



City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon
Tuesday, December 8, 2020 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. Library Update (Kimberly Mathews)
 - C. Garbage Can Discussion (Councilmember Zieg)
6. **City Manager Report**
 - A. Marina [Report](#)
 - B. Marathon Fire Rescue [Report](#)
 - C. Park [Report](#)
 - D. Establishment of [Legislative Priorities](#) for the 2020-2021 Legislative Session
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.] **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 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. (Councilmember's to communicate ex parte communication.)

A. Considering The Second Amended And Restated Development Agreement Between The City Of Marathon And Marlin Bay Yacht Club, LLC, For The Redevelopment Of Property, Which Is Legally Described As Block 6 Lots 1 Thru 5 & The N 100' Of The S 430' Of Lot 6 And Adjacent Filled Bay Bottom, Marathon Beach Sub PB2-16 And Block 2 Lots 1 Thru 6 Amended Plat Of Yacht Basin Tracts Real Estate Number 00337010-000000, Providing For Conditions And Requirements Of Development, Including But Not Limited To, Buffers, Building Heights, Setbacks, Up To One (1) Year Tenancies At Marina Wet Slips, And Other Requirements; Providing For The Potential, But Not As Yet Approved, Conversion Of Market Rate To Transient Residential Units; Considering The Possible Conversion Of Affordable Deed Restricted Units Through Payment Into The Affordable Housing Fund; And Providing For An Effective Date. **(To Be Continued to the January 12, 2021 Meeting)**

B. Resolution [2020-92](#), Consideration Of A Request By Boat Works Investments, LLC For A Revision To The Approved Development Agreement (Resolution 2006-185), Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement”, In Consideration Of A Recently Approved Conditional Use Permit (Resolution 2018-88) Involving Boat Works Investments, LLC And Tri-Star Affordable Development, LLC On Properties Located At And Adjacent To 39th Street Gulf And 747 Through 999 41st Street Gulf And 3905 Louisa Street, Which Are Legally Described As Part Of Block 2 & All Of Block 5, Lots 5, 6, 7, 8, 9, 10, 14,15, 16, 17, 18 & 19 And Filled Bay Bottom North Of And Adjacent To Marathon Beach Subdivision, Block 1, Lot 1 Of Lincoln Manor Subdivision, Key Vacca, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution. Nearest Mile Marker 49.10

C. An [Appeal](#) By Roger Bolon And Alexandria Wolff Of The Decision Of The City Of Marathon Public Works Director To Issue A Permit To The Florida Keys Electric Cooperative, Inc. To Move Electric Transmission Poles From The South Side Of Aviation Boulevard To The North Side Of Aviation Boulevard From 8146 Aviation Boulevard To 109th Street, Gulf Then Toward US 1 Ending 117 Feet North Of US 1 And 109th Street. Said Appeal Is Premised On A Belief By The Parties That The City Violated City Code Section 26 (1)(A) And 337.401 F.S. Because The City Failed To Recognize The Potential Impact On Adjacent Property Owners, Including Grandfathered Driveway Access Or Other Permitted Feature(s) In The City Right-Of-Way As Recognized In City Code.

9. Resolutions For Adoption

***A. Resolution [2020-93](#),** Approving Change Order’s #1 For “Marathon Area 3 & 4 Force Main Project” To Key Honey Contracting, LLC In The Amount Not To Exceed \$73,586.00; 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.

***B. Resolution [2020-94](#),** Accepting The Responsible Bid And Approving A Contract Between The City And Sea Tech of the Florida Keys, Inc.; In An Amount Not To Exceed \$421,947.00 For Community Park Parks & Recreation Office Expansion Project; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

***C. Resolution [2020-95](#),** Accepting The Responsible Bid And Approving A Contract Between The City And Discount Rock & Sand, Inc.; In An Amount Not To Exceed \$82,450.00 For Sombrero Area Stormwater Improvement & Repair 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 [2020-96](#)**, Authorizing A “Sole-Source” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of Odor Control System Upgrades from Syneco Systems, Inc. for upgrades in Service Area 3 and Service Area 4, In An Amount Not To Exceed \$111,005.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

***E. Resolution [2020-97](#)**, Amending A Previously Approved Long-Term Lease Agreement Between The City Of Marathon, Florida And Habitat For Humanity Of The Middle Keys (H4H) For Two Properties In The Ownership Of The City; Located At 818 51st Street, Ocean (Re No. 00325410-000000) And 7931 Overseas Highway (Re No. 00347290-000000); Providing For The Terms Of Said Lease: Providing For An Effective Date.

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

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 if you would like to receive any of the items on the agenda by email.