



## 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.

***ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".***

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

**Wednesday, March 15, 2017  
Murray E. Nelson Government Center  
102050 Overseas Highway  
Key Largo, FL**

**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**

**CALL TO ORDER  
SALUTE TO FLAG**

#### **A. ADDITIONS, CORRECTION, DELETIONS**

1. Approval of agenda.

**B. PRESENTATION OF AWARDS**

1. **MAYOR NEUGENT:** Presentation of Mayor's Proclamation observing March 2017 as Monroe County Fire Fighter Appreciation Month.

**C. BULK APPROVALS – MAYOR *PRO TEM* RICE**

1. Approval of Amendment 1 to Contract and task order with RS&H, Inc. for construction engineering and inspection services (CEI) for Key Largo I Roadway and Drainage Improvements project. This task order is being awarded under the RS&H, Inc. contract for construction engineering and inspection services in the maximum not to exceed amount of \$262,160.57.
2. Approval of a South Florida Water Management District (SFWMD) Local Government Agreement for the Key Largo II Roadway and Drainage Improvement Project in the grant amount of \$150,000 with a 50% match requirement, to fund a portion of the stormwater costs associated with the project.
3. Approval of a Task Order with Bender & Associates Architects, P.A. for \$80,000.00 for architectural services for the roof replacement at the East Martello, funded by the Tourist Development Council (TDC).
4. Approval to award bid and execute contract for fuel delivery to Dion Fuels, LLC.
5. Approval of First Amendment to contract with Cliffhanger Janitorial, Inc., for janitorial services at Key West International Airport, renewing the agreement for one (1) year and increasing annual contract amount from \$394,999.92/yr. to \$403,294.92/yr. for annual CPI adjustment of 2.1%.
6. Approval of a Professional Services Agreement between Monroe County and Health Designs, Inc. for Health Designs to provide a Wellness Champion that will travel to all County office locations and promote wellness and ways to utilize health and prescription insurance benefits in a more prudent way to save money for the insurance user, as well as the County.

**C. BULK APPROVALS – MAYOR *PRO TEM* RICE (CONTINUED)**

7. Approval of a Memorandum of Understanding between the Monroe County Board of County Commissioners and the Sheriff's Office for use of Sheriff gyms in Key West, Marathon, and Plantation Key by employees and retirees of the Board of County Commissioners and the constitutional officers who are participants in the County health plan, in exchange for County purchasing new equipment for the Plantation Key gym to provide a wider range of equipment as part of the County Wellness Program.
8. Approval of a Resolution rescinding Resolution 274-2016 and authorizing the execution of the Consolidated Small County Solid Waste Management Grant Agreement with Florida Department of Environmental Protection (FDEP) for Fiscal Year 2015/2016 and approval for the County to apply for the same grant for Fiscal Year 2016/2017.
9. Approval of a UASI FY 2016 Memorandum of Agreement with the City of Miami, concerning a United States Department of Homeland Security Office of Grants and Training grant, through the State of Florida Division of Emergency Management sub-grant agreement # 17-DS-V9-11-23-02-346, in the amount of \$95,691.41 with no county match required; and authorization for the County Administrator to execute any other required documentation in relation to the application process and execution of the agreement.
10. Approval of a 'Consent to Contract Assignment' of a contract for the design of Big Pine Swimming Hole.
11. [Approval of a Settlement Agreement between Monroe County and K2M for \\$25,270.39 due to Monroe County for change orders on the Customs Project in Marathon, FL.](#)
12. Approval to extend AT&T Support Contract for 12 months beginning March 15th, 2017 to March 14th, 2018 for the amount of \$163,706.23. This contract entitles us to support of our existing AT&T phone switch, cabling and the services of a dedicated onsite technician.
13. Approval of a contract with Key West Resort Utilities to provide sewer service to Bernstein Park located on Stock Island. Agreement is for the amount of \$31,449.40 to establish sewer service. Funded by the One Cent Infrastructure Sales Tax.
14. Issuance (renewal) of Class A Certificate of Public Convenience and Necessity (COPCN) to the City of Marathon Fire Rescue for the operation of an ALS transport ambulance service for the period April 15, 2017 through April 14, 2019.

**REVISED**

**C. BULK APPROVALS – MAYOR *PRO TEM* RICE (CONTINUED)**

15. Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida approving and establishing the 2017 Wellness Program which includes Community Organized Event Reimbursements, Lunch and Learns, Exercise Classes, Annual Health and Wellness Fairs, Health Designs, Inc./Wellness Consultant, Gym Equipment purchase, and Sit and Stand Desktop Workstation purchase; repealing prior Resolution Nos. 369-2011 and 147-2013; and providing for an effective date.
16. Approval of Agreement with Advanced Disposal Services Solid Waste Southeast, Inc. (Advanced Disposal) for the County to process, through its contracted haulers, solid waste and yard waste collected in the Village of Islamorada.
17. Approval of First Renewal and Amendment 4 to Agreement with Buccaneer Courier extending courier services for Monroe County for an additional 2 year period.
18. Approval for the Key West International Airport to purchase thirty (30) security/operations hand-held radios and the associated equipment in the amount of \$89,969.49. Motorola is the sole source vendor for the Monroe County Sheriff's Office (MCSO) communication system due to the compatibility of required proprietary programming features (this sole source purchase is in accordance with Chapter 7 of MC Policies & Procedures Manual). These radios will replace existing radios and provide additional radios related to the upgraded Airport Emergency Alert System project. The equipment purchase is being paid 100% from Passenger Facility Charges #16 (406-636159-560640-GAKAP151).
19. Receipt of monthly report on change orders for February reviewed by the County Administrator/Assistant Administrator.

**REVISED**

20. Approval of Sixth Amendment to Lease Agreement with Tropical Watersports, LLC., a water sports equipment rental vendor on Higgs Beach, to adjust for the CPI-U for the prior 12 months ending December 2016 of 2.1%.

**REVISED**

21. Approval of a CPI-U adjustment ending on December 31, 2015 of .7% to the Business Lease with Ships Way, Inc. for Commissioner Neugent's office space on Big Pine Key. The lease will increase from \$1,238.21 per month to \$1,246.88 per month commencing on December 15, 2016.

**REVISED**

22. Approval of Revised Monroe County Purchasing Policy.

**C. BULK APPROVALS – MAYOR *PRO TEM* RICE (CONTINUED)**

23. Approval of 1st Amendment to Lease Agreement with Tesla Motors, Inc. to remove language that prohibited Tesla from charging customers a fee for use of the super charger facility at The Florida Keys Marathon International Airport. Additionally, Tesla's annual rent will be increased from \$6,090.34 to \$7,003.89 (plus taxes) annually.
24. Ratification of the 2017 Vendor Agreement between Monroe County Social Services and Lori Rittel, RD for the provision of professional nutrition services by a registered dietician for the Nutrition Programs as required by the primary granting agency, the Alliance for Aging, Inc., for the period of 12/01/2016 through 12/31/2017 in an amount not to exceed \$5,000.00.

**REVISED**

25. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue.
26. Approval of Federally-funded reoccurring Low Income Home Energy Assistance Program (LIHEAP) Subgrant Agreement #16EA-0F-11-54-01-019 between the State of Florida, Department of Economic Opportunity (DEO) and Monroe County BOCC/Monroe County Social Services for the contract period of 03/01/2016 to 03/31/2017 in the amount of \$204,849.

**D. TOURIST DEVELOPMENT COUNCIL**

1. Approval of an Agreement with the Dolphin Research Center, Inc. covering the DRC Welcome Center Generator project in an amount not to exceed \$24,950, DAC III, FY 2017 Capital Resources.
2. Approval of an Agreement with Reef Environmental Educational Foundation, Inc. covering the REEF Interpretive Center project in an amount not to exceed \$119,500, DAC V, FY 2017 Capital Resources.
3. Approval of an Agreement with The Coral Restoration Foundation, Inc. covering the CRF - Coral Restoration Key Largo project in an amount not to exceed \$49,140, DAC V, FY 2017 Capital Resources.
4. Approval of an Agreement with Islamorada, Village of Islands covering the Anne's Beach Boardwalk Replacement/Repairs Phase I project in an amount not to exceed \$300,000, DAC IV, FY 2017 Capital Resources.
5. Approval of an Agreement with The City of Marathon covering the Sombrero Beach Facilities Upgrade project in an amount not to exceed \$40,000, DAC III, FY 2017 Capital Resources.

**D. TOURIST DEVELOPMENT COUNCIL (CONTINUED)**

6. Approval of an Agreement with Dolphin Research Center, Inc. covering the DRC Gift Shop Building Improvements project in an amount not to exceed \$17,875, DAC III, FY 2017 Capital Resources.
7. Approval to rescind Capital Project Funding Agreement with Dolphin Research Center, Inc. for the DRC Public Signage project due to Grantee not moving forward with the project and requesting rescinding of funding.
8. Approval of one "At Large" appointment to the Tourist Development Council District V Advisory Committee.

**E. STAFF REPORTS**

**ADJOURNMENT**

**9:15 A.M.**

**F. LAND AUTHORITY GOVERNING BOARD**

1. Approval of the minutes for the February 15, 2017 meeting.
2. Approval of a resolution concerning funding, enhanced affordable housing restrictions, and loan subordination for Eisenhower Apartments located at 716 Eisenhower Drive in Key West.
3. Approval of a contract to purchase Tier 3 property for conservation - Block 1, Lot 13, Winston Park, Key Largo.
4. Approval of a contract to purchase Tier 1 property for conservation - Block 7, Lot 2, Ramrod Shores Marina Section, Ramrod Key.
5. Approval of a contract to purchase Tier 1 property for conservation - Block 2, Lot 1, Summerland Estates Re-subdivision No. 2, Summerland Key.

**ADJOURNMENT**

**9:30 A.M.**

**G. FIRE & AMBULANCE DISTRICT 1 BOARD OF GOVERNORS**

No items submitted.

**ADJOURNMENT**

**H. PLANNING AND ENVIRONMENTAL, BUILDING AND CODE COMPLIANCE DEPARTMENTS**

1. Approval of a Contract with Advanced Data Solutions, Inc. to perform Professional Services for the Scanning and Digitizing of Records, in an amount not to exceed \$49,900.
2. Approval of Grant Agreement No. 16058 (Agreement) between Monroe County (County) and the Florida Fish and Wildlife Conservation Commission (FWC) providing reimbursement funding to the County in an amount not to exceed \$86,462 for derelict vessel removals.
3. Approval to negotiate a contract with AECOM Technical Services, Inc. (AECOM) for Professional Transportation Planning Services to perform the biennial Travel Time and Delay Study for the US 1 Corridor and for general transportation planning assistance. The selection is based on the ranking of the responses received on January 19, 2017 to RFQ-101-0-2017/11. If unable to negotiate successfully with AECOM, approval to negotiate with the next highest ranked firm, Trident Engineering, LLC, and the next successive firm until an agreement is reached.
4. Correction of a scrivener's error to add the legal description as Exhibit A of an Interlocal Agreement (ILA), approved by the BOCC on December 14, 2016, between Monroe County and City of Marathon transferring 52 low income and 3 very low income (55 total) Affordable Housing ROGO Allocations from Monroe County to the City of Marathon. This ILA is proposed by Keys Affordable Development III, LLC, for a project that proposes developing 55 new affordable housing units and is applying for state low income housing tax credits (LIHTC).
5. Approval of a resolution setting a public hearing for April 12, 2017, at the Marathon Government Center, Marathon to consider approval of a resolution renouncing and disclaiming any right of the public in and to a portion of the right-of-way of Hibiscus Street, laying between Lots 19 and 22, Block 36, "OCEAN ACRES SUBDIVISION", Key Largo, as recorded in Plat Book 1, Page 188, of the Public Records of Monroe County, Florida.

**H. PLANNING AND ENVIRONMENTAL, BUILDING AND CODE COMPLIANCE DEPARTMENTS**

6. Approval of Amendment No. 3 to the 100-year Lease Agreement between Monroe County and Habitat for Humanity of Key West and Lower Keys, Inc. (Habitat), to retroactively extend a lease for property on Big Coppitt Key until December 31, 2018, subject to the conditions that Habitat commence construction of ten (10) affordable housing units by August 1, 2017 and receive certificates of occupancy for the construction of the ten (10) affordable housing units by December 31, 2018.
7. Approval of a resolution of the Board of County Commissioners of Monroe County, Florida, directing the Monroe County Planning and Environmental Resources Department to process an ordinance to defer the approval of new private applications for comprehensive plan or land development code amendments, development agreements (including 380 development agreements), and minor and major conditional use permits (excluding applications proposing only affordable housing dwelling units), with proposed occupancy by "three unrelated people" or "two unrelated people and any children related to either of them" of a dwelling unit, and applications utilizing the term "lock-out," commencing March 15, 2017, until the BOCC can review and possibly amend the comprehensive plan and land development code regarding the definitions of dwelling unit; household; family and the undefined term "lock-out" of a dwelling unit; providing for expiration within 365 days of the effective date of an interim development ordinance or when the comprehensive plan and land development code amendments become effective, whichever comes first.

1:30 P.M.

**I. CLOSED SESSION**

1. **A Closed Session of the Board of County Commissioners and the County's bargaining team to prepare for upcoming collective bargaining negotiations with International Association of Firefighters (IAFF) Local 3909.**

**J. WASTEWATER ISSUES**

1. Approval of a resolution authorizing the County Administrator to enter into state grant agreement LP44070 for \$1.25 Million for wastewater projects on Little Torch Key and Big Pine Key, and authorization for the County Administrator to execute all other required documents for the grant.



**K. SHERIFF'S OFFICE**

1. Request for expenditures from the Law Enforcement Trust Fund.

**L. COMMISSIONERS' ITEMS**

**2:00 P.M.**

1. **MAYOR NEUGENT:** Discussion and direction from the Board of County Commissioners to address the request of the City of Marathon, City of Key West, City of Key Colony Beach, City of Layton, Village of Islamorada, Last Stand of the Florida Keys, The Federation, and the Ocean Reef Club Association for a policy change to the Tourist Development Council.
2. **COMMISSIONER KOLHAGE:** Approval to appoint Rev. Steve Torrence to serve on the Sheriff's Shared Asset Forfeiture Fund (SAFF) Advisory Board, replacing former Sheriff Richard D. Roth.
3. **COMMISSIONER KOLHAGE:** Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida, directing the Monroe County Planning and Environmental Resources Department to process an ordinance to defer the approval of new private applications utilizing Monroe County Code Section 139-2 (affordable housing incentive program) to transfer ROGO exemptions from mobile homes to another location, commencing March 15, 2017, until the land development code is amended to limit the transfer ROGO exemptions from mobile homes to only tier III designated platted lots within the Improved Subdivision (IS) land use district and within the same ROGO planning subarea for the development of single family detached dwelling units; as recommended by the Affordable Housing Advisory Committee and the BOCC; providing for expiration within 365 days of the effective date of an interim development ordinance or when the land development code amendments become effective, whichever comes first.

**M. COUNTY CLERK**

1. Clerk's Report.
2. Official approval of the Board of County Commissioners minutes from the July 20, 2016 regular meeting; August 17, 2016 regular meeting; September 21, 2016 regular meeting; October 19, 2016; November 14, 2016 special meeting; November 22, 2016 regular meeting; December 6, 2016 special meeting; and December 14, 2016 regular meeting.

**M. COUNTY CLERK (CONTINUED)**

3. Approval of warrants (including payroll, TDC, grants, and electronic transfers) issued for the month ending January 21, 2017.
4. Approval of Tourist Development Council expenses for the month of January 2017.
5. Approval of FKAA invoices \$50,000.00 or over for the fiscal year (to include salaries), relating to the Cudjoe Regional Wastewater System Project.
6. Clerk provided FKAA invoices for the fiscal year (to include salaries), relating to the Cudjoe Regional Wastewater System Project. The invoices under \$50,000.00 are being provided for information only.
7. Approval to dispose of BOCC accounts payable records, Fiscal Years 2008-2010.

**N. COUNTY ADMINISTRATOR**

1. County Administrators Monthly Report.
2. **Presentation on the Wolbachia Mosquito by the Florida Keys Mosquito Control District.**
3. Approval to enter into a \$0 on-call contract with Amec Foster Wheeler, Inc. for Category B canal infrastructure engineering services.
4. Approval to enter into a \$21,499 Task Order 1 for CEI and construction administration services for the 290 air curtain installation, under the on-call contract with Amec Foster Wheeler, Inc. for Category B canal infrastructure engineering services.
5. Approval to enter into a \$87,762 Task Order 2 for CEI and construction administration services for the canal 83 muck removal / backfilling/ air curtain installation, under the on-call contract with Amec Foster Wheeler, Inc. for Category B canal infrastructure engineering services.

**10:30 A.M.**

**O. COUNTY ATTORNEY**

**REVISED**

1. County Attorney Report for March 2017.
2. Approval of a Lease between Judge Edwin A. Scales, III and Monroe County BOCC for designated space in the Monroe County Courthouse, Freeman Justice Center.
3. Authorization to initiate litigation against Mark S. and Mark S. Berta Jr. and the property located at 242 Oleander Drive, Key Largo, and upon any and all other real and/or personal property owned by Mark S. and Mark S. Berta Jr. if necessary, to gain compliance and to enforce the lien arising from code compliance case number CE16060028.
4. Approval of Consent to Assignment and Amendment with West Law Group PLLC, the successor firm of Pannone Lopes Devereaux & West LLC, effective March 1, 2017 and authorization for the County Attorney to execute related documentation.
5. Authorization to initiate litigation against US BANK, NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2012 SC2 TITLE TRUST, and the property located at 203 Pimilico Lane Key Largo to seek compliance with the County Codes and enforce the liens arising from code compliance case number(s) CE11040047, CE13100189 and CE14090057.
6. Approval to advertise for a Public Hearing to be held to consider adoption of an Ordinance amending Sections 21-46, 21-70, 21-71, 21-72 and 21-75 of the Monroe County Code providing definitions, providing for anti-scavenger clause and providing for rules, regulations and licensing requirements and fees for specialty haulers and transfer stations pursuant to the solid waste specialty hauler program.

**3:00 P.M.**

**P. PUBLIC HEARINGS**

1. A Resolution by the Monroe County Board of County Commissioners transmitting to the State Land Planning Agency an ordinance by the Monroe County Board of County Commissioners amending Monroe County Comprehensive Plan Policy 101.5.30 to include the definition of height; creating Policy 101.5.31 to address height exceptions for non-habitable architectural decorative features within the Ocean Reef master planned community; and creating Policies 101.5.32 and 101.5.33 to provide certain exceptions to the height limit in order to protect property from flooding and reduce flood insurance costs by establishing standards when a structure can elevate above FEMA base flood elevation and including a maximum height limit; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for inclusion in the Monroe County 2030 Comprehensive Plan; providing for an effective date.
2. A public hearing to consider adoption of an ordinance amending Sec. 2-347 to add investigative services to the class of services currently eligible for exemption from competitive bidding and amending Sec. 2-346 to provide a definition of "investigative services".

**11:30 A.M.**

**Q. SOUNDING BOARD**

1. **Request to speak to the County Commissioners regarding LifeNet's request for an Annual Subsidy in the amount of \$400,000.**

**R. ADD ONS**

1. **PROJECT MANAGEMENT:** Approval of a Resolution providing support for submission of grant applications by Project Management for funding of two projects from the Florida Boating Improvement Program (FBIP) and affirming the County's ability to provide local match funding. The two projects are for installation of a boat dock and parking lot repairs at the Geiger Key Boat Ramp under the Boating Access Facilities category and installation of educational and safety kiosks stocked with boater guides, pamphlets, and brochures at all Monroe County boat ramps under the Boater Education category. The projects are \$200,000 each and the FBIP grants will provide 75% funding with Monroe County providing 25% matching funds on each.

**R. ADD ONS (CONTINUED)**

2. **LEGISLATIVE AFFAIRS:** Approval to support HB 1295, a local bill that will enable Monroe County Board of County Commissioners (and the School Board of Monroe County, and any political subdivision of Monroe County) to conduct public meetings, hearings, and workshops by means of communications media technology, where no final action is taken at such meeting, and pursuant to the board adopting its own rules by ordinance, authorizing the use of communications media technology.