

**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, April 15, 2009  
The Harvey Government Center  
at Historic Truman School  
1200 Truman Avenue  
Key West, Florida

9:00A.M. - Regular Meeting

9:15 A.M - Land Authority Governing Board

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 Employee of Year for 2008 to Tony Gartenmayer, Building Maintenance Specialist, Facilities Maintenance, Public Works Division. [VIEW](#)

B. PRESENTATION OF AWARDS - CONTINUED

2. Presentation of Years of Service Award for 15 years of service to Monroe County to Ludwig "Ski" Witkowski, Master Electrician, Correction Facilities, Public Works Division. [VIEW](#)
3. Presentation of Years of Service Award for 10 years of service to Monroe County to John Kipp, Sr. Technician Maintenance, Facilities Maintenance, Public Works Division. [VIEW](#)
4. Presentation of Years of Service Award for 10 years of service to Monroe County to Benjamin Moore, Maintenance Worker, Unincorporated Parks & Beaches, Facilities Maintenance, Public Works Division. [VIEW](#)
5. Presentation of proclamation declaring the week of April 12 through April 18, 2009, as National Library Week. [VIEW](#)
6. Mayor's proclamation in recognition of Adrian Todd Poitier as an outstanding member and entrepreneur of the Bahama Village community of Key West and Monroe County, Florida. [VIEW](#)
7. Mayor's proclamation proclaiming April 12-18 as National Public Safety Telecommunications Week. [VIEW](#)
8. Mayor's proclamation declaring April 2009 as Water Conservation Month [VIEW](#)
9. Mayor's proclamation recognizing May as Motorcycle Safety Awareness Month. [VIEW](#)
10. Mayor's proclamation declaring Tuesday, April 28, 2009 as Equal Pay Day. [VIEW](#)
11. Mayor's proclamation declaring May 1, 2009 as Law Day. [VIEW](#)
12. Mayor's proclamation in support of Florida's 10<sup>th</sup> Annual Statewide Drug Court Graduation Celebration. [VIEW](#)

C. BULK APPROVALS - COMMISSIONER MURPHY

1. Approval of Change Order #1 for Proposal #MLAVIKWU1 by Audio Visual Innovations to upgrade video and audio broadcast equipment for MCTV in the Key West BOCC Chambers and the MCTV Broadcast Studio at the Harvey Government Center. [VIEW](#)
2. Approval to reject all bids and to re-advertise for sealed bids for Rolling Door replacement at the Marathon Garage and the Monroe County Detention Center on Stock Island. [VIEW](#)
3. Approval to exercise the first option to renew the contract with Dependable Janitorial & Building Maintenance, Inc. for janitorial services at the Big Pine Key Library. [VIEW](#)
4. Approval to exercise the first option to renew the contract with Dependable Janitorial & Building Maintenance, Inc. for janitorial services at the George Dolezal Library, Marathon, Florida. [VIEW](#)
5. Approval to exercise the first option to renew the contract with Dependable Janitorial & Building Maintenance, Inc. for janitorial services at the Islamorada Library. [VIEW](#)

C. BULK APPROVALS - CONTINUED

6. Approval to exercise the first option to renew the contract with Dependable Janitorial & Building Maintenance, Inc. for janitorial services at the Key Largo Library. [VIEW](#)
7. Approval to amend the agreement and exercise the first option to renew the contract with U. S. Water Services Corporation for operation and maintenance of the sewage treatment plant at the Roth Building. [VIEW](#)
8. Conceptual approval to transfer ownership of four (4) County-owned parcels located within the City of Marathon to the City of Marathon, pending clearance from the Florida Community Trust. [VIEW](#)
9. Approval of Amendment and 1<sup>st</sup> Renewal of Franchise Agreement with Waste Management, Inc. of Florida. [VIEW](#)
10. Approval of Amendment and 1<sup>st</sup> Renewal of Franchise Agreement with Marathon Garbage Service, Inc. f/k/a Mid-Keys Waste, Inc. [VIEW](#)
11. Approval of Amendment and 1<sup>st</sup> Renewal of Franchise Agreement with Ted Carter Enterprises, Inc. d/b/a Keys Sanitary Service. [VIEW](#)
12. Approval of Amendment and 1<sup>st</sup> Renewal of Franchise Agreement with Ocean Reef Club, Inc. [VIEW](#)
13. Approval to pay \$257,723 renewal premium to Citizens Property Insurance Corporation for Windstorm Insurance Policy. [VIEW](#)
14. Approval to accept proposal from Marsh USA, the County's insurance broker for the Property Insurance package, through quality rated insurance companies not to exceed \$668,991. It is also being requested that authority be granted to Risk Management to accept an alternative proposal from Marsh if it is believed to provide equal or superior coverage for a lower premium. [VIEW](#)
15. Approval to solicit a Request for Proposals (RFP's) to provide training services to employees. The training is 100% reimbursable by a grant through South Florida Workforce. [VIEW](#)
16. Approval to advertise Request for Proposals for Janitorial services at the Key West International Airport. [VIEW](#)
17. Approval of award of bid to Hi-Lite Markings, Inc., for Runway and Taxiway Pavement Marking at the Key West International Airport, and approval of contract with Hi-Lite Markings, Inc. for Runway and Taxiway Pavement Marking at the Key West International Airport. [VIEW](#)

C. BULK APPROVALS - CONTINUED

18. Approval of Purchase Service Order 2008 - 1, for Hangars Wetland Mitigation Project - Wetlands Monitoring, First Semi-annual Monitoring Event, and PSO 2008 - 2, for Hangars Wetlands Mitigation Project - Wetlands Monitoring Second Semi-annual Monitoring Event (SFWMD), Annual Monitoring Event (ACOE), from Feher Environmental Consulting Inc. Approval of Invoice 2008.6.1, from Feher Environmental Consulting, Inc., (PSO 2008-1) in the amount of \$4,680.00. [VIEW](#)
19. Approval to waive Purchasing Policies and Procedures for the emergency relocation of the Automated Surface Observations System (ASOS) at the Key West International Airport. [VIEW](#)
20. Approval to advertise Request for Proposals for Rental Car activities at the Teen Center property on the Key West International Airport. [VIEW](#)
21. Approval to advertise a Request for Proposals for vendor spaces inside the new and existing passenger terminals at the Key West International Airport. [VIEW](#)
22. Approval of Deductive Change Order # 2 for the Morganti Group contract to build the new terminal complex at the Key West International Airport. [VIEW](#)
23. Approval to release half of the original 10% retainage to 5% to four sub-contractors who have reached substantial completion on the Morganti contract for work at the Florida Keys Marathon Airport. [VIEW](#)
24. Approval to release half of the original 10% retainage to 5% to eleven sub-contractors who have reached substantial completion on the Morganti contract for work at the Key West International Airport. [VIEW](#)
25. Approval of Law Enforcement and Security Services at Key West International Airport for 2008-2009. [VIEW](#)
26. Approval of Award of Bid to Weatherrol Maintenance Corporation for the HVAC Equipment Replacement project at the Florida Keys Marathon Airport, in the total amount of \$466,111.00. [VIEW](#)
27. Approval of Lease Amendment with Coast FBO, LLC, Fixed Base Operator (FBO), at Florida Keys Marathon Airport. [VIEW](#)
28. Approval of receipt of monthly report on change orders reviewed by the County Administrator's Office. [VIEW](#)
29. Approval to advertise for a Request for Proposals for the ADA Transition Plan as required by Florida State Statute. [VIEW](#)
30. Approval of an Award Agreement for Art in Public Places to Murals of Baltimore, LLC. for artwork at the Big Pine Key Fire Station. [VIEW](#)

C. BULK APPROVALS - CONTINUED

31. Approval of an Award Agreement for Art in Public Places to Debra Yates for artwork at the Key West International Airport. [VIEW](#)
32. Approval of a contract with B&M Construction for the Construction of a new fueling facility in Plantation Key. [VIEW](#)
33. Approval to execute Local Agency Program (LAP) Agreement with Florida Department of Transportation (FDOT) to provide transportation stimulus funding for the Geiger Creek Bridge Repair Project. [VIEW](#)
34. Approval to execute Local Agency Program (LAP) Agreement with Florida Department of Transportation (FDOT) to provide transportation stimulus funding for the Palm Drive (Baypoint) Bridge Repair Project. [VIEW](#)
35. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue. [VIEW](#)
36. Approval of amendment to contract with the Marathon Wild Bird Center, Inc. to reflect the organization's name correct and legal name, substituting the name "Marathon Wild Bird Rescue," with the name, "Marathon Wild Bird Center, Inc." [VIEW](#)
37. Approval to advertise a public hearing for a Budget Amendment for Fund 207 2003 revenue Bonds Debt Service. [VIEW](#)
38. Approval of a Resolution amending Resolution 424-2007 adopted on November 14, 2007 ; providing for changes to the Series 2007 Project; and providing an effective date. [VIEW](#)
39. Approval to amend the existing contract with Buccaneer Courier to add 2 additional courier stops at the request of the Monroe County Health Department. [VIEW](#)
40. Approval of Amendment 006 to the Older Americans Act (OOA) Contract #AA-829 (1/1/08-12/31/08) between the Alliance for Aging, Inc. (Area Agency on Aging for Miami-Dade and Monroe Counties) and the Monroe County Board of County Commissioners (Community Services/In-Home and Nutrition Services). [VIEW](#)
41. Approval of a recurring expense as required by Florida Statute 409.915. [VIEW](#)
42. Approval of a request of a Vendor Agreement between Monroe County In-Home and Nutrition Services and Newtrition Concepts, Inc. [VIEW](#)

D. TOURIST DEVELOPMENT COUNCIL

1. Approval of an Amendment to Inter-local Agreement with the City of Key West to extend termination date of agreement for the Smathers & Rest Beach Renourishment project - \$43,000. [VIEW](#)

D. TOURIST DEVELOPMENT COUNCIL - CONTINUED

2. Approval of an Amendment to Inter-local Agreement with the City of Key West to extend termination date of agreement for the White Street Pier RipRap Installation Project - \$73,500. [VIEW](#)
3. Approval of an Amendment to Inter-local Agreement with the City of Key West to extend termination date of agreement for the Smathers & Rest Beach Renourishment Phase II project - \$60,876. [VIEW](#)
4. Approval to advertise a Request for a Fishing Umbrella to act as an advisory committee to the TDC, making recommendations for the expenditure of promotional and advertising funds to fishing tournaments and marketing of sport fishing through Monroe County. [VIEW](#)
5. Approval to advertise a Request for Proposal for a Dive Umbrella to act as an advisory committee to the TDC, making recommendations for the expenditure of promotional and advertising funds to dive activities throughout Monroe County. [VIEW](#)
6. Approval to advertise a Request for Proposal for a Gay & Lesbian Visitor Information Services for the Monroe County Tourist Development Council: District I - encompassing the city limits of Key West. [VIEW](#)

**ADJOURNMENT**

**9:15 A.M. E. LAND AUTHORITY GOVERNING BOARD**

1. **Approval of the minutes for the March 18, 2009 meeting.** [VIEW](#)
2. **Approval of the 2009 Acquisition List.** [VIEW](#)

**ADJOURNMENT**

F. STAFF REPORTS

1. AIRPORTS
2. BUDGET & FINANCE
3. EMERGENCY SERVICES
4. EMPLOYEE SERVICES
5. PROJECT MANAGEMENT
6. GROWTH MANAGEMENT
7. PUBLIC WORKS
8. TECHNICAL SERVICES

G. DIVISION OF GROWTH MANAGEMENT - BULK APPROVALS

1. Approval of a Restoration Agreement between Monroe County and the National Audubon Society, Inc. for the restoration of a freshwater wetland on Big Pine Key. [VIEW](#)

G. **GROWTH MANAGEMENT - BULK APPROVALS - CONTINUED**

2. Approval of an Inter-Local Agreement (ILA) between Monroe County and the City of Key Colony Beach (City) providing funding assistance from Boating Improvement Funds for costs incurred for dock and seawall repairs at the 7<sup>th</sup> Street City Hall Annex Dock in the amount of \$38,685.00. [VIEW](#)
3. Approval of an Inter-Local Agreement (ILA) between Monroe County and the City of Key West (City) providing funding assistance from Boating Improvement Funds for costs incurred for maintenance at the Garrison Bight mooring field in the amount of \$17,325.00. [VIEW](#)
4. Approval of Amendment No. 1 to the contract with GMR Aerial Surveys to provide the development of a Geospatial Land Cover Dataset for the Florida Keys. [VIEW](#)
5. Approval of a resolution for an exemption of 4,113 square feet of non-residential floor area from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system requested by the Craig Company, on behalf of the South Florida Council of the Boys Scouts of America, pursuant to Policy 101.3.4 of the Year 2010 Comprehensive Plan. The subject parcel is legally described as Westerly Part of Government Lot 2, Section 32, Township 66 South, Range 30 East, West Summerland Key, Monroe County, Florida, having Real Estate Number 00106030.000000. [VIEW](#)
6. Discussion and approval of a response letter from the County Administrator to the City of Marathon declining the request to transfer governmental jurisdiction of the Florida Keys Marathon Airport. [VIEW](#)

**2:00 P.M.** H. **PROJECT MANAGEMENT**

1. **Presentation by Architects Design Group, Inc. (ADG) on the status of the design of the proposed Emergency Operations Center in Marathon.** [VIEW](#)

**1:30 P.M.** I. **WASTEWATER ISSUES**

1. Report to update the status of Wastewater projects through April 2009. [VIEW](#)
2. Approval to award contract to Government Services Group, Inc. for the Development and Administration of the Non Ad-valorem Assessment for Wastewater Service Areas. [VIEW](#)

J. **MONROE COUNTY SHERIFF DEPARTMENT**

1. Approval of FY 2009 recommendations of the Monroe County Shared Asset Forfeiture Fund Advisory Board. [VIEW](#)

J. MONROE COUNTY SHERIFF DEPARTMENT - CONTINUED

2. Approval to apply for Edward Byrne Justice Assistance Grant (JAG) for mental health and substance abuse programs; approval for the Sheriff to be designated as the "signing official" for the funding request and for the Monroe County Sheriff's Office to be designated as the Organizational Unit' and authorization for the Sheriff to accept the grant and execute any other required grant documents, if awarded. [VIEW](#)
3. Approval and consent to assignment of lease of County owned property from Comcast of California/Colorado/Florida/Oregon, Inc. to Telcom Systems, LTD. This consent to assignment allows Monroe County to continue to receive the income from the lease." [VIEW](#)

K. COMMISSIONERS' ITEMS

1. **MAYOR NEUGENT** - Approval of the reappointment of Peter Worthington to the Marine and Port Advisory Committee expiring 04/2012. [VIEW](#)
2. **COMMISSIONER WIGINGTON** - Appointment of Sherry Phillips to the Affordable Housing Advisory Committee representing the Residential Home Building Industry. [VIEW](#)
3. **COMMISSIONER WIGINGTON** - Approval of a resolution of the Monroe County Board of County Commissioners removing 2 members of the Monroe County Planning Commission; appointing or re-appointing 2 new members to vacant seats; directing the Growth Management Division to proceed with an amendment to section 102-20 of the Monroe County Code to establish Planning Commission member terms commensurate to that of the sponsoring member of the Board of County Commissioner. [VIEW](#)
4. **COMMISSIONER CARRUTHERS** - Approval of direction to staff to develop projects at Higgs Beach for which the TDC DAC 1 Special Beach Fund can be used, and that since the fund was established and set aside for DAC 1 in years past, that the proposed projects not be subject to the annual TDC capital projects RFP process. [VIEW](#)
5. **COMMISSIONER CARRUTHERS** - The discussion and approval of resolution establishing an Emergency Medical Transportation Task Force for the purpose of identifying existing needs and gaps in services; procedures for improving communication regarding trauma emergencies, and the possible establishment of a coordinated medical transport system by private, public or combination of service providers. [VIEW](#)

K. COMMISSIONERS' ITEMS - CONTINUED

6. **COMMISSIONER MURPHY** - Approval of a resolution of the Board of County Commissioners of Monroe County renaming the Green Building Code Task Force to the Green Initiative Task Force; changing that the recommendations be made to the Board of County Commissioners, rather than the Building Department, and that the Task Force provide recommendations not on local technical amendments but on green standards for implementation in Monroe County to improve local quality of life and create a more efficient government. [VIEW](#)
7. **COMMISSIONER DiGENNARO** - Approval to reappoint Donna Flammang to the Duck Key Security District Advisory Board for a second term. [VIEW](#)
8. **COMMISSIONER DiGENNARO** - Approval to appoint Billy Wagner to the Duck Key Security District Advisory Board. [VIEW](#)

L. COUNTY CLERK

1. Report
2. Official approval of the BOCC minutes from the special meetings of February 4 & 27, 2009 and Regular meeting of February 18, 2009.
3. Approval of Warrants. [VIEW](#)
4. Approval to remove surplus equipment from inventory via disposal or advertise for bid. [VIEW](#)
5. Approval of Tourist Development Council Expenditures for the month of March, 2009. [VIEW](#)

M. COUNTY ADMINISTRATOR

1. Report [VIEW](#)
2. Approval to rescind the Interlocal Agreement between Monroe County and Islamorada, the 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, and approve a new version of the agreement. [VIEW](#)
3. Approval of a Resolution in support of Eco-Mariner, an educational course designed to help Boaters and anglers enjoy and preserve Florida Bay. [VIEW](#)
4. Approval to rescind Agreement with Congresswoman Ileana Ros-Lehtinen approved by the BOCC on 3/18/09 (Item O7) to provide office space at the Murray E. Nelson Government and Cultural Center in Key Largo, FL and approve revised Agreement and District Office Lease Attachment subsequently presented by the Congresswoman's District Office for approval and execution by the BOCC. [VIEW](#)

N. COUNTY ATTORNEY

1. Report
2. Approval to advertise and hold a public hearing to consider approval of a County Ordinance to strengthen "Whistleblower" protection policies for County employees. [VIEW](#)
3. Approval of a Local Option Gas Tax Sharing Interlocal Agreement between Monroe County and the City of Key West, the City of Key Colony Beach, the City of Layton, the City of Marathon and the City of Islamorada, Village of Islands. [VIEW](#)
4. Approval to advertise and hold a public hearing to consider approval of a County Ordinance amending Sec. 22-100(b) of the Monroe County Code to provide a \$225 fee for business not otherwise taxed under the provisions related to business taxes. [VIEW](#)
5. Approval of Mayor executing Quitclaim Deed to Islamorada, Village of Islands for an Unnamed Road, a 20 foot Access Road Dedicated Across Plat of Survey of Roger L. and Sarah Albury and Alec De Brocq Property, platted at PB 2, p. 51, excepting that portion previously abandoned by Monroe County Resolution No. 106-1981, with any recording fees to be borne by the Village. [VIEW](#)
6. Approval of request to schedule a closed executive session of the Board of County Commissioners in the matter of Roy's Trailer Park Inc v. Monroe County, CA K 07-1505 during its regular meeting scheduled for May 20, 2009 in Key Largo. [VIEW](#)
7. Approval of one of two versions of Resolution Adopting a Fee Waiver Policy for TraumaStar billing. [VIEW](#)
8. Approval to advertise and hold Public Hearing to consider adoption of a County Ordinance regarding preference to local businesses in bidding procedures. [VIEW](#)
9. Approval of Amendment No. 1 to Ground Lease for Overseas Redevelopment Company, LLC for affordable housing project at Flagler Village. [VIEW](#)
10. Approval of Agreement for Consulting Services with Reid Ewing. [VIEW](#)
11. Authorization for County Attorney's office to take all steps necessary to defend the County's interests in Michael C. Addison and Richard T. Petitt v. City of Tampa, Case No.: 03-5425, including opting out of any Defendant class. [VIEW](#)
12. Approval to advertise a public hearing for an ordinance creating Section 2-429 of the Monroe County Code, a code of ethics for members of advisory or quasi-judicial boards. [VIEW](#)

N. COUNTY ATTORNEY - CONTINUED

13. Approval of payment of \$61,353.00 to Ferencik, Libanoff, Brandt, Bustamante & Williams, P.A. for legal services provided on behalf of Monroe County in the matter of Monroe County v. Bender & Associates, etc/D.L. Porter Constructors, Inc. v. Bliss-Cashier Metal Products, Inc., Case No. 03-CA-915-K. [VIEW](#)
14. Ratification and approval of contract between West Publishing and the County Attorney's Office. [VIEW](#)
15. Approval of a Lease with Tropical Watersports, LLC for a watersports equipment rental concession on Clarence S. Higgs Memorial beach. [VIEW](#)
16. Approval of Resolution to extend the default date for the SHIP mortgage issued to Woods Corner. [VIEW](#)
17. Presentment of petition requesting a referendum for the establishment of a special neighborhood improvement district as provided in S. 163.511, F.S. & S. 9-1. MCC. No action required. [VIEW](#)

**3:00 P.M. O. PUBLIC HEARINGS**

1. **Approval of a resolution of the Monroe County Board of County Commissioners amending the Planning and Environmental Resources fee schedule by changing the fee for a Beneficial Use Determination. [VIEW](#)**
2. **A Public Hearing regarding the Issuance of Certificate of Public Convenience and Necessity (COPCN) to City of Marathon - Fire Rescue for the operation of an ALS transport ambulance service for the period April 15, 2009 through April 14, 2011. [VIEW](#)**
3. **A public hearing to consider approval of an ordinance amending Section 2-179(c), Monroe County Code allowing an exception to the prohibition against staff attorneys performing outside legal services in very limited circumstances - for family members when there is no conflict with job duties, on a case-by-case basis upon specific approval by BOCC. [VIEW](#)**
4. **A public hearing to consider adoption of a County Ordinance amending Section 23-85(c) of the Monroe County Code to include yearly rentals and all residential rentals regardless of form of ownership. [VIEW](#)**
5. **A public hearing to consider an ordinance prohibiting the sale of merchandise in the rights- of-way within Monroe County. [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, April 10, 2009.