



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, August 8, 2023 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. Workshop Discussion Items (Councilmember Smith)
 - C. FIRM Funding Contribution Discussion (Councilmember Smith)
 - D. Request To Hold A Lighted Bicycle Parade In December (Mayor Gonzalez)
 - E. Disposition of the Code Board" (Councilmembers Landry and Smith)
 - F. Bus Stop in Front of Winn Dixie/K-Mart Discussion (Vice Mayor Still)
- 6. City Manager Report**
 - * A. MCSO Marathon Substation [Report](#)
 - * B. Grants [Update](#)
 - * C. Public Works [Report](#)
 - * D. Park and Recreation [Report](#)
 - * E. Marathon Fire Rescue [Report](#)
 - * F. Marina [Report](#)
 - * G. Code [Report](#)
 - * H. Wastewater Utilities [Report](#)
 - * I. Building [Report](#)
 - J. Approval of Cyber Security Invoice in the Amount of \$56,052.00
 - K. New Not To Exceed Amount for MT Causley
- 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 [2023-66](#), Consideration Of A Request By Marathon LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Climate Controlled Storage Facility and Sixteen (16) Single Family Residential Units Consisting Of Five (5) Parcels Located At 775 107th Street Ocean Which Is Legally Described As Township 66 Range 33 Key Vaccas Part Government Lot 1 and Part Government Lot 2 Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Government Lot 1; 796 106th St Ocean Which Is Legally Described As Section 6 Township 66 Range 33 Key Vacca Part Government Lot 2 Part Parcel 3; 797 106th Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 2 Parcel 2; 630 107th Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 1, And Vacant Land 107th Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaccas Part Government Lot 1, Monroe County, Florida, Having Real Estate Numbers 00104260-000000, 00104430-000300, 00104430-000200, 00104240-000400 and 00104240-000100. Nearest Mile Marker 53.

B. Resolution [2023-67](#), Consideration Of A Request By H & R Marathon LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Group Home Including Ten (10) Residential Units And Four (4) Affordable Housing Units, Dining Hall, Fitness Center, Storage And Commercial Kitchen; Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 And Part Government Lot 3 (AKA Part Of State Road No 5 (US 1)) And Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 (Part Old State Road), Monroe County, Florida, Having Real Estate Numbers 00100540-000000 And 00100640-000000. Nearest Mile Marker 53.

9. Resolutions for Public Hearing and Adoption

A. Resolution [2023-68](#), Impose And Provide For Collection Of Wastewater Special Assessments For Service Areas 1, 3, 4, 5, 6 And 7 (Including The Supplemental Assessment Program) For Fiscal Year Commencing October 1, 2023; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date.

B. Resolution [2023-69](#), Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2023; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

10. Ordinances for Final Public Hearing and Adoption

A. Ordinance [2023-12](#), Amending Chapter 107, Article 2 Entitled “Transfer Of Building Rights”, Specifically Section 107.17. Entitled “General Provisions”, Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; 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 Department Of Economic Opportunity In Accordance With State Law.

B. Ordinance [2023-13](#), Amending Chapter 108, Article 2 (“Nonconforming Structures”) By Deleting A Portion Of Section 108.15 Titled “Additional Standards For Nonconforming Sexually Oriented Businesses.”; Specifically, Subsection B Part 2 To Comport With Modern Constitutional Constraints; 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.

11. Ordinances for First Public Hearing

A. Ordinance [2023-14](#), Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Updating Table 103.15.1 “Uses By Zoning District”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

B. Ordinance [2023-15](#), Amending Chapter 104 “Specific Use Regulations”, Article 1 “General Provisions”, Updating Section 104.25 “Hotels Or Motels”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

C. Ordinance [2023-16](#), Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; 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 [2023-17](#), Amending The Zoning From Residential Medium (RM) To Mixed Use (MU) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; 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 [2023-70](#)**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Marathon Sunstation LLC; Having Real Estate Number 00368920-000000; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***B. Resolution [2023-71](#)**, Authorizing A Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of one (1) 2023 New Vac-Con Sewer combination Cleaner From Southern Sewer Equipment Sales, In An Amount Not To Exceed at total of \$639,508.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

***C. Resolution [2023-72](#)**, Approving A Second Amendment To The Contract Between The City And The Monroe County Sheriff's Office For Local Police Services In An Amount Not To Exceed \$2,529,891 For FY 2023-2024; Authorizing The City Manager And City Attorney To Finalize The Terms And Conditions Of The Contract; Authorizing The Mayor To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***D. Resolution [2023-73](#)**, Approving A Standard Local Agency Program Agreement Between The City Of Marathon And The Florida Department Of Transportation To Receive Federal Funds For The Design Services Related To The Replacement Of the 116th Street Bridge; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***E. Resolution [2023-74](#)**, Accepting the Ranking and Recommendation of the City's Evaluation Team For a Continuous Service Contract for a Construction Manager At Risk; Authorizing The City Manager And City Attorney To Negotiate Contracts With The Top Two Ranked Firms of Chris-Tel Construction, and Keystar, Inc; And providing for an Effective Date and Providing For An Effective Date.

***F. Resolution [2023-75](#)** Accepting The Responsible Bid And Approving A Contract Between The City And Cortez Heating & Air. In An Amount Not To Exceed \$248,953.00 For The Replacement Of The A/C System At City Hall; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

***G. Resolution [2023-76](#)**, Authorizing A "Piggy-Back" Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase Of a Chevrolet Silverado 2500 Vehicle Under The State of Florida Motor Vehicle Contract No. SA22-VEL30.0 From Garber Fleet Sales In An Amount Not To Exceed \$36,770.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Funds; And Providing For An Effective Date

***H. Resolution [2023-77](#)**, Approving A Sixth Amendment To The Lease Agreement No. 4547 With The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Management Of Properties With The City Of Marathon Purchased For The Purpose Of Conservation; Authorizing The Mayor To Execute The Amendment To The Agreement; And Providing An Effective Date

13. Council comments

14. 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 clavird@ci.marathon.fl.us if you would like to receive any of the items on the agenda by email.