



## 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, August 16, 2017  
The Harvey Government Center  
At Historic Truman School  
1200 Truman Avenue  
Key West, 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 Conch Certificates to Dan Clark, Refuge Manager, US Fish and Wildlife Service and his team, Christine Ogura, Kristie Killan and Kate Watts.

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

1. Acceptance of the Monroe County Length of Service Award Program (LOSAP) actuarial valuation report for the Plan Year 2017 and transfer of funds for Plan Year 2017 into the LOSAP Trust Fund.
2. Approval of a Commercial Airline Application from Elite Airways to operate scheduled Air Carrier Service using the commercial air carrier terminal and ramp space at the Key West International Airport.
3. Approval to award bid and execute contract with General Asphalt Company, Inc., in the amount of \$9,962,089.50 to rehabilitate the runway at the Key West International Airport. Issuance of the Notice to Proceed for construction shall be contingent upon the receipt of an FAA grant (\$9,049,500 approximate). Additional anticipated funding sources include: \$1,060,000-PFC Application #17, \$450,000 - FDOT Grant and Airport Operating Fund 404 (as needed).
4. Approval to extend the term of lease for Coast FBO, LLC (d/b/a Marathon General Aviation) at the Florida Keys Marathon International Airport from April 5, 2018 to April 5, 2041. The term extension is in accordance with an April 20, 2016 BOCC approved lease agreement, based on the timely substantial completion of the "East Hangar" construction project.
5. Approval of an Interlocal Agreement with the City of Marathon to adopt, administer, and enforce updated airport zoning regulations applicable to the airport hazard areas and restricting the use of land adjacent to or in the immediate vicinity of the Florida Keys Marathon International Airport.
6. Approval of a Resolution to adopt the revised rates and fees for the County's Specialty Hauler Program.
7. Approval to reject the lowest bid as non-responsive and award a contract to the second lowest responsive bidder, Specialized Property Services, Inc., for \$352,720.00 for the Brick and Mortar Renovation construction project at the East Martello, funded by the Tourist Development Council (TDC).
8. Receipt of monthly change orders for the month of July, reviewed by the County Administrator/Assistant Administrator.

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

**REVISED**

9. Approval to ratify the complete contract with D. L. Porter Constructors, Inc., for the Department of Juvenile Justice Building (DJJ BLDG.) evidence locker renovation replacing the incomplete contract that was approved as BOCC July 19, 2017 agenda item C4. The contract now contains all required pages. Contract amount is \$473,468.00. Funding is through one cent infrastructure sales tax.

**REVISED**

10. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue.

11. Approval to advertise a Request for Proposals (RFP) for FEMA Public Assistance Consulting Services.

12. Approval to rescind Item C-16, Modification #1 to Low Income Home Energy Assistance Program (LIHEAP) Subgrant Agreement #17EA-0F-11-54-01-019 between Department of Economic Opportunity and Monroe County Board of County Commissioners/Monroe County Social Services which was approved at the 7/19/2017 Regular BOCC meeting.

13. Approval of Amendment #001 to Standard Contract #AA-1729, Older Americans Act (OAA) between the Alliance for Aging, Inc., (AAA) and the Monroe County Board of County Commissioners/Monroe County Social Services/In-Home Services and Nutrition Programs for the contract period of 1/1/2017 through 12/31/2017 in the amount of \$637,986.44. This is an increase in funding of \$14,721.94 which reflects 2016 Carry Forward Funding and new 2017 funding allocations.

**D. TOURIST DEVELOPMENT COUNCIL**

1. Announcement of one vacant position on the Tourist Development Council District V Advisory Committee for one "At Large" appointment.

2. Approval to rescind Destination Event Funding Agreement with Key Largo Baptist Church, Inc. for the Key Largo Bridge Run due to Event Contractor cancelling the event.

3. Approval of an Amendment to Agreement with Key West Business Guild, Inc. to provide gay and lesbian visitor information services to exercise the option to extend agreement for an additional two (2) years.

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

4. Approval of an Amendment to extend Agreement with Dolphin Research Center, Inc. (DRC) for the DRC ADA Parking, Walkway, Landscaping and Fencing of Welcome Center Building project.
5. Approval of an Amendment to extend Agreement with Florida Keys History and Discovery Foundation, Inc. for the Jerry Wilkinson Research Library Project.
6. Approval of an Amendment to extend Agreement with Dolphin Research Center, Inc. (DRC) for the DRC Construct Welcome Center Building Project.
7. Approval of the FY 2017-2018 Monroe County Tourist Development Council Marketing Plan.
8. Approval of an Agreement with Axis Travel Marketing, Ltd. to provide European travel services in the United Kingdom; Ireland; Scandinavia; Italy; France; Germany; Austria; Switzerland; Benelux; and Holland which promote tourism - Commencing October 1, 2017 through September 30, 2020.

**E. STAFF REPORTS**

**ADJOURNMENT**

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

- 1. Approval of the minutes for the July 19, 2017 meeting.**
- 2. Approval of a contract to purchase Tier 1 property for conservation – Block 1, Lot 24, Largo City, Key Largo.**
- 3. Approval of a contract to purchase Tier 1 property for conservation – Block 3, Lot 11, Silver Shores Estates, Ramrod Key.**
- 4. Approval of a contract to purchase Tier 3 property for conservation – Block 4, Lot 1, Center Island, Duck Key.**
- 5. Approval of a contract to purchase Tier 3 property for conservation – Block 9, Lot 16, Center Island, Duck Key.**

**9:15 A.M. F. LAND AUTHORITY GOVERNING BOARD (CONTINUED)**

- 6. Discussion of a 2017 Memorandum of Agreement between Monroe County and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida concerning Florida Forever projects in the Keys.**

**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. 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).
2. Approval of an Interlocal Agreement (ILA) between Monroe County and City of Marathon transferring 52 low income and 3 very low income (55 total allocations) Affordable Housing ROGO Allocations from Monroe County to the City of Marathon for an affordable housing project to be located on property in the ownership of Key Vaca, LLC. This ILA is proposed by the City of Marathon to replace the previously BOCC approved ILA (December 14, 2016) with the City of Marathon for the Keys Affordable Development III, LLC, for a project that proposed developing 55 new affordable housing units.

**11:00 A.M.**

- 3. Approval to advertise a public hearing to adopt an ordinance amending Ch. 26 of the Monroe County (County) Code of Ordinances, deleting the Idle Speed/No Wake boating restricted area for man-made waterbodies, and adding a Slow Speed/Minimum Wake boating restricted area for canals less than 75' in width from shoreline to shoreline.**

**I. SHERIFF'S OFFICE**

1. Request for expenditure from the Law Enforcement Trust Fund in the amount of \$4,500 for the MCSO Animal Farm.

**J. COMMISSIONERS' ITEMS**

1. **MAYOR NEUGENT:** Approval of a resolution of the Board of County Commissioners of Monroe County, Florida applauding the Ocean Conservancy, the Florida Keys National Marine Sanctuary and the Florida Keys Scenic Highway Corridor Alliance for their efforts in organizing and carrying out a Keys-wide Beach Cleanup to take place on September 16, 2017.

**10:30 A.M.**

2. **MAYOR PRO TEM RICE:** Discussion and direction to legal staff to prepare a Resolution of Support for State Legislation to authorize Air Medical Rescue Pilots and Flight Nurses to be reclassified as Special Risk under the Florida Retirement System rules. The Resolution of Support will be heard for approval at the September 20, 2017 Regular meeting.

3. **COMMISSIONER KOLHAGE:** Appointment of Cristina Spottswood on the Art in Public Places Committee replacing Nance Frank who resigned.

4. **COMMISSIONER KOLHAGE:** Approval to appoint Bill Gordon to the Key West Ad-hoc Committee on Noise, replacing Paul Depoo.

5. **COMMISSIONER CARRUTHERS:** Approval of a resolution of the Board of County Commissioners of Monroe County, Florida urging the Florida Legislature to enact legislation that would make Texting While Driving a primary offense.

6. **COMMISSIONER MURPHY:** Reappointment of George L. Fernandez to the TDC Board.

**ADD ON**

7. **COMMISSIONER MURPHY:** Approval of a Resolution recommending Elizabeth "Betsy" Langan for appointment to the Board of Directors for the South Florida Behavioral Health Network, Inc.

**K. COUNTY CLERK**

1. Clerk's Report.

**K. COUNTY CLERK (CONTINUED)**

2. Approval of FKAA invoices \$50,000.00 or over for the fiscal year (to include salaries), relating to the Cudjoe Regional Wastewater System Project.
3. 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.
4. Approval of Tourist Development Council expenses for the month of July 2017.
5. Approval for BOCC Warrants (Including Payroll) for the Month of July 2017.
6. Approval to dispose of Items declared surplus.

**L. COUNTY ADMINISTRATOR**

1. County Administrator's Monthly Report.
2. Approval to negotiate a contract with Adventure Environmental, Inc., the highest ranked respondent, for the backfilling of canal 75 in Key Largo, whose proposal price of \$1,216,000 is \$184,000 below the engineer's estimate of \$1.4 Million, to be funded in full by the \$1.5M DEP Stewardship Grant LP44073.
3. Approval to enter into a \$0 access agreement with The Harborage Condo Corporation, Inc. to grant a temporary easement of property use during the backfilling of canal 75 in Rock Harbor in Key Largo.

**10:00 A.M.**

4. **Approval to advertise an RFP for 2 years of water quality monitoring services in support of the Florida Keys Reasonable Assurance Document (FRAD) as requested by the Department of Environmental Protection (DEP), 50% funding to be provided by DEP and 50% match required by the County and municipalities, exact match amount to be determined after solicitation opening, estimated in the range of \$50,000-\$75,000/year, which is not budgeted.**
5. Approval of a \$70,884 Grant Application to EPA for the final phase of the Canal Implementation Plan, seeking \$65,159 of grant funds, and offering \$5,725 in budgeted funds as a partial cash match, retroactively ratifying the grant application submitted July 24, 2017; and authorization for the County Administrator to sign all necessary documents in connection with this grant.

**L. COUNTY ADMINISTRATOR (CONTINUED)**

6. Approval to advertise a Request for Proposals for a demonstration project for canal debris removal and hauling for the Key Largo area.
7. Authorize entering an amendment No. 1 to a contract with Parsons Engineering, Inc. in an amount not to exceed \$22,235 to provide additional professional consulting services to assist the County with technical negotiations of the mobile LiDAR services contract and to review the survey data to be provided by the LiDAR vendor.
8. Request approval to advertise a Request for Proposals for the combined operations and maintenance of the County's air curtains on canals.

**M. COUNTY ATTORNEY**

1. County Attorney Report for August 2017.
2. Approval of settlement agreement in Allan Kennish v. Monroe County, Case No. 16-CA-182-K and to authorize the County's outside counsel to execute the Stipulation for Dismissal with Prejudice.
3. Approval to advertise a Public Hearing to consider adoption of an Ordinance amending MCC §2-347(e)(2) and (h)(5); and replacing (l)(1)f. relating to competitive bidding procedures.
4. Request to hold an Attorney-Client Closed Session in the matter of Donald Davis v. Monroe County, Case No. CA M 04-379 at the regularly scheduled BOCC meeting on September 20, 2017 in Key Largo, FL at 1:30 p.m. or as soon thereafter as may be heard.
5. Request to hold an Attorney-Client Closed Session in the matter of Denenberg v. Marine Mammal Conservancy, Inc., et al., Circuit Court Case 14-CA-364-P at the September 20, 2017 BOCC meeting in Key Largo, FL at 1:30 p.m. or as soon thereafter as may be heard.
6. Discussion and direction to the County Attorney's Office to draft regulations that would authorize the use of electronic signatures on all County documents permitted by law.
7. Approval of a 2017 Memorandum of Agreement between Monroe County and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida concerning Florida Forever projects in the Keys.



**M. COUNTY ATTORNEY (CONTINUED)**

8. Discussion and direction regarding the Constitutional Revision Commission of Florida.
9. Approval of new Right-of-Way Lease Agreement with Key Marina Development, LLC, and Consent to Assignment of Lease to Florida Keys Quality Foods, Inc., for an historic encroachment upon the Second Avenue public right-of-way in Key Largo, which will operate to terminate all prior leases.

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

1. **A public hearing to consider adoption of an ordinance amending Sec. 18-27(c)(1) and adding a special section in Chapter 18, Article II of the Monroe County Code regarding park hours and other park regulations specific to Bernstein Park as directed by the BOCC on May 17, 2017.**
2. **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 Year 2030 Comprehensive Plan Policy 01.5.29, to allow lawfully established transient units to be entitled to a density of one transient unit per lawfully established transient unit and not be considered nonconforming as to density, and to allow the density of lawfully established transient units to be replaced with up to the same density of permanent employee housing dwelling units notwithstanding density limitations of the future land use map categories and subject to the award of Affordable ROGO Allocations, a development agreement, and a major conditional use permit; 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 Comprehensive Plan; Providing for an Effective Date. APPLICATION WITHDRAWN BY THE APPLICANT.**

3:00 P.M. N. PUBLIC HEARINGS (CONTINUED)

3. An ordinance by the Monroe County Board of County Commissioners amending the Monroe County Land Use District (Zoning) Map from Urban Residential-Mobile Home (URM) to Mixed Use (MU), for property located at 5660 Laurel Avenue, South Stock Island, mile marker 5, legally described as Block 31, Lot 6, Maloney Subdivision (Plat Book 1, Page 55), Stock Island, Monroe County, Florida, having Real Estate #00124400.000000; as proposed by Piccolo Key West, LLC; 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 amendment to the Land Use District (Zoning) Map; providing for an effective date.
4. A Public Hearing to consider adoption of an ordinance amending Ch. 26 of the Monroe County (County) Code of Ordinances, deleting references to the Pilot Program for Anchoring and Mooring which expired July 1, 2017, and adding language requiring proof of pumpout Keys-wide.
5. A Public Hearing to adopt the South Stock Island Wastewater Assessment Program Phase 2 Final Assessment Resolution describing the method of assessment for the South Stock Island Wastewater parcels as provided by K W Resort Utilities Corp.
6. A Public Hearing to consider approval of a resolution for a Budget Amendment of Fiscal Year 2017 Upper Keys Health Care Taxing District Fund 144 to close the fund and distribute all residual balances in accordance with Ordinance No. 031-2016.

O. ADD ONS

1. COUNTY ATTORNEY: Request to hold an Attorney-Client Closed Session in the matter of *Board of County Commissioners of Monroe County, FL vs. Sugarloaf Volunteer Fire Department, et al.*, Filing #60084602 at the September 20, 2017 BOCC meeting in Key Largo, FL at 1:30 p.m. or as soon thereafter as may be heard.
2. COUNTY ATTORNEY: Discussion and direction on submission of comments to the Nuclear Regulatory Commission regarding Florida Power and Light's application for combined licenses to authorize construction and operation of two new nuclear plants at Turkey Point (Units 6 and 7).

**O. ADD ONS (CONTINUED):**

- 3. COUNTY ATTORNEY:** A request to hold an attorney client closed session in the matter of In re: Energy3, LLC, Case Number 17-18986-RAM, at the regularly scheduled BOCC meeting on September 20, 2017, in Key Largo, FL at 1:30 pm or as soon thereafter as may be heard.

**P. COMMISSIONERS' COMMENTS**