



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, January 9, 2024 5:30 P.M.**

(*Denotes Item Is Passed By Consent Upon Approval of Agenda)

Public Comments taken on all times and at 6:30pm time certain for items not on the agenda or as soon as possible thereafter of after the last agenda item; whichever comes first.

City Council Items

- *A. Approval of [Minutes](#)
- * B. Approval To Sell & Serve Alcohol At The Seafood Festival On March 9-10, 2024

City Attorney Items

- A. Monroe County Attorney Bob Shillinger and Commissioner Michelle Lincoln Discuss Charter County Concept
- B. Legal Discussion regarding 79th Street Habitat for Humanity Lien

City Manager Report

- * A. Monroe County Sherriff Marathon Substation [Report](#)
 - 1. Citizen's Police Academy
- * B. Grants [Update](#)
- * C. Wastewater Utilities [Report](#)
- * D. Park and Recreation [Report](#)
- * E. Building [Report](#)
- * F. Marina [Report](#)
- * G. Approval of a not to exceed amount of \$250,000 for MT Causley
- * H. Approval of a not to exceed amount of \$50,000 for Sunbelt Rentals

Quasi-Judicial Public Hearings:

- A. Considering The [Third Amended And Restated Development Agreement](#) Between The City Of Marathon And Marlin Bay Yacht Club, LLC, For The Redevelopment Of Property, Which Is Legally Described As Block 6 Lots 1 Thru 5 & The N 100' Of The S 430' Of Lot 6 And Adjacent Filled Bay Bottom, Marathon Beach Sub Pb2-16 And Block 2 Lots 1 Thru 6 Amended Plat Of Yacht Basin Tracts Real Estate Number 00337010-000000, Providing For Conditions And Requirements Of Development, Including But Not Limited To, Buffers, Building Heights, Setbacks, And Other Requirements, More Specifically Allowing For The Marina To Be Public Use; And Providing For An Effective Date.

Ordinances for Second Public Hearing

- A. **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 The Transmittal Of The Approved Ordinance To The State Land Planning Agency, Florida Commerce; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

- B. **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.

- C. **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.

D. Ordinance [2023-23](#), Amending Chapter 18, Article III)”Offenses involving Public Peace, Order, and Morals”) Of the Code Of Ordinances Of The City Of Marathon By Amending Section 18-124 To Create A Subsection D(a) Which Will Provide An Enforcement Mechanism For Section 18-124; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Ordinances for First Public Hearing

A. Ordinance [2024-01](#), Request By Patrick Stevens On Behalf Of Florida’s Duck Key Properties LLC To Amend The Future Land Use Map From Residential High (RH) To Mixed Use Commercial (MU-C) For N 50 FT Lot 3, Block 3; S 50 FT Lot 3, Block 3; And N1/2 Lot 4, Block 3; And S 1/2 Lot 4, Block 3 The Palms, Key Vaca PB4-86; Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, And 00332940-000100, Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 53.

B. Ordinance [2024-02](#), A Request By Patrick Stevens On Behalf Of Florida’s Duck Key Properties LLC To Amend Land Development Regulations Zoning Map From Residential Mobile Home (R-MH) To Mixed-Use (MU) For N 50 FT Lot 3, Block 3; S 50 FT Lot 3, Block 3; And N1/2 Lot 4, Block 3; And S 1/2 Lot 4, Block 3 The Palms, Key Vaca PB4-86; Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, And 00332940-000100, Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 53.

C. Ordinance [2024-03](#), Amending Chapter 6-95, “Existing Buildings,” Concerning The Certification Of Existing Buildings Subject To The Standards Of The Chapter And Section; 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.

Resolutions For Adoption

***A. Resolution [2024-01](#),** Relating To The State Of Florida’s 2023 Hurricane Evacuation Clearance Times Summary, The Building Permit Allocation System, and Necessary Actions Of The Legislature During The 2024 Legislative Session; Providing For Severability; And Providing For An Effective Date.

***B. Resolution [2024-02](#),** Authorizing The Potential Settlement Of A Building Permit (P-22-355) Appealed By The Florida Department Of Commerce, Formerly Known As Florida Department Of Economic Opportunity; Authorizing The City Manager To Sign Settlement Documents On Behalf Of The City; And Providing For An Effective Date.

***C. Resolution [2024-03](#),** Authorizing The Potential Settlement Of A Building Permit (P-21-777) Appealed By The Florida Department Of Commerce, Formerly Known As Florida Department Of Economic Opportunity; Authorizing The City Manager To Sign Settlement Documents On Behalf Of The City; And Providing For An Effective Date.

***D. Resolution [2024-04](#),** Approving And Amending A Lease Agreement (2023-111) Between The City Of Marathon, Florida As The Owner, And QOF, Inc. As Lessee For Submerged Lands Identified By Real Estate Number 00355400-000000; Including, But Not Limited To Establishing A Lease Area, Lease Amount, Lease Duration, And Release Of Liability; Authorizing The City Manager To Execute The Lease Agreement On Behalf Of The City; And Providing For An Effective Date.

***E. Resolution [2024-05](#),** Approving A Contract Between The City And Pedro Falcon Contractors For Power Conditioning And Surge Protection Project At All Wastewater Treatment Facilities, In An Amount Not To Exceed \$4,328,361.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***F. Resolution [2024-06](#),** Approving Change Order #2 to the contract with Tropical Underground in An Amount Not to Exceed \$44,174.91 for the agreement with Fairfield Inn to replant landscaping that was removed for the Lift station; 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 [2024-07](#),** Approving A Project Specific Agreement With Keystar Inc., A Continuing Services Contractor For Construction Manager At Risk, For Work Funded Through The Florida Job Growth Infrastructure Grant Agreement (2023-23); Authorizing The City Manager To Sign The Agreement; And Providing For An Effective Date

***H Resolution [2024-08](#)**, Approving An Interlocal Agreement Between The Monroe County And The City Of Marathon Regarding Roadway Vulnerability Analysis; Providing For Transmittal Of This Resolution To The County; And Providing For An Effective Date.

***I Resolution [2024-09](#)**, Approving A Distribution Right-Of-Way Easement Between The City of Marathon And The Florida Keys Electric Cooperative On Property Having Real Estate Number 00103760-000300, Contiguous With Property Known As Crane Point Hammock Museum And Nature Center Having Real Estate Number 00103760-000000, Providing For Severability, Providing For An Effective Date

***J Resolution [2024-10](#)**, Approving A Distribution Right-Of-Way Easement Between The City of Marathon And The Florida Keys Electric Cooperative On Property Having Real Estate Number 00336470-000000, On Property Known As Jesse Hobbs Park, Providing For Severability, Providing For An Effective Date

***K. Resolution [2024-11](#)**, Amending A Grant Agreement With The Florida Department Of Environmental Protection; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date

***L. Resolution [2024-12](#)**, Authorizing A Purchase Pursuant To The City's Purchasing Policies And Procedures Of At Least Two Vehicles In An Amount Not To Exceed \$106,670 And Up To Four Vehicles In An Amount Not To Exceed \$210,320; And Authorizing The City Manager To Execute The Purchase Agreements, Appropriating And Expending Funds; And Providing For An Effective Date.

M. Resolution [2024-13](#), Authorizing The City Manager To Enter Into An Agreement With CScape Construction, Inc. For Cleaning And Inspection Of The Boot Key Harbor City Marina Mooring Field In An Amount Not To Exceed \$290,820 for a Two-Year Period; And Providing For An Effective Date

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.