



**City of Marathon City Council Agenda  
Marathon Council Chambers, 9805 Overseas Hwy., Marathon  
Tuesday, July 9, 2019 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. 15 Year Service Award, Captain Joe Forcine Marathon Fire Rescue
  - C. Be Kinder Program Presentation (Councilmember Senmartin)
  - D. Less Than Fee Program [Update](#) (Councilmember Zieg)
  - E. Community Park Use and Fee Discussion
  - F. [Request](#) to Hold Conch Records Video Festival January 3-5<sup>th</sup> and permission to sell Beer and Wine at Marathon Community Park
  - G. Request to Hold Coral Head Music Festival February 2020 and permission to sell Beer and Wine at Marathon Community Park (Mayor Bartus)
  - H. Community [Announcements](#)
6. **City Manager Report**
  - A. City Marina [Report](#)
  - B. Wastewater Utility [Report](#)
  - C. Code Magistrate [Report](#)
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. **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 [2019-66](#)**, Approving A Request By Holiday Inn Express & Suites For A Time Extension For Approvals Granted Pursuant To Resolutions 2014-105 And 2015-37 Pertaining To The Granting Of Twenty-Five (25) Transient Residential Units (TRUs) For A Project Approved By The City To Expand The Holiday Inn Express & Suites By A Total Of Twenty-Seven (27) Hotel Units Approved Pursuant To Resolutions 2014-61 And 2014-62 For A Conditional Use Permit And A Development Agreement Respectively; Providing That Said Conditional Use Permit And Development Agreement Were Approved For Time Extensions Pursuant To Resolutions 2017-47 And 2018-65; Providing That The Approval Of This Resolution Makes The Approved Time Frames For The Conditional Use Permit, Development Agreement And The Allocation Of Transient Residential Units (TRUs) Contemporaneous; Providing That Said Extension Request Is Issued For 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

## **9. Ordinances for Second Public Hearing and Enactment**

**A. Ordinance [2019-11](#)**, Amending Section 18-125 Of The City Code Regarding Civil Penalties For The Possession Of Cannabis (Marijuana) For Amounts Under 20 Grams And For Possession Of Drug Paraphernalia; Clarifying The Citation Procedure; Establishing A New Procedure To Contest A Citation; Providing For Severability; Providing For The Repeal Of All Ordinances Inconsistent Herewith; And Providing An Effective Date

## **10. Resolutions for Adoption**

**A. Resolution [2019-67](#)**, Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date

**\*B. Resolution [2019-68](#)**, Approving Change Order No. 2 To Contract Between The City And Discount Rock & Sand, Inc. In The Original Amount Of \$1,343,241.00 For The Reconstruction of Sombrero Beach From Hurricane Irma Damages; Increasing The Contract In An Amount Not To Exceed \$30,785.62 For Various Items Requested By The City As Part Of The Beach Reconstruction Project; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**C. Resolution [2019-69](#)**, Accepting The Lowest Responsive And Responsible Bid, And Approving A Contract Between The City And H&R Paving, Inc., In An Amount Not To Exceed \$1,755,787.78 For The Aviation Blvd. Multi-Use Trail Project; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**\*D. Resolution [2019-70](#)**, Approving Change Order No. 1 To Contract Between The City And XGD Systems, LLC. In The Original Amount Of \$118,500.00.00 For The Re-Sodding Of The Soccer Fields At Community Park; Increasing The Contract In An Amount Not To Exceed \$84,444 For The Re-Sodding of the Baseball Fields and The Dog Park At Oceanfront Park; Authorizing The City Manager To Execute The Change Order And Expend and Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

**\*E. Resolution [2019-71](#)**, Rescinding Resolutions 2017-77 And 2018-105 Having Been Superseded By Other Resolutions Or Having Become Unnecessary; 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 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 [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.