

City of Marathon  
City Council Action Minutes  
May 12, 2020 5:30 pm City Council Meeting Minutes

**CALL TO ORDER** - A Virtual Zoom Meeting of the City Council of Marathon, Florida was held on May 12, 2020, Mayor Cook called the meeting to order at 5:30 pm.

**ROLL CALL - There were present:**

Councilmember John Bartus

Vice Mayor Luis Gonzalez

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor Steven Cook, comprising a quorum

Also in attendance were:

Chuck Lindsey, City Manager

Planning Director George Garrett

Attorneys with Vernis and Bowling, Dirk Smits and Gaelan Jones

City Clerk, Diane Clavier

Finance Director Jennifer Johnson

Growth Management Director, Doug Lewis

Public Works Director, Carlos Solis

Fire Chief John Johnson

Parks and Recreation Director, Paul Davis

Marina Director, Sean Cannon

Cody Ward, Paralegal

**Statement from the Mayor regarding virtual meeting procedures.** The Mayor read the following statement: Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSanctis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes. Procedures for the public comment will be explained by the City Attorney shortly and may be adopted by the Council for all virtual meetings in the future. The members of the City Council appearing remotely for this meeting are *Mayor, Steve Cook, Vice Mayor, Luis Gonzalez, Councilmembers John Bartus, Mark Senmartin, and Dr. Daniel Zieg.*

The Pledge of Allegiance was recited.

**Statement from the City Attorney** Dirk Smits stated the following: The material for each item on the agenda is available during business hours at the city clerk's office and on-line, 24 hours a day at [www.ci.marathon.fl.us](http://www.ci.marathon.fl.us).

- Any person who wishes to make public comment during this meeting may be heard by the City Council, through the Mayor for not more than three minutes, on any proposition before the City Council, unless modified by the Mayor. Since this is a virtual meeting as authorized by the Governor the State of Florida, members of the public wishing to address the body may do so by calling (305) 289-4130, or emailing [cityofmarathon@ci.marathon.fl.us](mailto:cityofmarathon@ci.marathon.fl.us) with your name, address, and agenda number of the item(s) you wish to comment on, along with a phone number where you can be reached after 4PM on May 12, 2020. Any member of the public wishing to comment on items not on the agenda may make their comment known to the Council by emailing [council@ci.marathon.fl.us](mailto:council@ci.marathon.fl.us), or submitting the comment to the drop box maintained at City Hall no later than four (4) hours prior to the meeting. All comments submitted will be included as part of the public record for this virtual meeting and will be considered by the City Council prior to any action taken.
- When addressing the City Council, the member of the public must first state his or her name, his or her address, and what item will be spoken about.
- Anyone wishing to appeal any decision made by the City Council for any matter considered at this meeting may need a verbatim record of the item. A video of this meeting may be requested after the meeting by emailing [cityofmarathon@ci.marathon.fl.us](mailto:cityofmarathon@ci.marathon.fl.us), and may be viewed live at <https://www.youtube.com/channel/UCFimq7DjLHNolPgqbKtaftQ/live>.
- Please silence all cell phones and other noise-making devices.
- Any person with a disability requiring assistance, auxiliary aids, and services for this meeting may notify the City Clerk.
- Please note Council Members have generally been briefed by city staff and the city attorney on items on the agenda today.

#### Access and Public Comment Accommodations

##### Access to the Meeting

The City of Marathon is using Zoom to hold the May 12, 2020 Virtual Special City Council meeting. Zoom is a cloud platform for video and audio conferencing, collaboration, chat, and webinars across mobile devices, desktops, telephones, and room systems. In order to ensure that the public has the

ability to view the meeting, the City will broadcast the meeting. The meeting can be viewed live by visiting <https://www.youtube.com/channel/UCFimq7DjLHNolPgqbKtaftQ/live>. Additionally, the City has not selected a virtual platform that requires the public to purchase or download any additional software or equipment to watch this meeting. Aside from the Zoom platform and that the participants will be appearing remotely; the public will have no discernible difference in their ability to watch the meeting.

### **Approval of Agenda and Consent Agenda**

Gonzalez added Marathon High School Graduation at Community Park under Council items. Senmartin stated he had questions for Building, Public Works, and comments for Parks and Recreation; this was added under Council items.

**MOTION:** Bartus moved to approve the agenda as amended.

**SECOND:** Gonzalez

With no objection from the members of Council, Mayor Cook declared the motion approved by unanimous consent.

### **City Council Items**

#### **\* Approval of Minutes**

Marathon High School Graduation at Community Park (Gonzalez) Gonzalez explained he had multiple phone calls regarding assistance to hold the graduation ceremony for Marathon High School. Gonzalez explained the plan for social distancing, being spaced apart on the community park soccer field for the 84 students and their families.

**MOTION:** Senmartin moved to follow Councilmember Gonzalez's plan.

**SECOND:** Bartus

#### **Vote of the Motion:**

Yes: Senmartin, Bartus, Zieg, Gonzalez, Cook

No: None

Absent: None

Abstain: None

**Vote on the Motion:** 5 Yes, 0 No, 0 Absent, 0 Abstain

#### **Questions for Building, Public Works, and Park and Recreation Comments (Senmartin)**

Senmartin asked for the report on the building fees that was tabled in March to be sent to the Council for review. Senmartin questioned what the permit situation was. Lewis explained the building department was slowly getting caught up, and the department was reorganized. Lewis reported that in the last two weeks, 34 permits were issued, 50 applications for permits were taken in, and 390

inspections were completed. Lewis informed everyone that the software transition was ongoing, the back data was being loaded and tested, the next phase will be testing from outside of the network. Senmartin asked for the status of the golf course drainage issues. Lewis informed everyone they came in for a permit in February to control the runoff water. Senmartin questioned Public Works if the Grassy Key dock had been put out to bid yet. Solis responded it had not, the plans were modified and just sent back to us, and he had conversations with Finance to slow down projects to essential projects. Senmartin asked for the street signs status. Solis responded he was waiting on the large purchase with the new poles, however in the next three weeks they will start going up on the old poles; 100 to 120 signs up per week is the goal. Senmartin asked for an update on the Aviation Blvd. project as the end looked different than the drawings. Solis explained there were no changes, they were doing testing on the concrete, it was only at 80 percent cured. Senmartin explained he had heard a lot of great feedback of how the Parks Department was being run. Lindsey commented that a lot of Solis's projects have not yet been approved by FEMA, there has been a lag in the funding.

### **City Manager Report**

**COVID-19 Update:** Chief Johnson gave an update on the actions taken, processes etc. as well as the challenges. Chief explained that there have been five cases in Marathon, what we are doing is working and there are no hospitalizations at this time.

Utility Update – Saus reported that there has not been any downtime, there were valve failures left over from Irma damage, and in the last 8 weeks, valves were replaced in Service Area 3 by rearranging the pipes. Low flows have helped finish areas 6 and 7 and area 4 was scheduled for tomorrow.

Parks – Davis reported that parks and beaches were closed on March 16<sup>th</sup> and gave a list of the completed upkeep, repair and cleaning projects parks personnel completed. Gonzalez thanked Davis for motivating his crew, they even painted the garbage cans. Gonzalez commented that he had concerns about holding summer camp and having field trips and asked if there were any thoughts on a virtual school. Davis explained staff did not know where we would be regarding the epidemic and wanted to be on the safe side. Lindsey explained summer camp would be cancelled because we would not be able to social distance. Lindsey also informed everyone that the school district would not have in class summer school.

Marina – Cannon reported the marina was at 100 percent capacity, and staff was doing well, and extra pump outs were being conducted since quarantine. Cannon informed everyone Shoreline Construction had replaced the docks and pilings and the stationary dock would be completed next week.

Planning Department – Garrett gave a brief overview of the tasks his staff were completing and informed everyone the City was successful in the 300-unit lawsuit. Zieg asked if we would be requesting the other municipalities to contribute to the legal bills. Lindsey asked for a head nod to draft correspondence to ask the other beneficiaries for cost sharing. The Council agreed.

Building and Code – Lewis explained the entire code department had been replaced and they are doing a remarkable job and are working closely with the County regarding vacation rentals.

Fire/EMS – Chief Johnson reported that additional measures have been put into place to make sure our residents are taken care of. Johnson informed everyone that one vehicle transports COVID patients and there is enough personal protection equipment (PPE) items for 8-9 weeks as well as different types of PPE. Johnson reported that no staff has had any issues and temperature checks are being conducted daily. Johnson reported that there was a fire last evening and staff did a great job putting it out. Johnson informed everyone call volume and interfacility transfers have been down.

Public Works – Solis explained staff had challenges with day care, etc. and the department is operating at 60 to 80 percent. Solis gave an overview of the projects staff was working on. Gonzalez asked if the curve on Aviation Blvd. bike path was wide enough. Solis explained that there were right of way constraints we had to work within. Gonzalez asked that the park office contract be a priority. Solis explained that he and the Finance Department reviewed the projects and prioritized them based on safety issues first.

Legal Department Attorney Application Information: Smits explained the materials he included in the packet included the last solicitation used, Migut’s contract with the City and Smits proposal, budget, and executive summary.

Zieg commented that at the previous meeting in March, the Council directed to go out for a search. Zieg complimented Smits on the outstanding work, and that the Council should also consider Smits as well but would like to do the search for the next thirty days for interested parties.

Senmartin commented that he agreed and although some things have happened, nothing should have prevented this going out to bid and letting people apply. Bartus also agreed that this needs to move forward, and Smits contract has a thirty day out.

Gonzalez also stated he wanted this put out to bid, but also thanked Smits for being there for the City.

Cook agreed and thanked Smits for putting the City of Marathon first as much as he could. Cook asked if something could be in the contract that Smits would be in the EOC, and at a flat rate, but in the meantime, this needed to be put out to the public.

Smits commented that he appreciated all the Council and takes great pride and enjoys working with Marathon, and he would put this out the next day.

**MOTION:** Senmartin moved to adjust the contract to include EOC occupancy and stay with the firm in the interim, with a 30 day out in the contract while we search for other applicants.

**SECOND:** Gonzalez

**Vote of the Motion:**

Yes: Senmartin, Gonzalez, Bartus, Zieg, Cook

No: None

Absent: None

Abstain: None

**Vote on the Motion:** 5 Yes, 0 No, 0 Absent, 0 Abstain

**Resolutions for Adoption**

**\*A. Resolution 2020-24,** Approving Engineering design for Chemical Feed Systems Upgrades/Mitigation For Wastewater Plants 3, 4, 5, 6, & 7 from the Weiler Engineering Corp. in the amount of \$150,500.00. Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

**\*B Resolution 2020-25,** Approving a Request for Qualifications for General Contracting Services to enter into a Continuing Service Agreements for various work and project disciplines. Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

**C. Resolution 2020-26,** Approval Of A Contract Between The City Of Marathon, Florida And The Florida Department Of Economic Opportunity In The Amount Of Five Million Dollars (\$5,000,000) For The Implementation Of The CDBG-DR Home Buyout Program; Providing Signature Authority; And Providing For An Effective Date

Lindsey commented that this has taken a lot of work in Tallahassee and we have had incredible support from our lobbyists and other municipalities and the Lisa Tennison with Monroe County had been especially helpful as well.

Cook called for comments; hearing none, closed public comment.

**MOTION:** Zieg moved to approve Resolution 2020-26

**SECOND:** Bartus

With no objection from the members of Council, Mayor Cook declared the motion approved by unanimous consent.

**\*D. Resolution 2020-27,** Approving A 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 51<sup>st</sup> 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.

**\*E. Resolution 2020-28,** Approving Change Order No. 1 To Contract Between The City And Shoreline Foundations, Inc. In The Original Amount Of \$661,845.75 For The Repairs of City Marina From Hurricane Irma Damages; Increasing The Contract In An Amount Not To Exceed \$59,737.24 For Addition of Concrete Stairs, And Various Other Items; Authorizing The City Manager To Execute The Change Order And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

**\*F. Resolution 2020-29**, Authorizing A “Sole-Source” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of Eight Kaeser Compressor complete exterior housings, In An Amount Not To Exceed \$52,826.04; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

**\*G. Resolution 2020-30**, Adopting and Ratifying Council Vote and Action Taken at the March 10, 2020 City of Marathon City Council Meeting Determining to Extend Consent for Inclusion in the Middle Keys Health Care Municipal Service Taxing Unit for the Subsequent Fiscal Year Pursuant to City of Marathon, Florida Ordinance 2018-08

**Citizen’s Comments**

Diane Scott – spoke regarding term limits (inaudible)

**Council Comments**

Senmartin commented he felt there were many things that are happening every day that he does not know about and would like to find a way that the executive committee information flows to us as it is lacking.

Zieg thanked staff for all their efforts and commented that the Zoom meeting went well.

Bartus thanked the Mayor and everyone in the EOC. The City has kept the case count as low as it can be. Bartus thanked Mike Forester for distributing hot lunches and produce and reminded everyone of his virtual concert and to support locals.


Gonzalez thanked staff and the amazing EOC staff as well as EMS/Fire and MSCO for putting the residents as a priority.


Cook thanked the Council for their patience and support of staff, Lindsey, the Sheriff’s Office, Marathon Fire Rescue, City employees manning the checkpoint and residents. Cook congratulated Smits and thanked Gaelin, Pricilla and Jennifer Johnson.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Cook adjourned the meeting at 7:34 pm by unanimous consent.

I certify the above represents an accurate summary of the virtual Council meeting of May 12, 2020

  
Diane Clavier, City Clerk

  
Date