

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, May 20, 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 Years of Service Award for 25 years of service to Monroe County to Norma Kula, Director of Libraries. [VIEW](#)
2. Presentation of Years of Service Award for 10 years of service to Monroe County to Sylvia Capote, Custodian, Facilities Maintenance Department, Public Works Division. [VIEW](#)
3. Presentation of Mayor's Proclamation declaring May 22, 2009 as Maritime Day. [VIEW](#)
4. Presentation of Mayor's Proclamation observing the week of May 17-23, 2009 as "Emergency Medical Services Week." [VIEW](#)
5. Public presentation of annual volunteer and career firefighter's awards. [VIEW](#)

C. BULK APPROVALS - COMMISSIONER WIGINGTON

1. Approval of Contract with Weatherrol Maintenance Corporation for the HVAC Equipment Replacement project at the Florida Keys Marathon Airport, in the total amount of \$466,111.00. [VIEW](#)
2. Approval to advertise Request for Proposals (RFP) for Janitorial Services at the Florida Keys Marathon Airport. [VIEW](#)
3. Approval to enter into a Public Transportation Joint Participation Agreement for Federal Transit Administration Section 5316 Job Access & Reverse Commute Program with the Florida Department of Transportation. Grant was submitted pursuant to Resolution No. 498-2007. [VIEW](#)
4. Request award of bid and approval of food service contract between Monroe County BOCC and G.A. Food Service, Inc. for a period of seven months beginning on June 1, 2009 and ending December 31, 2009, with an option to renew for two consecutive one-year renewal periods through contract amendment beginning on January 1, 2010. [VIEW](#)
5. Approval for Class Act Cleaning to continue to provide janitorial services for the Key West Airport existing terminal building on a month to month basis, pending advertising a Request for Proposals, selection of vendor, and contract for janitorial services. [VIEW](#)
6. Approval of Joint Participation Agreement with the Florida Department of Transportation to fund the purchase of aircraft rescue fire fighting equipment for the Florida Keys Marathon Airport. [VIEW](#)
7. Approval of Supplemental Joint Participation Agreement with the Florida Department of Transportation for additional funding for the Runway Safety Area project at the Key West Airport. [VIEW](#)

C. BULK APPROVALS - CONTINUED

8. Approval to waive Purchasing Policies and Procedures, to pay Lang Environmental Inc. \$14,138.00 for the emergency removal of asbestos in the old Terminal Building at the Key West International Airport, and to pay EE&G Environmental Services, \$3,350.00, for consulting services in relation to the asbestos removal. [VIEW](#)
9. Approval of Amendment and 1st Renewal of Franchise Agreement with Waste Management, Inc. of Florida. [VIEW](#)
10. Approval of Amendment and 1st Renewal of Franchise Agreement with Marathon Garbage Service, Inc. f/k/a Mid-Keys Waste, Inc. [VIEW](#)
11. Approval of Amendment and 1st Renewal of Franchise Agreement with Ted Carter Enterprises, Inc. d/b/a Keys Sanitary Service. [VIEW](#)
12. Approval of Amendment and 1st Renewal of Franchise Agreement with Ocean Reef Club, Inc. [VIEW](#)
13. Approval of renewal agreement with Stand Up for Animals, Inc. for operation of the Big Pine Key and Marathon Animal Shelters. [VIEW](#)
14. Approval to waive the \$10.00 adoption fee for adult cats during the month of June, 2009, in observance of Adopt-A-Cat Month. [VIEW](#)
15. Approval of Modification No. 1 restructuring the rental rate in the Lease Agreement with the State of Florida Department of Juvenile Justice for office space on the second floor of the Department of Juvenile Justice Building on Stock Island. [VIEW](#)
16. Approval to exercise the second option to renew the contract with Diversified Services of Key West, Inc. for janitorial services at the May Hill Russell Library, Key West, Florida, and the Department of Juvenile Justice Building - second floor. [VIEW](#)
17. Approval to exercise the second renewal option to the agreement with Weathertrol Maintenance Corp. for central air conditioning maintenance and repair for Lower Keys Facilities. [VIEW](#)
18. Approval to institute legal proceedings against Glen Boe & Associates, Inc. [VIEW](#)
19. Approval to institute legal proceedings against Glen Boe & Associates, Inc. [VIEW](#)
20. Approval to renew the existing Emergency Generator Maintenance Contract with All Power Generators, Corp. for one additional year. [VIEW](#)
21. Approval to award bid and execute contract for bio-diesel fuel to the lowest acceptable bidder Blaylock Oil Company. [VIEW](#)
22. Approval of Fourth Amendment of the Contract for Temporary Pigeon Key Ferry Service, extending the termination date to December 31, 2009. [VIEW](#)

C. BULK APPROVALS - CONTINUED

23. Approval of the receipt of monthly report on change orders reviewed by the County Administrator's Office. [VIEW](#)
24. Approval of a Third Amendment to Contract for Consulting Services for American With Disabilities Act (ADA) Compliance Assessments with MBI/K2M Architecture, Inc. [VIEW](#)
25. Approval of a contract with Ecoscapes LLC for landscaping and irrigation at the Big Pine Key Fire Station. [VIEW](#)
26. Ratification of County Attorney's signature to Modification #2, and approval of Modification #2 to the State-Funded Subgrant Agreement extending the date for federal funding from May 8, 2009 to December 7, 2009 for a new Emergency Operations Center (EOC). [VIEW](#)
27. Approval of a Second Amendment to Contract with Currie Sowards Aguila Architects for Architect/Engineering services at the Murray E. Nelson Government and Cultural Center. [VIEW](#)
28. Approval of Utility Easement by and between Monroe County and Keys Energy Services for the Big Pine Key Fire Station. [VIEW](#)
29. Approval of a Third Amendment to Contract with Currie Sowards Aguila Architects for Architect/Engineering services at the Murray E. Nelson Government and Cultural Center. [VIEW](#)
30. Approval to renew current Employee Assistance Agreement for one year with Horizon Behavioral Services, Inc. [VIEW](#)
31. Approval for Mayor to sign title transferring County Vehicle No. 0970-5875 to insurance company. [VIEW](#)
32. Approval to accept proposal from Goodman-Gable-Gould Adjusters International to provide Insurance Adjusting Claim Services. [VIEW](#)
33. Renewal of a Certificate of Public Convenience and Necessity (COPCN) to Ocean Reef Volunteer Fire Department, Inc. d/b/a Ocean Reef Public Safety Department (ORPSD) for the operation of an ALS transport ambulance service for the period June 1, 2009 through May 31, 2011. [VIEW](#)
34. Acceptance of the Monroe County Length of Service Award Program (LOSAP) actuarial valuation report for the Plan Year 2008; transfer of funds for Plan Year 2008 and 1989 into the LOSAP Trust Fund; approval of Resolution authorizing each participant in LOSAP to be credited with additional year of service. [VIEW](#)

C. BULK APPROVALS - CONTINUED

35. Approval of an agreement with the State of Florida, Division of Emergency Management concerning a Subgrant Agreement under the Severe Repetitive Loss (SRL) Grant program contract number: 09SR-47-11-54-01- SRL-PJ-04-FL-2008-024 (Finigan) in the amount of \$149,478.66; approval of agreement between Monroe County and Lesley A Finigan Revocable Trust; and authorization for the County Administrator to execute any other required documentation in relation to the application process. [VIEW](#)
36. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue. [VIEW](#)
37. Approval of submission of final program report for contract with the State of Florida Department of Children and Families for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant as required by DCF. [VIEW](#)
38. Approval to advertise a public hearing for a Budget Amendment for Fund 404 Key West International Airport, and approval to create new Fund 406 Passenger Facility Charge. [VIEW](#)
39. Approval of a Resolution authorizing the write-off of outstanding receivables owed to Monroe County by the Pigeon Key Foundation. [VIEW](#)
40. Approval to renew a contract for Financial Advisory Services with Public Financial Management Inc. (PFM), Financial Advisor to Monroe County for two additional years. [VIEW](#)

D. TOURIST DEVELOPMENT COUNCIL

1. Approval of an Amendment to Agreement with Tinsley Advertising and Marketing, Inc. to exercise option within Agreement to extend the Agreement for an additional two year period to September 30, 2011. [VIEW](#)
2. Approval of an Amendment to the Agreement with Cooke Communications L.L.C., a Delaware Limited Liability company doing business as "Floridakeys.com and KeyWest.com", to revise scope of services and compensation. [VIEW](#)

E. 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

ADJOURNMENT

- 9:15 A.M. F. LAND AUTHORITY GOVERNING BOARD**
1. Approval of the minutes for the April 15, 2009 meeting. [VIEW](#)
 2. Approval to accept the donation of Block 13, Lot 39, Bay Haven Section 3, Key Largo for conservation. [VIEW](#)
 3. Approval to accept the donation of a conservation easement on Lots 43 and 44, Tavernier Cove No. 1, Key Largo. [VIEW](#)
 4. Approval to purchase property for conservation.
 - a) Block 6, Lot 29, Harris Ocean Park Estates, Key Largo. [VIEW](#)
 - b) Block 4, Lots 42 and 43, Revised Amended Plat of Riviera Village, Key Largo. [VIEW](#)
 5. Approval of a resolution modifying the affordable housing deed restrictions for property in Mandalay subdivision on Key Largo (RE #554720-000000 and 554720-000100). [VIEW](#)
 6. Approval of a resolution authorizing subordination of the mortgage loan encumbering the Roosevelt Sands, Jr. Housing Complex in Key West to a CWHIP mortgage loan. [VIEW](#)

ADJOURNMENT

- 9:30 A.M. G. FIRE & AMBULANCE DISTRICT 1 BOARD OF GOVERNORS**
1. Report
 2. Approval of Renewal Agreement effective May 16, 2009 through May 15, 2010, between Board of Governors, Fire and Ambulance District 1 of Monroe County, Florida and Emergency Training Solutions, Inc. (ETSI) to provide on-line Emergency Medical Technical and Paramedic continuing education courses via the Internet. [VIEW](#)
 3. Approval to issue a Purchase Order to Ten-8 Fire Equipment, Inc., sole source provider of MSA Self Contained Breathing Apparatus (SCBA) products for Monroe County, in the amount of \$29,045.00 for the purchase of 37 MSA cylinders for SCBA. [VIEW](#)
 4. Approval of Extension and Amendment Number 1 with Advanced Data Processing Inc. to provide rescue ambulance billing and related professional services extending the term from June 1, 2009 through May 31, 2010, amending section B2 to amend the time frame that accounts are sent to collection, amending section B3 to clarify modified payments and settlement requests, amending Section C1 to clarify re-filing of claims, and amending Section G to add two additional monthly reports. [VIEW](#)

ADJOURNMENT

H. EMERGENCY SERVICES

1. Discussion and approval of a resolution or other direction pertaining to Trauma Star fees and services. [VIEW](#)

I. DIVISION OF GROWTH MANAGEMENT - BULK APPROVALS

1. Approval of a Supplemental Joint Participation Agreement (JPA) No. 1 with the Florida Department of Transportation (FDOT) for Contract #AOU27 for Transportation Planning Consultant Assistance and Transportation Planning Staff Assistance (Scenic Highway Coordinator Position), extending the term of the JPA from December 31, 2009 to December 31, 2010, and providing additional funding of \$417,000. [VIEW](#)
2. Approval of Amendment No. 3 to the contract between Monroe County and URS Corporation Southern to increase the compensation cap from \$355,000 to \$406,000. [VIEW](#)
3. Ratification of Florida keys Scenic Corridor Alliance (FKSCA) grant application to VISIT FLORIDA for Florida Keys Scenic Highway Website Development using existing FDOT funding, authorizing the administrator to execute documents accepting the grant. [VIEW](#)
4. Approval of resolution adopting amendments to the Local Housing Assistance Plan to include Incentive Strategies required by F.S. 420.90.76. [VIEW](#)
5. Approval of Amendment No. 1 to Agreement between James F. Murley, Esq. and Monroe County to clarify scope of services. [VIEW](#)
6. Approval of resolution acknowledging the impacts associated with illegal unpermitted vessel mooring proliferating throughout the keys, and requesting the Florida Fish & Wildlife Conservation Commission, the Florida Department of Environmental Resources, and the Board of Trustees of the Internal Improvement Trust Fund to coordinate with Monroe County in addressing such impacts. [VIEW](#)
7. Approval of Occupancy Agreement and 99 year lease between Habitat for Humanity of the Upper Keys, Inc. and Monroe County for a parcel of land in Key Largo (RE# 00554720-000000, 00554720-000100) on which fourteen (14) affordable housing units will be built. [VIEW](#)
8. Approval of Occupancy Agreement and 99 year lease between Habitat for Humanity of the Upper Keys, Inc. and Monroe County located at 98970 Overseas Highway in Key Largo (RE# 00522220-000000) for continued use of store building and the construction of five (5) units of Affordable Employee Housing. [VIEW](#)

I. GROWTH MANAGEMENT - CONTINUED

9. Approval of Occupancy Agreement and 99 year lease between Habitat for Humanity of Key West and the Lower Keys, Inc. and Monroe County for property on Big Coppitt at approximately Mile Marker 10 (RE# 00156320) to build twelve (12) affordable housing units. [VIEW](#)
10. Approval for the immediate funding and creation of a new FTE position (pay grade 9) within the Monroe County Building Department. [VIEW](#)

10:00 A.M. J. EMPLOYEE SERVICES

1. Discussion and approval to continue current contract agreements for the County's Third Party Administrator - Wells Fargo and Utilization Review/Case Management and Local Network Provider - Keys Physician Hospital Alliance. [VIEW](#)
2. Discussion and approval of Contract Agreement with Dimension Health, Inc. to provide Network Provider Services in the areas of Dade, Broward and Palm Beach Counties. [VIEW](#)

1:30 P.M. K. CLOSED SESSION

1. 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](#)

- 1:45 P.M. 2. A closed executive session of the Board of County Commissioners in the matter of Fonticiella Construction Corp. v. Monroe County, Case No. CA K 09-424. [VIEW](#)

2:00 P.M. L. WASTEWATER ISSUES

1. ~~Report to update the status of Wastewater projects through April 2009.~~ Wastewater status report [VIEW](#)
2. Direct the Florida Keys Aqueduct Authority to move forward with proposed plan to implement the installation of Wastewater infrastructure on final Keys projects. [VIEW](#)

M. MONROE COUNTY HOUSING AUTHORITY

1. Approval of the Governor's appointment of David P. Purdo to the Monroe County Housing Authority Board of County Commissioners. [VIEW](#)

N. COMMISSIONERS' ITEMS

1. **COMMISSIONER DiGENNARO** - Approval to reappoint Dennis Wooten to the Duck Key Security District Advisory Board. [VIEW](#)
2. **COMMISSIONER DiGENNARO** - Approval to appoint James Bernardin to the Tourist Development Council as the District 4 representative to fulfill term of Frank Rego. [VIEW](#)
3. **COMMISSIONER WIGINGTON** - Approval to appoint Christopher Fogarty to the Green Initiative Task Force. [VIEW](#)
4. **COMMISSIONER WIGINGTON** - Approval to appoint Les Faust to the Green Initiative Task Force. [VIEW](#)
5. **COMMISSIONER CARRUTHERS** -Approval to advertise and hold a public hearing for an ordinance amending sec. 4-70, Monroe County Code providing for the limiting of chaining or tethering of dogs; providing for penalties; providing for process to contest citation; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and; providing an effective date. [VIEW](#)
6. **COMMISSIONER CARRUTHERS** - Approval to advertise and hold a public hearing for an ordinance amending sec. Monroe County Code section 12-31, chapter 12, Article II; providing for composition of the beach and shore preservation authority districts advisory boards; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date. [VIEW](#)
7. **COMMISSIONER CARRUTHERS** - A resolution of the Board of County Commissioners of Monroe County opposing Florida State House Bill 1171 and Senate Bill 2036, opposing any legislation having the result of abrupt deregulation of the insurance industry, removing effective consumer protection against unregulated rates, and seeking Governor Crist's veto if the legislature passes such bills. [VIEW](#)
8. **COMMISSIONER CARRUTHERS** - Approval to remove Donna Windle from the Monroe County Planning Commission. [VIEW](#)
9. **COMMISSIONER CARRUTHERS** - Approval to appoint Elizabeth Lustberg to the Monroe County Planning Commission. [VIEW](#)

O. COUNTY CLERK

1. Report
2. Official approval of the BOCC minutes from the Regular meetings of March 18, 2009 and April 15, 2009 - (previously distributed)
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 April, 2009. [VIEW](#)

P. COUNTY ADMINISTRATOR

9:45 A.M.

1. Report - [VIEW](#)
2. **Presentation by Holly M. Merrill, Legislative Assistant to State Representative Ron Saunders on the Florida Keys Day.** [VIEW](#)

Q. COUNTY ATTORNEY

1. Report
2. Approval of Gas Tax Sharing Interlocal Agreement for local option gas tax. [VIEW](#)
3. Approval of acceptance of \$12,000 offer to purchase Lot 60, Conch Key, finding in accordance with Planning Director opinion that there is no beneficial use of property to anyone other than adjacent property owners, direction to staff to provide the statutory notice to the adjacent property owners, and approval for the Mayor and Clerk to execute a quitclaim deed (dated after expiration of statutory notice period) for same upon the tendering of a cashier's check for \$12,000, contingent upon all recording costs being borne by the purchaser. [VIEW](#)
4. Approval of request for Chief Assistant County Attorney Bob Shillinger to provide legal representation to his daughter and son-in-law. [VIEW](#)
5. Approval of an Agreement between Monroe County and the State of Florida, Office of the State Attorney for the Sixteenth Judicial Circuit of Florida to reimburse the State for the cost of prosecution in certain criminal violations of the County Code. [VIEW](#)
6. Approval to advertise and hold a public hearing to consider adoption of a County Ordinance regarding preference to local businesses in bidding procedures. [VIEW](#)

3:00 P.M. R.

PUBLIC HEARINGS

1. Approval of a resolution amending the Planning and Environmental Resources Department Fee Schedule to more accurately represent current expenses and to adequately offset the true costs of providing services to the parties receiving the benefits of such services and by lowering the cost for an Administrative Appeal. [VIEW](#)
2. A public hearing to consider approval of a County Ordinance to strengthen "Whistleblower" protection policies for County employees. [VIEW](#)
3. 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](#)
4. 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](#)
5. 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](#)
6. A public hearing for an Ordinance to impose a ninth-cent local option motor and special fuel ("gas") tax. [VIEW](#)
7. A Public Hearing to consider approval of a resolution for a Budget Amendment of fiscal Year 2009 2003 Revenue Bond Debt Service Fund 207. [VIEW](#)
8. A public hearing to consider a request for Administrative Relief for James Scott & Jean Marie McClure on Lot 8, Block 2, Sunset Waterways, Key Largo, Real Estate Number 00529850-000000. [VIEW](#)
9. A public hearing to consider a request for Administrative Relief for Donna Ancheta & Rita Griffith R/S on Lot 16, Block 2, Sunset Point, Key Largo, Real Estate Number 00490750-000000. [VIEW](#)
10. A public hearing to consider a request for Administrative Relief for Charles R. Caldwell Sr. on Lot 6, Block 9, Ocean Park Village, Key Largo, Real Estate Number 00446820-000000. [VIEW](#)
11. A public hearing to consider a request for Administrative Relief for Harold & Sherry Fried on Lot 1, Block 7, Harris Ocean Park Estates, Key Largo, Real Estate Number 00449410-000000. [VIEW](#)

3:00 P.M. R. PUBLIC HEARINGS - CONTINUED

- 12. A public hearing to consider an ordinance by the Monroe County Board of County Commissioners approving a request by Fausto and Maria Del Carmen Diaz to amend the land use district designation from Improved Subdivision - Duplex (IS-D) to Improved Subdivision - Vacation Rental (IS-V) of property legally described as Block 8, lot 2, Duck Key Indies Island Section 1, Part 1, PB5-82 Toms Harbor, Monroe County, Florida, having Real Estate Number 00377800-000000. [VIEW](#)**
- 13. A public hearing to consider a Development Agreement between Monroe County and Calusa Campground Association, Inc. [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 15, 2009.