

REVISED AGENDA

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Any person who wishes to be heard shall provide the Clerk with his or her name and residence and the agenda item on which he or she wishes to be heard. Such information shall be on a card provided by the County. Once public input begins, there will be no further speaker cards allowed to be submitted to the Clerk for that subject. An individual has three minutes and a person representing an organization has five minutes to address the Board (except that individuals wishing to speak during public hearings pertaining to land use issues will have five minutes). The first person representing the organization will be allowed the five minutes. Subsequently, all other speakers on behalf of that organization have three minutes to address the Board. Once an individual has addressed the Board, he or she will not be permitted to return to the podium for follow-up comments, unless the issue involved is quasi judicial in nature. In that case, the applicant may return to the podium to conclude his or her position at the end of the public hearing.

Please note that all time approximate items are listed in bold.

Wednesday, January 28, 2009
The Harvey Government Center
at Historic Truman School
1200 Truman Avenue
Key West, Florida

9:00A.M. - Regular Meeting

3:00 P.M. - Public Hearings

TIME APPROXIMATE

REGULAR MEETING

9:00 A.M. **CALL TO ORDER**
INVOCATION
SALUTE TO FLAG

A. ADDITIONS, CORRECTIONS, DELETIONS

B. PRESENTATION OF AWARDS

- 1. Presentation of Years of Service Award for 15 years of service to Monroe County to Mark Anderson, Sr. Technician, Maintenance, Facilities Maintenance, Public Works Division. [VIEW](#)**

B. PRESENTATION OF AWARDS - CONTINUED

2. Presentation of Employee Service Award for the Month of November 2008 to Christine Thompson, Systems Analyst, Technical Services Division. [VIEW](#)
3. Presentation of the Employee Service Award to Mike Nalepa, Construction Inspector Supervisor, for the month of September 2008. [VIEW](#)
4. Mayor's Proclamation declaring the month of February 2009 as Water Quality Awareness Month. [VIEW](#)
5. Mayor's Proclamation declaring the first week of February 2009 as Bahama Conch Community Land Trust Week. [VIEW](#)
6. Mayor's Proclamation declaring January 28, 2009 as Tanju Mishara Day. [VIEW](#)

C. BULK APPROVALS - COMMISSIONER CARRUTHERS

1. Approval of a Workers' Compensation Settlement in the amount of Fifty-five thousand dollars, \$55,000.00 (inclusive of attorney fees) for file #05021200-GB. [VIEW](#)
2. Approval of Resolution authorizing the District 16 Medical Examiner to establish fees to be charged to third parties for specific services. [VIEW](#)
3. Approval for Orion Bank to continue to rent space at the Key West International Airport, for an Automated Teller Machine on a month to month basis pending a lease extension agreement. [VIEW](#)
4. Approval for the Transportation Security Administration to continue to occupy space at the Key West International Airport on a month to month basis, pending a supplemental lease agreement. [VIEW](#)
5. Approval to advertise a Request for Qualifications for Airport Consultant Services, for the Key West International Airport, and the Florida Keys Marathon Airport. Approval for Airport Staff to review responses and provide a short list of three firms who will deliver brief presentations to the Board. [VIEW](#)
6. Approval of a Renewal Agreement by and between the Board of County Commissioners of Monroe County, Florida and Emergency Medical Sciences Academy, Inc. (EMS Academy) to provide an emergency medical services (EMS) training environment. [VIEW](#)
7. Approval to submit grant applications to the Florida Department of Health, Bureau of Emergency Medical Services, to fund EMS related equipment and to have the applications signed by the proper County authorities. [VIEW](#)
8. Approval to refund \$200.00 to Clyde Allen (A Natures Sanctuary, Inc.) to adjust the price he paid for surplus County Unit #3200-098. [VIEW](#)

C. BULK APPROVALS - CONTINUED

9. Approval to award Public Works surplus items as described in attached Recap of Bid Opening on December 4, 2008. (Items 1, 3, 4, 6, 7, 9, 10, 15, 16, 18, 19, 24, 27, 28, 31, 32, 33, 34, 35, 41, 44, 45, 47, 49, 56, 57, 58, 59, 60, 61, and 62). [VIEW](#)
10. Approval to transfer title to County vehicle number 0903-1007 (serial number 1D7HA16K02J224760) to the Monroe County Sheriff's Office. [VIEW](#)
11. Approval to transfer title to County vehicle number 0940-515 (serial number 1B7HC16X1XS231377) to the Monroe County School Board. [VIEW](#)
12. Approval to transfer title to County vehicle number 1419-087 (serial number 2FAFP71W9XX109382) to the Sugarloaf Volunteer Fire Department. [VIEW](#)
13. Approval of Amendment to Franchise Agreement with Waste Management, Inc. of Florida, permitting the Franchisee to collect regular vegetative waste at the same time that residential solid waste is collected. [VIEW](#)
14. Request for BOCC approval to initiate bid process for the food service contract currently held by GA Food Service, Inc. which provides food to both the Nutrition Department and Bayshore Manor. [VIEW](#)
15. Approval of an amendment to the agreement between Monroe County Community Transportation Coordinator/Guidance Clinic of the Middle Keys and Monroe County Board of County Commissioners for contract period of 01/01/2008 through 12/31/2008. [VIEW](#)
16. Approval of the receipt of monthly report on change orders reviewed by the County Administrator's Office. [VIEW](#)
17. Approval for the installation of a streetlight at the intersection of US1 and Raffy Road, MM 21½, Cudjoe Key. [VIEW](#)
18. Approval to negotiate a contract with Architects Design Group, Inc., for professional services for the design, contract documents, and project administration of the Monroe County Emergency Operations Center in Marathon. [VIEW](#)
19. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue. [VIEW](#)
20. Approval to advertise a public hearing for a Budget Amendment for One Cent Infrastructure Sales Tax Fund 304, 2003 Revenue Bonds Fund 307, 2007 Revenue Bond Fund 308 and Big Coppitt Wastewater Project Fund 310. [VIEW](#)
21. Approval of a new contract with Buccaneer Courier for a period of two years commencing on March 16th, 2009 and ending on March 15th 2011 with an option to renew for 2 additional 2 year periods. The current contract for Monroe County's courier service expires on March 15, 2009. [VIEW](#)

- C. BULK APPROVALS - CONTINUED
22. Approval of Funding Agreement with State of Florida, Department of Emergency management for reimbursement of expenses related to Tropical Storm Fay. [VIEW](#)
 23. Approval of Funding Agreement with State of Florida, Department of Emergency Management for reimbursement of expenses related to Hurricane Ike. [VIEW](#)
- D. TOURIST DEVELOPMENT COUNCIL
1. Approval is requested to advertise FY 2010 Event RFP. [VIEW](#)
 2. Approval is requested to advertise TDC FY 2010 Capital Project RFP. [VIEW](#)
 3. Approval to rescind Agreement with Dolphin Research Center, Inc. for their Parking Lot Project in an amount of \$33,000. [VIEW](#)
 4. Approval of an Agreement with Upper Keys Business Group, Inc. covering the Key Largo Food & Wine Festival between July 31, 2009 and August 8, 2009, in an amount not to exceed \$15,000, DAC V, FY 2009 Event Resources. [VIEW](#)
 5. Approval of an Agreement with Key West Business Guild, Inc. covering Womenfest on September 8-13, 2009 in an amount not to exceed \$20,000, DAC I, FY 2009 Event Resources. [VIEW](#)
 6. Approval of an Agreement with Phil Peterson's Key West Poker Run LLC covering the Phil Peterson's Key West Poker Run on September 17-21, 2009 in an amount not to exceed \$35,000, DAC I, FY 2009 Event Resources. [VIEW](#)
 7. Approval of an Amendment to Agreement with Redbone, Inc. to revise Exhibit B (budget) of the Agreement covering the Mercury SLAM Celebrity Tournament. [VIEW](#)
 8. Approval of an Amendment to Agreement with Capt. Terry Fisher covering the Captain Leon Shell Memorial Sailfish Tournament to revise dates of event to February 27-March 1, 2009. [VIEW](#)
 9. Rescind Agreement with Florida Keys Land & Sea Trust, Inc. for the production of the Bahamian Heritage Festival in January/February, 2009. [VIEW](#)
 10. Approval of an Agreement with Key West Tourist Development Association, Inc. covering Fantasy Fest 2009 between October 23-November 1, 2009 in an amount not to exceed \$108,000, FY 2009 Event Resources. [VIEW](#)

- E. STAFF REPORTS
 - 1. AIRPORTS
 - 2. BUDGET & FINANCE
 - 3. EMERGENCY SERVICES
 - 4. EMPLOYEE SERVICES
 - 5. ENGINEERING
 - 6. GROWTH MANAGEMENT
 - 7. PUBLIC WORKS
 - 8. TECHNICAL SERVICES

- F. ENGINEERING
 - 1. Request approval of Third Amendment to Supplemental Agreement for Road and Bridge Funds between Islamorada and Monroe County, to extend the termination date of the agreement and allow additional time for the Village to make roadway improvements funded by the County. [VIEW](#)
 - 2. Discussion on Solid Waste Analysis Report. [VIEW](#)

- G. CLOSED SESSIONS
 - 2:00 P.M. 1. An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Lloyd Good v. Monroe County, Case No. CA K 01-97. [VIEW](#)
 - 2: 20 P.M. 2. An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Monroe County v. Bender & Associates, CA K 03-915. [VIEW](#)
 - 2:40 P.M. 3. An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Galleon Bay vs. Monroe County v. State of Florida, CAK-02-595. [VIEW](#)

- H. DIVISION OF GROWTH MANAGEMENT - BULK APPROVALS
 - 1. Approval of a resolution confirming the action taken by the BOCC at a public hearing during the meeting of December 17, 2008, awarding Administrative Relief to Judi's House Inc. in the form of a residential market rate ROGO allocation on Parcel 7, White Heron Estates A Condominium, Sugarloaf Key RE# 00172070.000700 with the condition that the owner grant a conservation easement to Monroe County on Parcels 4 & 5, White Heron Estates A Condominium Sugarloaf Key, RE# 00172070-000400 and 00172070-000500. [VIEW](#)

H. GROWTH MANAGEMENT - CONTINUED

2. Approval of a contract amendment to Contract PL-029 (now #08150) to change the grantor from Florida Department of Environmental Protection (FDEP) to Florida Fish and Wildlife Conservation Commission (FWC) and to modify the type of grant reimbursement allowed under the contract to include "cost reimbursement". [VIEW](#)
3. Approval of Easement by and between Monroe County and Islander Village, LLC., grantors and the Key West Resort Utilities, Corp. Grantee and rescission of easement previously granted on November 19, 2008. [VIEW](#)
4. Direction is requested from the Board of County Commissioners concerning Ordinance 023-2008 pertaining to gross acreage density calculations for affordable, employee and workforce housing; which amends the text of the Year 2010 Comprehensive Plan to allow maximum net density calculations for affordable, employee, and workforce housing to be calculated on a gross acreage basis while retaining open space, setback and buffering requirements. [VIEW](#)
5. Execution of Consent to Assignment by the Monroe County Board of County Commissioners consenting to the collateral assignment by Northstar Resort Enterprises Corp. (Northstar) to both Biscayne Bank and to Spectrum Mortgage Group Inc. [VIEW](#)
6. Approval of resolution adopting amendments to the Local Housing Assistance Plan to include Incentive Strategies required by F. S. 420.90.76. [VIEW](#)

1:30 P.M.

I. WASTEWATER ISSUES

1. **Report to update the status of Wastewater projects through December 2008.** [VIEW](#)
2. **Approval to execute Florida Department of Environmental Protection (FDEP) Fiscal Year 2008-2009 Grant Agreement for \$100,000.** [VIEW](#)
3. **Discussion and approval of 2009 update to Monroe County Sanitary Wastewater Master Plan that delineates boundaries of the Cudjoe Regional centralized wastewater treatment system.** [VIEW](#)

J. MONROE COUNTY SHERIFF DEPARTMENT

1. Approval of a request for expenditure form Law Enforcement Trust Fund. [VIEW](#)

K. MONROE COUNTY HOUSING AUTHORITY

1. Approval of a resolution of the Board of County Commissioners of Monroe County, Florida approving a revision to the Local Housing Assistance Plan, Homebuyer Assistance Strategy and providing for an effective date. [VIEW](#)
2. Approval of a resolution of the Board of County Commissioners of Monroe County, Florida, correction a scrivener's error contained in Resolution No. 108-2008. [VIEW](#)

L. COMMISSIONERS' ITEMS

1. **MAYOR NEUGENT** - Discussion of Florida Keys Commercial Fisherman request of support from the Board of County Commissioners on their request of waiving of Spiny Lobster Tag Fee for 2009 from the Florida Fish & Wildlife Commission. [VIEW](#)
2. **MAYOR NEUGENT** - Discussion by the Board of County Commissioners regarding future policy on the naming of public buildings. [VIEW](#)
3. **COMMISSIONER WIGINGTON** - Approval of Appointment of John Hernandez to the Community Development Block Grant (CDBG) Citizens Advisory Task Force. Term Ending 1/28/13. [VIEW](#)
4. **COMMISSIONER DI GENNARO** - Approval to reappoint Tom Neville to the Duck Key Security District Advisory Board. [VIEW](#)
5. **COMMISSIONER CARRUTHERS** - Approval of the reappointment of Michael Shields to the Library Advisory Board. [VIEW](#)
6. **COMMISSIONER CARRUTHERS** - Approval of the appointment of Jeffrey A. Harwell to the Art in Public Places Committee. [VIEW](#)
7. **COMMISSIONER CARRUTHERS** - Approval of the appointment of Tracey Holst to the Community Development Block Grant Citizens Task Force. [VIEW](#)
8. **COMMISSIONER CARRUTHERS** - Resolution of the Board of County Commissioners of Monroe County, FL to recognize the need for the United States Postal Service to maintain current levels of service in Key West and the Keys. [VIEW](#)
9. **COMMISSIONER CARRUTHERS** - Discussion regarding alternating the order of roll call voting at BOCC meetings. [VIEW](#)
10. **COMMISSIONER CARRUTHERS** - Discussion and subsequent amendment to the Administrative Procedures regarding seating order of the Commission at the BOCC meetings. [VIEW](#)

L. COMMISSIONERS' ITEMS - CONTINUED

11. **COMMISSIONER CARRUTHERS** - Discussion concerning staff review of FDOT plans for Big Coppitt to ensure that traffic patterns are safe and adequate to accommodate current traffic levels and potential additional trips resulting from the two new Habitat for Humanity affordable housing developments, a potential Coconut Cove development in Big Coppitt and the additional Habitat development planned for Cudjoe. Designate staff responsible for review and establish timetable to update the Board as to staff findings and action taken. [VIEW](#)
12. **COMMISSIONER DI GENNARO** - Approval of appointment of Derrick Johnson to the Community Development Block Grant (CDBG) Citizens Task Force as the District 4 Representative. [VIEW](#)
13. **COMMISSIONER CARRUTHERS** - Discussion and direction regarding recycling in County-owned buildings and possible recycling initiatives in conjunction with waste removal contracts Countywide. [VIEW](#)
14. **COMMISSIONER CARRUTHERS** - Discussion and direction regarding County highway sign policy and coordination with FDOT requirements. [VIEW](#)
15. **COMMISSIONER MURPHY** - Approval of the appointment of Anna Nickerson to the Community Development Block Grant (CDBG) Citizens Advisory Task Force to a four year term. [VIEW](#)
16. **COMMISSIONER DI GENNARO** - Discussion and direction regarding current status of County insurance issues. [VIEW](#)
17. **COMMISSIONER DI GENNARO** - Discussion and Board authorization of a written request to FEMA introducing Resolution #513-2008 and requesting a meeting following the next BOCC Regular meeting on February 18, 2009. Letter from BOCC will be accompanied by letters of support from Congresswoman Ileana Ros-Lehtinen and State Representative Ron Saunders. County staff is asked to compile revised implementation options and work with interested parties, as per the aforementioned resolution, for BOCC approval to propose to FEMA by the next BOCC meeting. A formal meeting with FEMA will not occur until that time. [VIEW](#)

M. COUNTY CLERK

1. Report
2. Official approval of the BOCC minutes from the Special BOCC meetings held on December 3, and 8, 2008 and Regular BOCC meetings held on November 19 and December 17, 2008 (previously distributed).
3. Approval of Warrants. [VIEW](#)

M. COUNTY CLERK - CONTINUED

4. Approval of Tourist Development Council Expenditures for the month of December, 2008. [VIEW](#)
5. Approval to remove surplus equipment from inventory via disposal or advertise for bid. [VIEW](#)
6. Consideration by the Board to rescind the approval of an Interlocal Agreement between Monroe County, and the Florida Keys Aqueduct Authority, and the municipalities of Key West, Islamorada, Layton, Key Colony Beach and Marathon for multi-jurisdictional coordination and cooperation regarding water supply, use and reuse and alternative water supplies. [VIEW](#)
7. [Approval of Public Official Bond for Danny L. Kolhage, Monroe County Clerk of Court.](#)

N. COUNTY ADMINISTRATOR

1. Report - [VIEW](#)
2. Approval to rescind and to reappoint a Commissioner to the South Florida Water Management District. [VIEW](#) ~~DELETE~~
3. Approval of Public Official Bond for Danise Henriquez, Monroe County Tax Collector. [VIEW](#)
4. Discussion and approval of one appointment to the Historic Preservation Commission. [VIEW](#)
5. Approval to award Monroe County Health Department surplus items as described in attached Recap of Bid Opening on December 4, 2008. (Items 50, 51 and 52). [VIEW](#)
6. Approval/confirmation of Administrator's appointment of Robert G. Nix as the Senior Director of Planning and Environmental Resources. [VIEW](#)
7. Approval to move forward on the County Administrator's Strategic Planning Initiative. [VIEW](#)
8. Approval of Lease Agreement with Southernmost Homeless Assistance League (SHAL) for office space located in the Gato Building, 1100 Simonton Street, Key West. [VIEW](#)
9. Discussion and direction to staff regarding Federal & State lobbying efforts. [VIEW](#)
10. Approval/confirmation of Administrator's appointment of James Callahan as Monroe County Fire Chief/Division Director. [VIEW](#)
11. Discussion and direction of potential regionalization of Fire Rescue services. [VIEW](#)

O. COUNTY ATTORNEY

1. Report. (To be provided)
2. Direction re RFP for air ambulance services. [VIEW](#)

O. COUNTY ATTORNEY - CONTINUED

3. Approval to advertise a public hearing for an Ordinance to impose a five-cent local option motor fuel ("gas") tax; to clarify the statutory authority for the existing six-cent "gas" tax, and to revise the distribution language for the existing "gas" tax since municipalities have incorporated since the prior ordinance was enacted. [VIEW](#)
4. Approval to advertise a public hearing for an Ordinance to impose a ninth-cent local option motor and special fuel ("gas") tax. [VIEW](#)
5. Approval of Seventh Amended Settlement Agreement in Richard M. Osborne & Conch Contrada LC v. Monroe County & Joe Paskalik, CA K 01-108. [VIEW](#)
6. Request by property owner Michael Cristler for further mitigation of fines in Code Enforcement Case CE05050056. [VIEW](#)
7. Approval to invoke the Florida Supreme Court's discretionary jurisdiction to review the Third DCA's decision in Collins, et. al. v. Monroe County and State of Florida 3D07-1603 (Lower Tribunal No. 04-379), dated December 31, 2008. [VIEW](#)
8. Authorization to institute collection proceedings and/or enter settlement negotiations with Adam Harper in Code Enforcement Case CE06090198. [VIEW](#)
9. Approval to schedule an Attorney-Client Closed Session of the Board of County Commissioners in the matter of Tropex Construction Service, Inc. vs. Monroe County, CA P 06-44 to be held at the regularly scheduled meeting in Key Largo on February 18, 2009. [VIEW](#)
10. Waiver of potential conflict of interest for Messrs. Robin Lockwood and George Galvan, members of District Advisory Committee to the TDC (District 1). [VIEW](#)
11. Request by property owner HSBC Bank USA for mitigation of fines in Code Enforcement Cases CE07060155 and CE07070042 to \$5,300.00. [VIEW](#)
12. Approval of assignment of Certificate of Destruction to Florida Keys Towing, and authorization for County Administrator to execute the assignment. [VIEW](#)
13. Direction as to the number of EDU's or units to be exempted from system development charges of Key Largo Wastewater District (KLWTD) for Burton Drive Affordable Housing Project. [VIEW](#)
14. Approval of amended budget for the legal services of Kaplan, Kirsch and Rockwell raising the not to exceed amount from \$75,000 to \$77,815. [VIEW](#)
15. Approval of Resolution to extend the default date for the SHIP mortgage issued to Woods Corner. [VIEW](#)

O. COUNTY ATTORNEY - CONTINUED

16. Approval to advertise a public hearing for the purpose of adopting and implementing a Monroe County False Claims Ordinance to deter persons from causing Monroe County to pay claims that are false, fraudulent or inflated and providing enforcement and providing penalties including damages for the submission of false claims to the county. [VIEW](#)
17. Approval of settlement agreement in Monroe County v. Bender and Associates, P.A., et al., CA K 03-915. [VIEW](#)
18. Approval to file lawsuit for injunctive relief against The Martinez Family Trust and Leo Miller. [VIEW](#)
19. Approval of First Amendment to Lease Between Strombus Corporation and Monroe County, Florida, on Behalf of Public Defender Offices. [VIEW](#)

3:00 P.M. P. PUBLIC HEARINGS

1. **A public hearing to consider adoption of an Ordinance adopting a new Code of Ordinances (re-codification of existing Monroe County Code) for Monroe County, Florida. [VIEW](#)**

ADA Assistance: Anyone needing special assistance at the Board of County Commissioners' meeting due to a disability should contact the County Administrator's office at 292-4441 by 12:00 p.m. on Friday, January 23, 2009.