



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, February 14, 2023 4:30 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. KEYS100 Ultramarathon--May 20-21, 2023 Request
 - C. Local Contacts for Vacation Rentals [Discussion](#) (Mayor Gonzalez)
 - D. Shriners Annual Paper Drive [Request](#) For February 18th (Smith)
 - E.
- 6. City Manager Report**
 - * A. MCSO Marathon Substation [Report](#)
 - * B. Grants [Update](#)
 - * C. Building [Report](#)
 - * D. Park and Recreation [Report](#)
 - * E. Marathon Fire Rescue [Report](#)
 - * F. Marina [Report](#)
 - * G. Code [Report](#)
 - * H. Wastewater Utilities [Report](#)
 - * I. Public Works [Report](#)
 - J. Discussion Of Recommended Procedures To Implement Charitable Donations
- 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. Resolution [2023-13](#), Consideration Of A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By La Palma 101 Inc For A Plat 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, Particularly, 400-800 101 And 104th Street Which Is Described As Part Of Government Lot 2, And Adjacent Bay Bottom, Section 6, Township 66S, Range 33E, Key Vaca, Monroe County, Florida, Having Real Estate Number 00104460-000100 And 00104460-000000. Nearest Mile Marker 52.

B. Resolution [2023-14](#), A Request For A Conditional Use Permit And Preliminary 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 Vaca Homes, LLC. Located At 11901 Overseas Highway; Which Is Legally Described As Part Of Lot 3 South Of Overseas Highway, Section 5, Township 66 South, Range 33, Fat Deer Key, Monroe County, Florida; Having Real Estate Number 00100740-000000, Nearest Mile Marker 53.

9. Ordinances for Second Public Hearing and Enactment

A. Ordinance [2023-01](#), Amending The City's Code Of Ordinances, Chapter 26, "Streets, Sidewalks, And Other Public Places." In Order To Modify A Portion Of The Chapter, To Add A New Article IV, And Renumber Articles And Sections; Accordingly, And Providing For An Effective Date.

10. Ordinances For First Public Hearing

A. Ordinance [2023-02](#), Amending The City's Land Development Regulations, Chapter 104, "Specific Use Regulations," Article 1, "General Provisions," Section 104.64, "Waterfront Walkways And Docks:"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; And Providing For An Effective Date.

B. Ordinance [2023-03](#), Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Seven, "Transportation Element," And Intending To Modify Policies 7-3.1.1 Through 7-3.1.3, "Ensure Consistency With The Plan," "Protect Environmentally Sensitive Lands," And "Protect The Airport Hammock Buffer," Respectively, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

C. Ordinance [2023-04](#), Amending Chapter 102, Article 13, Entitled "Conditional Use Permits"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; And Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing For An Effective Date.

11. Resolutions For Adoption

***A. Resolution [2023-12](#)**, Approving A Resolution And Settlement Agreement Between The Parties Identified As The City Of Marathon, Florida, The Florida Department Of Economic Opportunity, And Boat Works Investments LLC Concerning The Project Known As Boatworks; And Providing For An Effective Date

***B. Resolution [2023-15](#)**, Approving The Settlement Of The Litigation Styled *Keys RV Mobile Home Condominium Association Inc. Vs. City Of Marathon*, Case No. 2020-CA-000097m In The Sixteenth Judicial Circuit; Authorizing The Appropriate City Officials To Execute The Settlement Agreement And Any Additional Documents Related To The Settlement; Authorizing The Appropriate City Officials To Take All Actions Necessary To Implement The Terms And Conditions Of The Settlement Agreement; To Execute And File All Required Documents With The Court To Conclude The Litigation; And Providing For An Effective Date

***C. Resolution [2023-16](#)**, Approving Grant Agreement ID 22PLN65 Between The City And Florida Department of Environmental Protection For a Citywide Vulnerability Assessment and Adaptation Plan; Appropriating Funds; And Providing For An Effective Date

D. Resolution [2023-17](#), Approving Subject to Conditions, A Request by Thomas Morris to Abandon The Public Right Of Way Located at 11134 3rd Ave, Described As Being Adjacent To Unnumbered Parcel, Lot 10, Little Venice, Marathon, Having Real Estate Number 00344200-000000. Nearest Mile Marker 53; And Providing For An Effective Date.

***E. Resolution [2023-18](#)**, Approving an Amendment to the Emergency Professional Services Agreement with Early Alert, Inc. For Disaster Response Services by Extending the Term of the Agreement to and Through May 29, 2025; Appropriating Funds; and Providing for an Effective Date

***F. Resolution [2023-19](#)**, Expressing The Council's Support For The Efforts Of The Florida Keys Aqueduct Authority To Situate A Reverse Osmosis Plant In Or Near Marathon, Florida; Providing For An Effective Date

***G. Resolution [2023-20](#)**, Authorizing The Purchase Of Pro-Flow Yellow Hose For Emergency Replacement on Apparatus In An Amount Not To Exceed \$37,650.00; Authorizing The City Manager To Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

***H. Resolution [2023-21](#)**, Approving Change Order #2 To The Contract With Reynolds Construction In An Amount Not To Exceed \$30,303.40 For The Addition Of Piping Access Points, Platform Improvements, Additional Coatings, And A Signal Converter; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***I. Resolution [2023-22](#)**, Approving The Extension Of The Work Authorization Agreement Between The City Of Marathon And Noe Martinez An Additional Six Months; Providing For A Termination Date; Providing For An Effective Date

***J. Resolution [2023-23](#)**, Approving A Letter To The Florida Keys National Marine Sanctuary And NOAA National Ocean Service To Be Signed By The Mayor Requesting Increased Funding Levels For The Program And Site With The Pending Final Approval Of The Restoration Blueprint; Providing For And Effective Date; And Providing For Transferal Of The Resolution And Letter To NOAA And Other Interested Parties.

***K. Resolution [2023-24](#)**, Authorizing The City Manager To Enter Into An Agreement With Live Flyer, Inc. For Cleaning And Inspection Of The Boot Key Harbor City Marina Mooring Field In An Annual Amount Not To Exceed \$49,883; And Providing For An Effective Date

***L. Resolution [2023-25](#)**, Approving A Revision To The Professional Services Agreement Between The City Of Marathon And The Firm Of MT Causley, LLC To Provide Building Application Review Services; Providing For Necessary Building Department Funds; And Providing For An Effective Date

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.