3, the committee expressed concerns about the "concession stand agreement guidelines" along the beach that was an item on your agenda last night. (I had met with Tim Hernandez, the pier developer, earlier that same day and even he agreed it was premature to try to define the parameters of the concession stands)

I told the Advisory Committee last Thursday night that it shouldn't be a problem to ask you to delay the discussion to a later date, but then, on Friday, I forgot to tell you, or Robin, (or the planning department) about the comments. The minutes from the advisory meeting obviously weren't distributed yet and since you had already received your agenda the item went forward.

So, if you would entertain the idea, I believe all parties would be receptive to bringing the item back at the 9/23 city commission meeting, and simply deferring it until a date uncertain (after the restaurants are open and operating). In the meantime we will amend the developers agreement to reflect the timeline. I've already confirmed with Tim and he has no problem with this approach.

My apologies for the lapse, and especially to the planning department and Karen for working hard to bring this item to you in a timely manner.



REINVENTING YOUR CITY

Kim Briesemeister
Principal

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