

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, February 18, 2009
Murray E. Nelson Government & Cultural Center, MM 102.5
102050 Overseas Highway
Key Largo, Florida

9:00 A.M. Regular Meeting

9:15 A.M. Land Authority Governing Board

9:30 A.M. Fire & Ambulance District 1
Board of Governors

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 the Employee Service Award to Kevin Wilson, Project Manager, for the month of October 2008. [VIEW](#)
2. Mayor's Proclamation declaring the month of March 2009 as Seagrass Awareness Month. [VIEW](#)

C. BULK APPROVALS - COMMISSIONER DI GENNARO

1. Approval of Supplemental Lease Agreement No. 5, with the United States of America, for rental space for the Transportation Security Administration at the Key West International Airport. [VIEW](#)
2. Approval to advertise for proposals for the purchase of a new Tanker that meets the needs of Monroe County, as determined by the Fire Rescue Apparatus and Equipment Committee. [VIEW](#)
3. Approval to award Fire Rescue surplus item and transfer title of a 2000 Custom Mobile Home Office Trailer, Title 81727664, VIN # Cc6370, County Plate # 168092, as described in attached Recap of Bid Opening on December 4, 2008 Item #38, to New Moon Management Corp for \$4001.00. [VIEW](#)
4. Approval of Amendment #001 to the Alzheimer's Disease Initiative (ADI) Contract #KZ897 between the Alliance for Aging, Inc. (Aging Resource Center) and the Monroe County Board of County Commissioners (Community Services/In-Home Services) for fiscal year 7/1/08 to 6/30/09. [VIEW](#)
5. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue. [VIEW](#)
6. Approval to advertise a public hearing for a Budget Amendment for Fund 101 Fine & Forfeiture Fund, and Fund 153 Local Housing Assistance. [VIEW](#)
7. Approval of the Fiscal Year 2010 Budget Timetable. [VIEW](#)
8. Approval of the receipt of monthly report on change orders reviewed by the County Administrator's Office. [VIEW](#)
9. Approval of a Contract for Professional Services with Architects Design Group, Inc. (ADG) for the design, contract documents, and project administration of the Monroe County Emergency Operations Center in Marathon. [VIEW](#)
10. Approval to use \$416,089.00 in District 3 impact fees for the park at the Murray E. Nelson Government & Cultural Center, in lieu of using infrastructure funds. This change does not reflect an increase in contract amount. [VIEW](#)
11. Approval of a First Amendment to Agreement with MBI/K2M Architecture, Inc. for the interior and exterior modifications of the Marathon Courthouse. [VIEW](#)

C. BULK APPROVALS - CONTINUED

12. Approval to rescind the contract of June 18, 2008 awarded to Leonardo Nierman to display a 12' tall sculpture at the Freeman Justice Center, and approval of a revised contract. [VIEW](#)
13. Approval of an Award Agreement for Art in Public Places to Kim & Ian Workman d/b/a/ Kimian's Art II, Inc. for artwork at the Key West International Airport. [VIEW](#)
14. Approval of an Award Agreement for Art in Public Places to Nan Thurn Kitchens d/b/a Architectural Clayworks, for artwork at the Key West International Airport. [VIEW](#)
15. Approval of an Award Agreement for Art in Public Places to Team McMow D/B/A McMow Art Glass, Inc., for artwork at the Key West International Airport. [VIEW](#)
16. Approval of an Award Agreement for Art in Public Places to Richard Moody, for artwork at the Key West International Airport. [VIEW](#)
17. Approval of an Award Agreement for Art in Public Places to Elena Ortega D/B/A Artsy Studio, for artwork at the Key West International Airport. [VIEW](#)
18. Approval to rescind the transfer of title to County vehicle number 1419-087 (serial number 2FAFP71W9XX109382), as approved on January 28, 2009, and approval to transfer County vehicle number 1001-559, a 2000 Ford Taurus (serial number 1FAFP5226YA203729) to the Sugarloaf Volunteer Fire Department. [VIEW](#)
19. Approval to demolish and dispose of the old building located in the parking lot of the Plantation Key Courthouse, Plantation Key. [VIEW](#)
20. Approval to enter into a one-year's residential lease agreement for Location B with the Sheriff's Deputy to commence April 1, 2009 and terminate March 31, 2010. [VIEW](#)
21. Approval to amend the agreement and exercise the first option to renew the contract with U. S. Water Services Corporation for the operation and maintenance of the sewage treatment plant at the Plantation Key Government Complex. [VIEW](#)
22. Approval to pay Big Pine Athletic Association, Inc. on month-to-month basis for temporary management of the Big Pine Skate Park pending a February 18, 2009 re-bid opening for permanent management and ratify the August 22, 2008 agreement. [VIEW](#)
23. Approval to extend the current General and Professional Liability Insurance with Lantana Insurance Ltd. for Bayshore Manor and waiver of policy requiring going out for RFP. [VIEW](#)

C. BULK APPROVALS - CONTINUED

24. Approval of HIPPA (Health Insurance Portability and Accountability Act) Business Associate Contract Addendum with Walgreens Health Initiatives, Inc. The purpose of this Addendum is to satisfy certain standards and requirements of HIPPA and HIPPA Regulations, including, but not limited to Title 45, Section 164.50(e) of the Code of Federal Regulations. [VIEW](#)
25. Approval of Amendment No. 1 to the Prescription Management Plan Services Agreement with Walgreens Health Initiatives, Inc. (WHI). [VIEW](#)
26. Approval of Schedule for Purchase of Dedicated Maintenance Technician #CPE50416 from Bellsouth Communication Systems, LLC d/b/a AT & T Communications Systems Southeast ("AT & T"). [VIEW](#)
27. Approval of amendment to contract with the Guidance Clinic of the Middle Keys, replacing Attachment C, which concerns subcontracted Baker/Marchman Act transportation and increasing the contract amount for these services from \$48,000 to \$146,000. [VIEW](#)
28. Clarification of the Monroe County Identification #141906-2 (2420) assigned to a 1994 Ford Ambulance, VIN# 1FDLF47M7REA39787, AND approval of a Bill of Sale, Absolute awarding this surplus vehicle to the highest bidder. [VIEW](#)
29. Approval to reduce the retainage withheld from Morganti subcontractors Florida Keys Electric, Inc. and JLU Enterprises, for work completed at the Key West International Airport New Terminal Building and Renovation construction project. [VIEW](#)

D. TOURIST DEVELOPMENT COUNCIL

1. Announcement of one vacant position on the Tourist Development Council District I Advisory Committee for an "At Large" appointment. [VIEW](#)
2. Announcement of one vacant position on the Tourist Development Council District II Advisory Committee for an "At Large" appointment. [VIEW](#)
3. Announcement of two (2) vacant positions on the Tourist Development Council District IV Advisory Committee for two "At Large" appointments. [VIEW](#)
4. Approval of a Resolution to provide additional advance registration, booth related expenses and travel related expenses for trade shows for the fiscal year 2010 to be paid from TDC funds in fiscal year 2009. [VIEW](#)
5. Approval of a Resolution transferring DAC III Capital Resources into DAC III Advertising Resources. [VIEW](#)

D. TOURIST DEVELOPMENT COUNCIL

6. Approval of an Agreement with Super Boat International Productions, Inc. covering the Marathon Super Boat Grand Prix on May 15-17, 2009 in an amount not to exceed \$25,000, DAC III, FY 2009 Event Resources. [VIEW](#)
7. Approval to advertise a public hearing for an ordinance amending sections 2-297(A) and 2-300(A) and (B) of the Monroe County Code. [VIEW](#)
8. Approval of an Amendment to Agreement with Keys Association of Dive Operators (KADO) to revise the Recommendation Committee Member name for DAC III. [VIEW](#)
9. Approval of an Amendment with Murray Marine, Inc. to revise name of event to Key West Harbor King Mackerel Tournament. [VIEW](#)
10. Approval of an Agreement with AT&T to provide long distance telephone services to the Tourist Development Council. [VIEW](#)
11. Approval of an Agreement with Upper Keys Business Group, Inc. covering Key Largo Conch Republic Days on April 17-26, 2009 in an amount not to exceed \$18,500, DAC V, FY 2009 Event Resources. [VIEW](#)

E. STAFF REPORTS

1. AIRPORTS
2. BUDGET & FINANCE - Quarterly Report - [VIEW](#)
3. EMERGENCY SERVICES
4. EMPLOYEE SERVICES
5. ENGINEERING
6. GROWTH MANAGEMENT
7. PUBLIC WORKS
8. TECHNICAL SERVICES

ADJOURNMENT

9:15 A.M. F. LAND AUTHORITY GOVERNING BOARD

1. **Approval of the minutes for the December 17, 2008 meeting.**
[VIEW](#)
2. **Approval to purchase property for conservation.**
 - a) **Block 3, Lots 43-45, Harris Ocean Park Estates, Key Largo**
[VIEW](#)
 - b) **Tract G, Kinercha subdivision, Big Pine Key** [VIEW](#)
 - c) **Block 7, Lot 19, Ramrod Shores, Ramrod Key** [VIEW](#)

ADJOURNMENT

ADJOURNMENT

9:30 A.M. G. FIRE & AMBULANCE DISTRICT 1 BOARD OF GOVERNORS

1. **Report**
2. Approval of Renewal Agreement effective from March 1, 2009 through February 28, 2010, between Board of Governors of Fire and Ambulance District 1 of Monroe County Florida and Roy Khanna for maintenance of Fire Rescue vehicles (Ambulances) including inspections, preventative maintenance, and unscheduled maintenance and repairs resulting from failure or malfunction.

[VIEW](#)

ADJOURNMENT

H. DIVISION OF GROWTH MANAGEMENT - BULK APPROVALS

1. Approval of a resolution authorizing the acceptance of Block 2, Lot 2, Paraiso Estates on 75th Street in Marathon from the Monroe County Comprehensive Plan Land Authority for affordable housing. [VIEW](#)
2. Approval of a resolution extending the deadline until March 19, 2010 for the reservation of the "H" value and for the award of sixteen (16) affordable dwelling unit allocations for Caya Place LLC on Big Pine Key on the eastern parcel (RE 00111078.000000) of property located at 30641 US Highway 1 (aka Skeeter's Marine). [VIEW](#)
3. Direction to staff regarding extension of a lease agreement, development agreement, development order, and renewal of building permits for the project known as Flagler Village in Stock Island. [VIEW](#)

1:30 P.M. I. WASTEWATER ISSUES

1. **Report to update the status of Wastewater projects through January 2009.** [VIEW](#)
2. **Approval of Second Amendment to the 6/21/06 Interlocal Agreement with FKAA that clarifies the ILA restriction of the use of State Revolving Fund (SRF) proceeds for the Big Coppitt project to allow for future SRF proceeds to fund alternate projects.** [VIEW](#)

J. MONROE COUNTY SHERIFF DEPARTMENT

1. Approval of the nomination of Mr. Peter Rosasco to the Sheriff's Shared Asset Forfeiture Fund Board (SAFF). [VIEW](#)

K. COMMISSIONERS' ITEMS

9:45 A.M.

1. **COMMISSIONER WIGINGTON** - Discussion and direction to staff regarding adoption, implementation and enforcement of a "4 Day Rule" regarding agenda back-up material provided to the County Commission. [VIEW](#)
2. **COMMISSIONER WIGINGTON** - Discussion and direction to staff to explore and strengthen "Whistle-blower" protection policies to ensure Monroe County employees have no fear of reprisal when reporting unlawful activity to appropriate authorities for investigation or corrective action. [VIEW](#)
3. **COMMISSIONER MURPHY** - Approval of a resolution by the Affordable Housing Advisory Committee expressing appreciation to the Monroe County Board of County Commissioners for the successful use and repayment of funds from the Affordable and Employee Housing Fair Share Impact Fee Trust Fund for impact fees for the Woods Corner affordable housing project. [VIEW](#)
4. **COMMISSIONER Di GENNARO** - Discussion regarding Regular BOCC meetings which run into the evening hours; set adjournment by a certain time to reconvene in the morning of the second meeting date held aside specifically for this purpose. [VIEW](#)
5. **MAYOR NEUGENT** - Approval of a letter by the Monroe County Board of Commissioners to be sent to Senator Atwater and Speaker Cretul requesting action to waive trap fees for Commercial Fisherman in the Florida Keys. [VIEW](#)
6. **MAYOR NEUGENT** - Approval to change the removal of designation date within statute 380.0552(4) from between July 12, 2008 and August 30 to between July 12, 2015 and August 30 or upon completion of all tasks of the work program, whichever is later. [VIEW DELETED](#)
7. **MAYOR NEUGENT** - Request to the Monroe County Board of Commissioners to create an ordinance which would require an inspection to determine whether a home-property has non-compliant floor living area below base flood elevation. [VIEW DELETED](#)
8. **MAYOR NEUGENT** - Approval of a resolution of the Monroe County Board of Commissioners supporting the creation of a Sanctuary Preservation Area (SPA) within the Florida Keys National Marine Sanctuary (FKNMS) at the reef area known as Snapper Ledge, Tavernier, Key Largo, Florida, requesting that the Sanctuary Advisory Council (SAC) consider and approve a similar recommendation for the purposes of providing lasting protection to this vital and unique Sanctuary Resource, and providing for transmittal of this Resolution to the Chairman of the Sanctuary Advisory Council and the Superintendent of the Florida Keys National Marine Sanctuary. [VIEW](#)

K.

COMMISSIONERS' ITEMS - CONTINUED

9. ~~COMMISSIONER MURPHY - Approval of a resolution of the Monroe County Board of County Commissioners providing a process for the appointment of the Eleven Members of the Affordable Housing Advisory Committee (AHAC) and establishing a meeting frequency.~~ Approval of a resolution of the Monroe County Board of County Commissioners providing a process for the appointment of the Eleven Members of the Affordable Housing Advisory Committee (AHAC), establishing a meeting frequency, dismissing the existing members of the AHAC, thanking them for their service and committing Commissioners to making new appointments at the March meeting of the BOCC in accordance with the attached appointment listing . [VIEW](#)
10. ~~COMMISSIONER CARRUTHERS --Discussion and direction regarding Higgs Beach.~~ Discussion, directions and possible action regarding Higgs Beach [VIEW](#)

L. COUNTY CLERK

1. Report
2. Approval of Warrants. [VIEW](#)
3. Approval to remove surplus equipment from inventory via disposal or advertise for bid. [VIEW](#)
4. Approval of Tourist Development Council Expenditures for the month of January, 2009. [VIEW](#)

M. COUNTY ADMINISTRATOR

1. Report - [VIEW](#)
2. Discussion and direction from the BOCC regarding the Hickory House property. [VIEW](#)
3. Approval of annual appointments to the Older American Advisory Board. [VIEW](#)
4. Approval of an Interlocal Agreement between Monroe County and Florida Keys Aqueduct Authority to share the costs of **Federal and State** lobbyist services to advocate for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
5. Approval of an Interlocal Agreement between Monroe County and Islamorada, Village of Islands to share the costs of **Federal and State** lobbyist services to advocate for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
6. Approval of an Interlocal Agreement between Monroe County and City of Key West to share the costs of **Federal and State** lobbyist services to advocate for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)

M. COUNTY ADMINISTRATOR - CONTINUED

7. Approval of an Interlocal Agreement between Monroe County and City of Marathon to share the costs of **Federal and State** lobbyist services to advocate for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
8. Approval of an Interlocal Agreement between Monroe County and Key Largo Wastewater Treatment District to share the costs of **Federal and State** lobbyist services to advocate for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
9. Approval of an agreement between Monroe County and Ronald L. Book, P.A, for State lobbyist services, advocating for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
10. Approval of an agreement between Monroe County and Tew Cardenas LLP, for **Federal and State** lobbyist services, advocating for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
11. Approval of an agreement between Monroe County and Floridian Partners, LLC, for **Federal and State** lobbyist services, advocating for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
12. Approval of an agreement between Monroe County and Quantum Results, Inc. for **Federal and State** lobbyist services, advocating for funding on the subject of wastewater and other infrastructure projects in the Florida Keys. [VIEW](#)
13. Approval/confirmation of Administrator's appointment of Robert G. Nix as the Senior Director of Planning and Environmental Resources [VIEW](#)

N. COUNTY ATTORNEY

1. Report
2. Authorization for the Mayor to execute the Trust Fund Release and Disbursal Agreement in order to obtain \$20,440.19 held in trust by Miami Dade County as part of the settlement agreement between the South Florida Employment and Training Consortium and the Agency for Workforce Innovation. [VIEW](#)
3. Correction of the motion made and approved on January 28, 2009, regarding the County's Burton Drive affordable housing project, to seek to exempt EDU's from system development charges, changing the number from 39 to 36. [VIEW](#)
4. Waiver of potential conflict of interest for Messrs. Robin Lockwood and George Galvan, members of District Advisory Committee to the TDC (District 1). [VIEW](#)

3:00 P.M.

O. PUBLIC HEARINGS

1. A Public Hearing to consider approval of a resolution for a Budget Amendment of Fiscal Year 2009 One Cent Infrastructure Sales Tax fund 304, 2003 Revenue Fund 307, 2007 Revenue Bond Fund 308 and Big Coppitt Wastewater Project Fund 310. [VIEW](#)
2. 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 penalties, including damages, for the submission of false claims to the County. [VIEW](#)
3. A public hearing to consider rescission of Land Development Regulation Ordinance 020-2008 which amended Sec. 9.5-258 of the Monroe County Land Development Regulations to allow the provision of Central Wastewater service and support utilities to developed properties located within the Coastal Barrier Resources System. [VIEW](#)

P. PUBLIC DEFENDER

1. Approval to Amend the Lease for the Public Defender office space in order to add 570 square feet. This change will increase the monthly rent by \$1,920.58 per month beginning March 1, 2009. The Public Defender has agreed to pay for any construction out of its current budget. However, the rent increase does represent an increase in the Public Defender's budget for this fiscal year. [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, February 13, 2009.