



City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, November 9, 2021 5:30 P.M.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Resolution 2021-102**, Accepting The Results Of The Municipal General Election Held November 2, 2021 For The Election Of Two At Large City Council Seats; And Providing For An Effective Date
 - A. Swearing in of Council Members
 - B. Mayor and Vice Mayor Selection
5. **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.]
6. **City Council Items**
 - *A. Approval of Minutes
 - B. Veterans Day Proclamation
 - C. Building Inspection Ordinance 2021-18 Discussion (Zieg)
 - D. Baseball Field Discussion (Gonzalez)
 - E. Landry Sayer Clean Up Day Discussion (Gonzalez)
 - F. Fire Pension Board Council Appointment
7. **City Manager Report**
 - *A. Park and Recreation Report
 - *B. Marathon Fire Rescue Report
 - *C. Building Report
 - *D. Grants Update
 - *E. Marina Report
 - *F. MCSO Marathon Substation Report
 - *G. Wastewater Report
 - *H. Code Report
 - I. Discussion and Direction regarding 107.58-107.62
 - J. Update Regarding Vehicles for Hire
 - K. Recognition of Donation from Baptist Hospital
 - L. ENS Contract (\$51,000)
 - M. MT Causley Contract (\$475,300)
8. **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.**

9. 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. Resolution 2021-103, A Request For A Conditional Use Permit And Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled "Subdivision Of Land/Plats And Re-Plats," And "Conditional Use Permits" Respectively, For A Plat And Site Plan Approval As Submitted By Seaview Commons LLC For Vacant Land On Pescayo Ave, Which Is Described As Lot 1, Block 6 of Coco Plum Beach, Fat Deer Key Marathon, Monroe County, Florida, Having Real Estate Number 00363510-000000. Nearest Mile Marker 54.

B. Resolution 2021-104, A Request For A Final Plat Approval Pursuant To Chapter 102 Article 10 Of The City Of Marathon Land Development Regulations (LDRs) Entitled "Subdivision Of Land/Plats And Re-Plats," For A Plat And Site Plan Approval As Submitted By Seasons 16 LLC For Property Which Is Described As, The Westerly Part Of The West Half Of Block 8 Lot 11, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00363910-000000.

C. Resolution 2021-105, Amending And Replacing City Of Marathon, Florida Resolution 2020-92 And The Development Agreement Attached Thereto To Conform To The December 8, 2020 City Council Vote Regarding Approval Of A Request By Boat Works Investments, LLC (Compass Pointe) For A Revision To The Approved Development Agreement (Resolution 2006-185 & Associated Extensions, Resolutions 2016-32, 2017-46, & 2018-64), 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; This Revision Thereby Considering The Approval Of Twenty (20) Market Rate Dwelling Units, 15,000 Square Feet Of Commercial Square Footage, And Thirty-Four (34) Wet Slips; 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 00337270-000000, 00337280-000000, 00337290-000000, 00337300-000000, 00337310-000000, 00337330-000000, 00103480-000100, 00337380-000000, 00337390-000000, And 00337470-000000. Nearest Mile Marker 49.

10. Ordinances For Second Public Hearing and Enactment

A. 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.

11. Ordinances for First Public Hearing

A. Ordinance 2021-25, Approving A Revision To Comprehensive Plan Ordinance 2019-16 Correcting An Error In The Adopted Ordinance Language; Said Correction Is Made Based Upon Revisions To The Proposed Ordinance Language Provided To The City Council At Its Hearing Dated December 10, 2019; Said Revisions Were Motioned And Approved Unanimously By The City Council At The December 10, 2019 Council Meeting; The Effect Of The Council Approved Revisions Was To Remove A Proposed “Sunset Clause” And A Limitation On The Use Of Permanent RV Sites For Functional RVs And Travel Trailers; Providing For The Repeal Of Conflicting Provisions, Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For The Advertisement For A Second Hearing Upon DEO’s Approval, And Providing For An Effective Date.

B. Ordinance 2021-26, Approving A Revision To Land Development Regulation (LDR) Ordinance 2020-02 Correcting An Error In The Adopted Ordinance Language; Said Correction Is Made Based Upon Revisions To The Proposed Ordinance Language Provided To The City Council At Its Hearing Dated December 10, 2019; Said Revisions Were Motioned And Approved Unanimously By The City Council At The December 10, 2019 Council Meeting; The Effect Of The Council Approved Revisions Was To Remove A Proposed “Sunset Clause” And A Limitation On The Use Of Permanent RV Sites For Functional RVs And Travel Trailers; Providing For The Repeal Of Conflicting Provisions, Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For The Advertisement For A Second Hearing Upon DEO’s Approval, And Providing For An Effective Date.

C. Ordinance 2021-27, Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) For The Property Described As Block 2, Lot 2 First Addition to Seacrest, Key Vaca Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State 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 2021-28, Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 2, Lot 2 First Addition to Seacrest, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

12. Resolutions For Adoption

***A. Resolution 2021-106**, Approving A Professional Services Agreement Between The City And Government Services Group, Inc. For Professional Services Related To The City's Annual Non-Ad Valorem Wastewater and Stormwater Special Assessment Programs, In An Amount Not To Exceed \$46,500 for Fiscal Year 2022-2023, and \$42,000 for Fiscal Year 2023-2024, and Fiscal Year 2024-2025; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***B. Resolution 2021-107**, Approving And Authorizing The City Manager To Enter Into An Agreement With Culver's Cleaning Company For Cleaning Services At Marathon City Hall, Fire Station And Utility/Public Works Building In An Amount Not To Exceed \$53,300 Per Year; And Providing For An Effective Date

***C. Resolution 2021-108**, Amending The City's Fiscal Year 2020-2021 Budget; And Providing For An Effective Date.

***D. Resolution 2021-109**, Authorizing The Sole Source Purchase Of (2) Power-PRO XT MTS High (Cots) With (2) ProCare Power-PRO Prevent Service Agreements In An Amount Not To Exceed \$33,687.86; Authorizing The City Manager To Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

E. Resolution 2021-110, Urging The Miami-Dade Board Of County Commission And Florida Department Of Economic Opportunity To Deny The Proposed Development Master Plan (Comp) Amendment Application CDMP 20210003, And Providing An Effective Date.

***F. Resolution 2021-111**, Authorizing The City Manager To Execute A Release Of Unity Of Title On Behalf Of The City In The Form Attached To This Resolution Concerning Property Described As Part Of Government Lot 1, Section 9, Township 66 South, Range 32 East, On Key Vaca Monroe County Florida Having Real Estate Number 00102290-000000 And A Part Of Government Lot 1, Section 9, Township 66 South, Range 32 East, On Key Vaca Monroe County Florida; And Providing For An Effective Date.

***G. Resolution 2021-112**, Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

***H. Resolution 2021-113** Accepting The Responsible Bid And Approving A Contract Between The City And Cakra, Inc.; In An Amount Not To Exceed \$526,127.00 For Bridge Repairs For The Coco Plum Bridge, 116th Street Bridge, And 112th Street Bridge; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

***I. Resolution 2021-114**, Approving And Accepting A \$8,856.00 Grant From The Florida Department Of Agriculture And Consumer Services For (6) Full Sets Of Turnout Gear; And Providing For An Effective Date.

***J. Resolution 2021-115**, Approving an Agreement between the City of Marathon and Jeff Vastola for Code Enforcement Special Magistrate Services; Authorizing the Mayor to Execute the Agreement on Behalf of the City; and Providing for an Effective Date.

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

14. Council comments

15. 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.