



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, October 12, 2021 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. Red Ribbon Week [Proclamation](#) (Mayor Gonzalez)
 - C. Fitness Court Art [Contest](#) Finalist
 - D. Building Inspection Ordinance 2021-18 Discussion (Councilmember Zieg)
 - E. Request to Waive Fees and Allow Beer and Wine at the Celtic Fest to be held at Community Park January 8th and 9th.
- 6. City Manager Report**
 - *A. Park and Recreation [Report](#)
 - *B. Marathon Fire Rescue [Report](#)
 - *C. Building [Report](#)
 - *D. Public Works [Report](#)
 - *E. Marina [Report](#)
 - *F. MCSO Marathon Substation Report
 - *G. Wastewater [Report](#)
 - *H. Code [Report](#)
 - I. Boat Ramp Launch Fees
 - J. Legislative [Priorities](#)
 - K. Allowing Beer and Wine at a November 6th Private Event at Community Park
- 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. Ordinances for First Public Hearing**
 - A. **Ordinance [2021-19](#)**, Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C) For Property Described As Part Gov't Lot 1 And Part Gov't Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe County, Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Economic Opportunity; And Providing For An Effective Date

Upon The Approval Of This Ordinance By The Department Of Economic Opportunity. (**Tabled August 10, 2021**)

B. Ordinance [2021-20](#), Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For Property Described As Part Gov't Lot 1 And Part Gov't Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe Co., Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Community Affairs; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity. (**Tabled August 10, 2021**)

C. Ordinance [2021-23](#), Amending The Comprehensive Plan By Amending The Existing Property Rights Element To Include Further Protections Of Private Property Rights; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

D. Ordinance [2021-24](#), Amending The Code Of Ordinances Chapter 6 Entitled "Buildings And Building Regulations" Article III Entitled "Building Code" Sections 6-25 And 6-26 Entitled "Amendments To The Florida Building Code, Building" And "Amendments To The Florida Building Code, Existing Building" Respectively, Amending The Cumulative Period For Substantial Damage And Substantial Improvement; And Amending The Land Development Regulations Chapter 110 Entitled "Definitions", Article 3 Entitled "Defined Terms"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For The Transmittal Of This Ordinance To The Florida Building Commission; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

9. Ordinances for Second Public Hearing and Enactment

A. Ordinance [2021-21](#), Amending Chapter 104, Article I ("General Provisions") By Amending Section 104.62 To Limit Access Of Mobile Vendors On Sombrero Beach Road Immediately Adjacent To Sombrero Beach; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date

B. Ordinance [2021-22](#), Amending Chapter 102, Article 6 ("Comprehensive Plan Amendment") To Account For Changes In Florida State Legislation Since Initial Adoption; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

10. Resolutions For Adoption

***A. Resolution [2021-94](#)**, Awarding Change Order #2 for the Engineering Design and Permitting for the Service Area 3 Wastewater Treatment Facility Expansion Upgrade and ACOE Grant Projects under Work Authorization 2019-105WW To Weiler Engineering Corporation.; Increasing the Contract Amount of \$215,395.00 to \$425,730.00 Authorizing the City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

*B. **Resolution [2021-95](#)**, Approving A Memorandum Of Understanding (MOU) As A Form Of Mutual Aid Agreement Requested By Monroe County And The State Of Florida To Join With Together With Other Local Government Units As A Participant In The Florida Memorandum Of Understanding Regarding Opioid Litigation For The Purposes Of This Agreement Described In Exhibit “A”; And Providing For An Effective Date.

*C. **Resolution [2021-96](#)**, Approving Cyber Security Software In The Amount Of \$54,420 Annually; Authorizing The Waiver Of Bidding Procedures; Authorizing The City Manager To Expend Budgeted Funds; And Providing An Effective Date.

*D. **Resolution [2021-97](#)**, Approving and Ratifying The First Extension to the Professional Services Agreement Between The City Of Marathon And Professional Practice Support, Inc., Third Party Healthcare Billing Agreement; Authorizing the City Manager To Execute The Extension And Expend Budgeted Funds; And Providing For An Effective Date

*E. **Resolution [2021-98](#)**, Approving the First Amendment to the Fire Rescue – EMS Medical Director Agreement With Professional Emergency Services, Inc., In An Amount Not To Exceed \$50,715; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds; And Providing For An Effective Date And Providing An Effective Date.

*F **Resolution [2021-99](#)**, Approving Payment for Invoice 20216029 from Nationwide Plumbing Services in An Amount Not to Exceed \$109,868.00 for the EMERGENCY repairs to the force main on US1; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

*G. **Resolution [2021-100](#)**, Approval Of An Easement Agreement Between The City Of Marathon And Marathon Shopping Center 1718, LLC For An Easement In A Portion Of The Kmart Shopping Center For Installation Of A Bus Shelter; Authorizing The Major To execute The Easement Agreement; And Providing For An Effective Date

*H. **Resolution [2021-101](#)**, Approving Agreement No. MV423 For CVA 21-026 With The Department Of Environmental Protection Clean Vessel Act Grant Program And Authorizing Acceptance Of \$90,435.57 In Grant Funding For Operations Of Equipment, Maintenance, Repairs, Pump Out Signage And Educational Material; Authorizing The City Manager To Execute The Agreement; Providing For Conflicts; Severability; And An Effective Date.

11. Citizens' comments [2 minutes per individual - Each individual has one opportunity to speak.]

12. Council comments

13. 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.