



**City of Marathon City Council Regular Meeting Agenda**  
**Marathon Government Center, 2798 Overseas Hwy.**  
**Tuesday, July 27, 2010 at 5:30 p.m.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of agenda and consent agenda** [Approval of Consent Agenda passes all routine items indicated by asterisk (\*). Consent Agenda items are not considered separately unless a council member so requests. In the event of such a request, the item is returned to the Regular Agenda.]
- 5. City Council Items**
  - \*A. Approval of [Minutes](#)
  - B. ADA [Proclamation](#) (Snead)
  - C. [Request for Use](#) of Marathon Community Park after Hours on January 7th & 8th, 2011  
From 11:30 pm to Overnight by First Annual Florida Keys Ragnar Relay
  - D. Fisherman's Point Discussion (Cinque)
  - E. Design of Grassy Key Fire Station (Cinque)
  - F. ECMC [Reference Request](#) (Ramsay)
  - G. Response to Citizen's Comments (Ramsay)
  - H. Height Restrictions Discussion (Ramsay)
  - I. DEP Liaison Regarding Heritage Trail Issues (Ramsay)
- 6. Reports and Presentations**
  - A. FDOT Update on US1 Repaving Schedule
  - B. FKAA Update on US1 Work Schedule and Confirmation of Irrigation Policy
  - C. Red Carpet Tours Update (Daniel Sammes, Chamber of Commerce CEO)
- 7. Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda** [Those who have signed in will be given the first opportunity to speak. Time is limited to 2 minutes per speaker and 30 minutes total time for this agenda item.] **TIME CERTAIN TO 6:30 PM OR AS SOON AS POSSIBLE THEREAFTER**
- 8. Ordinances for Second Public Hearing and Enactment**
  - A. Ordinance [2010-07](#)**, Revising Ordinance 2010-04 Of The City Of Marathon, Florida, Amending Sections 6-52(A) And 6-52(B) Of The Code Of Ordinances Of The City Of Marathon, Florida, Authorizing A Fill Permit On Property Which Does Not Have A Permit For A Principle Structure Or Use If Specified Review Criteria Are Met; Establishing Specified Review Criteria, Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Community Affairs (The "Department"); And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department In Accordance With State Law

**9. Quasi-Judicial Public Hearings** Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon these items, please inform the Clerk by filling out the available sign-up form. An opportunity for persons to speak on the items will be made available after the applicant and staff has made their presentations on the items. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will not be considered. The general public will not be permitted to cross-examine witnesses, but the public may request the Council to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

**A.** Public Right-Of-Way Abandonment, A Request To The City Council Of The City Of Marathon By Waters Edge Marina LLC, To Abandon A 231 Foot Portion Of A Public Right-Of-Way Located At The Southeasterly End Of 11<sup>th</sup> Street Ocean, Described As Peninsula Street And Adjacent To Lots 8, 9, & 10, Block 1 And Lots 8, 9 & 10 Block 2, Plat Book 2, Page 68, Section 08, Township 66, Range 32, Riggs Subdivision, Hog Key, Nearest Mile Marker 48, Monroe County, Florida .....**STAFF REQUESTS ITEM TO BE CONTINUED TO AUGUST 10, 2010 5:30PM**

**B.** A [Resolution](#) Of The City Council Of The City Of Marathon, Florida, Repealing And Superseding Resolution PC 02-11-08 And Approving The Request By Sounds of Service Radio Inc For An Amendment To A Conditional Use, Which Requests The Deletion Of Condition Number 2 Concerning Landscaping Requirements Pursuant To Section 9.5-69 Of The City Of Marathon Code, Which Authorized The Construction Of A 255 Foot High Antenna Supporting Structure And Accessory Equipment Cabinets At Property Legally Described As A Part Of Government Lot 2, Section 19, And Part Of Government Lot 1 Section 30, Township 54 South, Range 34 East, And The Easterly 204 Feet Of Tract 14 Sans Souci Subdivision According To The Plat Thereof As Recorded In Plat Book 2, Page 160 Of The Public Records Of Monroe County, Florida; Having Real Estate Number 00376010-000000. Providing For Severability; Providing For The Transmittal Of This Resolution To The State Department Of Community Affairs (The “Department”); And Providing For An Effective Date Upon The Approval Of This Resolution By The Department In Accordance With State Law. Location Mile Marker 59, 59001 Overseas Highway, Marathon.

**10. Resolutions For Adoption**

**A. Resolution 2010-71,** Relating To The Construction Of Wastewater Collection And Treatment Facilities In The City Of Marathon, Florida; Imposing Special Assessments; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing An Effective. ....**PULLED BY CITY ATTORNEY**

**B. Resolution 2010-72,** Relating To The Construction Of Wastewater Collection And Treatment Facilities In The Little Venice Service Area Of The City Of Marathon, Florida; Imposing Special Assessments; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing An Effective Date.....**PULLED BY CITY ATTORNEY**

**C. Resolution [2010-73](#)**, Relating To The Construction Of Stormwater Collection And Treatment Facilities In The City Of Marathon, Florida; Establishing Terms And Conditions Of Proposed Special Assessments To Fund Stormwater Utility Costs Against Assessable Property Located Within The City Of Marathon, Florida; Determining The Stormwater Utility Cost And The Initial Stormwater Utility Service Assessments; Establishing A Public Hearing To Consider The Imposition Of The Proposed Assessments And The Method Of Their Collection; Directing The Provision Of Notice And Providing For An Effective Date

**\*D. Resolution [2010-74](#)**, Approving An Agreement With EssentialNet Solutions, Inc. For The Provision Of Information Technology Services In An Amount Not To Exceed \$40,440 Plus Reimbursables Annually; Authorizing The City Manager And City Attorney To Finalize The Terms And Conditions Of The Agreement; Authorizing The Manager To Execute The Agreement And Providing For An Effective Date.

**\*E. Resolution [2010-75](#)** Authorizing An Agreement Between The City Of Marathon, Florida And Bishop, Rosasco And Company For The Provision Of Finance Director Services In An Amount Not To Exceed \$362,736 Plus Reimbursables Annually; And Providing An Effective Date.

**F. Resolution [2010-76](#)**, Approving Amendment No. 5 To Florida Department Of Environmental Protection Bureau Of Water Facilities Funding – Florida Water Pollution Control, Financing Corporation Loan WW63702P To Increase Loan Amount by \$10,000,000 And Adjust Semiannual Loan Payments; Authorizing The City Manager To Execute The Amendment; And Providing For An Effective Date.

**G. Resolution [2010-77](#)**, Approving A Grant Application To Florida Department Of Environmental Protection, Bureau Of Beaches And Coastal Systems In The Amount Of \$495,000 For Beach Erosion Mitigation Funding; Supporting The Proposed Beach Erosion Mitigation Project And Providing The Necessary Local Match; Authorizing The City Manager To Execute The Application On Behalf Of The City; And Providing For An Effective Date

**H. Resolution [2010-78](#)**, Authorizing The City To Enter Into Contract With Wharton-Smith, Inc., For The Service Area 5 Wastewater Treatment Plant Expansion In An Amount Not To Exceed \$4,227,000; Authorizing The City Manager To Execute The Contract On Behalf Of The City And Expend Budgeted Funds; And Providing For An Effective Date

**I. Resolution [2010-79](#)**, Approving A Contract With Enviroquip For The Purchase Of Service Area 5 Wastewater Treatment Plant Expansion Equipment In An Amount Not To Exceed \$2,495,000.00.00; Authorizing The City Manager To Execute The Contract On Behalf Of The City And Expend Budgeted Funds; And Providing For An Effective Date.

**J. Resolution [2010-80](#)**, Approving Change Order # 1 To Contract Dated March 10, 2009 With O.A.C., For The Installation Of The Service Area 5 Pump Station (In The Original Amount Of \$1,429,235) To Extend The Contract Time An Additional 45 Days; Authorizing The City Manager To Execute The Change Order On Behalf Of The City; And Providing For An Effective Date

**K. Resolution [2010-81](#)**, Adopting A Policy Concerning The Demolition And Removal Or Repair Of Existing Sidewalks Within The City Of Marathon; And Providing For An Effective Date.

- 11. Citizens' comments** [2 minutes per individual - Each individual has one opportunity to speak.]
- 12. Council comments**
- 13. Adjournment**

The public hearings will commence at 5:30 p.m., or as soon thereafter as business permits, in the Marathon Government Center, EOC Room, 2798 Overseas Highway, Marathon, FL. All interested persons are invited to attend the meeting and participate in the discussion; or, written comments may be sent to the City of Marathon, c/o City Clerk, 9805 Overseas Hwy, Marathon, FL 33050.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the City Council hearing due to disability should contact the City of Marathon at (305) 289-5020 at least two days prior thereto. Please contact the City Clerk at [clavierd@ci.marathon.fl.us](mailto:clavierd@ci.marathon.fl.us) if you would like to receive any of the items on the agenda by email.