



City of Marathon City Council Agenda
Marathon Council Chambers, 9805 Overseas Hwy., Marathon
Tuesday, May 23, 2017 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. [Permission](#) to hold the 37 Annual Bridge Run on April 14, 2018
 - *C. BPW Taste of the Islands [Request](#) to Waive Fees and Serve Alcohol on November 12th at Community Park
 - D. ABATE Motorcycle Safety Awareness Month [Proclamation](#)
 - E. EMS Week [Proclamation](#)
 - F. Code Board Magistrate Discussion
 - G. City Manager Review (Mayor Zieg)
 - H. Community [Announcements](#)
6. **City Manager Report**
 - A. Building Department [Report](#)
 - B. Public Works [Report](#)
 - C. Marathon Fire Rescue Department [Report](#)
 - D. Legal Opinion Regarding Term [Limits](#)
 - E. Draft Budget [Calendar](#)
 - F. Potential Workshop Dates
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 OR AT THE CONCLUSION OF ALL COUNCIL BUSINESS; WHICHEVER OCCURS FIRST.**
8. **Resolutions for Adoption**
 - A. **Resolution [2017-34](#)**, Authorizing A “Piggy Back Purchase” Pursuant To The City’s Procurement Policies And Procedures Of A New Engine Under The Florida Sheriff’s Contract Bid #16-VEF12.0 From Pierce Manufacturing, Inc. In A Pre-Paid Amount Not To Exceed \$554,293.70; Authorizing The City Manager To Appropriate and Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date
 - *B. **Resolution [2017-35](#)**, Authorizing A “Piggy-Back” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of a New Caterpillar TL642D

Telehandler HRC Under The Florida Sheriff's Contract # FSA16-VEH14.0; Specification #66 From Kelly Tractor Co. In An Amount Not To Exceed \$98,814.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

C. Resolution [2017-36](#), DENIAL of A Request For A Conditional Use Permit For GEM Homes LLC, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits," With Proposed Densities Of Approximately 15 Affordable Housing Units Per Acre; Located At 250 Gulf Terrace; Which Is Legally Described As Part Of Lot 2 & Lots 8 9 & Part Of Lots 7 & 10 Schmitt Subdivision, Section 2, Township 66, Range 32, Key Vaccas, Marathon, Monroe County, Florida; Having Real Estate Numbers 00101340-000000 and 00101340-000200, Nearest Mile Marker 51.

***D. Resolution [2017-37](#)**, Approving a Change Order For "Utility and Public Works Maintenance Facility Building," To Pedro Falcon Contractors, Inc., In The Amount Not To Exceed \$95,031.20; Authorizing The City Manager To Execute The Change Order, Appropriate And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***E. Resolution [2017-38](#)**, Approving Change Order #1 For "Marathon Area 3 WWTP and Marathon Area 4 WWTP, Filter Upgrades" Project" To Layne Heavy Civil, Inc. In The Amount Not To Exceed \$115,464.34; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***F. Resolution [2017-39](#)**, Consideration Of A Request To Remit And Release Funds In The Amount Of \$400,000 To RERR Limited LLC; Said Funds Are Held By The City And Two Local Attorneys Pursuant To Conditions And Requirements Stated In Resolution 2015-123; The Terms For The Release Of Said Funds Is Similarly Prescribed Under Resolution 2015-123; And Providing For An Effective Date.

***G. Resolution [2017-40](#)**, Accepting The Conveyance Of Land (Approximately 1,350 Ft. X 35 Ft.) From The Monroe County Comprehensive Plan Land Authority (MCLA) To The City Of Marathon; Said Land Accepted Pursuant To Resolution 2016-121, A Request Made By The City To The MCLA; Said Land Located Adjacent To Property Owned And Operated By The Florida Keys Land And Sea Trust (FKLST); Said Land To Be Utilized As Recreation And Conservation Land; Authorizing The Mayor To Sign Any And All Transfer Documents Including But Not Limited To Quit Claim Deeds And Declaration Of Covenants, Conditions, And Restrictions; Waiving Any And All City Stormwater Special Assessment, Non-Ad Valorem Fees; And Providing For An Effective Date.

9. Quasi Judicial Public Hearing - 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. (Councilmember's to communicate ex parte communication.)

A. Resolution [2017-41](#), Consideration Of A Request From Paradise Produce For An Amendment To A Conditional Use Permit For An Open Air Market, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Which Is Legally Described As Part Of Government Lot 2 AKA Part Of Old State Road 4A And Lot 1 Block 2 of Mead Subdivision, Key Vaca, Monroe County, Florida, Having Real Estate Numbers 00327760-000000 and 00103120-000100. Nearest Mile Marker 49.5.

B. A Request For An [Extension](#) Of A Development Agreement For Boat Works Investment, LLC, For The Redevelopment Of An Existing Boat Repair Marina Facility With Boat Slips, And Existing Commercial Floor Area, Located At 700 39th Street Gulf; Which Is Legally Described As Part Of Block 2 And All Of Block 5, Lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18 & 19, Marathon Beach, Key Vaca, Monroe County, Florida Having Real Estate Numbers 00103480-000100, 00337270-000000, 00337280-000000, 00337290-000000, 00337300-000000, 00337310-000000, 00337330-000000, 00337380-000000, 00337390-000000, And 00337470-000000, Nearest Mile Marker 48.5.

C. A Request For An [Extension](#) Of A Development Agreement By Holiday Inn Express And Suites, Seeking The Expansion Of The Holiday Inn Express Through The Proposed Development Of An Additional 27 Hotel/Motel Units On Property Which Is Legally Described As Part Of Government Lot 2, Fat Deer Key, Monroe County, Florida, Having Real Estate Numbers 00100260-000100 And 00100260-000102, Nearest Mile Marker 54.

D. Resolution [2017-42](#), Consideration Of A Request By Joshua Mothner For A Development Agreement, Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement”, For The Development Of A Property With Four Affordable Housing Units; With Proposed Densities Of Approximately 10 Affordable Housing Units Per Acre; Located At 818 51st Street Gulf; Having Real Estate Number 00325410-000000, Nearest Mile Marker 50.

10. Items for Public Hearing

A. Resolution [2017-43](#), Consideration of A Request To The City Council Of The City Of Marathon By Marathon Vacation Properties, LLC To Abandon The Public Right Of Way Located At Avenue P On Coco Plum, Described As Being Adjacent To Block 19, Lots 4 And 5 And Block 20, Lot 1A, Coco Plum Beach, PB4-166 Fat Deer Key, Having Real Estate Numbers 00366010-000000, 00366020-000000, and 00366031-000100, respectively. Nearest Mile Marker 54.

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 City Hall Council Chambers, 9805 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 City Attorney at (305) 289-4130 at least five days prior thereto. Please contact the City Clerk at clavird@ci.marathon.fl.us if you would like to receive any of the items on the agenda by email.